



TORTURE IS PROHIBITED

Antigone's XIX Report on Detention Conditions

Press kit

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ANTIGONE'S VISITS

97 INSTITUTIONS VISITED THANKS TO PRISON ADMINISTRATION'S AUTHORIZATIONS

During 2022, we visited 97 penitentiary institutions. Among them there were 64 pre-trial detention centres (case circondariali), 22 detention centres (case di reclusione), 2 low security centres (istituti a custodia attenuata) and one low security centre for detained mothers. Twenty percent of these centres had been built between 1900 and 1950 and another 20 percent even before 1900.

This work was made possible thanks to the more than one hundred volunteer-observers of Antigone and the non-obvious willingness of the prison administration, and all those directors, department commanders, police officers, pedagogical officers, doctors, nurses, cultural mediators, social workers who carry on their shoulders the weight of the Article 27 of the Italian Constitution. Thanks also to the National Guarantor for the rights of persons deprived of personal liberty, who has always been at the disposal of civil society Organisations. Thanks to the territorial Guarantors for their effort on the regional and municipal sides, as well as to all the volunteers who have helped us with this report. Finally, thanks to those who supported us during this difficult period: Fondazione Con il Sud, Haiku Lugano, Legance-Avvocati Associati, 8x1000 of the Waldensian Church, Fondazione Crt, Fondazione Compagnia San Paolo.

OVERCROWDING

GROWTH IN THE DETAINED POPULATION OVER THE PAST YEAR. THERE ARE OVER 9,000 PEOPLE MORE THAN THE ACTUAL CAPACITY

Despite an official capacity of 51,249 places, the people detained in our prisons as of April 30 were 56,674: 5,425 more than the regulatory capacity. However, as it is well known, in order to have the actual capacity, unavailable places must be subtracted from the regulatory capacity, which as of May 2023 numbered 3,646. In fact, this is what the Ministry writes on its official statistics: "The capacity figure does not take into account any transitory situations that result in temporary deviations from the indicated value".

THE ACTUAL AVERAGE RATE OF OVERCROWDING IS 119%. THIS MEANS THAT FOR ABOUT 20 PERCENT OF DETAINED PERSONS THERE IS A PRECARIOUS ARRANGEMENT. LOMBARDY REGION HOLDS THE RECORD: OVERCROWDING AT 151.8%.

With an average official crowding rate of 110.6 percent, today the most crowded regions are Puglia (137.3%), Lombardy (133.3%) and Liguria (126.5%). However, considering the counted but unavailable places, the actual average crowding rate is 119%. At the

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regional level, the data also changes and the regions that record the most worrying situations are: Lombardy (151.8%), Puglia (145.7%) and Friuli Venezia Giulia (135.9%).

In Europe, we are not doing well. Only Cyprus and Romania have higher overcrowding rates than Italy. Instead, we rank 36th in incarceration rates, that is the number of detained persons compared to free citizens. Italy incarcerates less than France and Spain, more than Germany and the Nordic countries.

LUCCA, THE MOST CROWDED INSTITUTE IN ITALY

As regards the single institutions, the highest actual overcrowding rates have been registered in Lucca (190%), San Vittore in Milan (185.4 %), Varese (179.2 %) and Bergamo (178.8 %).

DETAINED PERSONS GROW ABOUT 5 TIMES MORE THAN THE GROWTH OF PLACES

Since 30 April 2022, the official capacity has increased by 0.8 percent, while the prison population increased by 3.8 percent. The number of women, in particular, increased by 9%, while the increase of foreigners, by 3.6%, is more or less in line with that of the overall prison population.

A GROWTH THAT IS NOT EQUAL EVERYWHERE

Over the past year, the detained population grew especially in Trentino-Alto Adige (+11.7%), Calabria (+9%) and Lazio (+7.5%).

PRE-TRIAL DETENTION ACCOUNTS FOR A LARGE SHARE ON OVERCROWDING, BEING THE 26.6 PERCENT OF THE TOTAL. LOWER THAN IN THE PAST BUT HIGHER THAN THE EUROPEAN AVERAGE

As of April 30, among the 56,674 detained individuals, 7,925 (the 13.9%) were awaiting first judgement, 3,629 (the 6.4%) were awaiting second judgement and 2,458 (the 4.3%) were awaiting the third and final one. There were 41,628 detained persons with a definitive sentence (the 73.4%). Finally, 282 people were interned in workhouses or in agricultural colonies. Looking only at foreigners, those awaiting the first judgement were 15.6% while people with definitive sentences were 70.9%. The percentage of those in pre-trial detention continues to steadily decline. At the end of 2022 it was 27.8%, at the end of 2021 it was 29.9%, but for example 10 years earlier, at the end of 2011, it reached 40.8 percent.

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PRE-TRIAL CUSTODY IS THE MOST WIDELY USED OF THE PRE-TRIAL MEASURES. 3,357 PEOPLE ON HOUSE ARREST WITH ELECTRONIC BRACELET IN 2022. IN GROWTH COMPARED TO 2021

About 81,000 pre-trial measures were imposed last year. 44,518 people were placed in pre-trial custody. Among these, 24,654 were in prison (over 500 more than in 2021). The measure of house arrest without a bracelet declined: 16,507 in 2022 compared to 18,036 in 2021. On the contrary, there were 3,357 house arrests with bracelets, compared to the 2,808 in 2021.

ONE IN 10 PEOPLE ARE ACQUITTED OR DISCHARGED

Only about 10%, or one measure in 10, were issued in proceedings that resulted in acquittal or discharge. The data, however, are not divided by pre-trial measure.

COMPENSATION FOR UNJUST INCARCERATION. 556 SUCCESSFUL APPLICATIONS IN 2022 FOR MORE THAN 27 MILLION EUROS

In 2022, 1,180 applications were submitted, 556 of which were accepted. The lion's share is Reggio Calabria: 103 successful applications, amounting to more than 10 million euros of the total amount that the State paid in 2022, i.e. 27,378,085 euros.

THE DETAINED POPULATION GROWS AND SO DOES THE RATE OF AGEING. ALMOST A THIRD OF THE DETAINED PERSONS ARE OVER 50s. 1,117 PEOPLE ARE OVER 70 YEARS OLD

The average age of the detained population continues to rise. The over-50s were 29% at the end of 2022. Ten years earlier, at the end of 2011, they were 17%. In the same time frame the over-70s doubled, from 571 (1%) to 1,117 (2%). The under-25s decreased from 10 to 6%.

PENALTIES AND OFFENCES

PEOPLE CONVICTED TO SHORT SENTENCES GROW AFTER THE PANDEMIC. BUT THEY ARE FAR FEWER THAN IN THE PAST

People detained for short prison sentences are increasing, as it always happens when prison numbers grow. When prison is truly the "extrema ratio", it tends to house mostly people with long sentences, but when the numbers of incarceration grow, so do the number of the people who are detained for less serious offences. People in prison with a sentence of up to one year increased from 3.1% of the people with final sentences in 2021 to 3.7% in 2022; those with a sentence of up to three years went from 19.1% to 20.3%. In the past, both values were much higher, in 2011 respectively 7.2% and 28.3%, then they dropped significantly especially during the pandemic, and now they are rising again.

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THERE ARE 1,856 PEOPLE SERVING LIFE SENTENCES. THERE HAS BEEN A HUGE DECREASE IN MURDERS SINCE 1991: 314 COMPARED TO THE 1,916 IN 1991

The percentage of people with sentences of more than 20 years remains stable, 6.6% of the people with final sentences (they were 4.9% in 2011), while people serving life sentences, despite being slightly increased in absolute terms, from 1,810 in 2021 to 1,856 in 2022, have however dropped in percentage terms, from 4.8% to 4.6% (they were 4% in 2011). Although the number of murders has significantly decreased: there were 314 intentional homicides in 2022, compared to the 1,916 homicides in 1991. A decrease of about sixfold. 124 victims were women, 102 of whom were killed in domestic or pseudo-affective settings. Among these, 60 have been killed by their partner/ex-partner.

20,753 PEOPLE HAVE LESS THAN THREE YEARS TO SERVE WHICH IS MORE THAN ONE IN TWO OF THE ACTUAL NUMBER OF CONVICTS. THE SYSTEM OF ALTERNATIVE MEASURES FOR THEM IS NOT ACTIVATED FOR THEM. IF IT WERE WE WOULD HAVE SOLVED THE PROBLEM OF OVERCROWDING

As for the residual sentence served by those in prison as of 31 December 2022, the values percentages have not changed substantially. There were 7,259 people serving a residual sentence of less than one year in prison (18% of those present) and 20,753 people serving a residual sentence of less than three years (i.e. 51.5% of the people serving a final sentence).

THERE ARE ABOUT 20,000 DETAINED INDIVIDUALS WHOSE CHARGES INCLUDE DRUG-LAW VIOLATIONS. ANOTHER DRUG POLICY WOULD STRONGLY IMPACT ON OVERCROWDING

Most of the detained population, a total number of 32,050, is in prison for crimes against property, immediately followed by crimes against the person (24,402) and crimes in violation of drug-laws (19,338). In fourth place there are 9,302 people who are detained for crimes against public administration; in fifth place there are 9,068 people who are imprisoned for organised crime.

FOREIGNERS

FOREIGNERS MAKE UP THE 31.3 PERCENT OF THE PRISON POPULATION. THAT IS A MASSIVE DECLINE OF ABOUT 5% FROM 2011

According to the data provided by ISTAT, there were 5,193,669 foreigners residing in Italy as of 1 January 1 2022, depending on a trend that shows a slowed growth, under 200,000 units over three years. Today, there are 17,723 foreign detainees, representing

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31.3% of the prison population. A percentage equal to 0.34 percent of the foreigners who stay in Italy. In 2011, there were 24,174 foreigners detained, that is 36.14 percent of the overall detained population. A percentage equal to 0.52 percent of the total number of residents in the country, which then was about 4.5 million people.

FOREIGNERS ARE NOT EVENLY PLACED IN ITALY. THERE ARE REGIONS WITH A VERY HIGH PRESENCE OF FOREIGNERS. MOST OF ALL VAL D'AOSTA. LEAST OF ALL CAMPANIA

The only institution in Valle d'Aosta, with a slight increase from last year, has shown a percentage of foreign prison population of 61.4% while Trentino Alto Adige has a percentage of 61%. Other regions with remarkably high attendances are Liguria (54%), Veneto (50.1%), Emilia Romagna (48.1%), Lombardy (46.2%) and Friuli Venezia Giulia (41.9%). Moving to the institutions with an attendance of foreigners below average we have Calabria (21.2%), Abruzzo (17.6%), Basilicata (15.4%), Sicily (14.4%) and Campania (12.4%).

IN SARDINIA THERE ARE THE TWO INSTITUTIONS WITH THE HIGHEST NUMBER OF FOREIGNERS, A SIGN OF A POLICY OF MOVING THEM AWAY FROM THE CONTINENT AND THEIR TIES

The highest percentages are recorded in Sardinia in the Arbus "Is Arenas" detention centre (68.8%) and the Onani "Mamone" detention centre (71.1 %), and then in Cremona (68.03%), Piacenza "San Lazzaro" (64.71%), Alessandria "Cantiello e Gaeta" (64.5%), Bolzano (64.2%), and Florence "Sollicciano" (63.3%).

MANY FOREIGNERS ARE AWAITING TRIAL

While foreigners accounted for 31.3% of the total prison population at the end of April, they were, however, over-represented among those in pre-trial detention (33.7%), and especially among those who were awaiting first trial (35%), while they were under-represented among those with a final sentence (30.2%).

USUALLY, FOREIGNERS HAVE TO SERVE SHORT SENTENCES. FOR EXAMPLE, THE NUMBER OF FOREIGNERS SERVING A LIFE SENTENCE IS VERY LOW. SIGN OF A CRIMINALITY LESS ORGANISED AND PERPETRATORS OF LESS SERIOUS CRIMES

As for the residual sentence to be served, the differences between Italians and foreigners are huge. Suffice it to say that among those with a residual sentence of less than one year, out of a total of 7,259 people, there are 3,052 foreigners, i.e. the 42%, while very few foreign people have a residual sentence of more than 20 years, only 76 out of 457, the 16.6%, and 123 out of 1,856 are serving a life sentence, the 6.6%.

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MOROCCO, ROMANIA, ALBANIA, TUNISIA AND NIGERIA ARE THE MOST REPRESENTED NATIONALITIES. HOWEVER, ROMANIANS AND ALBANIANS ARE IN DECREASE

The most prevalent nationalities are Moroccan with 20.3% of the total foreign detainees, Romanian with 11.6%, Albanian with 10.3%, Tunisian with 10.1% and Nigerian with 7.1%. Syrians account for 0.3%.

WOMEN AND CHILDREN

WOMEN ARE 4.4 PERCENT OF THE TOTAL PRISON POPULATION. FORTUNATELY, FEW

There were 2,480 women detained in Italian prisons at the end of April 2023, accounting for 4.4% of the total prison population. This is a substantially stable percentage over time, that is not reaching five points since the early 1990s of the last century. However, looking at the percentage of criminal complaints that regard women in Italy, we can see that it stands at 18.3% of the total number of complaints: the gap between complaints and prison attendance is considerable for women. We can assume that this gap is the result of several factors: the low criminal depth of women, which results in a proportion of complaints not seeing criminal follow-up, the tendentially shorter sentences received by women, the specific rules on alternatives to prison for detained mothers, and the higher rate of trust enjoyed by women with the supervisory judiciary, which also determines greater access to alternative to prison detention.

FOUR WOMEN'S PRISONS. THE LARGEST IN EUROPE IS IN ROME

Detained women are partially housed in the four female prisons in Italy, which are located in Rome (where the Rebibbia women's prison, with its 337 detained women for 275 official beds, stands out as the largest in Europe), Venice, Pozzuoli and Trani. The low-security centres for detained mothers in Lauro, Milan and Turin house 15 women in total. The remaining 1,853, i.e. three-quarters of the total, live in the 45 women's sections within male-dominated prisons.

THE NUMBER OF FOREIGN DETAINED WOMEN IS IN DECLINE

A look at foreign detained women shows how they have decreased sharply over the past 15 years. While today they make up 30.2% of the total number of detained women, they covered about ten percentage points more in 2013. The most represented nationalities are Romanian and Nigerian.

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WOMEN RECEIVE LOWER SENTENCES THAN MEN

Detained women tend to receive lower sentences than men. 4.1% of women were serving a sentence of up to one year and so did the 3.1% of men and the 30.4% of women a sentence of 1 to 4 years and so did the 27.6% of men.

CHILDREN OUTSIDE AND CHILDREN INSIDE PRISONS. THERE ARE 4,000 OF THEM OUTSIDE AND 22 INSIDE

There are about 4,000 children of women who are detained in Italian prisons. Among them, 22 were living in prison with their own mothers at the end of April 2023.

41-BIS

PEOPLE DETAINED UNDER THE SPECIAL REGIME OF 41-BIS ARE 740, ALMOST TWICE AS MUCH AS IN THE AFTERMATH OF THE MAFIA SLAUGHTERS

As of February 2023, as reported by the National Guarantor of the Rights of Persons Deprived of their Liberty, there were 740 individuals detained under the regime of 41-bis, 728 of whom were men and 12 women (all of them detained in the prison of L'Aquila, where there is the only ward for women under the 41-bis regime). At the end of 1993, the year after the massacres of Capaci and Via D'Amelio, there were several hundred fewer persons detained under 41-bis regime, i.e. 473 individuals. In recent years, the figure seems to have stabilised between 740 and 750 units. There are 12 Italian prisons that house people who are subjected to the special regime of 41-bis. The institution that hosts the highest number of persons detained under this special regime (150 people) is L'Aquila while the institute with the fewest (3 people) is the prison of Nuoro-Badu'e Carros in Sardinia.

SUICIDES, DEATHS AND HUNGER STRIKES

2022 HAS BEEN THE DRAMATIC YEAR OF SUICIDES IN PRISON, 5 ONLY IN THE PRISON OF FOGGIA. 5 WOMEN TOOK THEIR OWN LIVES. ALREADY 23 SUICIDES IN 2023.

There have been 23 suicides in prisons in these first months of 2023. Last year, 2022, had gone down in history as the year with the most suicides in prison ever. 85 people who took their own lives inside a penitentiary institution during 2022 - out of 214 total deaths - meaning more than one suicide every four days. Five suicides occurred in Foggia prison alone. Suicide rate in penitentiary institutions is about 23 times higher than suicides in the free society. Among the 85 people who committed suicide, five were women and 36 were foreigners, 20 of whom were homeless persons. The average age was 40. The youngest person was a 20-year-old boy, the oldest a 71-year-old man.

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Most of these people (50, or nearly 60 percent) took their own lives in the first six months of detention. 21 committed suicide in the first three months of detention, 16 in the first 10 days, and 10 even within the first 24 hours after their arrival in prison. Among the 85 people who died by suicide in 2022, 28 had previously enacted at least one attempt of suicide (in 7 cases even more than one attempt). In 68 cases (80%) the detained persons have been previously involved in other critical events. 24 of them had been under the measure of "large-scale surveillance," 19 of them were also under this measure at the time of suicide.

TWO DEATHS FROM HUNGER STRIKE IN AUGUSTA

In the total silence of the media, on April 25 and May 9 2023, two detained persons died from hunger strikes in Augusta prison after 41 and 60 days of fasting. Every day there are about 30 detained persons on hunger strike, which is by far the most widely used form of protest in prison, which is sometimes joined by therapy strikes.

MENTAL DISTRESS GROWS: IN WOMEN EVEN MORE THAN IN MEN. 40 PERCENT OF DETAINED PERSONS HABITUALLY USE PSYCHIATRIC DRUGS. THE ISSUE OF THE WAITING LISTS IN REMS.

Our direct survey during 2022 shows that there were 9.2 (nearly 10%) serious psychiatric diagnoses for every 100 detained persons. Beside the people with a medically defined diagnosis, the 20% (twice the rate of detained individuals with a diagnosis) of detained persons were taking mood stabilisers, antipsychotics or antidepressants and the 40.3% were taking sedatives or hypnotics. Against this, psychiatrists' hours of service averaged 8.75 per 100 destined persons, psychologists' ones averaged 18.5 per 100 destined persons.

Breaking up the numbers by gender, it turns out that mental distress is greater among detained women than among detained men. In the institutions visited, women with serious psychiatric diagnoses accounted for 12.4% of those present, compared with 9.2% of the overall survey; in contrast, women who regularly used psychiatric drugs accounted for 63.8% of those present.

In 2022, there were 247 people, 232 men and 15 women, to be housed in the 32 "ATMS" - Mental Health Protection Wards (sections of the prison where patients with mental distress are placed) located in 17 penitentiary institutions. There was a slight decrease in this number from 2021, when 261 men and 31 women were detained in the ATSMs. The largest are in Barcellona Pozzo di Gotto (50 people) and Reggio Emilia (43 people), certainly not coincidentally two former Psychiatric-Judicial Hospitals.

The people admitted to Rems (Residences for security measures) are 592, 131 of whom (22%) are foreigners and 71 (12%) women. According to partial data, there are 404 people on the "waiting list" for a place in Rems as of 31 December 2022, but the 80% of

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the people on the waiting list during the year has found a placement in Rems or has entered community residential facilities.

SELF-HARM AFFECTS ONE-THIRD OF WOMEN AND ONE-SIXTH OF MEN

Acts of self-harm were 30.8 per 100 women, compared with 15 in exclusively male institutions.

JUVENILE DETENTION

380 YOUTHS ARE CONFINED IN “IPMs” (JUVENILE DETENTION CENTRES). THERE ARE 180 MINORS, 200 YOUNG ADULTS AND 12 GIRLS.

As of 15 March 2023, there are 380 youths detained in Juvenile Detention Centres (including only 12 girls), accounting for 2.7% of the total number of youths in charge of the juvenile justice system. There are 180 minors in the IPMs, while there are 200 young adults between the ages of eighteen and twenty-five who committed the crime when they were under 18 years old. Foreign young people account for 46.8% of the total number of detained young people, or 178. Among them, there are five girls.

THERE ARE 16 ACTIVE IPMs - JUVENILE DETENTION CENTRES

The size of prisons currently varies from 54 units in Nisida to 5 in Pontremoli, Italy's only entirely female IPM. In Rome we can find 48 young people, 34 in Turin, 31 in Airola, 27 in Milan. On the other hand, we can find 8 youths in Cagliari, 9 in Caltanissetta, 11 in Catanzaro, 13 in Florence. The IPM of Treviso, whose reopening was announced for the end of February, is still closed.

MOST ADMISSIONS ARE FOR PRE-TRIAL DETENTION. LESS THAN 1 IN 5 YOUTHS HAVE COMMITTED CRIMES AGAINST PERSONS

If we look at the reasons for prison admissions during 2022, it can be seen that 77.7% of them were for pre-trial detention. As for the crimes that lead young people to IPMs, only 18.9% of the crimes that resulted in incarceration involved crimes against persons, which is generally the most serious category. While 61.2% of the crimes involved the least serious category,, the ones against property.

FOREIGNERS ARE MORE LIKELY TO END UP IN IPMs

Foreign young people are less guaranteed than Italians by the presence of external family and social networks. While in 2022 foreigners accounted for 22 percent of the total number of young people in charge of the juvenile justice services, they accounted for 38.7% of community placements up to 51.2 percent of prison admissions. The more restrictive the measure, the higher the percentage of foreign young people.

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THE RIGHT TO EDUCATION

HIGH SCHOOL DROPOUT RATE. UNIVERSITY STUDENTS ARE ON THE RISE. 39 PEOPLE GRADUATED IN PRISON

A total of 1,735 school classes were provided in the 2021-2022 academic year, with a total of 17,324 people enrolled, accounting for 31.6% of the incarcerated persons present at the end of the term. Among those enrolled, there were 7,550 foreigners, almost a half of them were engaged in literacy and Italian learning courses. The rate of school dropout is very high, due in part to transfers and organisational matters: less than a half of the detained persons enrolled in school courses (48.8%) achieved the promotion. Our direct survey shows that there are institutions where the percentage of detained people who are enrolled in school courses exceeds 60%, such as the San Gimignano Prison (84.6%), the Treviso Prison (77.3%), the Rimini Prison (73%), the Volterra Prison (66.3%) and the Spoleto Prison (65%), while in others the percentage of enrolment is very low. These include Belluno Prison (1.2%), Brindisi Prison (5.1%), Naples Poggioreale Prison (6.9%) and L'Aquila Prison (7.4%). In the 2021-2022 academic year there were 1,114 detained persons enrolled at university (including 45 women), plus 132 among people in the Probation system. The number of detained persons enrolled at university is growing (it was 796 in the 2018-19 academic year). 86 percent of those enrolled chose a bachelor's degree program. During 2021, 39 degrees were awarded.

THE RIGHT TO WORK AND TO VOCATIONAL TRAINING

THERE IS A LACK OF WORK IN PRISON, ESPECIALLY OF THE SKILLED ONE. 35.2% OF THE DETAINED POPULATION WORKS, PART-TIME OR SHORT TIME. ONLY 4.6% ARE EMPLOYED PRIVATELY

As of 31 December 2022, there were 19,817 working detained individuals, accounting for 35.2% of those present. This amount includes those who, on rotating shifts, work a few hours per month. About two out of three detained persons had no access to any form of employment. The vast majority of the detained individuals who work (86.8%) are employees of the Prison Administration, engaged in small internal activities with little expendability in the labour market. Only 4.6 percent of the detained population works for external employers.

VOCATIONAL TRAINING IS ALMOST NONEXISTENT IN PRISON. IT INVOLVES 4% OF THE DETAINED POPULATION, AND THE REGIONS ARE RESPONSIBLE FOR THAT. NO COURSE HAS BEEN COMPLETED IN ABRUZZO, BASILICATA, MOLISE AND VALLE D'AOSTA

Despite being crucial in view of rebuilding a life path after the release, vocational training is almost absent in the Italian penitentiary landscape. At the end of 2022,

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people involved in vocational training courses were only 4% of those present. No courses were completed in Abruzzo, Basilicata, Molise, and Valle D'Aosta, while other regions recorded very low results (4 courses in Tuscany, one in Puglia).

CONVICTIONS FOR LACK OF LIVING SPACE

4,514 CONVICTIONS IN 2022 FOR INHUMANE AND DEGRADING PRISON CONDITIONS

In 2022, 7,643 claims for compensation under Article 35-ter of the Prison Law arrived at Italian surveillance offices by people detained in inhuman or degrading conditions, generally due to the lack of living space. There were 7,859 claims that were decided during the same year. 4,514 of these (or 57.4%) were granted. The acceptances had been 3,115 in 2018, 4,347 in 2019, 3,382 in 2020, and 4,212 in 2021. In other words, Italy is systematically condemned by its own courts because of its detention conditions. It is surprising the unevenness of the acceptance rate among different offices. While the national average in 2022 was above 50%, looking at the data for each surveillance office, it ranges from situations such as Bologna (27.2%), Catanzaro (27.3%) or Rome (26.2%) to others such as Brescia (82.3%), Potenza (80.6%) or Trento (83.6%).

Article 35-ter provides for a one day-reduction of the sentence for every ten days spent in inhuman and degrading conditions or, for those who have already finished serving their sentence, an award of €8 for each day spent in such conditions.

PRISON FUNDS AND STAFF

FUNDS THAT ARE AVAILABLE TO D.A.P. (DEPARTMENT OF PRISON ADMINISTRATION) INCREASE, BUT THE DAILY EXPENDITURE PER DETAINED PERSON DECREASES. THERE ARE 53 MILLION MORE THAN IN 2022

The funds made available to the Ministry of Justice for 2023 amount to 10.9 billion, an increase over last year of nearly 870 million. Of such investment, the share allocated to the Department of Prison Administration is 3.3 billion, an increase over last year of more than 53 million (+1.6%). Despite this, daily expenditure per detained person is decreasing, because of the increase in the detained population.

FUNDS FOR PRISON POLICE ARE BY FAR THE LARGEST SHARE, ALTHOUGH THEY ARE IN DECREASE FROM 2022

Most of the funds allocated to the Department of Prison Administration are directed to the Prison Police (62%), substantially confirming last year's trend (63%). This amount of funds are followed at a very great distance by resources spent on reception, penitentiary treatment and reintegration policies for persons subjected to judicial

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measures (9.7%) and expenditures for technical and logistical services related to the custody of detained persons (9.2%).

THERE IS AN AVERAGE OF ONE EDUCATOR FOR EVERY 71 DETAINED INDIVIDUALS. AT REGINA COELI THERE IS ONE EDUCATOR FOR EVERY 330 PEOPLE

There are 803 educators who work in Italian prisons, compared to the 923 expected from the staffing plan. On average, each educator must take care of 71 detained persons. Individual situations present far more worrying data: in Rome's Regina Coeli prison, where 11 educators are supposedly planned, there are instead only 3, for a number of detained persons that is around 1,000. Each educator must therefore take care of more than 330 detained individuals. The data found in the Melfi and Paola institutions, where the ratio of detained persons to educators is 177, are also very high. On the other hand, lower-than-average rates, have been found, for example, in Palermo's "Ucciardone" prison (where for 364 detained individuals the actual educators are 9), in Alba (where the ratio of detained persons to educators is 12), and in Fossombrone (where the ratio is 16).

THERE IS ONE POLICEMAN FOR EVERY 1.8 DETAINED INDIVIDUALS

As for the prison police personnel, there are actually 31,546 units. Although they are 15% less than those expected from the staffing plan, the ratio is one prison officer for every 1.8 detained individuals. The highest detained persons per officer ratio can be found in Rossano, where it amounts to 3; whereas the lowest can be found in Lauro's ICAM, with 0.3 detained women per police officer. In some institutions, the number of Prison Police personnel expected in the staffing plan is equal to or even higher than the number of detained persons that the prison can accommodate: in Grosseto, for example, for 15 regulatory places there are 34 police officers the staffing plan; in Latina, for 77 regulatory places there are 132. Otherwise, for example, in Carinola, for 551 regulatory places, the units planned are 154.

57 NEW YOUNG DIRECTORS ARE ARRIVING IN OCTOBER

It's near to the closure phase of the training for 57 new directors who will take up service in autumn enabling them to occupy the many vacant locations. There are regions, particularly Sardinia and Piemonte, where directors must divide their time among three or four prisons. The previous public exam was 25 years old. It is to be hoped that the rankings will be moved up to hire at least 100 more directors.

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THE EXTERNAL PENAL AREA

EXTERNAL PENAL AREA GROWS BUT WITHOUT SUBTRACTING NUMBERS FROM PRISON. THERE ARE 73,983 PEOPLE TAKEN IN CHARGE BY THE PROBATION SYSTEM OFFICES (UEPEs)

At the end of 2022, there were 73,983 people in the care of UEPEs for the execution of some kind of penal measure. Eight years ago, at the end of 2014, they were 31,865, that is far less than half. Unfortunately, the increase in the use of alternative measures has not generally removed people from serving their sentence in prison. Foreigners make up 19.2% of those in the care of the Probation System Offices, a much lower percentage than the one regarding their presence in prison, which sees them weighing in at 31.3% of the detained population, a sign of how it is more difficult for them to access pathways outside prison.

WOMEN ARE MORE REPRESENTED THAN IN PRISON, WHILE FOREIGNERS ARE LESS REPRESENTED

Women in the external penal area make up 11.5% of the total, a significantly higher percentage than the one regarding their presence in prison, of just over 4%. This is due to the tendentially lighter sentences they receive compared to men, to the specific regulations that provide alternatives to prison for detained women who are mothers, and to the higher rate of trust women enjoy with the judiciary because of their low criminal weight.

ABOUT ONE IN THREE OF THOSE ON SERVING ALTERNATIVE MEASURES ARE IN HOME DETENTION. SEMI-LIBERTY IS UNDERUTILISED

The three classic alternative measures to detention occupy 48.7% of the total number of people subjected to external penal measures. As of 15 March 2023, there were 37,715 people in alternative measures (3,519, of whom, the 9.3%, were women). The measure of probation under social services' control constituted 66.4% of alternative measures, home detention 30.9% and semi- liberty 2.6%.

DETAINED INDIVIDUALS WHO ARE OVER 70 YEARS OLD OFTEN REMAIN IN THEIR CELLS

Few home detention measures were granted to detained persons over the age of seventy. During 2021, 44 measures were granted to 993 people over the age of 70. There were 12 granted in 2020, 30 in 2019, 34 in 2018, and 19 in 2017.

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ADULT PROBATION IS INCREASINGLY BEING USED. THERE ARE ABOUT 25,000 PEOPLE ON PROBATION

As of mid-March, there were 25,030 people on probation, accounting for 32.3% of the total number of external penal measures. Add to this that more than half of the 51,630 people in the charge of UEPEs for investigation and counselling activities were involved in investigations related precisely to the probation measure. The latter, introduced into the adult system by Law No. 67 of 2014, has grown tremendously in recent years, switching from 503 people subjected to it at the end of 2014 to 24,255 people at the end of 2022.

ANTIGONE'S FINDINGS ON LIFE INSIDE

IN 35% OF THE INSTITUTIONS VISITED, THERE WERE CELLS WHERE 3 SQ.M OF SPACE PER PERSON WAS NOT GUARANTEED

In 35% of the institutions visited, there were cells in which were not guaranteed 3 sq. m. of floor space per detained individual, in 12.4% there were cells in which the heating was not working. In 45.4% of the institutions visited there were cells without hot water, and in 56.7% there were cells without a shower.

IN FERMO, MESSINA AND LECCO THERE IS A LACK OF SPACE FOR EDUCATION

In 30% of the institutions visited, there were no adequate spaces for working activities, and in 3 institutions (Fermo, Messina, and Lecco) there were not even spaces for school.

A QUARTER OF PRISONS LACK GREEN AREA FOR FAMILY INTERVIEWS

In 25.8% of the institutions visited, there was no green area for family meetings which take place during summer months.

MENTAL DISTRESS GROWS. 20% OF DETAINED PERSONS MOOD STABILISERS, ANTIPSYCHOTICS OR ANTIDEPRESSANTS AND 40.3% SEDATIVES OR HYPNOTICS. DRUG ADDICTED PERSONS WHO ARE IN TREATMENT AMOUNTED TO 21.1 PERCENT OF THOSE PRESENT

There are 9.3 serious psychiatric diagnoses per 100 detained persons. 20% of individuals who are detained take mood stabilisers, antipsychotics or antidepressants while 40.3% take sedatives or hypnotics. In response to this, psychiatrists' service hours average 8.75 per 100 detained persons, psychologists' 18.5 per 100 detained persons. Drug addicted persons who are in treatment account for 21.1%.

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DISCIPLINARY ISOLATION, WHICH IS DANGEROUS TO PEOPLE'S HEALTH, IS USED EXTENSIVELY IN SOME PRISONS

There are 102 sections for disciplinary isolation (including 13 women's sections). According to data collected during visits in 2022, and related to the previous year, the number of disciplinary isolations carried out during the year averaged 15 per 100 detained persons. The use of solitary confinement varies widely from prison to prison, reaching a number of 313 isolations for every 315 detained individuals in Ancona Montacuto prison, 86.5 isolations for every 100 detained individuals in Brindisi prison, 80 isolations for every 100 detained individuals in Salerno prison. In Ferrara there were 79.6 incidents of self-harm per 100 detained persons, in Pisa 67.5. In small prisons, the number drops. On average, there are 2.3 suicide attempts per 100 detained persons.

IN PRISONS VISITED BY ANTIGONE, INCIDENTS OF SELF-HARM AVERAGED 19 PER 100 DETAINED INDIVIDUALS

Again, the numbers vary widely from institution to institution: the Ferrara Prison counted 79.6 episodes per 100 detained persons; the Pisa Prison counted 67.5. Among the lowest rates are rather small institutions such as the Chieti Prison (where there were 98 people present at the time of the visit and counted 1 episode per 100 detained persons). Suicide attempts averaged 2.3 per 100 detained persons. The highest figure was recorded in the Barcelona Pozzo di Gotto Prison Prisons (8.9 suicide attempts per 100 detained persons) followed by the S. Anna in Modena (7.2 episodes per 100 detained persons present), but there are also many institutions where no episode was recorded.

THERE ARE 6.6 ASSAULTS BETWEEN DETAINED PERSONS PER 100 ADMISSIONS, AND 2.6 ASSAULTS ON STAFF

Assaults among detained persons averaged 6.6 per 100 attendances. Again, the Barcelona Pozzo di Gotto prison has the highest figure, of 30.3 assaults per 100 detained persons, followed by the Lodi prison with 19.4 assaults per 100 detained persons. The figure for assaults on staff is 2.6 per 100 detained individuals.

IN 29.9% OF PRISONS, THERE ARE NO AFTERNOON FAMILY INTERVIEWS, CREATING PROBLEMS FOR CHILDREN WHO GO TO SCHOOL

In 61.9% of the institutions visited during 2022, interviews also take place in the afternoon, while in 29.9% this does not happen, obviously creating problems for working relatives and children attending school. We then found that in 49.5% of the prisons visited, interviews take place on both Saturday and Sunday, while in 37.1% only on Saturday, and in 6.2% neither on Saturday nor on Sunday.

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IN MANY PRISONS, THERE HAS BEEN A RETURN TO TEN-MINUTE PHONE CALLS PER WEEK, DESPITE THE FACT THAT THE D.A.P. ITSELF HAD CALLED FOR GREATER OPENNESS

The opportunity to frequently hear loved ones on the phone, without being limited to the ten minutes of conversation per week laid down in the regulations, poses no security problem and is of paramount importance in maintaining social ties. It is also a concrete tool to combat the tragedy of suicides in prison: in a moment of hopelessness, it can save a life. The DAP's Circular of 26 September 2022 warmly urged the Superintendent and Institute Directors to exercise their wide discretion on this matter in authorising the different forms of communication (interviews, video interviews and phone calls) between detained or interned persons and their socio-family points of reference, stating that "it will be their task to exercise this discretion in the context of the absolute necessity that these authorizations are granted in a consciously wide manner (i.e., beyond the ordinary limits established ex art.37-39 of the Implementing Regulation)." Currently, in many Italian prisons, there has unfortunately been a return to the pre-pandemic discipline. Instead, the management of some prisons have made opposite decisions and they are using their discretion to encourage more frequent correspondence between detained persons and their families.

GOOD PRACTICES ON PHONE CALLS FROM VELLETRI, PADOVA, FLORENCE AND TRIESTE DETENTION CENTRES: UP TO ONE PHONE CALL A DAY. THIS IS HOW TENSIONS ARE EASED

This is the case in the pre-trial detention centre of Velletri, where restricted persons at their own request can benefit from up to one phone call a day upon verification of the user. The Padua detention centre and the pre-trial detention centres of Florence and Trieste are also moving in the same direction.

ONE YEAR OF ANTIGONE PRISONER OMBUDSPERSON. 575 REQUESTS FOR SUPPORT. HALF OF THEM TO OBTAIN THE TRANSFER NEAR THEIR LOVED ONES

It has been 15 years since an Ombudsman has been operating within the Antigone Association to protect the rights of people in detention. It was 2008 when Antigone decided to create a body in charge of providing free assistance for issues suffered while in detention. In 2022, the Antigone Ombudsman handled a total of 575 requests for support. Almost half (46 percent) of these concerned issues related to transfer to another institution and health issues. A total of 572 interventions were carried out by the Ombudsman Office. In most cases - 74% - these were communications to provide information. The remaining 26%, however, consisted of other types of interventions involving a more complex form of drafting or reporting.

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ANTIGONE'S 11 LEGAL INFORMATION DESKS INSIDE PRISON HAVE LOOKED AFTER MORE THAN 1,000 DETAINED PERSONS

After two years of off-and-on activity, due first to the suspension and then to the slow resumption of initiatives in prisons, with the end of the pandemic all of Antigone's legal information desks have resumed regular operation. Nowadays, there are 11 legal desks that Antigone has set up, by itself or together with other entities, within as many penitentiary institutions. Specifically, the legal desks can be found in the five prisons of Rome, in three institutions in the Marche region (Pesaro, Fermo and Ancona Montacuto), in two institutions in Puglia (Bari and Lecce) and in one in Campania (Pozzuoli women's prison). Although each legal desk has its own particularities (in terms of users and composition), all of them represent a place of information and a listening space, open to anyone who requests it. In 2022, in total, Antigone's 11 legal desks looked after more than 1,000 detained persons.

THE CRIME OF TORTURE

1989 Italy ratifies the United Nations Convention against Torture, which requires States to introduce the crime of torture into their internal legal system

1998 Antigone's campaign with Amnesty International for the criminalisation of torture begins. It is the only crime that our Constitution makes explicit as necessary in Article 13, which states the following: "all physical and moral violence against persons in any way subjected to restrictions of freedom shall be punished."

2001-2016 The events in Naples, Genoa, Asti; the Aldrovandi and Cucchi cases; the convictions by the ECHR demanded that the introduction of the crime in the penal code should be achieved.

2014 Antigone launches a new campaign, titled "Let's call it torture" for the introduction of the crime into the penal code. More than 54,000 signatures are collected with an online petition.

2017 Twenty-eight years after the UN Convention was ratified, Italy introduced the crime into its Penal Code in Article 613-bis. It provides that: "Whoever, by means of violence or serious threats, or by acting with cruelty, causes acute physical suffering or verifiable mental trauma to a person deprived of personal freedom or entrusted to his or her custody, power, supervision control, care or assistance, or who is in a condition of diminished defence, shall be punished by imprisonment from four to ten years if the act is committed by means of more than one conduct or if it involves inhuman and degrading treatment to the dignity of the person. If the acts referred to in the first paragraph are committed by a public official or a person in charge of a public service,

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with abuse of power or in violation of the duties inherent in the function or service, the punishment shall be imprisonment of five to twelve years. The preceding paragraph shall not apply in the case of suffering resulting solely from the execution of lawful measures of deprivation or limitation of rights. If personal injury results from the acts referred to in the first paragraph, the punishments referred to in the preceding paragraphs shall be increased; if they result in a serious personal injury, they shall be increased by one-third; and if they result in a very serious personal injury, they shall be increased by one-half. If death is the result of an unintended consequence from the acts referred to in the first paragraph, the punishment shall be imprisonment for thirty years. If the offender intentionally causes death, the penalty shall be life imprisonment."

2022 The Members of Fratelli d'Italia Vietri, Amich, Cangiano, Cerreto, Chiesa, Ciaburro, Iaia, La Porta, Longi, Maiorano, Michelotti, and Tremaglia present a draft law to abrogate Article 613-bis. The explanatory memorandum states, "Behaviours clearly outside it's the classic scope of the crime under consideration, including a strict use of force by police during an arrest or during particularly sensitive public order operations or the placement of a detainee in an overcrowded cell, could end up in the net of the crime under consideration. For example, members of the Prison Police would risk daily charges for such an offence due to the unlivable conditions of prisons and lack of detention spaces, with very serious and totally disproportionate penal consequences. The risk of being subjected to instrumental complaints and trials could, moreover, discourage and demotivate law enforcement action, depriving its officers of the momentum they need to carry out their work to the best of their ability, resulting in a retreat from crime prevention and suppression activities and in a generalised discouragement of law enforcement initiative."

2023 Undersecretary of Justice Andrea Ostellari spoke about interventions to modify the regulations on the fulfilment of duty. "If a detained person sets fire to a cell and does not want to get out," he said, "to save him, officers are forced to drag him out. Today, this action could also be subject to indictment."

No one has been charged in recent years with torture for such facts. Instead, here is an invitation to read the charges in the ongoing trials: "he (the officer) entered his cell and, after asking him if he wanted to take a shower, he attacked him by hitting him with violent slaps on the face and neck, at the same time insulting him by calling him 'Shit'; "a blind violence against detained persons (...) that was even exercised on immobilized men who were affected by pathologies and helped in moving by other detained persons, and even not ambulatory, and therefore forced into a wheelchair"; after leading a detained man to the infirmary, they (the officers) spat on him while one of them uttered the phrase "you son of a bitch, you must hang yourself," and hit him with violent punches to the face as a result of which the man lost an upper incisor tooth; "forced without

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food, and, for 5 days, without bed and bath linens, without a change of personal laundry, without the possibility of having conversations with family members; so much so that some detained people still wore their bloodstained shirts, and, due to the cold they suffered at night, due to the lack of blankets and clothing, they had been forced to sleep hugging each other"; "in addition to the violence, degrading humiliations were imposed - making people drink water taken from the toilet, spitting, etc. -, which induced particularly intense emotional reactions in the detained persons, such as crying, trembling, fainting, urinary incontinence." This is torture, not the fulfilment of one's duty. And finally, torture is punished in Italy. Democratic Italy will keep its eyes wide open so that not even the slightest step backwards is taken.

THE CRIMINALIZATION OF TORTURE IN THE WORLD AND IN EUROPE

According to a study published in the American Journal of Political Science, on average, countries that criminalize torture experience a reduction in police torture practices. Nearly four decades after the United Nations Convention entered into force, 173 countries are part of it.

PROCEEDINGS IN WHICH ANTIGONE IS A PARTY

1. IVREA

Proceeding for alleged violence committed at Ivrea Pre-trial detention centre by prison police officers against some detained persons

In March 2016, Antigone received a letter of complaint from some detained persons of Ivrea prison, who recounted that they had witnessed an episode of violence. This is only one of the alleged episodes of violence involving this prison that will give rise to three criminal proceedings in which Antigone is currently involved. The three proceedings regard three different victims who at different time periods (between 2015 and 2016) were allegedly subjected to violence by some prison police officers. In all cases Antigone filed a complaint to the Public Prosecutor's Office, and in all cases, the prosecutors repeatedly made requests to dismiss the proceedings, to which Antigone objected. Finally, in all three cases, the General Prosecutor at the Turin Court of Appeals, with motivated provision, revoked the request of dismissal to dismiss the case and took to itself the criminal proceedings. The General Prosecutor can take upon him/herself a proceeding when the Prosecutor (PM) has omitted dutiful activities or when the proceeding is in danger of inertia because of him/her. Currently, a notice of completion of preliminary investigation has been issued and the release of the indictment by the prosecutor's office is pending.

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2. SAN GIMIGNANO

Trial for alleged torture committed by prison police officers against a person detained at the Detention Centre of San Gimignano, as well as for refusal to perform official duties against a doctor of the institution

The incident under investigation and trial dates back to October 2018, when a Tunisian detained man allegedly suffered brutal beatings. In October 2019, Antigone receives news of an ongoing investigation at the Public Prosecutor's Office of the Court of Siena for the crime of torture committed by fifteen prison police officers of the San Gimignano Detention Centre against whom, on 28 August 2019, an ordinance of supervision measure is issued. In December 2019, Antigone filed a complaint. At the hearing on 10 September 2020, Antigone joined as a civil party and one of the defendants, the doctor, applied for an abbreviated trial. In November 2020, five officers were remanded for trial for torture. The doctor who had chosen the abbreviated procedure was sentenced to 4 months imprisonment for refusal to perform official duties, for failing to examine and report the victim. On 17 February 2021, 10 police officers of San Gimignano Prison, who chose the abbreviated trial, were sentenced for torture and aggravated injury in conspiracy to sentences ranging from 2 years and 3 months to 2 years and 8 months. Meanwhile, for the five prison police officers who were remanded for trial in November 2021, the proceeding was settled by ordinary trial, and in a ruling dated 9 March 2023, the officers were convicted of the crime of torture.

3. VITERBO

Proceeding for alleged violence committed by prison police officers against several people detained at the Viterbo Pre-trial detention centre

In July 2019, Antigone received a letter from a person who was detained in Viterbo, Mr. B., who denounced two incidents of violence suffered by two people who were detained at that prison and committed by some prison police officers, enclosing the complaint he himself filed. On 2 October 2019, Antigone filed a complaint, which also reported the death of the young S.H. The Public Prosecutor's Office makes a request to dismiss the case on the death of S.H., but later, on 10 December 2021, the dossier was taken up by the General Prosecutor's Office at the Court of Appeal in Rome. On 28 November 2022, the notice of conclusion of preliminary investigation was also issued for the crime of manslaughter for the death of the young S.H. against four people: the Medical Director, the doctor, the Warden, and an agent.

4. MONZA

Proceeding for alleged violence committed by prison police officers against a person detained at the Monza Pre-trial detention centre

On 6 August 2019, Antigone received a phone call from a person who recounted a violent physical assault suffered by his brother, who was detained at the Monza Pre-trial

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detention centre, executed by several prison police officers. The events allegedly took place in the corridor of the section. The detained person was allegedly kicked and punched. Mr. M., for the events in question, suffered a disciplinary measure that placed him in solitary confinement. The measure was then appealed. Antigone filed a complaint denouncing the facts. By decree dated 22 March 2021, the Judge for Preliminary Investigations ordered the dismissal of the part of the proceedings related to the torture allegations. At the hearing on 21 May 2021, Antigone brought a civil action. In July 2021, the Judge for Preliminary Investigation ordered the indictment of three prison police officers and a Chief Inspector for the crime of aggravated injury; two of the officers and the Chief Inspector also for the crime of ideological and material falsity and slander; and one of the prison police officers also for the crime of private violence. An indictment is also ordered for the Chief Commissioner for the crimes of ideological and material falsity and slander and failure to report a crime. All five defendants were also ordered an indictment for the crime of abuse of office. Several witnesses, including Patrizio Gonnella, have been heard in the trial hearings, and video footage related to the events was viewed. The trial is currently in the hearing stage before the Court of Monza.

5. TURIN

Proceeding for the allegation of torture committed by prison police officers against several people detained at the "Lorusso and Cutugno" Pre-trial detention centre in Turin

In October 2019, Antigone received news of an ongoing investigation at the Public Prosecutor's Office of the Turin Court for several alleged crimes, including the crime of torture, against eighteen prison police officers at the Pre-trial detention centre of "Lorusso and Cutugno" in Turin. An order of pre-trial supervision measure was issued against thirteen people. On 25 November 2019, Antigone filed a complaint. On 25 August 2020, Antigone made a request to obtain a copy of the investigation acts and it was authorised. From the investigation acts and from the notice of the conclusion of preliminary investigation, also the prison director turned out to be under investigation for the crime of aiding and abetting and the crime of failure to report. At the preliminary hearing on 18 December 2021, Antigone advanced a declaration to join the proceeding as a civil party, which was admitted on 5 February 2022. At the hearing on 14 March 2022, two defendants made requests to proceed under the abbreviated procedure. At the hearing on 20 April 2022, the judge issued the indictment of the prison police officers accused of torture. Three defendants chose the abbreviated trial: the then Director of the prison, the Commandant and a prison police officer.

At the hearing on 31 January 2023, the Prosecutor made the prosecution's charge and requested a conviction for the defendants: for the then Director, he sought a conviction for the questioned charges to a 1 year of imprisonment; for the then Commander, he sought a conviction for questioned charges to a 1 year and 2 months of imprisonment;

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for the prison police officer, he issued a judgement of non-prosecution for one of the charges due to the loss of entitlement to proceed for the absence of a complaint and he requested a conviction for the other charges to a 4 year of imprisonment. The judgement is expected in June 2023 for those who chose the abbreviated procedure.

6. PALERMO

Criminal proceeding for alleged violence committed by prison police officers against a person detained at the "Pagliarelli" Pre-Trial detention centre in Palermo

In January 2020, Antigone was contacted by the wife and the lawyer of a person who was detained at the Pagliarelli prison in Palermo. Both reported the violence and mistreatment suffered on 18 January 2020 at the time of his entry into prison.

Two days later, on 20 January, the detained person was brought before the Judges of the Palermo Court of Assizes of Appeal for the trial. On that occasion he made spontaneous statements, denouncing what had happened upon his arrival at the prison. The Court, having found the marks on his face and having heard the account, transmitted the documents to the competent Prosecutor's Office.

On 22 May 2020, Antigone filed a complaint against the officers for allegations of torture as well as against the doctors, who, according to reconstructed evidence, failed to ascertain the injuries, thus favouring the prison police officers. On 30 October 2021, the Public Prosecutor's Office issued a request for dismissal against which on 17 June 2022, Antigone filed a notice of opposition. The setting of the hearing is pending.

7. MODENA-ASCOLI PICENO

Criminal proceeding for alleged violence committed by officers against some detained persons. The violence allegedly occurred during the transfer from the Modena prison to the Ascoli Piceno prison, but also in the Ascoli institution. The proceeding also concerns the death of S.P., which occurred after his arrival at the Ascoli Piceno Pre-trial detention centre

On 9 December 2020, Antigone was contacted by the sister of a detained person, who sent a copy of the complaint that five detained persons allegedly lodged with the competent Public Prosecutor's Office. The act reported episodes of violence that were allegedly committed by prison police officers against several detained persons immediately after the riot that had taken place at the Modena Pre-trial detention centre 8 on March 2020, over fears of Covid-19 contagion and, in particular, during the transfer to the Ascoli Piceno Pre-trial detention centre. The act also denounced serious omissions that were allegedly committed and resulted in the death of S.P. in Ascoli Piceno Prison. On 7 January 2021, Antigone filed a complaint to expose these facts.

On 3 March 2022, the Public Prosecutor's Office filed a motion to dismiss the case regarding S.P.'s death against known persons for two different alleged criminal offences (manslaughter and drug trafficking). On 29 March 2022, Antigone filed a notice of

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opposition to the motion of dismissal, and on 3 October 2022, the Judge for Preliminary Investigation filed an order to dismiss the case regarding S.P.'s death.

According to the judge, no profiles of responsibility could be found in the suspects (a prison police officer and the doctor) because first of all, "the emergency state in which was the staff of the Ascoli Piceno Prison, where 43 detained persons from Modena were being transferred" and "the fact that the anti-Covid provisions did not allow free access of the officers to the cells, making it exceedingly difficult to perceive the seriousness of individual conditions, unless expressly alerted" did not allow for simple intervention.

The identification of the prison police officer under investigation has not found any evidence. And at last, the statements made by detained persons "regarding S.P.'s health conditions during the transfer phase" were not confirmed.

On 19 November, 2022, the Prosecutor's Office also filed a request to dismiss the file on the violence allegedly committed against the detained persons immediately after their transfer from the Modena Prison, and on 12 December 2022, Antigone filed a formal notice of opposition. On 17 February 2023 the judge filed the order of dismissal.

8. SANTA MARIA CAPUA VETERE

Criminal prosecution for alleged violence and torture committed by prison police officers against several detained persons at the Santa Maria Capua Vetere Pre-trial detention centre in response to the protests over the risk of Covid 19 contagion

In April 2020, Antigone was contacted via email, Facebook, and telephone by several family members of people who were detained in the Santa Maria Capua Vetere Prison. These people denounced abuses, violence and torture suffered by their relatives. People detained in the prison's "Nile ward" were allegedly hit and forced to shave their beards and hair by prison police officers. The violent action allegedly occurred on the afternoon of 6 April 2020, and almost 400 officers, who intervened in riot gear following a protest staged the previous day by people detained in of the Nile ward, were responsible for it. These officers were reportedly concerned about the spread of news of a coronavirus-positive detained person placed in solitary confinement with fever. During the following days, the confirmed cases of infection increased to four. Some people, after the violent action, were reportedly placed in solitary confinement. To the few people who were visited, doctors allegedly would not report injuries. On 20 April 2020, Antigone filed a complaint against the prison police for assumptions of torture and battery and against the doctors for assumptions of failure in producing the medical report, forgery, and aiding and abetting. On 10 September 2021, the notice of conclusion of preliminary investigation was served: there were 120 suspects for 85 charges and 177 offended persons. On 15 December 2021, a preliminary hearing was set and Antigone filed a declaration to join the proceeding as a civil party. On 3 February 2022, the judge admitted Antigone as a civil party. The Prosecutor formalised the request for a plea deal for 32 defendants. On 26 April 2022, the Prosecutor requested indictment for 107 people

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on charges of torture, serious injuries, perjury, diversion, manslaughter, and death as a result of the crime of torture (specific aggravating circumstance of the crime of torture). An Algerian detained man Lakimi Hamine in fact, as reconstructed in Antigone's complaint, died several weeks after the violence he had suffered. At the hearing on 12 July 2022, the Judge for Preliminary Hearing ordered the indictment of 105 suspects and issued a verdict of loss of entitlement to proceed against one suspect. Only three defendants chose to proceed under the abbreviated procedure with a hearing set for 23 January 2023 when the Prosecutor's Office filed documents, and the defences asked for terms of defence. The judgement for those who chose the abbreviated trial has not yet been issued. The trial for those who chose the ordinary procedure is currently in the hearing phase before the Court of Assizes of the Santa Maria Capua Vetere's Tribunal.

9. MODENA

Proceedings in connection with violence allegedly committed at the Modena Pre-trial detention centre by prison police officers against some detained persons during the riots occurred on 8 of March 2020

On 10 February 2021, Antigone filed a complaint alleging some episodes of violence committed by prison police officers against some detained persons during the riot which occurred on 8 March 2020, riot that had erupted as a result of the risk of Covid 19 infection.

On 20 September 2021, a request was made for an extension of the investigation. The proceeding was filed against unknown persons. On 27 April 2022, a new request for another extension of the investigation was made. The proceeding was registered against known persons, and saw five people under investigation also for the crime of torture. The deadline for the extension of the investigation has expired on 25 May 2023.

10. NUORO

Proceeding for violence allegedly committed at the Nuoro Pre-trial detention centre by prison police officers against a detained person

On 26 May 2022, before the Magistrate Judge at the Court of Oristano, Antigone joined as a civil party in the criminal proceeding in which nine prison police officers are being investigated for the crimes of aggravated injuries; three of these officers also for the crime of ideological forgery. The judge, in a ruling dated 23 June 2022, declared his lack of territorial jurisdiction and sent the acts to the Court of Cagliari.

11. BARI

Criminal prosecution for violence allegedly committed at the Bari Pre- trial detention centre by prison police officers against a detained person

On 22 December 2022, Antigone filed a complaint alleging some episodes of violence committed by some prison police officers against a prisoner suffering from psychiatric pathology and "therefore more vulnerable." The report, which was sufficiently detailed, came from the regional branch of the association. The trial is being held before the Court of Bari and sees six prison police officers charged with the crime of torture. The Preliminary Hearing Judge has ordered the indictment and the first trial hearing is set for June 21, 2023, when Antigone will file a request to constitute itself as a civil party.

12. ARIANO IRPINO

Criminal proceeding in connection with the death that allegedly occurred by suicide of a person detained at the Ariano Irpino Pre-trial detention centre

On 18 January 2023, Antigone filed a complaint denouncing the death that allegedly occurred by suicide of a detained man whose circumstances need to be further investigated.

13. SALERNO

Criminal proceeding for violence allegedly committed at the Salerno Pre- trial detention centre by prison police officers against a detained person

On 18 January 2023, Antigone filed a complaint denouncing an episode of violence allegedly committed by some prison police officers against a detained person. The report, which was sufficiently detailed, came from another detained person who allegedly witnessed the events. On 10 March 2023, the Public Prosecutor's Office made a request to dismiss the case, and on 8 May 2023 Antigone opposed the request to dismiss the case.

The full text of the XIX Antigone's Report is freely available in Italian at this address:

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