

**URGENT – RULE 39**

**Person to Contact: Senada Sali ([senada.sali@errc.org](mailto:senada.sali@errc.org); [office@errc.org](mailto:office@errc.org));  
(+32 497 67 60 12– English)**

**Request for Rule 39 Measure**

European Court of Human Rights  
Council of Europe  
67075 Strasbourg Cedex  
FRANCE

17 October 2024

**Z.B. and Others v. Italy**

Dear Sir/Madam,

1. We are writing to respectfully request that the Court indicate to the Italian Government, under Rule 39 of the Rules of the Court, to immediately halt the eviction of the applicants currently residing in the Albuccione camp in Guidonia Montecelio, Italy. We anticipate that additional individuals affected by this situation may wish to join this application, and we will inform the Court as soon as we have further information about them. If the eviction proceeds, the applicants will be rendered homeless and placed in an extremely vulnerable and precarious situation.
2. The applicants face the risk of eviction at any moment, beginning from Tuesday, 15 October 2024 (i.e. two days ago). Some residents of the camp have already been forcibly evicted. Given the urgency of this matter, we respectfully request a prompt response from the Court.
3. Please note that the applicants are represented by the European Roma Rights Centre (ERRC), an international public interest law organisation

led by Roma, whose mission is to combat antigypsyism and its legacy, and to secure dignity, equality, and full respect for the human rights of Roma communities.<sup>1</sup>

4. At this stage, the applicants also request that the Court anonymises the application, so that the case is referred to as "Z.B. and Others v. Italy." This request is made to protect the applicants' privacy, particularly that of their young children, to avoid any potential long-term impact on their future opportunities. Furthermore, the applicants are concerned about possible victimisation or retaliation for challenging their eviction through legal means.

## The Facts

### A. The Albuccione Camp in Guidonia Montecelio, Italy

5. The Albuccione camp originally housed approximately 220 people, primarily Romani families. Among the residents are many vulnerable individuals, including children, pregnant women, and people with disabilities (some of whom have 100% disability). The children attend the local school, Istituto Comprensivo "Giuliano Montelucci" in Guidonia.<sup>2</sup> Most of the residents are originally from, or are descendants of those from, the former Yugoslavia, including Croatia, Serbia, Bosnia, North Macedonia, and Kosovo.
6. The camp has been tolerated for over 15 years. However, no formal services, such as water or electricity, have been provided. As a result, residents have established informal connections to the mains for these utilities. The sanitary conditions in the camp are poor, exacerbated by undifferentiated garbage dumps along the road adjacent to the site.
7. On 12 August 2024, a fire broke out in the camp, destroying a portion of it and directly affecting 50 individuals.<sup>3</sup> In response, the mayor of Guidonia Montecelio, Mr. Mauro Lombardo, introduced so-called "Co-responsibility Pacts," offering a one-time financial contribution of 500 euros per person misleadingly labeled as "rent assistance", incentivizing

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<sup>1</sup> <https://www.errc.org/>

<sup>2</sup> <https://icmontelucci.edu.it/archivio/>.

<sup>3</sup> You can find more details about the fire and its aftermath on: [https://www.adnkronos.com/Archivio/cronaca/incendio-roma-oggi-guidonia-campo-nomadi\\_2wcnDpVZyoQSw1pMQePtDh](https://www.adnkronos.com/Archivio/cronaca/incendio-roma-oggi-guidonia-campo-nomadi_2wcnDpVZyoQSw1pMQePtDh).

families to leave voluntarily. The 50 affected individuals accepted the offer and vacated the camp.

8. Initially, only fire victims were offered the pact, but later it was extended to all remaining families, though most refused.
9. Shortly thereafter, the local councilor for social policies verbally informed the remaining 170 residents (including 125 minors and 30 children under six years old) that they were subject to an eviction order and were required to leave the camp by 15 October 2024. The residents were warned of severe consequences: women and children would be sent to family homes, men would be imprisoned, and their children would be taken away. Despite these threats, the families have remained in the camp, fearful of being left homeless with no alternative support. The pressing request was addressed only to the Romani families and not to the other, non-Romani families present in the same settlement.

## **B. Eviction by Order of the Mayor from 14 October 2024**

10. Faced with the inability of Guidonia-Montecelio's Administration to adopt appropriate processes for closing mono-ethnic camps, as is happening in other Italian cities, they have chosen the easiest and most costly route - forced eviction.<sup>4</sup>
11. On the night of 14 October 2024, Mayor Mauro Lombardo signed Ordinance No. 400, targeting residents of the unauthorized camp in Guidonia Montecelio. The ordinance highlights a significant fire on 12 August 2024, which destroyed structures and created hazardous conditions from smoke and waste. While many families voluntarily evacuated, some resisted. Following recent meetings, a decision was made to remove remaining residents, beginning with those in properties managed by the *Agenzia Nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata* - (National Agency for the administration and destination of assets seized and confiscated from organized crime (ANBSC)) in the Pichini area.<sup>5</sup> The

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<sup>4</sup> So far, the administration has spent 28,000 euros on this measure, but the amount is expected to rise. See: Guidonia: eviction of shantytown announced. Association 21 Luglio and European Roma Rights Centre, available at: <https://acrobat.adobe.com/id/urn:aaid:sc:EU:22ebba33-8c45-43aa-9824-c7923e13b44d>.

<sup>5</sup> The real estate complex in the 'Pichini' area was confiscated from organised crime and administered by the competent 'Agenzia Nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata' (ANBSC).

ordinance effective from 15 October 2024 stated that immediate removal will occur to safeguard public health and facilitate site rehabilitation. Non-compliance will lead to enforced removal by law enforcement. The order was not formally communicated to the affected families but was only published on the municipality's website: <https://tiburno.tv/wp-content/uploads/2024/10/CLICCA-E-LEGGI-LORDINANZA-5.pdf>.

**(Annex 1)**

12. In addition to those remaining at the camp, 10 families who had previously accepted the 500-euro contribution relocated to a building already partially occupied by non-Romani families. The eviction order issued on 14 October 2024 also applies to these 10 families but does not affect the non-Romani residents in the same building. At the time of writing this request (i.e. the morning of 17 October 2024), the ERRC received information that 5 Romani families have already been evicted, including 10 adults (one of whom is pregnant) and 15 minors.
13. The eviction of the Roma camp is one of the first battles carried out by the mayor of Guidonia Montecelio who declared: *"The eviction of the Albuccione Roma camp begins, as promised and as planned"* - commented the Mayor Mauro Lombardo, present at the Committee meeting together with the commander of the local police of Guidonia Montecelio, Paolo Rossi. *"But first, the eviction will take place, in a very short time, of the ten families, whose names have already been transmitted to the police, who occupied the homes of Pichini. This shameful and fraudulent behavior by these families cannot be tolerated, who, despite the housing contribution, have resorted to illegal occupation, also putting in a bad light those who are actually looking for new legal solutions. The overcoming of the Albuccione Roma camp was an important commitment that this Administration had made and now, finally, after years, it is about to be realized"*.<sup>6</sup>
14. On 15 October 2024, the ERRC Human Rights Monitor for Italy was contacted by Associazione 21 Luglio with information about an impending forced eviction of the Romani community residing in the Albuccione camp. The same day local police, the councilor for social policies and the mayor were present in the camp, assisting the demolition of two shacks. **(Annex 2)**

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<sup>6</sup> Roma Today, Illegal Roma Camp: Prefecture Orders Eviction by October 15, available at: <https://www.romatoday.it/zone/guidonia/sgombero-campo-nomadi-albuccione-prefettura-15-ottobre-2024.html>.

15. The families have expressed their willingness to urgently appeal to the European Court of Human Rights (ECtHR) to halt the eviction and prevent the loss of homes. They believe the forced eviction violates their human rights and fails to provide adequate procedural protections. Associazione 21 Luglio is currently present in the camp to support the families and monitor the situation. The case has also attracted significant media attention, highlighting the ongoing struggle to protect the rights of the Romani community in Italy.<sup>7</sup>

### C. The Applicants' Situation

16. The applicants are all persons of Roma ethnic origin.

17. The first applicant, was born on 5 July 1973, in Porodin, Serbia. **(Annex 3)** She has lived in the Guidonia Montecelio settlement for 11 years with her husband, the second applicant, and their five grandchildren, aged 17, 16, 14, 10, and 8. Her 10-year-old granddaughter has been diagnosed with a malignant tumor in her sacrum and has undergone surgery. She is recognized as 100% disabled and remains under close medical supervision. **(Annex 4)** The school-age children attend school regularly. The second applicant, born on 18 May 1971, in Loznica, Serbia is illiterate and has a 100% disability due to cranial-encephalic trauma. **(Annex 5 and 6)** The family is registered as residents of the Municipality of Rome and lives in makeshift brick home, with access to electricity and water from an artesian well, but they lack a sewage system. They have not received an eviction order, nor have they been offered any alternative housing solutions.

18. The third applicant was born on 13 August 1993, in Rome. **(Annex 7)** She holds Serbian nationality and has lived in the Guidonia Montecelio settlement for 11 years with her five children, aged 14, 13, 11, 10, and 2. Her youngest child has been diagnosed with a Blake's pouch cyst, requiring regular check-ups at the "Gesù Bambino" Pediatric Hospital in Rome. **(Annex 8)** The school-age children attend school regularly. Her mother, the fourth applicant, also resides with them. She is illiterate and born on 5 November 1966, in Kamenica, Serbia. She lives in the same

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<sup>7</sup> See: Evacuation of illegal Roma camp, the last shacks demolished. The 21st July Association: "Action detrimental to human rights", available at: <https://www.romatoday.it/zone/guidonia/sgombero-campo-rom-albuccione-guidonia-demolite-baracche.html>. Also see: GUIDONIA – "Stop the eviction", the "21st July" Association defends the Roma, available at: <https://tiburno.tv/2024/10/15/guidonia-stop-allo-sgombero-lassociazione-21-luglio-difende-i-rom/>.

home under precarious conditions. **(Annex 9)** The family has a regular electricity connection and access to water from an artesian well, but they lack a sewage system. They have not received an eviction order, nor have they been offered any alternative housing solutions.

19. The fifth applicant, was born on 3 July 1988, in Rome. **(Annex 10)** He is a citizen of Bosnia and Herzegovina and has lived in the Guidonia Montecelio settlement for 11 years with his wife and their seven children, aged 15, 12, 10, 8, 6, 4, and 1. The school-age children attend school regularly. The family is registered as residents of the Municipality of Rome and lives in a wooden home under precarious conditions. They have a regular electricity connection but lack both a water supply and a sewage system. To encourage their departure from the settlement, the family was offered a one-time payment of 500 euros. However, due to their unstable employment situation and challenging economic conditions, they are unable to afford rent for an apartment. The family has not received an eviction order and has not been offered any alternative housing solutions.

20. The sixth applicant, was born on 10 February 1997, in Rome. **(Annex 11)** He is a citizen of Bosnia and Herzegovina and has lived in the Guidonia Montecelio settlement for 11 years with his wife and their two young children, aged 2 and 1. The family is registered as residents of the Municipality of Rome and lives in a wooden home under precarious conditions. While they have a regular electricity connection, they do not have access to a water supply or sewage system. To encourage their departure from the settlement, the Municipality of Guidonia-Montecelio provided the family with a one-time payment of 500 euros per member. However, due to unstable employment and challenging economic conditions, they are unable to secure an apartment. The family has not received any eviction order, nor have they been offered alternative housing solutions.

#### **D. Housing Conditions for Roma in the Italy**

21. The Italian authorities have built so-called nomad camps (campi nomadi) for Roma since the 1980s. They started as a result of regional policies, implemented when Roma from the former Yugoslavia arrived in Italy, which dictated that segregated settlements had to be approved and constructed by city and/or regional authorities. They are based on the Italian Government's fundamental misconception that all Roma are nomadic, even though just 3% of the Roma in Italy are said to live an

itinerant lifestyle. The so-called camps consequently fail miserably to meet the needs of Roma living in Italy. Camps often have no access to drinking water, power or sewage. The accommodation is usually overcrowded, and the camps are generally located on the periphery of cities and towns. According to an EU Fundamental Rights Agency report, these Italian camps have one of the highest rates of Roma living per room in Europe.<sup>8</sup>

22. The ERRC has been closely monitoring forced evictions of Roma in Italy for a number of years. Just between 2017-2020, 160 forced evictions were carried out in Italy that the ERRC is aware of. This should not be considered to be a comprehensive number of all forced evictions of Roma in Italy, but as a sample of cases about which the ERRC has received information (Annex 12). ERRC field research has found that families living in informal camps were persistently evicted without respect for the protections prescribed by international standards. Residents were not consulted prior to eviction, and they did not receive formal eviction orders, making it difficult to challenge the evictions legally. The situation of schoolchildren, elderly people, pregnant women, and people with health issues was not taken into consideration. Most of the time the evictees were not offered alternative accommodation, which forced them into an endless cycle of evictions from one camp to another.<sup>9</sup>

23. In a unanimous decision on 13 May 2024, the Council of Europe's European Committee of Social Rights (ECSR) concluded that Italy's persistent discriminatory mistreatment of Roma in its housing policies amounts to serious violations of the European Social Charter.<sup>10</sup> The decision was in response to a complaint filed by Amnesty International on 18 March 2019. The Committee concluded that Italy had violated Article E of the Charter as regards the continuation of forced evictions of Roma, segregated and substandard housing, and concerning the lack of equal access to social housing for Roma.

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<sup>8</sup> ERRC, 'Written comments of the European Roma Rights Centre, concerning Italy to the UN Human Rights Council, within its Universal Periodic Review for consideration at the 34th Session (27 March, 2019) [http://www.errc.org/uploads/upload\\_en/file/5138\\_file1\\_italy-hrc-submission-26-march-2019.pdf](http://www.errc.org/uploads/upload_en/file/5138_file1_italy-hrc-submission-26-march-2019.pdf) and see also Written comments of the European Roma Rights Centre, concerning Italy to the Committee on Economic, Social and Cultural Rights at its 66th session (13 December 2019) [http://www.errc.org/uploads/upload\\_en/file/5193\\_file1\\_italy-cescr-21-august-2019.pdf](http://www.errc.org/uploads/upload_en/file/5193_file1_italy-cescr-21-august-2019.pdf)

<sup>9</sup> *Ibid.*

<sup>10</sup> Amnesty International v. Italy, complaint no. 178/2019, available on: <https://hudoc.esc.coe.int/eng/?i=cc-178-2019-dmerits-en>.

24. The Committee considered that racial discrimination is a particularly invidious kind of discrimination that requires special vigilance and a vigorous reaction from the authorities. Noting that forced evictions which directly target Roma have continued since its 2004 decision on the collective complaint *ERRC v. Italy*, and to this day remain a current practice. The Committee also considered that the ongoing housing conditions of Roma and Sinti living in camps constitutes discrimination: *“The State has failed to adopt a comprehensive and adequate legal framework allowing to ensure sufficient remedies in cases of forced evictions. Moreover, as a result of these practices, Roma and Sinti are largely stigmatised and remain marginalised, which constitutes discriminatory treatment.”*
25. The Committee referred to previous findings, reports and collective complaints which revealed patterns of housing segregation and anti-Roma discrimination, with huge amounts of public money spent on Roma camps which exacerbate exclusion. Despite some patchy and localised progress, the Committee noted there remains no coherent national approach towards inclusion, that interventions are mainly of an ‘emergency’ character, and that the State has failed to provide a long-term solution to segregation in housing of Roma and Sinti. In light of the evidence *“the Committee considers that a large number of Roma families still live in substandard and segregated housing in Italy, and holds therefore, that there is a violation of Article E read in conjunction with Article 31§1 of the Charter.”* The information provided by the authorities about the allocation of resources to specific projects to improve access to social housing for Roma, failed to convince the Committee that such resources have effectively and significantly improved access of Roma and Sinti to social housing without discrimination. *“The Committee holds therefore that the situation of segregation of Roma and Sinti in camps and the lack of equal access to social housing constitute a violation of Article E read in conjunction with Article 31§3 of the Charter.”*

### **Alleged Violations of the Convention**

26. **Breach of Article 3.** The applicants allege that the manner in which the eviction is and will be carried out will breach Article 3. In particular, the very short notice and the lack of any offer of alternative adequate housing solution and/or support amounts to inhuman and degrading



treatment for people who are considered, under the Court's case law, to be in a category of particularly vulnerable people (Roma and persons with disabilities). The one-time financial support of 500 euros per person (misleadingly labeled as "rent assistance"), offered to residents of the camp as part of the relocation initiative, is a symbolic amount that falls far short of addressing the real needs of families facing forced eviction. In a situation where entire households are being forced to leave their homes, this sum is barely enough to cover basic, short-term expenses such as food or temporary accommodation. It does nothing to solve the longer-term challenges these families face, such as securing stable housing, accessing healthcare, or ensuring the children's education. In this context, the 500 euros seem more like a token gesture than a meaningful solution, leaving the families still vulnerable and uncertain about their future. The applicants note that they are Roma, and therefore members of a "particularly vulnerable group" as that term is used under the Convention. See, e.g., *Horváth and Kiss v Hungary* (2013), § 110; *D.H. v Czech Republic* (2007), §182; *Yordanova and others v. Bulgaria* (2012) § 130.; *Buckley v United Kingdom* (1996) § 76; *Winterstein v France* (2013), § 87 and § 150. The applicants also note that the Court has found that leaving members of a particularly vulnerable group, such as Roma, homeless, amounts to a violation of Article 3. *M.S.S. v Belgium and Greece* (Grand Chamber, 2012), §251. Article 3 is moreover applicable to the present case given that the authorities have tolerated the applicants living in the informal camp of *Albuccione* for over a decade, making them responsible for their ongoing housing conditions. See *mutatis mutandis, Moldovan and others (no 2) v Romania* (2005), § 104; *Öneryıldız v Turkey* (2004), §§ 104-105. Moreover, the applicants recall the Court's emphasis on "*the necessity, in the event of the forced eviction of Roma and travellers, of providing them with alternative housing, except in cases of force majeure*" (*Winterstein v France* (2013), § 159. In this case, the applicants, who are Roma, and in an extremely vulnerable situation, are facing a risk of eviction and there is no intention to provide them with re-housing. This is not a case of *force majeure*; indeed, there is no clear reason why the applicants are being forcibly evicted now. See *M.S.S. v. Belgium and Greece* (Grand Chamber, 2011), § 253; *Sufi and Elmi v the United Kingdom* (2001), § 279.

27. **Breach of Article 8.** The applicants further allege that the eviction will interfere with their right to respect for private and family life and home

and that the interference is disproportionate, and therefore not in accordance with Article 8 § 2 of the Convention. The applicants have lived in *Albuccione camp* for many years (over a decade), making it their “home” as that term is used in the Convention. See *Buckley v United Kingdom* (1996) §54. The eviction, if carried out, would be manifestly disproportionate in the light of the principles set out in the Court’s case law. No alternative housing is proposed, and the authorities have not taken into account the vulnerable situation of the applicants who are all Roma and whose families include very young children and persons with disabilities. The Italian authorities have not conducted any balancing between the necessity of evicting the applicants and the consequences of this measure on the families’ private and family life. Moreover, it is to be stressed the strong link the applicants have with the territory as a result of the long period they have been living in the camp and the *de facto* tolerance of their stay by Italian authorities. See *Winterstein v France* (2013), § 150; *Buckley v United Kingdom* (1996) § 76; *D.H. v Czech Republic* (2007) § 181; *Yordanova and others v. Bulgaria* (2012) §§ 126 and 130; *Bagdonavicious and others v Russia* (2017) § 108. The applicants also note the complete failure to comply with any of the procedural requirements for forced evictions set out in the Court’s judgment in *Winterstein v France* (2013), § The applicants point out that for an urgent ordinance to be valid, it must satisfy several conditions. First, the ordinance must be enacted to address an unavoidable, extraordinary, and unforeseeable danger, justifying its urgency. Additionally, its effects must be temporary. Domestic case law has established further criteria, including reasonableness, proportionality between the ordinance and the actual situation, and a clearly indicated end date (see Consiglio di Stato, Sez. V. No. 1128/1998; Consiglio di Stato, Sez. VI. No. 1374/2001; Consiglio di Stato, Sez. V, No. 2109/2007). The applicants argue that the urgent ordinance in question fails to meet these criteria. While it specifies that the removal process will commence on 15 October 2024, it does not define a clear timeline for the entire process or provide a deadline for its conclusion. The authorities should have informed the affected people about their eviction in due time to allow them to challenge the eviction before the competent court, and provide them with free legal aid if necessary. The decision to publicly post the ordinance without directly informing the affected residents raises concerns about transparency and communication. The ordinance text

indicates it would be forwarded to various authorities, including the Prefecture of Rome, Rome Police Headquarters, Carabinieri Provincial Command, and others, but notably omits direct notification to the impacted residents. While temporary emergency housing is mentioned, it is only to be made available upon request and limited to families with minors or those identified as vulnerable. This approach excludes others and provides no sustainable, long-term integration or support plan for the evicted individuals. The focus is solely on offering temporary emergency housing for families with minors or frailties, neglecting the broader needs of the community. The stated rationale for eviction, which cites health concerns, fails to acknowledge the environmental injustices faced by marginalized communities, who often have little control over such circumstances. Overall, the process appears rushed and lacks adequate consultation with the affected residents. The applicants submit that the violation of Article 8 is so severe as to justify the Court's intervention in the form of indicating an interim measure. See *Al-Saadoon v United Kingdom* (2010), §160.

28. **Breach of Article 14 (read with Articles 3 and 8).** The applicants allege that they are suffering treatment contrary to Articles 3 and 8 based on their ethnicity, resulting in breach of Article 14 taken with those articles. The applicants will elaborate on this point in their full application to the Court.
29. **Breach of Article 13 (read with Articles 3 and 8).** The applicants allege that they do not enjoy an effective remedy against the threatened breaches of articles 3 and 8. This is addressed further below in relation to the exhaustion of domestic remedies, the applicants recalling the affinity between the requirement on applicants to exhaust domestic remedies and the guarantee contained in Article 13. *Selmouni v France* (1999), § 74.

### **Exhaustion of Domestic Remedies**

30. The applicants allege that the eviction violates Article 3 of the Convention. In such circumstances, Article 13 requires a remedy with automatic suspensive effect (see e.g. *Gebremedhin v France* (2007), § 66). According to the Court's case law, Article 35 § 1 of the Convention only requires applicants to exhaust those remedies which are effective as that term is used in Article 13 (see e.g. *Selmouni v France* (1999), §74).

31. There is no remedy in Italian law with automatic suspensive effect against the impugned eviction measure. On this basis alone, the applicants submit that their request to the Court is appropriate.
32. In theory it is possible in Italy to request an interim measure against an eviction order from an administrative court (*tribunale amministrativo regionale*). Beyond the fact that such a request does not have automatic suspensive effect, there was in any event no hope that the applicants could obtain such a measure before the eviction, which was planned and started only a day after Ordinance No. 400 was signed and published on the municipality website. The ordinary procedure for interim measures before the administrative courts, governed by Article 55 § 5 of Legislative Decree 104/2010, can be summed up as follows: a council of judges will decide on such a request at their first closed session after a notice period of 20 days has expired (following the receipt by the opposing party of the request) or a period of ten days has expired after the full complaint has been filed. On the night of 14 October 2024, the mayor signed an eviction order targeting all the residents of the camp. However, the order was not formally communicated to the affected families but was only published on the municipality's website. On 15 October 2024, the eviction began in the presence of the local police, the councilor for social policies, and the mayor, who oversaw the demolition of two shacks. The time between the publication of the eviction order on the municipality's website and the actual eviction was so short that it left no opportunity for the applicants to take any legal action.
33. Article 56 of Legislative Decree 104/2010 provides a separate means of requesting an interim measure in cases of extreme gravity and urgency – particularly when the time for obtaining an interim measure pursuant to Article 55 is too long. In addition to lacking automatic suspensive effect, this procedure does not impose any obligation on the judge hearing the request to consider it within any particular period of time.
34. In these circumstances, the applicants claim that the burden is on the Government to show there is an effective remedy. See, *mutatis mutandis*, *Mikolajová v Slovakia* (2011), § 34. For the sake of completeness, the applicants emphasised that neither the civil nor the criminal courts would be in a position to provide injunctive relief under domestic law.
35. Apart from the lack of legal remedy with automatic suspensive effect, the applicants argue that an appeal against such an order can hardly be

considered a remedy adequate to challenge a forced eviction. The applicants recall that "the only remedies which Article 35 of the Convention requires to be exhausted are those that relate to the breaches alleged and at the same time are available and sufficient. The existence of such remedies must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness; it falls to the respondent State to establish that these various conditions are satisfied" See, *Selmouni v France* (1999), § 75.

36. For these reasons, the applicants allege that the remedies are not effective as they do not present any reasonable prospect of success. The Court is already aware of the serious failings of the Italian administrative courts to provide remedies compatible with Article 13. See, most recently, *Olivieri and others v Italy* (2016) § 61.
37. The applicants submit that the four months will begin to run (in respect of the four-month rule found in Article 35 § 1 of the Convention) on the date when they will be evicted from their homes; that is, on the date of the actual violation. They compare their situation, in this respect, with other applicants who have challenged their proposed expulsion from the territory of a Contracting Party: the four-month period does not begin to run in the case of such a potential violation until the expulsion has happened. *P.Z. and others v Sweden* (decision, 2012), § 34.
38. In these circumstances, and particularly in the absence of remedies without automatic suspensive effect (as is the case here), it has been the Court's practice to indicate an interim measure. See, e.g., *A.M.B. v Spain* (decision, 2014).

### **Request for Interim Measure**

39. There is an imminent risk that the applicants, who are considered members of particularly vulnerable groups under the Court's case law, will be evicted, exposing them to irreparable harm: they will be left homeless and exposed to unbearable and degrading living conditions. In order to avoid an irreversible situation and to secure to the applicants, in these exceptional circumstances, the practical and effective benefit of the Convention rights asserted (see *Al-Saadoon v United Kingdom* (2010), §160), the applicants request that the Court indicates to the Italian Government under Rule 39 of the Rules of the Court not to carry out the eviction without providing them adequate alternative accommodation

(see e.g. *Yordanova and others v Bulgaria* (2012); *Winterstein v France* (2013)).

Yours faithfully,



Đorđe Jovanović  
President  
European Roma Rights Centre



#### List of Annexes

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