L'altro diritto ONLUS-
c/o Dipartimento di Teoria e Storia del Diritto
Via delle Pandette 35 - 50127 Firenze
Fax 055-4374925
Email: adir@altrodiritto.unifi.it
home page: www.altrodiritto.unifi.it

Centro di documentazione su carcere,
devianza e marginalità
Centro Consulenza Extragiudiziale
C.F. 94093950486
Iscrizione Registro Regionale del Volontariato
Sezione Provincia di Firenze
Atto dirigenziale n. 363 del 5/2/2003

EUROPEAN COURT OF HUMAN RIGHTS

Council of Europe
Strasbourg, France

Third Party Intervention

L'Altro diritto onlus

VIOLA v. ITALY

Application no. 77633/16

With letter dated 31/08/2017 the President of the Chamber granted leave to L'altro diritto onlus to make written submissions in the case *Viola v. Italy* (n. 77633/16).

1. Life imprisonment in the Italian system: ordinary life sentence ("ergastolo ordinario") and irreducible life sentence ("ergastolo ostativo").

In judgement 204/1974 the Italian Constitutional Court ruled that article 27, sect. 3 of the Italian Constitution entail a right to have one's sentence reviewed by a judicial body, rather than the Ministry of Justice, based on any prisoner's rehabilitation path. Then in the judgement no. 264 of 1974, on the very basis of this right the Court upheld the constitutionality of life sentence in that it allowed a review based on the prisoner's behaviour while serving the sentence and possibly, depending on a positive assessment of the rehabilitation path, early release.

The following year the penitentiary law (act 354/1975), later amended by act 663 of 1986, established the procedure for sentence review and a gradual change of the modes (with or without detention) of serving the sentence, depending on the convict's rehabilitation path.

Thus, prior to the introduction of article 4-*bis*, the penitentiary law outlined a system that, also with respect to life imprisonment, was essentially compliant with the Convention as interpreted by the Court. The ECtHR itself has ruled that ordinary life sentence as set out in the Italian system was compliant with Article 3 of the Convention (*Scoppola,* decision no. 10249/03 of 8-9-2005, and *Garagin,* decision no. 33209/07 of 29-4-2008), referring expressly to Italian Constitutional Court's position and the guarantees for life prisoners in terms of rehabilitation (see *Vinter v. United Kingdom* [GC], no. 66069/09, ECtHR 2013, §§ 72 ff).

As the Italian Constitutional Court has recognised in a recent judgement (no. 239/2014) in a case brought by a woman prisoner assisted by our association, the penitentiary law has been radically changed with the introduction of article 4-*bis* by legislative decree no. 306 of 8 June 1992 (Urgent amendments to the new code of criminal procedure and measure for combating mafia crimes). Now "collaboration with justice" has taken "a key role in the operation of the rule".

This amendment introduced a new kind of life sentence defined, initially by prisoners themselves and then by legal scholarship, "ergastolo ostativo" (irreducible life sentence), i.e. a kind of life sentence that includes an impediment, a requirement for a prisoner to have his or her rehabilitation path assessed by a surveillance court and access to penitentiary benefits and alternative non-detention measures provided for in chapter VI of the penitentiary law (except early release).

This new kind of life imprisonment derives from the combination of article 22 of the criminal code and articles 4-*bis* (sect. 1 and 1-*bis*) and 58-*ter* of the penitentiary law. For authors of a number of crimes relating to conspiracy or deemed by the law as causing serious social alarm,[1] access to benefits and non-detention measures is dependent on the rule on collaboration with

[1] The genesis of the rule dates back to the "emergency time" of the struggle against organised crime in the early 1990s. After initially including only offences of terrorism, organised crime and international drug trafficking, the list has been extended to include diverse kinds of offences, such as enslavement, minors' prostitution, child pornography, group sexual violence, abetment in illegal immigration, conspiracy for the smuggling of foreign tobacco products. The Italian Constitutional Court itself, in judgement 239/2014, complains that "due to the aforementioned implementations, the list of offences that determine the special regime includes, as of this writing, very heterogeneous crimes, including offences against individual persons under articles 600 and 601 of the criminal code".

justice under article 58-*ter* of the penitentiary law. For convicts of these serious crimes, now listed by article 4-*bis* sect. 1, to access penitentiary benefits and non-detention measures they must provide a *useful* collaboration consisting in working, possibly after conviction, "to prevent further consequences of criminal activity" or in an effective help to law enforcing agencies "to gather key elements for fact finding or finding and apprehending the offenders". Article 58-*ter* of the penitentiary law tasks the surveillance courts with ascertaining the collaboration or its impossibility or irrelevance.

The Court is now called upon for the first time to rule on the compatibility with the Convention of this new particular kind of life imprisonment in Italy. Its judgement is extremely relevant because this kind of life sentence applies in fact to the vast majority of Italian life prisoners: life sentences in Italy may be said to be (mostly) irreducible life sentences. Data from the Italian Ministry of Justice show that in 2016 72.5% of 1678 life prisoners, i.e. 1216, were irreducible life prisoners. The percentage is identical to that measured in 2015 but, since the number of life sentences has been steadily growing since 2005, the absolute number of irreducible life prisoners has increased.[2]

2. Life imprisonment and respect of prisoners' dignity. Obligations under Article 3 ECHR.

As the ECtHR has repeatedly stated, "justice cannot stop at the prison gate" (*Enea v. Italy*, judgement no. 74912/01 of 17 September 2009). The government's right to punish has an absolute limitation: respect for the dignity of the human being. Regardless of any other consideration concerning the seriousness of the offence, punishment can never be inhumane and must aim at rehabilitating the convict. The "uncompressible" perpetuity of irreducible sentence, with its de-socialising and de-humanising effects, ends up defeating the goal of re-socialisation and is contrary to Article 3 of the Convention.

Respect for life prisoners' dignity and the provisions of Article 3 of the Convention must consist, again according to the Court's case law, in an effective prospect of release for life prisoners (*Vinter v. United Kingdom*, cit.).

This prospect cannot be limited to a generic "right to hope" (*Kafkaris v. Cyprus* [GC], no. 21906/04, of 12 February 2008) that could be fulfilled even by a periodic lottery among life prisoners having served a set term in prison to release the winner (similar to the Green Card Lottery in the USA). Article 3 of the Convention provides for the establishment of a system that gives life prisoners a chance of release and a chance of sentence review. The sentence reviewing mechanism must meet the requirements of legality and predictability and enable the convict to know when and under which conditions he or she will be eligible for having the sentence reviewed for release (*Vinter v. United Kingdom*, cit.; *Hutchinson v. United Kingdom* [GC], n. 57592/08, §42, ECtHR 2017). In the light of the Court's case law we can argue that the right to the hope of rediscovering freedom one day is not enough to respect the convict's dignity. A convict's dignity is not preserved when he or she is left with a right to hope in the end of life sentence, but when his or her action may make a difference for future life. This

[2] Data from the Italian Ministry of Justice show, in the historical series, how the number of life prisoners in the broader meaning has been steadily and ceaselessly increasing for over 10 years.

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1.224	1.237	1.357	1.408	1.461	1.512	1.528	1.581	1.583	1.584	1.633	1.687

right of convicts' is mirrored (and made effective) by the government's positive obligation to arrange the penitentiary system so as to promote and guarantee convicts' rehabilitation (*Murray v. Netherlands* [GC], no. 10511/1, §§ 102-104; *Khoroshenko v. Russia* [GC], no. 41418/04, § 12).

In our reading of the Court's case law, respect for convicts' dignity means to recognise their right to self determination: to give themselves a life project they can achieve through actions that make a difference for future prospects. Even though I know that I have committed a crime for which I have been rightly sentenced to life according to my country's legal system, this does not mean that my life from now on becomes insignificant, that no matter what I do I cannot change my fate. I must be able to know what I am supposed to do to change my fate: only then is my dignity respected; only then can the convict keep living a life that we can consider autonomous and therefore meaningful (even though the convict is not free).

3. The mechanism of the pre-emptive assessment of collaboration in the national case law.

In the Italian legal system the ascertainment of collaboration is clearly defined as an assessment of a fact that normally precedes conviction, an assessment that involves no consideration of the convict's personality and its evolution. The observation of personality for the purpose of treatment is considered as a work in progress, always aimed at ascertaining a possible evolution of the convict (always in a prognostic perspective) and its final goal is to set up and update an individual programme a distinctive part of which is the application of penitentiary benefits. For irreducible life prisoners the surveillance judge can assess this rehabilitation path only after ascertaining collaboration, not before. Today in the Italian legal system the ascertainment of collaboration is a precondition for assessing the rehabilitation path of an irreducible life prisoner in order to take measures that enable him or her to get in touch with the free world. First, the surveillance court must be persuaded that, "possibly after conviction", offenders "have effectively helped law enforcing agencies to gather key elements for fact finding or finding and apprehending the offenders" (article 58-*ter* sect. 1). If it is not persuaded, the court must verify if "a limited participation in the crime, as ascertained in the judgement, or a complete finding of facts and liabilities by a final judgement make further collaboration with justice useless in any event".

Thus, the ascertainment under article 58-*ter* sect. 2 of the penitentiary law concerns only collaboration (whether it did or did not occur) and its relevance. The finding of a collaboration with justice is almost always based on the records of the conviction trial: if there has been no collaboration while serving the sentence, the surveillance court limits itself to examining the judgement of conviction. This is confirmed by the legislative provision that the court must be advised by the prosecutors' office "of the court competent for the crimes about which there has been collaboration".

As recognised in the case law of the Italian Court of Cassation, collaboration "is a mere historical given, *external to the surveillance court procedure*; thus, in order to rule on the benefits, the court should not test the convict's readiness to collaborate nor should it investigate on a collaborative behaviour, but it should limit itself to ascertain whether the convict did

collaborate with justice and, accordingly, to verify if the requirement for granting the benefit is met"[3] (emphasis added).

The Florence surveillance court (decree no. 500/1993) promptly argued that the link between collaboration and the path towards rehabilitation that should characterise the process of sentence serving is basically mystifying, because collaboration is a practical option that depends on trial convenience and is highly conditional on the developments of prosecution and trial, whereas the rehabilitation path is one of revisiting one's values and life conditions and of creating, during the rehabilitation stage, values and conditions conducive to a correct re-socialisation. The Constitutional Court (judgement 306/1993) accepted the remark and acknowledged that collaboration "may well result from merely utilitarian considerations". In fact it is not uncommon for judges to reject benefits, even in the presence of collaboration, because the convict's path is deemed insufficient.

If collaboration is not proved to be useful or impossible, the path of an irreducible life prisoner can be assessed only in view of early release. However, this assessment is irrelevant because, without collaboration, the prisoner cannot be released. For an irreducible life prisoner early release is only useful for accessing non-detention measures. According to article 54, sect. 4 of the penitentiary law, early release "*is applicable to life prisoners*", which means that "*for purposes of computing the term to serve to be eligible for the benefits of prison leave, semi-custodial regime and conditional release*" the sentence reduction resulting from early release "*is considered as having been served*". For an irreducible life prisoner who cannot access to these benefits the grant of early release has a purely formal value. Indeed, it somehow translates into a mockery. By granting it, the judge acknowledges the merit of the rehabilitation path but this acknowledgment has no effects for a life prisoner who did not collaborate in the meaning of article 58-*ter*.

3.1. The ascertainment of collaboration under article 58-ter is not an assessment of the prisoner's path towards rehabilitation.

The fact that the ascertainment of collaboration does not concern the rehabilitation path but is the pre-emptive ascertainment of a condition for assessing this path seems to have been clearly stated by the Italian Constitutional Court in the recent judgement 239/2014, resulting from a demand of home detention made by a convicted mother with the help of our association. Having been sentenced for a crime listed in article 4-*bis* sect. 1, the prisoner was not eligible for this alternative measure which is undoubtedly one of those provided for by chapter VI of the penitentiary law. The Court stated that, "for the minor's interest to yield to the requirements of defending society against crime, the existence and substance of these requirements must be verified, precisely, in the specific case – as required by the cited provision – rather than linked to presumptions – such as those set out in the contested rule – *which prevent the judge from any kind of assessment of individual situations*" (emphasis added).

In the ruling the Constitutional Court has found that the rationale of the impediment rule was originally (the Court refers to the travaux préparatoires) "twofold": "on the one hand, the rule rested on the statutory presumption that committing certain crimes is evidence of the author's links to organised crime and is therefore an index of social dangerousness incompatible with the eligibility for non-detention penitentiary benefits. In this perspective, the choice of

[3] Thus, Chamber I, 20 September 1993, Ruga, no. 1768; similarly, according to Chamber I, 13 May 1994, Solinas, no. 1630, collaboration with justice is "a simple historical given, external to the surveillance court procedure"; see also Chamber I, 13 May 1994, Petrucci.

collaborating with justice was deemed the only one able to express unequivocally the convict's will of repentance and, therefore, to remove the impediment to granting benefits, because of its significance as a 'break' of the link. An additional consideration – which in the situation of the time took a prevalent importance – was the goal of favouring collaboration with justice by people belonging or 'near' to criminal associations, for reasons of investigation and general criminal policy. Collaboration appeared to be essential in the struggle against organised crime". According to the Court, faced with crimes so serious as to trigger the impediment rule, "legislators, not unreasonably, had taken collaboration with justice to be a legal index 'of the break of links to organised crime, which in turn *is a necessary condition […] for assessing the cessation of social dangerousness and the results of the convict's path to rehabilitation*, which the law makes a precondition […] of admission to non-detention measures and the other benefits provided for by the penitentiary law" (judgement no. 273 of 2001; emphasis added).

The emphasised passage seems aptly to underline the evolution of the rule resulting from constitutional case law. Contrary to legislators original intent, today collaboration is not an index of the convict's path towards rehabilitation but "*a necessary condition […] for assessing the cessation of social dangerousness and the results of the convict's path to rehabilitation*". Thus, it is a precondition of assessing the convict's path. Without it this assessment cannot be made. The view that judiciary collaboration and the lack of links to organised crime has been quickly rejected by the Constitutional Court in some rulings made during a few years.[4]

It is worth mentioning that in the reformation process resulting from the conviction of Italy in the *Torreggiani* case the impediment rule created by articles 4-*bis* and 58-*ter* of the penitentiary law was examined by the ministerial study committee chaired by prof. Palazzo.[5] The committee drafted a proposed amendment of the rule aimed at bringing collaboration back among the elements for assessing the prisoner's rehabilitation process. To this end it removed its character of strict preclusion and made it weighable against other elements found in the prisoner's individual paths. If this proposal had been accepted, collaboration would have ceased to be a precondition for assessing the prisoner's path and would have become an element of this assessment. For, according to the committee's proposal, it appears "quite rational to give back the surveillance court the power to assess whether there is specific evidence of a positive rehabilitation path of the convict in question, such as to allow – for specific reasons – the access to penitentiary benefits and conditional release in spite of the lack of a collaboration in the meaning of article 58-*ter* of act no. 354 of 26 July 1975. To this end, for instance, a complex of behaviours might become relevant that, while not being collaborative, show the convict's detachment from criminal associations (explicit dissociation, public takes, adhering to models of legality, interest for crime's victims, rooting of the family in a different territorial context). But also a commitment to the fulfilment of civil obligations derived from the offence and, therefore, a proven actual interest in activities of remedy or, more generally, redress towards the offence's victims. The latter element should be assessed not so much in its objective dimension of effective and full financial redress, as in a subjective perspective, in the sense of 'concrete manifestation of a sincere commitment to do everything possible to redress

[4] See in particular judgement no. 306/93 on the repeal of alternative measures granted to a prisoner before the introduction of irreducible life sentence; 361/1994 on cumulative crime; 504/95 on prison leaves to prisoners who had already begun a rehabilitation path.

[5] Committee for the elaboration of proposed intervention in the field of penal punishment system, established with a decree of the Ministry of Justice of 10 June 2013 and chaired by Prof. Francesco Palazzo, "Proposta di modifica dell'art. 4-bis, co. 1-bis, l. 26 luglio 1975, n. 354 e dell'art. 2, co. 1 d.l. 13 maggio 1991, n.152, conv. in l. 12 luglio 1991, n. 203".

the consequences of the offence' (see on this Court of Cassation, I criminal chamber, 9 May 2012, no. 26890)".

Legislators, however, have not endorsed the committee's proposal. In so doing, they have clearly shown their will to preserve a rule that, against Article 3 of the Convention as interpreted by the Court's case law, prevents an assessment, in view of his or her release, of the convict's behaviour while serving the sentence.

3.2. On the nature of collaboration

In the light of this development we think that the assessment on collaboration, at least in all cases in which the latter is not given while serving the sentence, cannot be seen as an assessment of the convict's path while serving the sentence, but only as a condition, ascertained incidentally, of that judgement.

Therefore, it seems to us unquestionable that the requirement of collaboration, based on a reading constitutionally oriented and conforming to the Constitutional Court's case law, cannot be seen as an element suitable for an assessment, indeed binding,[6] of the education path. Therefore this assessment cannot be considered as a mechanism that gives an irreducible life prisoner a chance of having his or her behaviour in prison assessed, knowing since the beginning of detention the criteria for the assessment of this behaviour by an independent judge. After all, that collaboration is not part of the convict's path towards rehabilitation but is one of the elements useful to investigation and the struggle against organised crime, is confirmed by the insistence of legislators, since the first draft of the rules, on the requirement that it must be 'useful'.

It is worth emphasising that there is a strand of judgements of the Italian Constitutional Court that is concerned precisely with the unreasonableness that may derive from the requirement of "useful" collaboration: judgement 257/1994 mandates a provision for the case where collaboration is impossible, being unenforceable but, more correctly, substantially not very "useful" for the minor relevance of the convict's contribution to the crime, regardless of whether the mitigating feature of article 114 of the criminal code is recognised; judgement 68/1995 mandates a provision for the case where collaboration is impossible because useless or irrelevant when all facts and liabilities have been ascertained by the judgement of conviction.

Then, the view of the Court of Cassation that the convict can demand only an incidental ascertainment of collaboration under article 58-*ter* of the penitentiary law when he or she applies for an alternative measure, i.e. reasonably on the first application for a prison leave, prevents even prisoners who have collaborated, or whose collaboration is impossible, irrelevant or unenforceable, from being certain, since they begin to serve their sentence, that they can have their behaviour in detention assessed by the surveillance judge for purposes of deliberation.[7] This also makes decisions on collaboration opaque. For they are lost within the

[6] After all the Constitutional Court has always held the illegitimacy of binding presumptions when assessing the convict's rehabilitation path. In this sense see judgements no. 306/1993, no. 357/1994, no. 68/1995, no. 445/1997, no. 186/1995, no. 255/2006, no. 173/1997, no.189/2010.

[7] A settled longstanding case law of the criminal Court of Cassation holds that the ascertainment of collaboration is incidental or, better, necessarily pre-emptive to the assessment of a related application for a penitentiary benefit (see in this sense the judgements of the Criminal Court of Cassation, Chamber I, no. 973/1997, no. 1865/1999, no. 29195/2003, no. 38288/2005, no. 7267/2006, no. 9301/2014, no. 26567/2017), which entails that an appeal against the sole decision of the surveillance court on the existence of collaboration is moot (see the judgement of Criminal Court of Cassation, Chamber I, no. 4473/1996).

decision on the demanded measure, resulting in their being practically impossible to find: only by browsing all files relating to applications for benefits by irreducible life prisoners could they be examined. Ma this enterprise is in fact impossible: it would require the public availability of a list of irreducible life prisoners' names with a record of applications and the indication of the surveillance courts being addressed. Then the researcher would have to address every court registry and read every individual file.

However, the most significant given is that, while an ascertained irrelevance or impossibility of collaboration allows the assessment that makes access to alternative measures and release possible, it does not depend on the convict's behaviour in prison but on circumstances totally independent of his or her will (the fact that investigation resulted in a full ascertainment of all element, events and participants in the crime) or his or her behaviour during the crime (the marginality of his or her contribution to its commitment) that makes collaboration "objectively irrelevant".

4. Collaboration as a "Sophie's choice".

We would like to express some considerations on the legitimacy, in the light of the prohibition for the government to violate prisoners' dignity, of the possibility of obtaining collaboration during the execution of the sentence.

The fact that article 58-*ter* sect. 1 states that the convict may collaborate (effectively help "law enforcing agencies to gather key elements for fact finding or finding and apprehending the offenders") "possibly after conviction" clearly shows that the statutory mechanism of impediment and its removal was meant to promote collaborative attitudes. It is apparent, as the Court of Cassation held (I criminal chamber, 13/02/1997, no. 973), a view recently endorsed by the Constitutional Court as we have said, that the rationale of article 58-*ter* "is undoubtedly to stimulate and ease collaboration, *possibly after conviction*, by removing, *in derogation to article 41-bis*, the prohibition of granting certain benefits provided for by the penitentiary law" (emphasis added).

Even though collaboration while serving the sentence is rare, this provision and its rationale end up aggravating the distortions of a rule that is based sometimes on events independent from the prisoner's behaviour and intentions (the fact that collaboration is made impossible by successful prosecution that ascertains all aspects of offences), sometimes on trial strategies prior to conviction (trial collaboration), sometimes on behaviours in the sentence execution stage.

Regardless of this "irrationality" of the rule from the point of view of prisoners who see themselves at the mercy of events, the stimulus to collaboration in the sentence execution stage seems to raise some serious problems. In our view the Constitutional Court refers to them in the passage quoted above of judgement 306/93 (§ 9). In that passage, as we have said, the Court holds that "failure to collaborate cannot be assumed to be an index of specific dangerousness, for it may well be […] a consequence of assessments that could not be reasonably blamed, such as e.g. *exposition to serious risks for oneself or one's familiars that convict's collaboration might involve*" (emphasis added). We believe that this "exposition" is, among other things, the main explanation of the rarity of collaboration while serving the sentence.

Unfortunately in its later case law the Court has not developed this view, it has indeed somehow neutralised it. On the one hand, it holds (judgement no. 39 of 1994) that "incentive to

collaboration with justice, pursued by the law" cannot "be defined as 'coercion' to such behaviour", for the prisoner is "always free not to adopt it". On the other hand it has credit legislators who, driven by its case law, has made the statutory preclusion "not […] absolute and final" but dependent "on a voluntary option of the convict that can be revised at any time: precisely the choice not to collaborate, even though one is in a position to". Thus, "failure to collaborate can only be attributed to a free choice of the convict" (judgement no. 135 of 2003).
The Court (again in judgement no. 39 of 1994) has tried to justify this view by stressing that "the condition of a convict of offenses related to organised crime was by no means comparable to that of an ordinary citizen", who is only required to report offences against the personality of the state that are punished with life sentence. The later claim seems to us covertly to weaken, contrary to the teaching of the ECtHR, the protection of prisoners' dignity on the basis of the offences they have committed.

What we would like to emphasise, however, is some doubts on the rule of collaboration in the sentence execution stage. During our interventions in prisons for the protection of prisoners' rights we have often met people who said they felt trapped by this provision that faced them with an excruciating choice, sometimes undermining their mental stability. In fact irreducible life prisoners, whose collaboration might still be useful, seem to us to be faced with what a famous novel, and an even more famous movie, led to call "Sophie's choice". The prisoner whose collaboration is still useful feels like the protagonist of the novel and movie who, upon arrival at Auschwitz, was forced to choose between her two children and decided to leave her daughter to death. The prisoner whose collaboration is still possible feels himself faced with the choice between his own dignity, that is the possibility to make a difference for his future with his behaviour and recover freedom through his choices, and the life and health of his loved ones who are exposed to tremendous retaliations precisely because of the usefulness of collaboration and the existence of criminal liabilities still to uncover.

4.1. Incidenter tantum: possible violation of Article 6 of the Convention.
The scarcity of collaborations in the sentence execution stage might be due also to another factor. It appears indeed contrary to the ancient principle of legal civilisation *nemo tenetur se detegere*, hence to Article 6 of the Convention. While the problem is not directly a subject of the case, we would like to stress that the normative context makes it clear that collaboration in the sentence execution stage must be about facts not ascertained in the trial, for which the prisoner might face new charges. Thus, it amounts to a demand of collaboration related to conducts that will necessary lead to a new trial. Even at the formal level we find it difficult to consider the procedure of gathering this collaboration as pertaining to sentence execution and the modes of serving the sentence. When collaboration happens in the sentence execution stage, the rules on its gathering seem to be a sort of application to the surveillance judge for the immediate production of evidence which will be relevant in the new trial on the facts for which collaboration brings useful new elements other than those ascertained in the judgement of conviction.

5. Final request: application of Article 46
Given that, as seen above, more than 70% of life prisoners are serving an irreducible life sentence, our association requests that the Court acknowledges this case as one of systematic violation of obligations under the Convention and therefore, as it has ruled for such cases in *László Magyar v. Hungary*, no. 73593/10, 20 May 2014, it mandates that Italy adopts a legislative amendment that allows the judge in all cases, hence regardless of collaboration, to assess life prisoners' rehabilitation path and, if he is satisfied with it, to rule to end their life sentence.

THIRD PARTY INTERVENTION
L'ALTRO DIRITTO ONLUS

VIOLA v. ITALY

Emilio Santoro
Scientific Committee L'Altro diritto onlus