



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF SADIO v. ITALY

(Application no. 3571/17)

JUDGMENT

STRASBOURG

16 November 2023

This judgment is final but it may be subject to editorial revision.

In the case of Sadio v. Italy,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Stéphanie Mourou-Vikström, *President*,

Lado Chanturia,

Mattias Guyomar, *judges*,

and Sophie Piquet, *Acting Deputy Section Registrar*,

Having regard to:

the application (no. 3571/17) against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 11 January 2017 by a Malian national, Mr Macalou Sadio (“the applicant”), who was born in 1997 and lives in Trieste, and was represented by Mr M. Paggi and Mr E. Varali, lawyers practising in Padua;

the decision to give notice of the application to the Italian Government (“the Government”), represented by their former Agent, Ms E. Spatafora, and their Agent, Mr L. D’Ascia;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the parties’ observations;

Having deliberated in private on 12 October 2023,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the poor conditions of the applicant’s accommodations in the reception centre in Cona (Venice). The applicant reached the coast of Sicily on 29 May 2016 aboard a makeshift vessel. On 31 May 2016 he was transferred to the Cona reception centre.

2. It appears from the case file that the applicant remained in the above-mentioned reception facility until at least 27 January 2017.

THE COURT’S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

3. The applicant complained that his reception conditions in Cona had been poor. He alleged that the centre had been overcrowded and that there had been a lack of basic facilities, such as proper heating and hot water, and a lack of access to medical care. The applicant also complained that there had been a lack of psychological and legal assistance and an insufficient number of staff members and interpreters.

4. The applicant submitted a number of pictures showing, among other things, overcrowded dormitories.

5. He also provided a parliamentary question submitted by a member of parliament on 6 December 2016 following a visit to Cona on 16 November 2016. The relevant document indicated that the centre housed 1,256 people living in seven large, overcrowded tents measuring from 340 to 1,500 sq. m.

6. The report stated that the centre was understaffed and that healthcare, provided by local practitioners who had to take care of a high number of patients, was inadequate. It was also noted that some people had been residing in the centre for more than one year.

7. In addition, the applicant submitted a report on a visit to the centre by the non-governmental organisation Associazione Giuristi Democratici. The report stated that, at the time of the visit on 4 January 2017, the centre had housed 1,400 people.

8. According to that report, migrants were crammed into small brick buildings and large tents without proper heating. Bunkbeds were placed so closely together that there was no space to pass between them. The number of canteen tables and chairs was insufficient compared to the number of people eating. Only one doctor was present during the day in the centre, while one nurse was there at night and during the holidays.

9. The Government submitted that the structural, health and safety conditions in the Cona reception centre had been appropriate.

10. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

11. The general principles concerning the material conditions in migrant reception centres, with regard in particular to the situation in Cona at the time of the applicant's stay in that facility, have been summarised in *Darboe and Camara v. Italy* (no. 5797/17, 21 July 2022, §§ 167-73).

12. The Court sees no reason to depart from the conclusion reached in the above-mentioned case. It therefore considers that, having regard to the length and the conditions of his accommodations in the Cona adult reception centre, the applicant was subjected to inhuman and degrading treatment and that there has been a breach of Article 3 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

13. The applicant also submitted that he had not had at his disposal any effective remedy by which to raise his complaints under Article 3 of the Convention.

14. The Government observed that the applicant's right to an effective remedy with regard to Article 3 of the Convention had been respected.

15. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

16. The general principles concerning the availability at national level of a remedy to enforce the substance of the Convention rights and freedoms have been summarised in *Darboe and Camara* (cited above, §§ 193-95).

17. In the above-mentioned case, the Court concluded that the Government had failed to indicate any specific remedy by which the applicant could have complained about his reception conditions in Cona and found a breach of Article 13 of the Convention.

18. The Court is of the view that there is no reason to hold otherwise in the present case.

19. There has accordingly been a violation of Article 13 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

20. The applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage relating to the alleged violation of Article 3 of the Convention and EUR 10,000 in respect of non-pecuniary damage resulting from the alleged violation of Article 13 of the Convention. He also claimed EUR 14,401.51 for the costs and expenses incurred before the Court by each of his two legal representatives.

21. The Government opposed those claims.

22. The Court awards the applicant EUR 5,000 in respect of non-pecuniary damage resulting from the violation of Articles 3 and 13 of the Convention.

23. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 4,000 covering the costs of the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 3 of the Convention;
3. *Holds* that there has been a violation of Article 13 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts:
 - (i) EUR 5,000 (five thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

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- (ii) EUR 4,000 (four thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 16 November 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sophie Piquet
Acting Deputy Registrar

Stéphanie Mourou-Vikström
President