

Italy

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Section 1: Summary of Domestic Legislation

The two most important pieces of legislation in the Italian counter-terrorism strategy are [Executive Decree 374/2001](#) (subsequently passed as Law 438/2001) issued after the terrorist attacks in the United States on 9th September 2001 and [Executive Decree 144/2005](#) (passed as Law 155/2005) issued in the aftermath of the terrorist bombings in London on 7th July 2005.

Executive Decree 374/2001 ("Urgent Measures Against International Terrorism")

Article 1 of the Decree amends [Article 270 bis](#) of the [Italian Criminal Code](#) to criminalise anyone who promotes, constitutes, organises, manages or finances groups that intend to carry out violent activities in furtherance of terrorist aims or the subversion of the democratic structure of Italy. If a suspect is found guilty of this crime he can expect a prison term between 7 to 15 years. Also outlawed is associating with such groups, carrying with it a prison term of 5 to 10 years.

Article 4 allows the police to carry out undercover activities including buy, receive, replace or conceal money, weapons, documents, drugs, goods or things that are being produced with the sole intention of collating evidence in regard to crimes committed with the purpose terrorism.

Article 5 permits the interception of communications and conversations, including electronically, when it is necessary for the acquisition of information concerning the prevention of specified crimes.

Executive Decree 144/2005 ("Urgent Measures for Combating International Terrorism")

Some of the most noteworthy measures in the Decree include:-

- Article 3 allows the local police chief, subject to authorisation by the Interior Minister, to order the immediate expulsion of foreigners concerning whom there are reasons to believe he/she may benefit terrorist organisations or activities in any way by remaining in Italy. This applies to suspects (or convicts) considered to be involved in the carrying out of criminal acts that threaten public peace and security. Expulsion orders may be appealed before regional administrative courts.

- Article 4 allows the President of the Council of Ministers to instruct the directors of the secret services to request judicial authorisation to carry out preventative telephone interceptions if they are considered necessary to prevent terrorist or subversive activities.
- Article 8 introduces special limits and conditions for the importing, trade, transport and use of specified detonators and explosives. In order to train others to use explosives prior authorisation must be obtained from the *questore* (Chief of the Province). Anyone who gives instruction or training on the preparation or use of explosive materials, weapons of war, harmful or hazardous chemical or bacteriological substances and other deadly weapons outside that permitted by the law may be imprisoned for 1 to 6 years.
- Article 10 concerns identification. The time limit for police to detain in order to identify or question any person who is under investigation by the judicial authority or judicial police is extended from 12 hours to 24 hours. Anyone in possession of false documents may be imprisoned for between 1 and 4 years and anyone who makes false documentation may be incarcerated for between 6 months to 2 years.
- Article 15 introduces new types of criminal activity to be treated as terrorist, including:-
 1. The recruitment of terrorists (carrying a term of 7 to 15 years imprisonment)
 2. Terrorist training or the provision of information on explosives, weapons or techniques for carrying out acts of violence (carrying a term of 5 to 10 years imprisonment for both instructor and instructed)
 3. Conduct that has terrorist goals – defined as anything that may harm a country or international organisation and is aimed at intimidating a population or to force public authorities or an international organisation to carry out, or abstain from doing, any act, or to destabilise or destroy the fundamental political, constitutional, economic and social structures of a country or international organisation.

Section 2: Relevant International Instruments and Obligations

Anti-Terrorism Instruments

Italy has signed and ratified 12 of the 13 [UN Conventions on Terrorism](#). The [Convention for the Suppression of Acts of Nuclear Terrorism](#) 2005 has been signed but is yet to be ratified.

Human Rights Instruments

Italy is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [European Convention of Human Rights](#) (ECHR) 1950.

Section 3: Useful reports

❖ CODEXTER Questionnaire

Although Italy has not submitted a report to the [Council of Europe Committee of Experts on Terrorism \(CODEXTER\)](#) as most other Council of Europe members have, it has however tendered a thematic review on the implementation of Council of Europe Conventions Against Terrorism which can be consulted [here](#).

❖ UN Counter-Terrorism Committee Reports

The Italian Government has submitted a number of reports to the [United Nations Counter-Terrorism Committee \(CTC\)](#) on the implementation of [Security Council Resolution 1373 \(2001\)](#).

- The [first report](#) (2002) summarises the legislative action taken by Italy to combat terrorism. The report begins by focusing on the financing of terrorism before moving on to criminalising terrorist organisations and the supply of weapons to terrorists. There are also sections on border controls, information sharing with other countries and measures to prevent terrorists from using Italy to attack other countries.
- The [second report](#) (2002) which is a supplement to the first report answers the CTC's specific questions arising from the first report. Much of the supplement is an update on the progress between the first report, dated January 2002 and the supplement submitted in December 2002.
- The [third report](#) (2003) focuses on answering technical questions from the CTC with specific reference to measures taken against the financing of terrorism.
- The [fourth report](#) (2004) provides statistical data on prosecutions for terrorist offences to show the effectiveness of counter-terrorism measures.

In August 2006 Italy submitted a [report](#) to the CTC concerning the implementation of [Security Council Resolution 1624](#) (2005).

❖ Interpol report

A brief overview of Italian counter-terrorism law is provided by this [Interpol Report](#). The report focuses on the laws definition and prosecution of terrorist acts, security measures for the prevention of terrorism, weapons control, money laundering and information sharing with other countries.