|  |
| --- |
| **1377th meeting, 4 June 2020 (DH)****H46-18 Nasr and Ghali v. Italy (Application No. 44883/09)**Supervision of the execution of the European Court’s judgments Reference document[CM/Notes/1377/H46-18](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Notes/1377/H46-18) |

*Decisions*

The Deputies

1.         noting that in the present judgment the European Court found serious violations by Italy in the context of an “extraordinary rendition” operation in which the first applicant was abducted on Italian territory, handed over to CIA agents and brought illegally to Egypt where he was secretly detained and subjected to violent interrogations, while the second applicant was left for months without information about her husband’s fate;

2.         noting also that while the investigation conducted by the Italian investigative and judicial authorities led to the conviction of 26 United States nationals and six Italian citizens, the lack of adequate measures by the government to enforce the prison sentences imposed on the former, and the quashing of the convictions of the latter on grounds of state secrecy, ultimately led to their impunity;

*As regards individual measures*

3.         noted that the just satisfaction awarded by the Court was paid to the applicants, that Mr Nasri had been released from detention by the time the Court gave its judgment and that his wife was free to join him in Egypt if she so wished;

4.         profoundly regretted that the impunity resulting from the acts of the executive cannot be remedied, since the pardons and reduction in the sentences of the US perpetrators means that pursuing their extradition would be fruitless, and since it is impossible under Italian law to reopen proceedings once a person has been finally acquitted;

5.         concluded, in the light of the foregoing, that no further individual measures are necessary or feasible;

*As regards general measures*

6.         welcoming the introduction of the crime of torture into Italian law as an important preventive and deterrent measure with regards to serious human rights violations such as those found in the present case, called on the Italian authorities at a high level to deliver an unequivocal message to the intelligence services as to the absolute unacceptability of, and zero tolerance towards, arbitrary detention, torture and secret rendition operations;

7.         welcomed the undertaking by the government to make every effort to ensure that the crime of torture is excluded from any future legislation granting collective reductions or remissions of sentence and insisted that the obligation to prevent impunity for serious human rights violations is given due consideration in any future decision on individual pardons;

8.         noting that the government’s improper invocation of state secrecy led to the ultimate acquittal of the accused Italian military intelligence agents, called on the authorities to take measures to ensure that state secrecy is not in the future used in such a way as to undermine the effectiveness of criminal proceedings into serious human rights violations, for example by adding the crime of torture to those in relation to which state secrecy cannot be invoked;

9.         requested the authorities to provide information on all the remaining questions identified above no later than 15 December 2020.