

# Press Release

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## Italy: The Committee of Ministers regrets failure to reopen proceedings found in breach of European Convention

Strasbourg, 19.10.2006 - The Committee of Ministers of the Council of Europe examined the case of Paolo Dorigo, who, after 14 years, is still under threat of serving the rest of a prison sentence resulting from unfair proceedings in breach of the European Convention on Human Rights.

The Committee noted that for the time being Mr Dorigo is at liberty pending the outcome of constitutional proceedings concerning Article 630 of the Italian Code of Criminal Procedure, which does not allow the reopening of domestic proceedings in response to the European Court's judgments.

The Committee welcomed these efforts made by the Italian courts to reopen the impugned proceedings and the recent judgment of the Court of Cassation (No. 32678 of 3 October 2006, which reaffirmed the direct effect of the Convention and the case-law of the European Court of Human Rights in the Italian legal system. This decision concerns the Somogyi case, also pending before the Committee of Ministers and embodies an interpretation of the current legislation which might resolve other similar cases. The Committee noted, however, that the effect of decision the Court of Cassation is limited to cases of judgments *in absentia*, and thus not extend to the Dorigo case.

The Committee also noted the lively debate in the media, in which high governmental authorities confirmed their will to tackle this problem carefully and effectively.

The Committee reiterated that the fulfilling of the Convention's requirements in the Dorigo case would be made much easier if Italian law allowed reopening of the impugned proceedings. The Committee accordingly urged the authorities to take the necessary action and to ensure that such problems would not arise in the future. It stressed that Recommendation [Rec\(2000\)2](#), as well as the attached explanatory memorandum and the practice followed in respect of other member states may provide useful hints at possible solutions avoiding or limiting unwanted side-effects.

The Committee has consistently insisted on the states' legal obligation under Article 46 of the Convention to erase to the extent possible the consequences of violations found by the European Court, and to do without delay.

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