

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Working Group on discrimination against women and girls**

Ref.: AL ITA 3/2025  
(Please use this reference in your reply)

26 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 52/9, 50/17 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **allegedly arbitrary arrest and degrading treatment in detention of 22 climate activists and human rights defenders from the Italian branches of Extinction Rebellion, Last Generation (Ultima Generazione) and Palestina Libera, in connection with a non-violent direct action at the premises of the company Leonardo S.p.A. in Brescia.**

Elisa Francescatti, [REDACTED], Marta Maroglio, Laura Lofaro, Beatrice Ravarotto, Arianna Carpinella, Francesco Baccinetti, Matteo Galliano, Michele Ghidini, [REDACTED], [REDACTED] Massimiliano Croce, Riccardo Rocchi, Davide Giorgio Scianca, Samuele Righetto and Yuri Pietro Tacconi are human rights defenders and climate activists who are involved with the Italian branches of Palestina Libera, Last Generation and Extinction Rebellion.

**Palestina Libera** is a non-violent, direct-action network that advocates against Italian involvement, both governmental and commercial, in the unlawful occupation of Palestinian Territories by Israel.

**Last Generation (Ultima Generazione)**, formed in 2021, is an international and politically non-partisan movement that uses non-violent civil disobedience to advocate governments to reduce carbon emissions and take more deliberate action to address the climate crisis.

**Extinction Rebellion**, established in 2018, is a decentralized, international and politically non-partisan movement that uses non-violent direct action and civil disobedience to advocate governments to take more deliberate action to address the climate crisis and raise public awareness about the detrimental impacts of inaction to combat climate change and biodiversity loss.

Concerns regarding the alleged arbitrary detention and degrading treatment of a climate activist involved with Extinction Rebellion was previously raised by Special Procedures mandate holders in a communication to your Excellency's Government on

6 December 2024 (AL ITA 6/2024). We regret that a reply has yet to be received to this communication, particularly given that a number of the allegations contained therein, including regarding the alleged degrading treatment of women in detention and denial of access to a lawyer, are also alleged in the information received below. Concerns regarding the draft law No. 1660 on public safety, protection of personnel in service, as well as victims of usury and the penitentiary system (“Disposizioni in materia di sicurezza pubblica, di tutela del personale in servizio, nonché di vittime dell’usura e di ordinamento penitenziario”) were also raised by a number of Special Procedures mandate holders with your Excellency’s Government in a communication dated 19 December 2024 (OL ITA 7/2024), particularly regarding its potential impacts on the rights to liberty, security and prohibition of arbitrary detention, freedom of peaceful assembly and association. We regret that a reply is yet to be received to this communication, similarly given that the below allegations concern these rights in particular.

According to the information received:

On 13 January 2025, at approximately 8 a.m., the group of 22 human rights defenders and climate activists from Extinction Rebellion Italia, Ultima Generazione and Palestina Libera gathered outside the premises of Leonardo S.p.A, a defense, security and aerospace multinational that is partially owned by the Italian government. The group had organized the non-violent direct action to protest the company’s alleged sale of arms to the State of Israel, highlighting that its profits have increased since Israel’s military assault on Gaza in October 2023 and the invasion of Ukraine by Russia in 2022. As part of this direct action, the group unfurled banners and chained their arms together to block the entrance to the premises. One of the activists climbed a flagpole and replaced the company’s flag with the Palestinian flag. Other members of the group threw washable paint on the premises entrance, spraypainted “Free Palestine” (Palestine Libera) and other slogans on the walls and affixed photos from the destruction in Gaza. Two members of the group lit smoke bombs.

Shortly after the demonstration began, five police cars and a fire brigade engine arrived at the Leonardo S.p.A premises. The police requested and verified the IDs of all the activists and following this, proceeded to allegedly arbitrarily arrest them, which the activists asserted as a violation of article 349 of the Code of Criminal Procedures, which states that in the event of an identity check, police shall only remove a person to a police station if they refuse to be identified, or provide personal identification documents which there are sufficient reasons to believe are false. The police claimed the arrest was justified, alleging that the human rights defenders committed offences upon being asked for their identity documents, such as resisting a public officer, insulting a public officer and refusing to disclose their identity. The human rights defenders refuted these allegations.

The 22 human rights defenders were brought to the police station in Brescia. The police confiscated their phones and belongings and reportedly prevented them from contacting a lawyer or their family for legal support. They were permitted to call one individual who had initially been detained at the same time as them but was released from the police station, to request that they bring them

some food.

Whilst in the police station, seven of the women human rights defenders, including Elisa Francescatti, [REDACTED], Beatrice Ravarotto, Laura Lofaro and Arianna Carpinella, were brought to a room and ordered to undress. The door of the room was reportedly left open, exposing the women human rights defenders to men and women who passed by. They were then instructed to remove their underwear and squat down three times, a practice used for drug-related crimes. When using the toilet, the women were also ordered to keep the bathroom door open, whilst being supervised by a woman police officer. None of the men were reportedly subjected to any of this reported treatment, only the women human rights defenders in the group.

The group of human rights defenders were detained in Brescia police station for approximately seven hours before being released. All 22 were charged with ‘seditious assembly’ under article 655 of the Penal Code. Six members of the group – [REDACTED], Marta Maroglio, Massimiliano Croce, Laura Lofaro and two others – were charged with ‘defacing and polluting public property’ under article 639, in relation to the throwing of paint and graffiti on the perimeter walls of Leonardo S.p.A. Two individuals who lit the smoke bombs – Michele Ghidini and one other – were charged with using dangerous ignitions or explosives under article 703 and one individual was charged under article 18 of the Public Safety Law for failing to inform the authorities of the demonstration in advance.

To the 17 members of the group who are not residents of Brescia, the police issued varying expulsion orders under Legislative Decree No. 159 (“Code of anti-mafia laws and prevention measures, as well as new provisions on anti-mafia documentation”), widely referred to as the ‘Anti-Mafia Code’ (Codice Unico Antimafia). Six of them were issued six-month bans – [REDACTED], Arianna Carpinella, Beatrice Ravarotto, Davide Scianca and two others – and five were issued 12-month bans – Francesco Baccinetti, [REDACTED], Riccardo Rocchi, Samuele Righetto and one other. Massimiliano Croce, Marta Maroglio, Elisa Francescatti, [REDACTED] and two others received bans of 18 months. Aggravating circumstances have also been applied in all 16 cases of the human rights defenders and climate activists mentioned, under article 112 of the Penal Code.

Elisa Francescatti, [REDACTED], Beatrice Ravarotto, Laura Lofaro and Arianna Carpinella intend to file a formal complaint in relation to the degrading treatment that they were reportedly subjected to by police officers whilst allegedly arbitrarily detained in the police station. Francesco Baccinetti, Matteo Galliano, [REDACTED], [REDACTED], Massimiliano Croce, Riccardo Rocchi, Davide Giorgio Scianca, Samuele Righetto also intend to file a formal complaint in response to their allegedly arbitrary arrest and detention by police.

Without wishing to prejudge the accuracy of the information received, we wish to express concern regarding the allegedly arbitrary arrest and detention of 22 human rights defenders and climate activists, including Elisa Francescatti, [REDACTED], Marta Maroglio, Laura Lofaro, Beatrice Ravarotto, Arianna Carpinella, Francesco

Baccinetti, Matteo Galliano, Michele Ghidini, [REDACTED], [REDACTED], Massimiliano Croce, Riccardo Rocchi, Davide Giorgio Scianca, Samuele Righetto and Yuri Pietro Tacconi. We are concerned that they appear to have been arrested for exercising their rights to freedom of assembly, to freedom of expression and to promote and protect human rights, in a non-violent manner that seemingly did not pose a threat to the public. If this is the case, which the information received would indicate, it would render their arrest and detention arbitrary.

We take this opportunity to underscore that direct action campaigns and collective civil disobedience can be covered by article 21 of the ICCPR, “provided that they are non-violent”, with “violence” in this context being taken to mean “the use by participants of physical force against others that is likely to result in injury or death or serious damage to property”.<sup>1</sup> Given that the paint used as part of this direct action was washable, it would appear to not meet the threshold of “serious damage”, with the response by the authorities seemingly thus disproportionate. We also wish to underscore that by virtue of their nature and purpose, peaceful assemblies may be inherently or deliberately disruptive and require a significant degree of toleration.<sup>2</sup>

In her recent report on “Global threats to freedom of expression arising from the Gaza conflict”, the Special Rapporteur on freedom of opinion and expression stressed that “In the light of the advisory opinion of the International Court of Justice issued in July 2024, States should repeal – or refrain from adopting – laws and policies that penalize opposition to or impede advocacy against Israeli occupation and segregation”. The Special Rapporteur also reaffirmed that “States must not restrict the expression of support for Palestinian self-determination”, stressing that “Advocacy of Palestinians’ human rights, including the right to self-determination, is legitimate expression,” recognized under international law (A/79/319, paras. 94 and 95).

We express particular concern with regard to the alleged treatment of the women human rights defenders and climate activists in the police station, which may amount to degrading treatment. We are particularly concerned that such treatment was reserved for the women amongst the group only and that it did not seem to serve a legitimate purpose or was used on the basis of well-founded concerns, but rather was seemingly used for the purpose of humiliating them.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information to clarify the legal and factual basis for the detention of Elisa Francescatti, [REDACTED], Marta Maroglio,

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<sup>1</sup> [CCPR/C/GC/37](#), para. 15-16.

<sup>2</sup> *Ibid*, para. 44.

Laura Lofaro, Beatrice Ravarotto, Arianna Carpinella, Francesco Baccinetti, Matteo Galliano, Michele Ghidini, [REDACTED], [REDACTED], [REDACTED] Massimiliano Croce, Riccardo Rocchi, Davide Giorgio Scianca, Samuele Righetto, Yuri Pietro Tacconi and six other human rights defenders and climate activists on 13 January 2025, as well as for the charges brought against them.

3. Please provide information as to the legal and factual basis for the alleged ordering of Elisa Francescatti, [REDACTED], Beatrice Ravarotto, Laura Lofaro and Arianna Carpinella to remove their clothes and squat, whilst in the police station.
4. Please provide information as to the legal and factual basis for the expulsion orders issued against the 17 individuals who are not resident to Brescia, and how this measure is proportionate to the direct action that took place on 13 January 2025, in addition to the charges against them.
5. Please provide information as to the measures adopted by your Excellency's Government (laws, programmes, information, trainings for enforcement officers) to ensure a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 7, 9, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Italy on 15 September 1978, which guarantee the rights to be free from torture or cruel, inhuman or degrading treatment or punishment, liberty and security of person, freedom of expression and freedom of assembly, respectively.

We would like to recall article 9 of the ICCPR, which establishes that everyone has the right to liberty and security of person, and that no one shall be subject to arbitrary arrest or detention. The Human Rights Committee, in its general comment No. 35 interpreting the article's scope, has underscored the arbitrariness of any arrest or detention without a legal basis and further held that an arrest or detention may be arbitrary irrespective of its being authorized by domestic law. In the same comment, the Human Rights Committee stated that the notion of "arbitrariness" introduced in article 9 should be broadly interpreted to include elements of "inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality." The committee also held any arrest or detention carried out as punishment for the legitimate exercise of the rights as guaranteed by the covenant to be arbitrary. Furthermore, the committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

We would also like to bring to your Excellency's Government attention the legal and procedural safeguards against ill-treatment including the right to legal counsel and to contact one's family as provided in the UN Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment (Body of Principles). According to the Body of Principles "A detained or imprisoned person shall be allowed adequate time and facilities for consultation with legal counsel" (principle 18.2); and "A detained or imprisoned person shall have the right to be visited by and correspond with, in particular, members of his family" (principle 19); and "Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law."

In this connection, we also recall the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and in particular rule 20 which states that "alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches."

We also recall that in a report to the Human Rights Council (A/HRC/41/33), the Working Group on discrimination against women and girls stressed that deprivation of

liberty is deeply linked to gender discrimination. Women human rights defenders, often perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism, and are likely to be subject to criminal prosecution and imprisonment. The Working Group recommended that States eliminate any laws or policy measures aimed at criminalizing women's public role.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. The Human Rights Committee recalled that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, paras. 34 and 35).

In her recent report on “Global threats to freedom of expression arising from the Gaza conflict”, the Special Rapporteur on freedom of opinion and expression stressed that “In the light of the advisory opinion of the International Court of Justice issued in July 2024, States should repeal – or refrain from adopting – laws and policies that penalize opposition to or impede advocacy against Israeli occupation and segregation”. The Special Rapporteur also reaffirmed that “States must not restrict the expression of

support for Palestinian self-determination”, stressing that “Advocacy of Palestinians’ human rights, including the right to self-determination, is legitimate expression,” recognized under international law (A/79/319, paras. 94 and 95).

We note that article 21 of the ICCPR recognises that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs and human rights defenders (A/HRC/26/29, para 22). Article 21 may only be restricted where such restrictions are provided for by law, and where they are necessary in a democratic society, in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Elaborating on the obligations of state parties to the covenant stemming from article 21, the Human Rights Committee, in general comment No. 37, has stressed that peaceful assemblies “can in some cases be inherently or deliberately disruptive and require a significant degree of toleration. ‘Public order’ and ‘law and order’ are not synonyms, and the prohibition of ‘public disorder’ in domestic law should not be used unduly to restrict peaceful assemblies.”<sup>8</sup> Concerning direct action and civil disobedience, the committee further stressed that collective civil disobedience or direct action campaigns “can be covered by article 21, provided that they are non-violent.”<sup>9</sup> On what should be considered “violence”, the committee held that this entails “the use by participants [in the given assembly] of physical force against others that is likely to result in injury or death, or serious damage to property.”<sup>10</sup> In the same general comment, the committee further held there is a presumption in favour of considering assemblies as peaceful and nonviolent.<sup>11</sup>

The report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/56/50 in paragraph 67 indicates that “the obstruction of freedom to peaceful assembly and association rights directly impacts adversely on the development and the implementation of the 2030 Agenda for Sustainable Development. The Special Rapporteur found that “measures aimed at restricting or silencing the exercise of the rights to freedom of peaceful assembly and of association, undermine the empowerment of people and their rights to express themselves and to engage in collective activities – political, economic, social, cultural or environmental – which are at the core of all agenda commitments”. Paragraph 92 of the same report indicates that “if climate commitments and pledges are to be met, States must respect and protect a participatory and inclusive agenda and protect the rights of environmental activists to freedom of peaceful assembly and of association. By collaborating with trade unions and environmental activists, States can ensure just transitions and inclusive decision-making processes that benefit all and leave no one behind.”

Article 19 of the ICCPR guarantees the right of all persons to freedom of expression, encompassing the freedom to seek, receive and impart information and ideas of all kinds. This right applies online as well as offline and includes not only the exchange of information that is favorable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States

parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse”.<sup>4</sup> Any restrictions on freedom of expression must be strictly limited and meet the high threshold set out in article 19(3) of the covenant, following which any limitations must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat”.

As stressed by the Working Group on discrimination against women and girls in one of its reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape: they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women’s human rights and to improve the enabling conditions for women’s participation in political and public life.

Additionally, women human rights defenders warrant protection under the General Assembly resolution 68/181, which was adopted on 18 December 2013. Specifically, articles 7, 9, and 10 require States to publicly acknowledge the importance of women human rights defenders and take practical steps to prevent threats, harassment, and violence against them. States must also combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting these defenders are compatible with relevant provisions of international human rights law.

Finally, we would like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would further wish to stress the following articles of the declaration:

- article 5(a), which provides for everyone’s right to meet or assemble peacefully;

- article 6(b), which states that everyone has the right to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- article 9, paragraph 5, which holds that States shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction; and
- article 12, paragraph 2, holding that States shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the declaration.