



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

Published on 6 December 2021

FIRST SECTION

Application no. 13015/20
Karima ZEMZAMI
against Italy
lodged on 2 March 2020
communicated on 17 November 2021

SUBJECT MATTER OF THE CASE

The applicant is the sister of Anas Zemzami, who died from asphyxia caused by self-suspension whilst serving a prison sentence in the Pesaro Correctional Facility. The applicant complains under Article 2 of the Convention that the authorities failed to take measures to protect her brother's life, and that the investigation into her brother's death had been ineffective. The applicant further complains that the prison authorities, through their treatment of her brother prior to his suicide, and in particular the alleged failure to provide him with timely and adequate medical treatment, subjected him to inhuman and degrading treatment in breach of Article 3 of the Convention.

QUESTIONS TO THE PARTIES

1. Has there been a failure to protect the life of the applicant's brother, A.Z., as guaranteed by Article 2 of the Convention? In particular, did the domestic authorities know or ought they have known of the existence of a real and immediate risk to the applicant's brother's life and did they fail to

take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk (see *S.F. v. Switzerland*, no. 23405/16, § 98, 30 June 2020, and *Keenan v. the United Kingdom*, no. 27229/95, § 90, ECHR 2001-III)? In answering these questions, the Government are invited to address the fact that A.Z. had been placed in a cell equipped with a bunk bed measuring 2.20 metres in height and bed sheets. The Government are further invited to address the applicant's statement to the effect that, despite the fact that A.Z. had been placed under a heightened level of monitoring (*regime di grande sorveglianza*), no correctional officer had checked on him between 17.08 p.m. and 19.17 p.m. (the time when A.Z.'s death was discovered).

2. Having regard to the procedural protection of the right to life (see paragraph 104 of *Salman v. Turkey* [GC], no. 21986/93, ECHR 2000-VII), was the investigation in the present case by the domestic authorities in breach of Article 2 of the Convention? In answering this question, the Government should address the fact that the proceedings had been initiated against persons unknown rather than against correctional or health staff entrusted with the supervision of A.Z. and the fact that the investigating judge dismissed the public prosecutor's requests to discontinue the proceedings three times and ordered that the investigation be continued (by orders issued on 23 August 2016, 18 October 2017, and 5 February 2018), with a particular focus on the reasons underlying the investigating judge's orders. In this latter connection, the Government are invited to address the investigating judge's request that the applicant's medical expert be invited to submit observations (see, as an example, the decision issued on 22 August 2016). The Government are further asked to refer to the reasons relied on by the investigating judge for discontinuing the proceedings in the decision of 5 August 2019.

3. Has the applicant's brother been subjected to inhuman or degrading treatment, in breach of Article 3 of the Convention? In particular, have the responsible authorities discharged their obligation to ensure that the applicant's brother's health was adequately secured by, among other things, providing him with appropriate and timely medical assistance (see *Rooman v. Belgium* [GC], no. 18052/11, §§ 145-148, 31 January 2019)?