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## **INTERNATIONAL TERRORISM AND “FOREIGN FIGHTERS”: WHAT ARE THE PREVENTION MEASUREMENT ADOPTED BY THE GOVERNMENT?**

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*The recrudescence of the terroristic phenomenon, Charlie Hebdo and the executions done by the Isis militia, provided the adoption from the Italian government, similarly to other European countries – above all France – of measures against these criminal actions, even with the introduction in the penal code of new particular cases of crime.*

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The last scenes of international reports – the French massacre at Charlie Hebdo and the obscene series of barbaric executions from Isis – requested the Italian government to intervene, which, after an accurate elaboration of a tactic during Council of Ministers last February 10th it has (1), adopted a **Legislative Decree (2) with urgent measures to prevent and contrast terrorism even international.**

In detail.

**Introduction to new particular cases of crime and penalties of “new” behaviour criminally relevant.** The measures the government adopted, to contrast the criminal activities of the terroristic organizations, and to assimilate the actual regulation of codes (art. 270 bis e seg.c.p.), contemplates an expansion of the catalogue of particular cases of associations with terroristic finalities, averting the introduction of **a new violation which punishes behaviours integrated from: organisation, financing and propaganda of journeys to comply with terroristic acts** – inflicting from two to six years of reclusion (it is in the art 270-quarter c.p.)(3).

Is expected, also, **a punishment for the person recruited with terroristic aim**, except in cases of training, with the **reclusion from three to six years**; it is determined an increase of the category of the active subjects (4) – the recruited – and the behaviour attributed to them whether art 270 quarter c.p. sanctioned, until the intervention of the storyteller, only the activity of the recruiter.

On the base of the French model, it is introduced **the criminal liability of the one who acquire autonomously the “instructions to the fulfilment of terroristic acts”**, being actually penally sanctioned the training from another person (art. 270quinquies c.p.)(5).

Identifying the constant increasing influence and incidence of the **electronic means in the proselytism activity** and “the benefit by the terroristic groups”, the decree, in order to contrast this disrespectful and criminal use of the internet, declare ulterior measures:

The **deterioration of punishment** established for crimes of defence and instigation to terrorism committed through electronic devices (art.2 decree de quo); the possibility that the Authority orders to the internet providers of “inhibit the access to sites used to commit crimes with terroristic aims”. These internet sites are listed on a specific list, created by the “Postal and Telecommunications Service Police”, and always updated by them. Whether this isn’t respected, the Judiciary Authority can debar the access to these internet domains (art. 2, co. 2); To the **directors of the information services for the security**, is expected to be allowed the experiment – with the Judge authorization – of **meetings with**

**the prisoner or interned**, in order to “obtain information to prevent crimes with terroristic aim of international matrix” and whether there are “specific and concrete informative elements that make absolutely **essential the preventing activity**” (art.6)(6); finally are conferred to the **National Antimafia Prosecutor coordinating functions**, in national territory, investigations regarding penal and prevention measures concerning terrorism (with this action is edited the dictation “**national antimafia prosecutor**” with the **addition of the word “and antiterrorism”**)(7), considering he/she conducts the “assignment of national antimafia and antiterrorism prosecutor, to the date of become law from the present decree, the national antimafia prosecutor”. It is also changed the dictation “district antimafia direction” to “public prosecutor”.

Regarding the **personal prevention measures**, the Govern, following the decree, was considering the integration of measures concerning **foreign fighters**.

With these words are indicated the foreign fighters that, adhering to the jihadist cause, have reached the “conflict’s interethnic and religious stages” in the Middle East Area, to join the militias of many terroristic organizations actives in Syria and Iraq, above all the Islamic State (already ISIS) and Jabhat al Nusra.

Approximate reckonings indicate on fifteen thousand of foreign fighters, three thousand are the eastern ready to reach the Syrian frontline.

To contrast and prevent this new event, the law decree – even not using the diction **foreign fighters** – commands it is extended **the punishment to the one who takes “part in a conflict in a foreign territory to support an organization who seek the terroristic goals as in art 270-sexies of penal code”**.

Furthermore it is **allowed to the Commissioner the ability – in cases of necessity and urgency – to recall temporarily the passport to “suspected” foreign fighters or people implicated in the “commitment of crimes with terroristic goals”, upon proposing the application of special surveillance prevention measurement**, disposing the “suspension of validity upon expatriate every other document equivalent” (at.4, co.1, lett. b).

Together with this expectation, the decree consider the punishment of the behaviour of whom doesn’t actuate the measure imposed with the urgencies actions indicated above (more than the recall of passport, “the obligation or prohibition of stay”).

C.d.M. n. 49; Law Decree February 18th 2015, n. 7; Measures link: <http://www.governo.it/backoffice/allegati/77906-10011.pdf> ; Art. 270-quater.1, "Organisation of transfers with terroristic goals "; The active subject of the crime is the author of the illicit behaviour penally relevant; In the decree method was used the diction "self training"; Vanish the expectation – said above in the method – of **exempt** that, in a general enlargement of “functional warranties”, omit from the criminal liability the behaviour of the Intelligence agencies’ staff, as long it is for “institutional goals” and upon authorization of Council of Ministers President; Art. 4, co.1, lett. a.

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