JUDGMENT NO 203 YEAR 2024

[omitted]

THE CONSTITUTIONAL COURT

[omitted]

gives the following

JUDGMENT

in proceedings concerning the constitutionality of Article 2 of Legislative Decree No 159 of 6 September 2011 (Code of anti-mafia laws and preventive measures, and new measures on anti-mafia documentation, adopted pursuant to Articles 1 and 2 of Law No 136 of 13 August 2010), initiated by the Judge for Preliminary Investigations of the Ordinary Court of Taranto (*Giudice per le indagini preliminari del Tribunale ordinario di Taranto*) in criminal proceedings against C.P. by referral order of 6 June 2023, registered as No 107 in the 2024 Register of Referral Orders and published in *Official Journal of the Italian Republic* No 24, first special series 2024.

Considering the statement in intervention by the President of the Council of Ministers;

after hearing Judge Rapporteur Francesco Viganò in chambers on 29 October 2024.

after deliberation in chambers on 29 October 2024.

The facts of the case

[omitted]

1.1.– The referring court has been requested by the public prosecutor to issue a summary conviction against C.P. for the offence provided for under Article 76(3) of the Anti-Mafia Code for having repeatedly returned to Taranto in breach of the requirements imposed upon him by the order to leave the municipality issued against him by the Chief of Police (*Questore*) pursuant to Article 2 of the Anti-Mafia Code on 5 January 2022 and served on him on 7 January 2022.

The referring court acknowledges the lawfulness of the order, the reasons for which are, in its view, "appropriate, above all in the light of the numerous previous convictions of the accused and police orders issued against him"; and states that he had been found in Taranto by the police on nine occasions between 24 March and 16 May 2022 without offering any justification.

The request for a summary conviction should therefore be accepted.

However, the referring court questions the constitutionality of Article 2 of the Anti-Mafia Code and points out that – were that provision to be declared unconstitutional – the order issued against the accused in the proceedings before it would have to be deemed unlawful. As a result, it would be necessary to acquit him pursuant to Articles 129 and 459(3) of the Code of Criminal Procedure; as such, the questions referred are relevant for the decision of the main proceeding.

[omitted]

2.– The President of the Council of Ministers intervened in the proceedings, represented by the Office of the State Counsel (*Avvocatura generale dello Stato*), and asked that the questions be declared manifestly unfounded.

[omitted]

3.– The Italian Association of Criminal Law Professors (*Associazione italiana dei professori di diritto penale*) filed an *amicus curiae* brief, which was allowed by ruling of the President of the Court of 18 September 2024, in which they argued that Article 2 of the Anti-Mafia Code is unconstitutional […].

[omitted]

Conclusions on points of law

1.– By the referral order at issue, the Judge for Preliminary Investigations of the Court of Taranto raised questions concerning the constitutionality of Article 2 of the Anti-Mafia Code.

[…] The referring court calls for the provision to be declared unconstitutional in its entirety due to the violation of Articles 3 and 13 of the Constitution, in view of the fact that it vests law enforcement authorities – specifically the chief of police – rather than the judicial authorities with competence to adopt the preventive measures consisting in the issue of a mandatory order to leave a municipality.

[omitted]

4.– It is now possible to examine on the merits the questions […] seeking a declaration that the provisions on mandatory orders to leave a municipality laid down in Article 2 of the Anti-Mafia Code are unconstitutional in their entirety.

The first of these questions concerns the compatibility of the contested provision with Article 13 of the Constitution.

The referring court and the *amicus curiae* briefs call on this Court to depart from its previous case law which has always held, since Judgment No 2/1956, that the measure under examination – the essential features of which have remained unchanged over almost seventy years – does not fall within the reach of Article 13 of the Constitution (see also Judgments Nos 210/1995, 419/1994, 68/1964, 45/1960, as well as Order No 384/1987).

However, this Court holds that, for the reasons set out below, there is no need for it to depart from its case law.

4.1.– The questions under examination pose once again the problem of drawing the dividing line between personal liberty protected under Article 13 of the Constitution and freedom of movement protected under Article 16 of the Constitution, which has already been analysed in detail in Judgment No 127/2022 (points 4, 5 and 5.1. of the *Conclusions on points of law*).

Both constitutional provisions protect the right of the individual to move freely from one place to another, and both stipulate that that freedom may only be regulated by primary legislation. However, when personal liberty (and not merely freedom of movement) is at stake, Article 13 provides – in addition – that restrictions may only be imposed by the judiciary: any measure that impinges upon that freedom must be ordered by the judicial authorities, or – in the event of necessity and under urgent circumstances

described by law – by the law enforcement authorities, subject to approval by the judicial authorities within ninety-six hours.

The case law of this Court usually identifies the measures that impinge upon personal liberty, thereby engaging the guarantees provided for under Article 13 of the Constitution, according to two alternative criteria:

(a) whether the measure is likely to result in the "physical coercion" of the person (see below, 4.1.1.); or

(b) whether the measure implies any obligations that, whilst not entailing physical coercion, (i) result in a "legal degradation" (*degradazione giuridica*) of the addressee, and (ii) are so intense as to be tantamount to the full subjection of the individual to the power of another person (see below, 4.1.2.).

4.1.1.– First and foremost, it is clear that any measure that entails the physical coercion of an individual impinges upon that person's personal liberty, unless the resulting restriction on the freedom to dispose of one's own body is entirely negligible.

This notion covers measures that force an individual to remain at a particular location, such as arrest or detention, or *a fortiori* confinement in a prison or a detention centre for foreign nationals pending deportation proceedings (see Judgments Nos 212/2023, 127/2022 and 105/2001).

Moreover, the notion also applies to measures that, without resulting in any confinement of the individual to a particular location, nonetheless entail – in precisely the same way as personal searches, which are expressly regarded as measures restricting personal liberty under Article 13(2) of the Constitution – being forced to submit to interventions with some degree of significance for one's own body.

Consequently, the following measures have been held to restrict personal liberty: the compulsory relocation of the interested party to their place of residence (see, specifically on mandatory orders to leave a municipality, Judgment No 2/1956) or to appear before the police (Judgment No 72/1963); the forcible deportation of a foreign citizen unlawfully present in Italy (Judgments Nos 222/2004 and 105/2001; Order No 109/2006); the taking of compulsory blood tests (Judgment No 238/1996); and any medical treatment capable of being carried out without the patient's consent, which can therefore be classified not only as "mandatory" pursuant to Article 32(2) of the Constitution but also as "forced" (Judgment No 22/2022, point 5.3.1. of the *Conclusions on points of law*; and more recently Judgment No 135/2024, point 5.2. of the *Conclusions on points of law*).

This Court considers it to be beyond doubt that any such measures must be subject to all the guarantees provided for under Article 13 of the Constitution, precisely as a consequence of the physical subjection of the individual to a public authority that is authorised to use force to overcome any resistance on their part.

It has been held that these guarantees do not apply solely in relation to coerced acts that are merely temporary in nature, provided that they do not interfere with the individual's bodily integrity and intimacy, such as a person's immobilisation for the few moments needed in order to take photographs or fingerprints (Judgment No 30/1962).

4.1.2.– However, the protection assured by Article 13 of the Constitution is not limited to measures that entail the use of physical coercion of the body, but also extends

to measures that impose obligations (backed up by sanctions in the event of their violation) that limit the individual's freedom of movement and (i) result in the "legal degradation" of the interested party (see below, point 4.1.2.1.), provided that (ii) the obligations in question are so intense as to be tantamount to the "full subjection of the individual to the power of another person" that results from a violation of the guarantee of *habeas corpus* (see below, point 4.1.2.2.).

4.1.2.1.– On the one hand, in order for a measure that is not coerced to fall within the scope of protection afforded by Article 13 of the Constitution, it must result in "legal degradation" (see, with reference to the police warning (*ammonizione di polizia*), the precursor of the current special police supervision (*sorveglianza speciale di pubblica sicurezza*), Judgment No 11/1956), i.e. in an "impairment of the dignity or prestige of the individual" (Judgment No 68/1964 and, more recently, Judgments Nos 210/1995 and 419/1994).

This effect is related to the reasons that justify the adoption of the measure, which is normally based on a finding that the interested party represents a danger to public order and security, and thus on the likelihood that they may commit criminal offences in future (the latter assessment being generally based on evidence of actual involvement in past criminal activity). As was stressed within the academic literature at the time of the first judgments of this Court, this assessment necessarily entails a discretionary assessment of the individual's low moral standing and sociality.

In other words, as was noted in Judgment No 127/2022, the measures in question – whilst not involving any physical coercion – do in fact entail a stigmatisation of the interested party and an "impairment of [their] equal social dignity" (point 6. of the *Conclusions on points of law*) through separation from the rest of society and subjection to less favourable treatment specifically on account of their dangerousness (point 5. of the *Conclusions on points of law*). These characteristics were absent, for instance, in the measure of confinement of COVID-19 patients, which was considered in Judgment No 127/2022: such a measure did not entail any moral stigmatisation and could not "result in a denial of equal social dignity of the person subject to it, also in view of the fact that their fate was shared with millions of other people" (point 6. of the *Conclusions on points of law*).

4.1.2.2.– On the other hand, the "legal degradation" caused by the measure is not in itself sufficient – as the referring court appears to consider – to engage the guarantees provided for under Article 13 of the Constitution. In order for this to occur, the less favourable treatment compared to the rest of society must have a significant impact on the individual's freedom of movement in "quantitative" terms, as regards the particular severity of the restrictions imposed by the measure. The restrictions must be so intense as to be substantially equivalent, from the viewpoint of constitutional guarantees, to those imposed via the use of physical coercion (see Judgment No 68/1964).

4.2.– Two decisions on police measures limiting the freedom of the person concerned, issued by this Court during its very first year of activity, were precisely based on the criterion of the "quantitative" nature of the restrictions. In the first of these judgments the Court held that a measure essentially corresponding to the current order to leave a municipality could not engage the guarantees under Article 13 of the Constitution, except insofar as it allowed the use of physical coercion to accompany a person to their place of residence (Judgment No 2/1956). In the second one, the provisions on police

warnings, essentially corresponding to the current special police supervision, which did not provide for any judicial validation at the time, were declared unconstitutional due to the violation of Article 13 of the Constitution (Judgment No 11/1956).

As this Court later clarified in Judgments Nos 45/1960 and 68/1964, the difference between the two measures lay essentially in the fact that the obligations associated with police warnings were more serious than those resulting from mandatory repatriation (which the Court also held in Judgment No 68/1964 as being capable of impinging "on the good name of individuals").

Judgment No 68/1964 pointed out in particular that the order to leave a municipality "is not amenable to coerced enforcement" and added that, once the individual has reached the new location, they are "free to remain there or to move on to another location, except for the place from which they were expelled. There are no other requirements, constraints or limits on the freedom of the individual". This scenario accordingly involves a mere restriction on freedom of movement pursuant to Article 16 of the Constitution.

Conversely, Judgment No 45/1960 held that police supervision was characterised by "a whole series of obligations, relating to both acts and omissions, including the requirement not to leave the home before and not to return home after a particular time". The "legal degradation" was thus characterised by the particular intensity and invasiveness of the requirements pertaining to the measure with respect to ordinary everyday habits.

4.3.– More recently, the "quantitative" criterion has been used as a basis for numerous rulings of this Court on orders prohibiting attendance at sporting events provided for under Article 6 of Law No 401/1989 (known as "sporting DASPOs", where DASPO stands for "*Divieto di Accedere alle manifestazioni SPOrtive*").

Whereas such a measure is always based on a negative assessment of the individual's personality, constitutional case law has distinguished between a scenario in which the measure consists solely in a prohibition on accessing locations at which sporting events are held and a scenario in which such a prohibition is supplemented, pursuant to Article 6(2), by an obligation to appear in person on one or more occasions at a police station or command unit at specified times over the course of the day on which a prohibited sporting event is being held (known as the "obligation to sign in").

Whilst a DASPO *without* an obligation to sign in has been held to amount to a mere restriction of freedom of movement pursuant to Article 16 of the Constitution (Judgment No 193/1996) on account of its "modest impact on the individual's freedom", a DASPO *with* an obligation to sign in, requiring the individual to report frequently to police stations, has been held to restrict personal liberty pursuant to Article 13 of the Constitution (Judgment No 143/1996 and, subsequently, Judgments Nos 144/1997, 136/1998 and 512/2002).

The difference in the rationale underlying the judgments cited above is clear. The prohibition on accessing certain designated locations does not affect the individual's freedom to go to any other place and to do whatever they wish at the time when any prohibited event is being held. On the other hand, the obligation to report to a police station during every prohibited sporting event negates that freedom, preventing the individual concerned from engaging in any other activity, and is comparable in terms of its effects to the restrictions on freedom imposed through recourse to physical coercion.

[omitted]

4.4.– The arguments raised here to persuade this Court to depart from its own precedents in this area are, in summary, as follows.

Both the referring court and the *amicus curiae* briefs stress, firstly, the effect of "legal degradation" resulting from the application of such a measure, which presupposes a negative assessment of the addressee's moral personality, impinging upon their equal civil dignity with the rest of society.

As to the "quantitative" aspect of the restriction, the *amicus curiae* brief points out that, whilst the encroachment by the measure in question on the addressee's physical freedom is "framed in terms of a prohibition rather than an obligation to reside in a particular place", it is nonetheless "of such a nature as to significantly interfere with the effective exercise of fundamental economic and social rights, as well as with personal and family relationships". Considered in these terms, the effects of the order to leave a municipality are claimed to be more severe than those of an "urban DASPO", as the prohibition on access may apply to much larger areas coinciding with the territory of entire municipalities.

The "quantitative" dimension to the impact of an order to leave a municipality on personal liberty is also stressed by the referring court in relation to the specific case pending before it, where the interested party was prohibited, for the entire duration of the measure, from entering any part of the town in which he was carrying on – albeit illegally – the work from which he ensured his livelihood.

In the face of such a significant interference, the *amicus curiae* brief insists on the need for a preventive *ex officio* control by the courts of the application of the measure, arguing that the possibility of any subsequent potential review by the administrative courts would be "more theoretical than real", as this would be dependent on the interested party pursuing court action.

This is also the case if one considers the risks, which are claimed to be emerging in practice, of improper use of orders to leave a municipality in order to prevent conduct amounting to the exercise of constitutional rights (such as the right of assembly or to strike), or otherwise conduct on the margins of such rights, thereby resulting in a "chilling effect" for those seeking to exercise those rights.

Finally, and more generally, both the referring court and the *amicus curiae* briefs stress – referring to a passage from Judgment No 127/2022 – the danger of "potential arbitrariness" in recourse to these measures. In order to address this danger, it is argued that preventive control by the courts must be ensured (point 5. of the *Conclusions on points of law*).

4.5.– Before examining these arguments, it needs to be pointed out at the outset that, for the higher courts, respect for their own precedents – along with consistency of the interpretation with the legal text and the quality of the reasoning – is an essential precondition for the authoritativeness of their decisions. Respect for precedents ensures that the adjudicative criteria used remain relatively stable over time and do not constantly change as a consequence of any modification of the composition of the court.

This is also true, and perhaps to a heightened degree, for a constitutional court since its decisions tend to influence the practice of state institutions, creating reasonable

expectations as to what each of them is permitted to do in accordance with constitutional law. In particular, the legislature must be able to reasonably anticipate whether its choices will be upheld as constitutional or whether they are likely to be declared unconstitutional.

Naturally, this Court is not prohibited from reconsidering its past rulings or departing from them as the case may be (for some recent examples, see Judgments Nos 163/2024, point 2.3. et seq of the *Conclusions on points of law*; 88/2023, point 6.4.1.5. of the *Conclusions on points of law*; and 32/2020, points 4.2. and 4.3. of the *Conclusions on points of law*).

However, each reversal of a previous ruling upends the reliance interests created by the previous case law. Thus, especially where that case law is settled and long-standing, and the legislature has in the meantime acted in accordance with it, a departure from previous case law will only be justified based on especially compelling reasons that render the solutions previously adopted no longer tenable. These may include, for example: the irreconcilability of precedents with subsequent developments in the case law of this Court or the European courts; a different social or systemic context, whether factual or legal, in which the new decision is to be made; or new evidence of the undesirable consequences caused by the previous case law (for similar considerations, ECtHR, Grand Chamber, Judgment of 17 September 2009, *Scoppola v. Italy (No. 2)*, paragraph104, and the additional precedents cited therein; Court of Cassation, Joint Civil Divisions, Order No 23675 of 6 November 2014, point 1. of the *Conclusions on points of law*).

4.6.– In the light of that methodological premise, it must first be recognised that the arguments raised by the referring court and the *amicus curiae* do have weight.

It is undeniable that the effects of an order to leave a municipality may be extremely onerous for the addressee. In any case, they appear in general terms to be more onerous than those resulting from an "urban DASPO", which is limited to prohibiting access to specific locations designated in the respective measure. This is the case above all where, as occurred within the case at issue in the proceedings before the referring court, the addressee is prohibited from entering the entire territory of the municipality that is the capital of the province in which they reside or abide.

It is also true that such a broad prohibition could be liable to affect other fundamental rights over and above freedom of movement, such as the right to work, the right to education, the right to family relationships and friendships, as well as the right to health.

This Court must also acknowledge that the increasingly broad recourse to preventive measures that impose severe limits on the fundamental rights of individuals for the purpose of controlling public order risks at the same time giving rise to a wide-scale indirect criminalisation of those persons. Indeed, any breach of the requirements imposed on them under the preventive measure will constitute a criminal offence. And it is certainly much easier for the courts to establish such a violation, than to establish the criminal conduct that has given rise to the adoption of the police measure.

4.7.– Nonetheless, this Court is not persuaded that these considerations are so compelling as to induce it to depart from its previous case law, which has always held that such a measure falls within the scope of protection under Article 16 of the Constitution.

4.7.1.– As recalled above, within its case law on measures entailing a "legal degradation" effect, this Court has always identified the dividing line between those that impinge upon personal liberty as opposed to freedom of movement by considering the different intensity of the obligation imposed though the measure. That intensity has been specifically "weighed" having regard to the different nature of the obligations resulting from the measure examined in each individual case.

No matter how onerous it may be in the specific individual case, the obligation imposed by an order to leave a municipality consists essentially in a prohibition on accessing a particular location. Indeed, once the interested party has complied with the initial order to leave the territory of the municipality, the obligation to which they remain subject for the entire duration of the measure, and which is subject to criminal penalties in the event of any violation, consists in the mere prohibition on *returning* to the specific municipality. This means that the individual is free at any time to go *to any other place* they may wish to.

It is precisely on the basis of this consideration that this Court has concluded that this measure must be distinguished from the police supervision order, which is considered to entail a restriction on personal liberty as it entails a number of obligations currently listed in Article 8 of the Anti-Mafia Code, including the obligation – under threat of severe criminal penalties in the event of any breach – to stay at home during the night and not to leave home before a particular time, thereby prohibiting them from going to any other place.

This distinguishing criterion, identified within constitutional case law, has, ever since the end of the 1950s, guided all the choices made over time by the legislature in relation to preventive measures. Moreover, in 2011 it provided inspiration for the organic reform of the Anti-Mafia Code, which retained the traditional distinction between "minor" measures (mandatory expulsion order and oral notice) ordered by the law enforcement authorities without any requirement for judicial validation, and the more serious measure of special supervision, the application of which is reserved to the judicial authorities.

The legislation on DASPOs also drew inspiration too from this criterion.

Article 6 of Law No 401/1989 on "sporting DASPOs" – the precursor of all current "atypical" preventive measures – provided for a judicial validation procedure pursuant to Article 13 of the Constitution only in the event, contemplated under paragraph 2 of that Article, that the individual concerned is subject not only to a prohibition on accessing certain locations at which sporting events are being held, but also to a positive obligation to report to a police station during such events. Judicial validation is not currently required for any other types of "sporting DASPO", which are not associated with any obligation to report to a particular location, but only to a prohibition on accessing particular locations.

Similarly, the legislation on so-called anti-dealing and anti-brawling DASPOs – contained respectively in Articles 13 and 13-*bis* of Decree-Law No 14/2017 – only provides for judicial validation where the measure is associated with additional obligations over and above the prohibition on accessing particular locations. In all the other cases, these DASPOs may be ordered by the chief of police without judicial validation.

4.7.2.– The dividing line identified within the case law of this Court, and which the legislature has now followed for many decades when drafting legislation on preventive measures, is based on the assumption that the prohibition on accessing a particular location is, as a general rule, less onerous for the individual concerned than an obligation to report to or remain in a particular location.

That assumption still offers relatively secure guidance in distinguishing between the different levels of intensity of measures that impinge upon an individual's freedom to move from one place to another. This ensures that this Court's decisions are foreseeable and consistent. This is beneficial above all for the legislature, which bases its actions on those decisions. That foreseeability and consistency would inevitably be undermined by an alternative approach that involved "weighing" the intensity of the restrictions on freedom of movement resulting from each individual measure on a case-by-case basis, irrespective of their nature.

Naturally, this case law may indeed be reconsidered in the event that the legislature were to decide to excessively enhance the prohibitions associated with the measures under examination, whether by further expanding the geographical locations from which the individual is banned or by overextending the duration of the prohibition. Were this to occur, the assumption on which that case law is premised – i.e. that a prohibition on accessing a particular location is in general terms less invasive than an obligation to report periodically to a police station, or to remain at home during night-time hours – would no longer be tenable.

4.7.3.– The above conclusion is consistent with the international obligations to respect human rights.

As regards in particular the legal framework of the ECHR, neither Article 5 ECHR on the right to liberty nor Article 2 of Protocol No 4 to the ECHR on freedom of movement requires that a measure restricting personal liberty must be adopted by a judicial authority, or that it must be validated by a court following an *ex officio* procedure, as is by contrast required by Article 13 of the Constitution. As regards the aspect at issue in these proceedings, this last-mentioned provision offers a higher level of protection for the right to personal liberty than Article 5 ECHR does by simply granting the right to an effective judicial relief after the measure has been adopted, on the initiative of the individual concerned.

4.7.4.– Last but not least, this Court is not persuaded that the change in case law called for here is indispensable, as is considered both by the referring court and by the *amicus curiae* briefs, for the twofold aim of guaranteeing effective protection for the addressee's fundamental rights against the risks of the arbitrary use of the measure in question, as well as avoiding an undue chilling effect.

Indeed, the rulings of the administrative courts as well as the case law of the Court of Cassation cited by the referral order demonstrate that these risks are not merely conjectural.

However, even in the absence of an *ex ante* and *ex officio* validation of these measures by a court, an effective judicial review of the legitimacy of the measure can be carried out *ex post*, providing protection against the risk that the measure may be used, for instance, as an instrument for suppressing political dissent and legitimate forms of protest protected by the Constitution.

Two types of remedy are, in particular, relevant in this context.

The first consists in the right to take action before administrative courts, which – thanks to the interim measures provided for under Articles 55, 56 and 61 of the Code of Administrative Procedure – are in a position to grant immediate and effective relief against any measures that violate the fundamental rights of the interested party. Moreover, persons without sufficient financial resources also have the option of applying for legal aid.

The absence of the specific guarantee of an *ex ante* review carried out by the courts *ex officio* of each measure imposing restrictions on personal liberty is compensated, at least in part, by the greater practical opportunities for the interested party to defend themselves within proceedings that are not subject to the rigid timescales imposed by Article 13 of the Constitution. Moreover, the experience of proceedings concerning the confirmation of a DASPO provided for under applicable legislation, which are nowadays structured as merely "file-based" proceedings without any requirement for oral argument, shows that due to these timescales it is currently difficult to present defence submissions to the court in good time before it makes its decision.

Secondly, within criminal proceedings concerning the violation of any of the obligations imposed by the measure, the criminal courts are always required to carry out an incidental review of the legitimacy of the measure.

Finally, it is not superfluous to recall that the review of the legitimacy of the measure – whether this is carried out by the administrative courts or by the criminal courts on an incidental basis – also entails an assessment as to whether the legitimate protective goals pursued by the police are proportionate with the specific impact of the measure on the individual's freedom of movement, as well as the full range of fundamental rights otherwise affected by the measure (including the rights to work, to health, and to privacy and family life).

Indeed, proportionality is a requirement which "applies systematically within Italian constitutional law in relation to any act by the authorities that is liable to impinge upon the fundamental rights of the individual" (Judgment No 24/2019, point 9.7.3. of the *Conclusions on points of law*; see also Judgment No 46/2024, point 3.1. of the *Conclusions on points of law*). This requirement operates both as a prerequisite for the constitutionality of any law that provides for restrictions on the fundamental rights of the individual, as well as a prerequisite for the legitimacy of any administrative or judicial measure that, in giving effect to the law, encroaches upon the rights of a person within the specific individual case.

4.8.– It follows from all of the above that the question is unfounded.

[omitted]

ON THESE GROUNDS

THE CONSTITUTIONAL COURT

declares that the questions concerning the constitutionality of Article 2 of Legislative Decree No 159 of 6 September 2011 (Code of anti-mafia laws and preventive measures, and new measures on anti-mafia documentation, adopted pursuant to Articles 1 and 2 of Law No 136 of 13 August 2010), raised with reference to Articles 3 and 13 of

the Constitution by the Judge for Preliminary Investigations of the Ordinary Court of Taranto in the relevant referral order, are unfounded.

Decided in Rome at the seat of the Constitutional Court, Palazzo della Consulta, on 29 October 2024.

Signed:

Augusto Antonio BARBERA, President

Francesco VIGANÒ, Judge Rapporteur