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A GENERAL OVERVIEW OF THE ITALIAN PVE/CVE STRATEGY

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To combat the terrorism phenomenon, a complex, **information-based prevention** activity has been put in place, aimed at preventing threats to democratic institutions. Prevention activities were taken more forcefully in the aftermath of the 11 September 2001 attacks in the USA (Ministero degli Affari Esteri e della Cooperazione Internazionale, 2018).

In Italy, the phenomenon began around the end of the 60s, after the "years of lead", as the media termed the period. Alongside terrorism of a political nature, in the context of the Cold War along with the strategy of tension, it is important to also consider terrorism imputable to organised crime; the mafia-like, of the Camorra matrix and of other matrix, which has bloodied Italy, through the work of organisations such as Cosa Nostra, Camorra, 'Ndrangheta and Sacra Corona Unita (Migration and Home Affairs, 2018).

In addition to the internal disputes, the policies on the subject, which are overseen by the Ministry of the Interior and the intelligence service in Italy, also provide common strategies at the European Union and international level. With Italian **Law 438/2001** urgent measures were adopted for the prevention and combating of crimes committed for purposes of international terrorism and the new criminal case of association for international terrorism was introduced (article 270 bis of the Italian Penal Code). Law enforcement policies also aim to hit the so-called financial terrorism. A special Financial Security Committee has, since 2001, been working in the Ministry of Economy and Finance, with the aim, among other aspects, to prevent infiltration of the Italian financial system by terrorist organisations (Ministero degli Affari Esteri e della Cooperazione Internazionale, 2007).

The **EU-wide prevention strategy** includes the Action Plan against terrorism, which contains a wide range of measures to be taken in various crucial areas of the fight against terrorism (judicial and police cooperation; transport security; border control and document security; the fight against financing, political dialogue and external relations; defence against biological-chemical-radiological-nuclear attacks etc). The European Union has also adopted a Directive for the granting of compensation to victims of criminal acts, which also covers cases of victims of terrorism. In Italy, for the victims of terrorist acts, benefits of an economic nature are also set out, pursuant to the law of August 3, 2004, n.206.

Another prevention front is the security of documents: there are numerous States, including Italy, which have decided to introduce biometric data on passports and other travel documents, to prevent possible counterfeiting. In the EU new technologies are

applied to travel documents, to establish common lines and standards (Council of Europe. , 2008). Lastly, on May 6, 2004, the procedures, and organisational and operational guidelines of the **Italian National Plan** for the management of terrorism events and the methods of operation of the Crisis Unit, were issued. For the implementation of this plan, in order to ensure the completeness of the information circuit and the assessment of the terrorist threat, as well as to manage the emergency to ensure the protection of public order and security, the Ministry of the Interior avails itself of the Crisis Unit and the Strategic Counter-Terrorism Analysis Committee - C.A.S.A (Mediterranean Affairs, 2017).

Balancing security with fundamental rights

The Italian approach can be seen to combine **three parallel elements**: 1) security, 2) rehabilitation, and 3) rule of law (represented by surveillance judges and courts). Respect for the different duties, responsibilities and functions of the penitentiary police (or national police and Carabinieri and Guardia di Finanza), as well as the rehabilitation bodies, educators, psychologists, experts, civil society in general) under the supervision of surveillance judges, grants an appropriate level of independency, equality, proportionality, and complementarity to counter radicalisation policies. To the greatest extent possible, this limits administrative decisions on matters concerning the rights of inmates and their equality before the law, regardless of the religion, faith, or ideology they profess. There are three types of information resulting from prison observation: the effectiveness of security prevention depends on cooperation between the intelligence agencies and police forces; the effectiveness of investigations (including judiciary preventive measures) depends on cooperation between judges and judiciary police; and the effectiveness of rehabilitation and social integration depends primarily on cooperation between the prison staff and the private cooperatives and NGOs working within and outside the prisons.

Security information
Preventive Security (which is specific branch of prevention at large) is the result of the professional activities of police forces and Intelligence. At the top of the information flows that characterise security prevention is the **Committee of Counter Terrorism Strategic Analysis** (C.A.S.A), which was established in 2004 by a Decree from the Ministry of Interior as part of the National Plan to Counter Terrorism, within the framework of the Crisis Unit

(Decree 83/2002). The C.A.S.A is a permanent Committee, which brings together all four law enforcement agencies (LEAs) and the intelligence services (in particular DIS, departments of internal-AISI and external security-AISE) under the premises of the Central Office of Preventive Police (Ministry of Interior). C.A.S.A meets weekly to assess information on the internal and international terrorist threat to activate the necessary prevention and counter measures.

The **Department of Penitentiary Administration, using the Central Investigation Unit** (C.I.U - NIC) for the collection of information, also deals with activities related to the risk of violent radicalisation in prison and, like all other police forces, contributes to composing complex informative puzzles from a security point of view. The Penitentiary Police, which is a civil police force of military tradition, provides data concerning intramural life and the detained person's contact with outside; this information comes from the Directions of Prison Institutes and is obtained through observation of the inmates. Therefore, it is qualitative security information, which is not part of the prisoner´s file and therefore not accessible to their lawyers or the detainees themselves. This data cannot be exchanged with other public or private bodies unless a judiciary measure is taken by a judge to authorise it.

The **data analysis** produces a specific individual risk assessment based on **three levels of classification**: 1. High - Monitoring; 2. Medium - Attentioning; 3. Low - Reporting. The analysis conducted by the NIC on the radical and terrorist subjects is then channelled to the CASA, if appropriate. Information and output from central analysis (by the C.I.U. or C.A.S.A) does not flow back to the local level, unless there is a request for closer monitoring or for the application of specific surveillance measures.

All penitentiary staff have a duty to provide information concerning radical phenomena (non-forensic and non-judiciary data) from the prisons to the prison director, who will convey the information to the competent central offices. The leadership in the area of security information depends upon police and intelligence services (Ministero dell'Interno, 2017).

Judiciary Information

Conversely, **information** concerning **potential crimes** (forensic and judiciary information that form the basis or investigations) are transmitted by the judiciary police department of the penitentiary police to the competent judiciary authorities. This information may provide inputs for investigations, an activity which is well regulated by the Italian law, with several guarantees for the suspects. When security information concerns Third Country Nationals representing a threat to national security, administrative procedures under the jurisdiction of the Italian Ministry of Interior are usually applied (expulsion), while security information concerning EU citizens requires the intervention of judiciary authorities.

(Behavioural Information

Behavioural information framed within **multi-agency analysis**, resulting from **multidisciplinary observations**, informs the individual rehabilitation programmes and measures its advancement. This information is accessible to several parties, including the civil staff, director, prison police, prisoners, and the surveillance judges, and is the object of different coordinated multi-agency activities aimed at implementing the individual rehabilitation programmes. The leadership of these actions lies in the hand of the surveillance judges and prison staff. The flow of behavioural, non-forensic and non-judiciary information with security relevance is kept separate from the treatment element: the two elements are complementary but do not influence each other as all prisoners are equal in front of the law and have the right to access the same services. In line with the L.354/75, only surveillance judges can approve and modify rehabilitation programmes, not LEAs or intelligence services. To this end, data from monitoring is only gathered, used, and shared with a preventive aim, from the security perspective. The monitoring does not only cover critical events, but also the inmate´s daily routine, including fixed and codified procedures.

The key to the system is the correct understanding of the interaction between different pieces of information, that arrive from the multiple information flows, within the framework of the Italian constitutional architecture. It is also crucial to **balance** fundamental rights with security through respecting different roles and competences. The overarching framework is represented by the **rule of the law** and the equality of all citizens in front of the law. All citizens, including detainees and prisoners, have the right to a just process.

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