



National Guarantor for the Rights of Persons Detained or Deprived of Liberty



National Preventive Mechanism under the OPCAT

The National Guarantor in the context of Covid-19 outbreak

Rome, 21 March 2020

Prison institutions

Together with the regional Guarantor (Lazio), the National Guarantor visited Rieti prison today where last Monday violent protests broke out and three prisoners died. In recent days, a letter reporting alleged violent acts against detainees was sent to the Guarantor: the same letter, several times, by different senders.

Inside the prison, disinfection of premises, which were seriously damaged and set on fire by rioters, has been carried out. A whole prison ward is unavailable because destroyed by flames. The prisoners were transferred to other units. The prison infirmary was also vandalised as the prison hospital ward. The power station, heating and hot water supplies have been restored.

The Guarantor had the opportunity to examine the personal files of the three deceased prisoners (an Italian, a Croat and an Ecuadorian), whose death is being investigated by the competent Public Prosecutor's Office. It also verified if and how their families were informed of the event. It found that a timely information was given.

With reference to the deaths occurred in Modena prison or in other facilities — after some prisoners from Modena being transferred to other prisons in consequence of last week riots — the National Guarantor has received feedback from the competent prosecutors and is proceeding to the appointment of one's own legal advisor, as well as a legal-medical consultant for the analysis of the outcomes of the autopsy. In fact, the National Guarantor had communicated the Public Prosecutor about the decision to exercise its rights of appearing as injured party in the criminal proceedings relevant to the deaths occurred in said prison during the riots.

Tonight, there are 59,132 people imprisoned in the Italian establishments, almost 300 less than this morning. This positive result shall not refrain the prison management and the Supervisory Justices from being fully committed to process the recently approved measures, which — although limited — ought to be applied extensively.

The debate on reducing the numbers of pre-trial detention spent in prison and the necessity to re-evaluate those measures already applied — in order to verify the possibility of holding people under house arrest and not in prison have not been tackled up to now, is still open: 9,408 remand prisoners are currently awaiting trial.

Today, the situation of those imprisoned under preventive detention (17,853), however, is made more critical by the prolonged detention without charge made possible by the recent Decree-Law, which ordered the suspension of hearings in the period between 9 March and 15 April 2020.

Residences for the execution of security sentences (REMS)

So far only 19 REMS — out of 30 being contacted — have replied to the National Guarantor. They were asked to report on the preventive measures applied to patients and the channels and modalities of communicating with the outside world adopted. In the following days, the National Guarantor will urge for a reply from the missing REMS and will send an overall picture of the situation through this bulletin.

Recently, news has appeared about the REMS in Reggio Emilia. This is a newly built but still closed facility, which was imagined to host people already accommodated in the two temporary REMS of region Emilia-Romagna, the one in Bologna and the one in Parma-Mezzani. This new REMS has however been currently identified and prepared by the Region authorities to welcome people quarantined in alternative to voluntary home quarantine associated with the novel coronavirus disease (the structure has about 30 rooms with bathroom).

Residences for people with disabilities or the elderly.

The National Guarantor has established an institutional dialogue with the *Ufficio per le politiche in favore delle persone con disabilità* (Office for Disability Issues) in the Presidency of the Council of Ministers so to identify common strategic guidelines for monitoring health and socio-assistance structures for people with disabilities. These structures, at this critical moment, are particularly vulnerable with respect to measures applied for health protection of people held there and the prevention of treatments disrespectful of their fundamental rights. The attention on these structures is also addressed to the stressful conditions experienced by staff in these days due to the shortage of health care teams to help them protecting from the infection.

The National Guarantor has also established a second dialogue with the *Dipartimento di malattie cardiovascolari, endocrino-metaboliche e invecchiamento* (Department of Cardiovascular, Endocrine-metabolic Diseases and Aging) of the *Istituto Superiore di Sanità* (National Institute of Health – ISS) that is engaged in the workgroup analysing the causes of death of patients who were tested positive for COVID-19. This collaboration is aimed at carrying out an epidemiological research on deaths related to COVID -19 within the Residential care homes (so called Residenze sanitarie assistenziali - RSA), which will begin researching on collected samples from some regions.

Immigration Removal Centres (CPRs)

In the CPRs the situation remains relatively calm. The number of detained migrants is slightly decreased in almost all the Centers, except for the CPR in Macomer (Sardinia). The number of migrants present in the CPRs as of today is 393, including 35 women.

The National Guarantor is carefully examining the decision taken in Spain to assess case-by-case the position of migrants hosted in the Centro Zona Franca in Barcelona and in the Centro Aluche in Madrid, in order to verify the possible lack of requirements for their legal detention, flights being suspended in 100 countries and more and therefore return operations made impossible. In this regard, the National Guarantor is urging a reply from the Ministry of the Interior to the question raised regarding in particular the detention of people who, although approaching the maximum length of pre-removal detention, cannot be repatriated given the current flight lockdown.