



The treatment to which the applicants were subjected during an anti-globalisation demonstration amounted to torture

In today's **Chamber** judgment¹ in the case of [Bartesaghi Gallo and Others v. Italy](#) (applications nos. 12131/13 and 43390/13) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the European Convention on Human Rights.

The case concerned the ill-treatment to which 42 demonstrators were subjected by police officers inside a school, in the context of an anti-globalisation demonstration organised to coincide with the 27th summit of the eight major industrialised countries (G8).

The Court found in particular that the treatment to which the applicants had been subjected should be regarded as torture, on account of the "severe" physical and psychological suffering it had caused them and its particularly serious and cruel nature. The applicants had been both victims of and witnesses to the use of uncontrolled violence by the police, with officers systematically beating each of the school's occupants, including those who were lying down or sitting with their hands up, despite the fact that the occupants had not committed any act of violence or resistance against the police.

The Court, noting that the domestic procedure in question was the same procedure that had led to a finding of a violation in the case of *Cestaro v. Italy*², therefore saw no reason to depart from its findings in that case, including with regard to the shortcomings of the Italian legal system concerning the punishment of torture.

Principal facts

The applicants are 42 individuals of various nationalities who took part in an anti-globalisation summit organised to coincide with the 27th G8 summit, held under the Italian chairmanship in the city of Genoa from 19 to 21 July 2001.

On 21 July 2001, at around midnight, police officers from the *VII Nucleo antisommassa* – a unit made up essentially of officers belonging to a division specialising in anti-riot operations – raided Diaz-Pertini School in order to secure the building and carry out searches. The applicants alleged that the police officers, most of whom wore face masks, had punched, kicked and clubbed them, while shouting at them and threatening them. They had also thrown furniture at some of the applicants. Those who tried to escape and hide had been caught, beaten, and in some cases pulled by their hair from their hiding places. Following the operation, 93 people were arrested – 78 of whom were taken to hospital – and were prosecuted for conspiracy to commit unlawful damage and destruction, aggravated resistance to the police and unlawful carrying of weapons. The criminal proceedings against the occupants of the building ended with their acquittal.

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.

² *Cestaro v. Italy*, no. 6884/11, §§ 204-236, 7 April 2015.

On the same night, a unit of officers entered Pascoli School, where journalists were filming the events taking place in the neighbouring Diaz-Pertini School, and where a radio station was broadcasting the events live. When the police arrived the journalists were allegedly forced to stop filming and broadcasting, and video tapes containing reports filmed over the three days of the summit were reportedly seized.

Criminal proceedings were instituted against the law-enforcement officers in question. With regard to events at Diaz-Pertini School, the Court of Cassation found that the violence in question could be characterised as “torture” within the meaning of, among other provisions, Article 3 of the European Convention on Human Rights but that, in the absence of an *ad hoc* criminal offence in the Italian legal system, the alleged perpetrators of the violence had been charged with offences of simple or aggravated bodily harm. The proceedings concerning those offences had been discontinued under Article 157 of the Criminal Code as the limitation period had expired. As to the events in Pascoli School, the Court of Appeal found that the police raid had been aimed at destroying any filmed evidence of the raid taking place at Diaz-Pertini School. However, the Court of Appeal discontinued the proceedings on the grounds that prosecution of the offence in question was time-barred. That judgment was upheld by the Court of Cassation.

Complaints, procedure and composition of the Court

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicants complained that they had been subjected to acts of violence which, in their view, amounted to torture and inhuman and degrading treatment. Under Article 13 (right to an effective remedy), they complained of the lack of an effective investigation. In particular, they complained of the failure to identify most of the officers responsible for the violence and of the absence, in the Italian criminal-justice system, of an offence of torture and inhuman and degrading treatment.

The applications were lodged with the European Court of Human Rights on 3 January 2013 and 30 March 2013.

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

Linos-Alexandre **Sicilianos** (Greece), *President*,
Kristina **Pardalos** (San Marino),
Guido **Raimondi** (Italy),
Ledi **Bianku** (Albania),
Aleš **Pejchal** (the Czech Republic),
Armen **Harutyunyan** (Armenia),
Pauliine **Koskelo** (Finland),

and Renata **Degener**, *Deputy Section Registrar*.

Decision of the Court

[Article 3 \(prohibition of torture and inhuman or degrading treatment\)](#)

Regarding the ill-treatment

The Court noted that the officers of the *VII Nucleo antisommassa* unit had arrived at the scene running and in anti-riot gear, wearing helmets and carrying shields and truncheons. They had entered the school premises using an armoured vehicle to force their way through the entrance gate. The doors of the school had quickly been forced open and, once inside, the officers had made indiscriminate, systematic and disproportionate use of force. However, the police had not been faced with an urgent situation or an imminent threat preventing them from planning an appropriate

intervention that was suited to the context and proportionate to the potential threats. Moreover, despite the presence in Genoa of experienced senior police officials, no specific guidelines had been issued concerning the use of force, nor had the officers received any instructions regarding this crucial aspect.

As to the violence to which the applicants had been subjected, the Court noted that the individual attacks had been perpetrated against a general background of excessive, indiscriminate and manifestly disproportionate use of force. The applicants had been both victims of and witnesses to the use of uncontrolled violence by the police, with officers systematically beating each of the school's occupants, including those who were lying down or sitting with their hands up, despite the fact that the occupants had not committed any act of violence or resistance against the police.

With regard to the individual accounts given, the Court noted the seriousness of the acts described by the applicants and confirmed by the domestic courts. Each of the applicants had been struck in a violent manner; most had been beaten with truncheons, kicked and punched, and some had had furniture thrown at them. The blows had resulted in bruising and injuries and, in some cases, in serious fractures that had led to permanent physical damage.

Consequently, the Court considered that the violence perpetrated against the applicants had caused "severe" physical and psychological suffering and had been particularly serious and cruel. **It therefore held that the treatment to which the applicants had been subjected in Diaz-Pertini School was to be regarded as torture, and that there had been a violation of the substantive limb of Article 3 of the Convention.**

Regarding the procedure

The Court observed that the domestic procedure in the present case was the same procedure that had led to a finding of a violation in the case of *Cestaro v. Italy* (no. 6884/11, §§ 204-236, 7 April 2015). It therefore saw no reason to depart from its findings in that judgment, including with regard to the shortcomings of the Italian legal system concerning the punishment of torture. **Accordingly, it found a violation of the procedural limb of Article 3.**

Articles 37 and 39 (striking-out and friendly settlements)

Application no. 43390/13 was struck out of the list in respect of 13 applicants. Four of those applicants had withdrawn their applications (Article 37 § 1 (a)) and nine had accepted a friendly-settlement (Article 39).

Article 41 (just satisfaction)

The Court held that Italy was to pay the following amounts in respect of non-pecuniary damage: 45,000 euros (EUR) to each applicant in application no. 12131/13 ; EUR 45,000 to each applicant in application no. 43390/13 (with the exception of those in respect of whom the application had been struck out of the list and Ms A.J. Kutschkau and Ms L. Zuhlke) ; EUR 55,000 each to Ms A.J. Kutschkau and Ms L. Zuhlke.

The Court also held that Italy was to pay a joint sum of EUR 59 750 in respect of costs and expenses, to some of the applicants in application no. 43390/13 (see details in the judgment).

The judgment is available only in French.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

Press contacts

echrpress@echr.coe.int | tel.: +33 3 90 21 42 08

Inci Ertekin (tel: + 33 3 90 21 55 30)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

George Stafford (tel: + 33 3 90 21 41 71)

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.