

***Corte Suprema di Cassazione, Quinta sezione penale,
decision no 55418/2017***

No 55418/2017: Supreme Court of Cassation, Fifth Criminal Division, Italy: Vessichelli, President; Scotti, Catena, Miccoli, Counsellors; Fidanzia, Counsellor and rapporteur: 12 December 2017

Freedom of religion or belief – Freedom of expression - Criminal law – Mr D detained under a suspicion of entrapment charge for sharing videos on his Facebook profile paying tribute to jihad and ISIS in Syria - Tribunal of Surveillance ordering Mr D's release pending trial - Whether a "like" on a Facebook page or video sufficient grounds for prosecution for entrapment – Whether small group paying tribute to jihad and to Islamic groups fighting in Syria could be considered terrorist association - Italian Criminal Code, arts 270 and 414

The Court of Cassation ruled in favour of the Public Prosecutor that according to Article 270 of the Italian Criminal Code even small groups paying tribute to ISIS and jihadist international associations could be considered terrorist groups. In particular, by adding "like" to two apologetic videos and sharing them on his Facebook profile, Mr D was not simply exercising his right to free speech and his freedom of religion; rather, he could be prosecuted for entrapment. Moreover, he could also be detained in prison awaiting trial. This was because of the inherent propagating effect of a "like" on Facebook and Mr Ds' previous contacts with jihadist organizations and extremist religious groups: see decision of the Supreme Court of Cassation (n. 24103/2017).

Recorded at: <http://www.penale.it/page.asp?mode=1&IDPag=1256>

Reported by: CRISTIANA CIANITTO, cristiana.cianitto@unimi.it and MICHELE SAPORITI michele.saporiti@unimib.it.

Codice campo modificato

Formattato: Inglese (Stati Uniti)