



Statewatch Analysis

Public order and demonstrations in Italy: Heavy-handed policing, militarisation and prohibition

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Since the traumatic events of the G8 summit in Genoa in July 2001 the right to protest has increasingly been limited. Government restrictions have been wide-ranging and indiscriminate and affected a diverse range of groups including students, migrants, shepherds and manual labourers

Events in 2010 resulted in mobilisations around a number of issues ranging from garbage collection in the region of Campania, to the earthquake in Abruzzo, Sardinian shepherds, football fans protesting against the introduction of the *tessera del tifoso* (fans' card, TdT), to migrants criticising their treatment and administrative obstacles in the way of their regularisation, to students protesting against the education system reform involving substantial cuts and to industrial struggles by workers suffering the effects of the economic crisis and new conditions introduced in factories that undermine their rights. Since the traumatic events at the G8 summit in Genoa in July 2001 heavy-handed policing has gone hand-in-hand with initiatives aimed at limiting the right to protest. The imperative of "maintaining" public order has been invoked to stifle activism through measures like special restrictions imposed on football supporters. This article will seek to present an overview of a few of these cases in order to identify some significant trends.

Emergencies and militarised sites

A warning of limits on the right to protest was contained in the "security package" approved on 23 May 2008. It sought to re-establish the state's authority through an expansion of mayors' powers to "adopt contingent and urgent provisions for the purpose of preventing and eliminating serious dangers that threaten public well-being and urban safety". Other measures in the same period included the declaration of "emergencies", the deployment of soldiers for patrol and surveillance purposes, special measures to protect "sensitive sites" through the designation of certain areas as a responsibility of the military and civil protection agency, especially in cases involving natural catastrophes (earthquakes or flooding) or dangers for public health or key public interests (rubbish disposal or infrastructure development sites). Declaring emergencies and designating "sensitive" sites allows the application of certain rules and regulations to be suspended and additional restrictions to be imposed, thus expanding the scope for arbitrary interventions by public authorities and increasing punishment for unlawful actions connected to protests.

In Campania, where there is an ongoing rubbish disposal crisis (see below), an “emergency” was declared on 21 May 2008 (lasting until 31 December 2009) with the appointment of Guido Bertolaso, head of the civil protection department, as commissioner to deal with the emergency. The decree equated waste disposal sites to “areas of strategic national interest”, turning them into areas protected by armed forces personnel, where involvement in disturbances or sabotage would lead to immediate arrest. It established that unlawful entry or obstructing access to such an area would entail arrest for between three months and a year (art. 682 of the penal code). The armed forces would take part in preparing the building sites and disposal sites, collecting and transporting rubbish, and the surveillance and protection of the sites. Article 7 *bis* allows armed forces personnel to “proceed to the identification and immediate search, on the spot, of people or vehicles...also for the purpose of preventing or stopping behaviour that may endanger the well-being of people and security of the places” that are under surveillance. Whoever “impedes, obstructs or makes the waste management activities more difficult” (art. 9) is deemed to interrupt a public service and faces arrest for up to a year, five years in the case of leaders, organisers or promoters of such an action (art. 340 of the penal code). The offence of destroying or damaging materials, machines or facilities connected to the waste disposal operations (art. 10), would incur a prison sentence of between six months and three years (art. 635.2 of the penal code).

Considering that the waste disposal sites have been targeted by protests because of their detrimental effects on adjacent areas including pollution of protected areas and high cancer rates, the developments were significant. Prime Minister Silvio Berlusconi welcomed the measures by noting that “the actions by organised minorities will not be tolerated” and that Bertolaso could now manage the emergency “as if there had been an earthquake or a volcanic eruption”.

Administrative limits to demonstrations

Interior Minister Roberto Maroni issued a “directive on demonstrations in urban centres” on 26 January 2009, inviting *prefetti* (government representatives in charge of security in a city) to exclude certain areas from the reach of demonstrations, envisage guarantees for possible damage that may occur, and set further specifications for the staging of demonstrations, in accordance with the mayor and after consulting the province committee for public order and security. The reason for the measure was the number of demonstrations and marches that were taking place (particularly in the centre of Rome), and the need for the constitutional right “to gather and demonstrate freely in public space” to be safeguarded while respecting other “constitutionally guaranteed rights and the norms that discipline the orderly functioning of civil coexistence”. Such an approach would be enacted through the identification of “suitable routes”, the exclusion of “sensitive areas” (for social, cultural or religious reasons), “key areas for mobility”, hospitals (“specially protected” from noise pollution), or those that experience a considerable influx of people (even in normal circumstances) or in which critical targets are found. Making promoters or organisers of a demonstration responsible for any damage to the urban estate was also raised as a possibility. On 10 March 2009 the prefecture of Rome produced a “Protocol to discipline demonstrations in squares” that sets six authorised routes for demonstrations and lists the six squares in which sit-in protests will be allowed.

Blacklisting, bans and student protests

Following a student demonstration in Rome on 14 December 2010 in the vicinity of the chamber of deputies [the lower house of parliament] a number of proposals were made by government officials to stop such events from happening again. An exclusion zone to prevent demonstrators from approaching it was set up, during which violence broke out

including clashes between police and demonstrators, vandalism and the burning of a Guardia di Finanza (customs and excise, GdF) van that was left unattended in the midst of the demonstration. Amid alarmed calls for the government to act to stop violence of the kind that unfolded in the 1970s and 1980s [the so-called “years of lead”] from returning and for exemplary punishment to be meted out to “violent” demonstrators, interior ministry under-secretary Alfredo Mantovano proposed extending measures adopted to deal with violence in football (see below) to protestors. The parliamentary president of Berlusconi’s *Popolo della Libertà* party, Maurizio Gasparri, suggested that “pre-emptive arrests” were the solution, recalling the arrest of radical academics and leaders of the left-wing movement suspected of connivance with the Red Brigades on 7 April 1979. He claimed that the city’s social centres, one of the government’s pet hates due to their involvement in social struggles, were behind the violence.

Mantovano’s reasoning was that “the decisions by the judicial authority on the clashes of last Tuesday lead to reflection about the system”. Acknowledging that the absence of any precautionary measures imposed by judges against 23 of the 24 people arrested during the demonstration were a result of three considerations - the risk that they may tamper with evidence, flee or repeat their offences - he claimed that there was a “deficit” in relation to the third concern. The “problem must be posed as to how to prevent those released from using violence again on the next demonstration”. A “working hypothesis to fulfil this objective gap is that of extending” a measure that is proving successful in relation to sports events “to public demonstrations, with all the necessary adjustments. It is the so-called *Daspo* [*Divieto di accesso alle manifestazioni sportive*, Ban on access to sports events]”. Mantovano argued that this would prove useful in terms of prevention when judicial proceedings prove to be a “mockery” [as he suggested was the case in this instance], in terms of repression once it has been ascertained that a *Daspo* has been breached, and in making it possible to know in advance who “must be kept away from the streets, in the interest of peaceful demonstrators”. A press statement by *Legal Team Italia* (formed on the occasion of the G8 in Genoa to provide legal assistance to protestors) highlights that the lack of restrictive measures adopted upon the demonstrators’ release indicates that there is “scant evidence of their guilt”. A statement by the *Rete della Conoscenza* (a student network involved in the protests) complained about the militarisation of the city centre and “veritable manhunts” in metro stations after the demonstration.

There have been reports of innovative measures to dissuade high school students from engaging in protests and school occupations, which have been wide-ranging during the student mobilisation. The Milan prosecutors’ office opened an investigation against high school students reported by headmasters for offences of “unlawful occupation” and “personal violence” in connection with school occupations to protest against the Gelmini reform of the education system, named after the education minister, Maria Stella Gelmini. One example was that of the Caravaggio school, whose occupants were evicted by riot police on 18 November 2010 after the headmistress reported that “a group of students broke in with their faces covered”, 13 of whom were identified. Lawyer Mirko Mazzali noted that proceedings for unlawful occupation against students had not been instructed in the last 20 years and that this “raises the level of repression”, expressing his conviction that “the judiciary will shelve everything”. On 4 March 2011, the *Unione degli Studenti* (a student union) reported that 170 students from the Garibaldi high school in Naples were given a “5” for behaviour [a measure that may entail not advancing to the next grade] as a form of “collective repression” for participating in protests and as a result of the school’s occupation.

The transformation of stadia and football

Efforts by successive governments to counter violence at football grounds have led to measures of dubious constitutionality being imposed on football fans, with consequences on Italian football that include falling attendances and restrictions for those wishing to go to matches. What the Interior Ministry periodically presents as a government "success" in tackling hooliganism has entailed far-reaching restrictions, from bans on away fans attending matches deemed to be "at risk" to the banning of paraphernalia such as drums, flares or banners that have not been "authorised" in advance and punishment in the absence of a criminal offence certified by a judge in a trial.

The *Daspo* was introduced in 1989 by article 6 of law no. 401, which bans persons deemed to be "dangerous" because they "carried weapons" into the venue, "have been found guilty or were reported for active involvement in violent events on occasion or as a result of sports events, or who, in these same circumstances, have called for violence through shouting or in writing" from attending these sports events. Breaching such a ban that may now last for up to five years after the 2007 Amato decree (named after the centre-left government's interior minister Giuliano Amato) amended the measure, may entail imprisonment for between three months and a year. It is an administrative measure, not a result of a criminal trial, and may be issued by a *questore* (the police chief in a given city) as a result of a person being identified and reported by the police. Additional measures such as an obligation to "sign on" [*obbligo di firma*] at a police station whenever there is a sports event, which could have serious consequences on a person's private and professional life, may be ordered. If a *Daspo* is accompanied by a conviction in a criminal court, it must be imposed for a minimum of two years.

Lawyer Lorenzo Contucci, who has specialised in defending fans against whom *Daspos* have been issued, argues that the "heightening of conflict between fans and law enforcement agencies has also been determined by the excessive discretion that *questori* have been allowed and by insufficient guarantees for those affected". He highlights the introduction of measures such as "*flagranza differita*", whereby a person may be deemed to have been "caught in the act" of committing an offence for up to 48 hours after it has occurred on the basis of video evidence or police reports. Likewise, he notes that involvement in violence may be inferred from video recordings of a person's presence in a location where clashes are taking place even if they are not shown to be involved in the violence itself. Contucci also cites cases of collective criminalisation, including one in which a bus of ASD Caserta fans were stopped at a motorway restaurant and supermarket in Sicily in 2006. During their stop goods were stolen, resulting in all the passengers on the bus being issued *Daspos* for three years and made to report to a police station every time their team played a match. Most of the group were not involved in stealing the goods. They were later issued with a number of mistaken notices of criminal offences for not complying with the accessory measures (entailing fines of around 10,000 euros) because although they had duly reported to the police during the team's matches, they had failed to do so when the youth team was playing.

The problem caused by clashes and violence by a limited number of football hooligans has led to the stadium, areas adjacent to stadia on matchdays and trains or stations when fans are travelling becoming contexts in which impunity for police officers who engage in undue violence against fans regardless of their behaviour is almost guaranteed. Allegations of police violence often result in the plaintiffs being charged with "resistance". In one case which received considerable media coverage on 5 May 2010, Stefano Gugliotta, a 25-year-old on a moped in a neighbourhood near the stadium in Rome on the day of the Italian cup final was stopped by police officers and beaten, receiving truncheon blows, being pushed to the ground and kicked repeatedly, emerging with head wounds that required stitching, a

broken tooth and bruises to several parts of his body. He was suspected of involvement in clashes between fans that had happened nearby, but it emerged that he was not a fan of either of the teams in the final and had not even gone to the stadium. Nonetheless, he was held in custody for five days and charged with resistance and causing injuries to an officer, until a video shot using a mobile phone by a local resident showed that he was made to stop and beaten before he was able to speak. The incident led to Roma player Daniele De Rossi, when he was asked his view about the *tessera del tifoso* (see below), suggesting that there was a need for a "*tessera del poliziotto*" (policeman's card), drawing strong criticism from police trade unions.

The policing of football matches through the routine use of excessive violence and conflicts between riot police and organised fan groups (*ultras*) has been widely identified as a precursor of the violent approach used against demonstrators in Genoa in 2001. Important events in recent years have included two killings in 2007: police officer Filippo Raciti in Catania (Sicily) during fighting at the derby between Catania and Palermo in February 2007, and the shooting of a Lazio fan, Gabriele Sandri, in a motorway restaurant on 11 November 2007 by motorway police officer Luigi Spaccarotella. On the evening of the Sandri killing, there were widespread disturbances during which *carabinieri* (police force with a military status) barracks in Rome were attacked by fans of the capital's two teams, Roma and Lazio.

Apart from such tragic events, the development of controls around football games is resulting in growing disenchantment: turnstiles, the obligation to submit an original ID document when buying a ticket, repeated controls when attending a match, bans on people buying tickets unless they live in the home team's city or region, or on attendance by non-season ticket holders, or bans on away fans or the exclusive sale of tickets for a sector of the stadium to women and the elderly (as happened in a recent Roma-Lazio derby) by the CASMS (*Comitato di Analisi Sulle Manifestazioni Sportive*, Committee for the analysis of sports events, a police and security body). Such measures are changing the atmosphere at football matches and impose discrimination on the basis of people's place of residence or other criteria for what is essentially a public event. In fact, a decrease in violence at football matches when away fans are often not allowed to attend may be portrayed as a success, but only after an admission of the inability to control public order at an event in which there are rival sets of fans present.

The latest step in this control of stadia is the *tessera del tifoso* (TdT), a "fan card" that has been made a requirement for the 2010-2011 season to buy a season ticket by several teams on instructions from Interior Minister Maroni. The card cannot be issued to people who have been convicted of certain criminal offences (such as resisting a public officer) or have received *Daspos*. It appears to seek to establish a distinction between "fans who can be trusted" as opposed to those who do not possess the TdT, who are increasingly banned from attending their teams' away matches (at least in the away fans' end) and are deemed to be a security threat. There have been strong mobilisations by organised groups of football fans to oppose the TdT.

ID cards used for social control and intimidation in the Alps

The long-standing opposition of mountain communities in Val di Susa (Piedmontese Alps) to plans to build the Turin-Lyon high speed railway line (TAV) in their valley through demonstrations and resistance to stop the works, such as roadblocks when machinery is coming through, has periodically resulted in violence by police officers to enable the operations to proceed. A demonstration in Venaus in 2005 when there were police charges and protestors complained about the militarisation of the valley was one of the first times

an authority, the mayor of Venaus, complained about the use of identity cards as a form of social control:

"We also wish to express our solidarity to the populations of the Valley who live in the areas affected by the surveys and have had their freedom of movement limited for weeks due to continuous [identity] controls by the law enforcement agencies."

On 17 February 2010, there were police charges in Coldimosso, where protestors were obstructing survey operations and reportedly threw sticks and rocks. One protestor appeared to have suffered brain damage requiring surgery, while a woman had several injuries to her face and nose. Two police officers were also reportedly injured. On 12 September, a 46-year old woman, Marinella Alotto, was beaten by Coldimosso officers during a protest by 300 people, and ended up in a Turin hospital with a broken nose, facial wounds (including micro-fractures) and injuries all over her body. The NO TAV protest is one of the cases in which support from entire communities including local authorities for the defence of the territory makes it hard for the government to dismiss the protests as "radical", leading violent incidents to be blamed on "infiltrators" from left-wing social movements.

Clashes during protests in Campania

There have been clashes between police and demonstrators during mobilisations around the issue of waste disposal in several towns (Giugliano, Terzigno, Taverna del Re, Chiaiano) in the province of Naples. Protestors' complaints concern the pollution of the areas and aquifers in the vicinity of the dumps, where high cancer rates have been recorded, and the stench that they release. On 20 October in Terzigno, 40 armoured vehicles and over 200 officers wielding batons and holding shields were used to forcefully clear thousands of protestors by charging them and firing teargas canisters to allow waste disposal operations to proceed. Locals, including mayors from the PM's own *Popolo della Libertà* (Pdl) party, were angered by the decision to open a second waste disposal site in a natural reserve. On 26 October, there was a strong statement from interior minister Maroni: "They are looking for someone to die in Terzigno. Lay down your weapons or a harder intervention will be needed". The claim followed a night-time attack on police officers and was all the more alarming considering that charges using truncheons and CS gas had been used only a few days earlier. Campania's governor Stefano Caldoro suggested that there was external interference in the demonstrations: "There are good people, and people who join in to sow chaos through violence". This has proved a recurring theme in government criticism of "outsiders", generally from left-wing movements or criminal elements such as the Camorra, to discredit protests and justify violent intervention by the police.

Sardinian shepherds stopped from demonstrating in Rome

At dawn on 28 December 2010, between 200 and 300 Sardinian shepherds arrived in the port of Civitavecchia to the north of Rome on a ferry from Olbia to hold a demonstration called by the *Movimento pastori sardi* (Movement of Sardinian shepherds, MPS) in Rome, as part of a mobilisation that has included the blocking of roads, airports and ports in Sardinia. One of their complaints is that the price that they are paid for milk is insufficient to cover production costs. They organised five coaches to take them to the capital, but were met by the police, *carabinieri* and GdF officers when they disembarked. The shepherds' delegation was blocked in the port and its coaches were confiscated. They were told that they could only leave the port after handing their documents to the officers for identity checks. This led to tension as the shepherds complained that "we have done

nothing wrong, we are not criminals, you cannot force us to stay here", and scuffles broke out when demonstrators tried to breach the block. Three farmers were accused of resisting public officers and many of those identified risked being charged for attempting to partake in an unauthorised demonstration. Some shepherds tried to continue their journey by train, but a police cordon in the station stopped them boarding. Felice Floris, a spokesman for the MPS noted that: "They confiscated our coaches to reach the capital. Maybe they feared that we would have done something. We just wanted to call a press conference to turn the Sardinian shepherds' problem into a national issue...They treated us like criminals, subjecting us to a preventive kidnapping". Lawyer Nino Mazzarita argued that the events in Civitavecchia amounted to:

"a violation of constitutional principles, of the right to demonstrate, by the law enforcement agencies, which led to a brutal form of pre-emptive repression."

On 29 December, the Civitavecchia prosecutors' office announced that two investigations had been opened, the first concerning farmers who were accused of resisting arrest and involvement in an unauthorised demonstration, and the second into the actions of law enforcement officers. On 24 February 2011, La Nuova Sardegna newspaper reported that three people, including Floris, faced proceedings for resisting public officers and refusing to be identified. Forty people were ordered to pay fines of between 2,500 and 10,000 euros for their involvement in the initiative, which they say they will not pay.

Another case in which police actions stopped a protest from taking place was on 20 May 2010, when there were clashes between the police and Roma people who staged a protest against the announced eviction of 700 people from a camp in via Triboniano in Milan. Early reports spoke of between four and fifteen officers and three protestors injured, including two Roma children, a seven year old girl whose arm was wounded by a truncheon blow and a boy who had an allergic reaction to the teargas that was fired. At an assembly organised on the following day, members of the Roma community answered claims that they were on an unauthorised demonstration by noting that a sit-in outside Milan city council had been allowed and that they were not on a march, but heading for the tram that is the camp's only link to the city centre. The police cordon stopped them from boarding the tram and staging the protest, while charges continued even after they had retreated into the camp.

Abruzzo protestors pay the price for taking their protest to Rome

Another delegation whose journey to the capital to express their grievances ended with them receiving blows from the police were citizens of the Abruzzo region demonstrating against the government and civil protection agency's management of the emergency and reconstruction in the aftermath of the earthquake on 6 April 2009, which destroyed the historic centre of L'Aquila as well as several smaller towns. Thousands travelled to Rome on the morning of 7 July 2010, in a demonstration supported by 53 town councils out of the 59 in the affected region which called for a suspension of their taxes, better employment prospects and support for the local economy.

Police cordons were set up to block them on the central *via del Corso*, close to the chamber of deputies where they wanted to voice their demands. An attempt to breach the barrier resulted in truncheon blows against the demonstration's front line by police officers, and two demonstrators were injured. The organiser of the demonstration and a Roman activist were reported by the police DIGOS (general directorate for special operations) to the judicial authorities: the former for failing to comply with "measures adopted by the public security authority, because the initiative was carried out without taking the agreed modalities into account"; and the latter for "violence and resisting

public officers, and a failure to comply with measures adopted by the public security authority", compounded by him being reported in relation to past unauthorised demonstrations, most recently for clashes during a demonstration against detention centres in October 2009.

The protestors, who included a number of mayors from the affected towns, highlighted that the video footage of the demonstration shows that it was peaceful and the use of truncheons and violence by the police against "people whose hands were raised" was unnecessary and "disproportionate". Statements by officials that "external elements" had enacted "provocations" were belied by claims by one of the two people who were most seriously injured. Vincenzo Benedetti explained: "It is incorrect to talk about clashes, there were elderly people and women with injuries and bruises. And the people who are not from L'Aquila that they are talking about are those who have been giving us solidarity since 6 April: it is false that they acted as *provocateurs*".

Migrants in Brescia demand residence permits

As part of a mobilisation that started at the end of September, after a demonstration on 30 October 2010, nine migrant workers climbed up a 35-metre-high crane in a building site in Brescia (Lombardy) to stage a protest demanding residence permits and complaining about a regularisation for migrant workers in 2009 in which they felt they had been "tricked". The occupation of the crane occurred after a march that had not been authorised because it coincided with a celebration in honour of the *Alpini* corps of the army, during which an ongoing picket was evicted amid clashes in the afternoon. The mayor of Brescia claimed that the demonstration was an act of arrogance that shows an "inability to understand the context in which...they would like to live and integrate", whereas Umberto Gobbi, representing the "*Diritti per tutti*" association, explained that the *Alpini* had been informed of the initiative in advance and that it would not disturb their feast. The protest lasted 17 days, when the last four (two Pakistanis, one Egyptian and a Moroccan) men came down from the crane. They had backing in the street below, where migrants and other organisations symbolically picketed.

The police tried to clear the protestors from the square on a number of occasions, resulting in charges on 8, 13 and 14 November. *PeaceReporter* published a video of events on 8 November on its website that showed the deputy *questore* ordering an unnecessary police charge to disperse protestors who were arguing with him in a composed manner, entitled "How a public order problem is born". Nine migrants who were held by the police during the eviction on 8 November were expelled, as was Mohammed El Haga, an Egyptian national who had taken part in the mobilisation and had lived and worked as an "illegal" in Italy since 2003, applying for regularisation in 2009. El Haga had gone to the prefecture in Milan with two MPs to try to prevent the expulsion of nine migrants arrested on 8 November. He was held, informed that his application to be regularised had been rejected and expelled the next day, after passing through via Corelli detention centre, although his lawyer had announced that he would file an appeal against the rejection of his application. On 16 March 2011, the regional administrative court in Milan accepted his appeal against the rejection, and he may ask to return to Italy. *Radio Onda d'Urto* radio station, which has been following the mobilisation closely, noted that El Haga was punished because he was "a symbol of the struggle".

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