

## The case of Alfredo Cospito

A member of Fai-Fri (Informal Anarchist Federation - International Revolutionary Front), Alfredo Cospito is accused and convicted as the mastermind and perpetrator of several attacks. Among these, the most serious are the wounding in May 2012 in Genoa of Ansaldo Nucleare's CEO, Roberto Adinolfi, and the placement of two low explosive devices, detonated in June 2006 at the the Carabinieri Cadet School in Fossano, without causing injuries or deaths.

For the wounding of Roberto Adinolfi, the Court of Genoa, recognising terrorist intent, sentences him to 10 years and 8 months of imprisonment. In September 2012, Alfredo Cospito enters prison, at first in Ferrara's institute and then, from July 2021, in Terni's, always under a high-security regime.

For the attack at the Carabinieri Cadet School, on the other hand, the Court of Turin sentences Alfredo Cospito to 20 years for mass murders (sentence which was confirmed by the Court of Appeal), intended as a crime against public safety (Article 422 of the Criminal Code), even if no one died or was injured.

In May 2022, the Minister of Justice orders Alfredo Cospito to be placed under the special regime pursuant to Article 41 bis of the Italian Prison Law, as he is considered a member of a terrorist association and in order to limit his contacts and correspondence with it. Alfredo Cospito is transferred to the Sassari Bancali Prison.

Two months later, in July 2022, the Supreme Court sends the trial back to the Turin Court of Appeal. In fact, the legitimacy judges accepted the Attorney General's request to reconsider Alfredo Cospito's crime, from a common offence to political offence. Thus, the indictment was changed into the much more serious crime of mass murders aimed at 'endangering the security of the State' (Article 285 of the Italian Criminal Code), for which the Criminal code foresees life imprisonment without parole. Mass murders against State security is a crime that was not even contested against the perpetrators of the Piazza Fontana massacre or the attacks that killed Judges Falcone and Borsellino.

In protest against the life sentence and the 41 bis regime, Alfredo Cospito goes on hunger strike on 20 October 2022.

Antigone reports the case to the European Committee for the Prevention of Torture.

Against the application of the 41 bis detention regime, Alfredo Cospito's lawyer filed a complaint with the Rome Surveillance Court, which, however, rejected it in December. Against this measure, the defense appealed to the Court of Cassation, which set a hearing on 20 April 2023.

Meanwhile, in the hearing of 5 December 2022 before the Turin Court of Appeal, Alfredo Cospito's lawyer raises a question of constitutionality in relation to the fourth paragraph of Article 69 of the Penal Code, which does not allow recidivists to be recognised as having mitigating circumstances that prevail over aggravating circumstances.

The Court of Turin imposed to Alfredo Cospito the aggravating circumstance of reiterated recidivism, which relates to the repetition of particular categories of offences, such as those under Article 422 or 285, for which he had been convicted. The defense had requested the application of the mitigating circumstance of the particular tenuity of the act, since it had not caused any death or injury, so as to allow a quantification of the penalty appropriate to the lesser seriousness of the crime actually committed.

The Turin Court of Assizes of Appeal upholds the issue of constitutionality, suspending the trial and transmitting the acts to the Constitutional Court. Antigone decides to intervene in this trial with an *Amicus Curiae* to support the reasons of the judge of merit and in support of the principle of proportionality and reasonableness in punishment.

Life imprisonment without hope is always unacceptable and is also stigmatised by the Italian Constitutional Court. Antigone has been campaigning for the abolition of life imprisonment for three decades.

Meanwhile, more than 100 days have passed since the beginning of Alfredo Cospito's hunger strike, in the course of which he has lost more than 40 kilos. After repeated requests, at the end of January 2023, the prison administration granted access to the institution to a medical officer. However, at the same time as the authorisation, the doctor was formally warned not to make statements to the radio station 'Onda d'Urto', in order not to jeopardise the security purposes of the 41 bis regime. This is a warning that has no legal basis and unduly interferes with freedom of expression, resulting in an unjustified restriction thereof.

The doctor who examined Alfredo Cospito found that his state of health was severely compromised and could soon lead to tragic consequences.

Given the urgency, at the request of the defense, the hearing in the Supreme Court aimed at deciding on the revocation of the 41 bis regime is brought forward to 7 March 2023. Even this date, however, risks being too far away. Given Alfredo Cospito's condition, the wait could be fatal for him.

A strong and authoritative State must be able to listen and review its decisions.

The revocation of the second paragraph of the 41 bis regime against Alfredo Cospito is urgent and necessary to save a life and to ensure that the sentence, in his case, does not contradict the constitutional principles of criminal punishment.

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