Court of Cassation accepted the appeal of migrants detained in Italian ship Diciotti

The United Sections of the Court of Cassation issued an order regarding the appeal of a group of migrants who were prevented from disembarking the Italian Coast Guard's "Diciotti" ship in August 2018. The migrants had requested compensation for the non-economic damages they suffered due to their ten-day deprivation of liberty. he migrants had requested compensation for the non-economic damages they suffered due to their ten-day deprivation of liberty.

The Cassation Court overturned the Rome Court of Appeal's ruling, which had dismissed the case on the grounds that there was no public administration fault. The Court highlighted the responsibility of the state to organize disembarkation as soon as reasonably possible, as stipulated by international conventions (notably the SAR Convention).

A "safe place" for disembarkation must not only provide physical safety but also guarantee the fundamental rights of the migrants, such as their right to seek asylum. The Court confirmed that the state retains only a margin of "technical discretion" in choosing the disembarkation point, taking into account factors like the number of migrants, their physical and psychological condition, and the need for adequate reception and medical facilities.

The Court ruled that the detention of migrants aboard the ship, who were not fully identified and potentially entitled to asylum under Article 10 of the Italian Constitution, cannot be treated as part of an expulsion or extradition procedure. Moreover, such detention cannot be justified under international law as a measure to prevent illegal entry, as it constitutes a violation of their personal liberty. The Court emphasized that this kind of detention cannot be equated to regular detention or arrest.

Source(s)

- Ministry of Labour and Social Policies | Ministero del Lavoro e delle Politiche Sociali (6 March, 2025), Cassazione, caso "Diciotti", i profughi dovranno essere risarciti per la privazione della libertà [Court of Cassation, "Diciotti" case, refugees will have to be compensated for the deprivation of liberty], https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/4176/Cassazione-caso-Diciotti-i-profughi-dovranno-essere-risarciti-

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