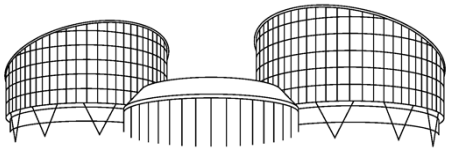

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF GULLOTTI v. ITALY

(Application no. 64753/14)

JUDGMENT

Art 8 • Correspondence • Additional limitation of applicant's right to correspondence during special regime detention • Lack of any explicit reference to specific circumstances justifying the impugned measure • Insufficient evidence of a genuine assessment having been made

Prepared by the Registry. Does not bind the Court.

STRASBOURG

10 July 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Gullotti v. Italy,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ivana Jelić*, President*,
Erik Wennerström,
Alena Poláčková,
Raffaele Sabato,
Davor Derenčinović,
Alain Chablais,
Artūrs Kučs*, judges*,
and Ilse Freiwirth, *Section Registrar,*

Having regard to:

the application (no. 64753/14) 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") by an Italian national, Mr Giuseppe Gullotti ("the applicant"), on 20 September 2014;

the decision to give notice to the Italian Government ("the Government") of the complaints concerning Article 8 and Article 13 of the Convention regarding the judicial order of 8 January 2013 and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated in private on 17 June 2025,

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

INTRODUCTION

1. The case concerns the limitation of the applicant's right to correspondence during his detention and the effectiveness of an appeal against the decisions renewing this limitation. The applicant raises complaints under Articles 8 and 13 of the Convention.

THE FACTS

2. The applicant was born in 1960 and is currently detained in the Parma Prison. He was represented by Mr T. Autru Ryolo, a lawyer practising in Messina.

3. The Government were represented by their Agent, Mr L. D'Ascia.

4. The facts of the case may be summarised as follows.

5. The applicant was convicted of mafia-type offences, including participation in a mafia-type organisation, murder, extortion, unlawful possession of weapons and breach of preventive measures in respect of an individual posing a danger to society. He was arrested in 1998 and was subsequently imprisoned under the special regime provided for in section 41 *bis* of Law no. 354 of 26 July 1975 ("the Prison Administration

Act"). The restrictions imposed by section 41 *bis* regime consist of limited visits by family members and no visits by non-family members; a prohibition on using the telephone; limits on receiving money and parcels from outside the prison; a prohibition on participating in elections for prison representatives; and a maximum of two hours outdoors per day and in a group of no more than four persons. Additionally, incoming and outgoing correspondence is to be monitored, subject to prior judicial order to be adopted under section 18 *ter* of the Prison Administration Act.

6. Accordingly, the applicant was subjected to the monitoring of his correspondence, including, according to the available documents, between 5 July 2012 and 27 May 2013. Furthermore, at least since 4 December 2012 the applicant's right to correspondence was limited, under section 18 *ter* of the Prison Administration Act, by the Reggio Emilia sentence supervision judge to only relatives admitted for family visits.

7. Following a request submitted by the prison governor on 7 January 2013 and on the basis of the documents contained in the "dossier concerning the applicant", on 8 January 2013 the Reggio Emilia sentence supervision judge renewed for three months (that is, until 7 April 2013) the limitation of the applicant's right to correspondence to only relatives admitted for family visits. The decision was justified by the applicant's maintenance of a prominent role within the mafia-type organisation, Cosa Nostra, despite his continued detention since 1998. This conclusion emerged from investigative sources and statements of other prisoners who had cooperated with the judicial authorities. The decision also referred to a favourable opinion issued by the District Anti-Mafia Prosecution Office (*Direzione Distrettuale Antimafia*).

8. On an unknown date the applicant appealed against the order of the Reggio Emilia sentence supervision judge under sections 14 *ter* and 18 *ter* (6) of the Prison Administration Act (*reclamo*). According to the latter provision, an appeal can be lodged within ten days from the delivery of the order (see paragraph 19 below).

9. The order was upheld on 12 March 2013 by the Bologna sentence supervision court, which reiterated that, according to the above-mentioned sources, the applicant was still member of the criminal organisation. In its view, the same conclusion could be inferred from the fact that during detention the applicant had not distanced himself from the organisation.

10. On 21 March 2014 the Court of Cassation declared an appeal on points of law by the applicant inadmissible, finding that the limitation of his right was justified.

11. While appeal proceedings against the order of 8 January 2013 were still pending, the Reggio Emilia sentence supervision judge renewed the limitation in question three times for a duration of three months each time. The orders were delivered on 8 April, 9 July and 7 October 2013. The former and the latter orders, which were made available to the Court, were grounded

on the same arguments referred to in the order of 8 January 2013 (see paragraph 7 above).

12. On 30 October 2013 the Minister of Justice issued an order renewing the application of the section 41 *bis* regime for a period of two years. The reasons given by the Minister of Justice to justify the extension of the special regime rested on information provided by the anti-mafia prosecuting authorities, according to which the applicant had been and still was the leader of a mafia-clan in the area of Barcellona Pozzo di Gotto, with strong connections with other clans. The applicant's prominent role within the organisation was demonstrated, among other things, by wiretapped conversations between members of the organisation from 2003 referring to the impossibility of communicating with the applicant in person or by mail.

13. On 21 November 2013 the Bologna sentence supervision court granted an appeal by the applicant in which he argued that the order of 8 April 2013 (see paragraph 11 above) was inadequately reasoned. In the Bologna court's view, the order broadly referred to investigative sources, without providing a detailed account of their content. The court further highlighted that the Reggio Emilia sentence supervision judge had failed to take into account other relevant information, including a decision of the Turin sentence supervision court of 21 July 2009, which had granted a request by the applicant for early release, and reports issued by the Parma and Cuneo prisons of 20 February and 19 March 2013 respectively, which referred to the applicant's good conduct and commitment to training activities during detention. The court also referred to disciplinary proceedings instituted against the applicant by the prison authorities, but it emphasised that they had concerned conduct violations of minor gravity.

14. In the light of that decision, on 27 November 2013 the applicant requested that the orders of 9 July and 7 October 2013 of the Reggio Emilia sentence supervision judge (see paragraph 11 above) be declared unlawful as grounded on the same arguments as the order of 8 April 2013.

15. On 22 January 2014 the Bologna sentence supervision court found the request inadmissible as not provided for by the Prison Administration Act.

16. In the meantime, on 31 December 2013, after taking note of the order of 21 November 2013 of the Bologna sentence supervision court (see paragraph 13 above), the Reggio Emilia sentence supervision judge rejected the request of the prison governor dated 4 December 2013 to renew for a further three months the applicant's right to correspondence to only relatives admitted for family visits.

RELEVANT LEGAL FRAMEWORK

17. Section 41 *bis* of the Prison Administration Act, as amended by subsequent legislation, gives the Minister of Justice the power to suspend the application of the ordinary prison regime to detainees who have been

convicted of a number of serious crimes, including membership of a mafia-type criminal organisation and related crimes, in order to prevent further contact with the criminal organisation. Its main features have been outlined in *Provenzano v. Italy* (no. 55080/13, §§ 83-90, 25 October 2018). As highlighted above (see paragraph 5 above), the restrictions under the section 41 *bis* regime include the monitoring of correspondence, although that restriction is concretely applied by judicial order under section 18 *ter* of the Prison Administration Act.

18. Section 18 *ter* of the Prison Administration Act, introduced by Law no. 95 of 2004 and entered into force on 15 April 2004, governs the limitations and monitoring of the right of correspondence. It provides that limitations on or monitoring of correspondence may be established by means of a reasoned order for a maximum period of six months to prevent the commission of crimes, maintain security in prison and ensure the confidentiality of investigations (subsection 1). These limitations are not applicable to the correspondence maintained by the prisoner with representatives, judicial authorities, parliamentarians, the diplomatic authority of the State of origin or international bodies for the protection of human rights (subsection 2). The order is to be adopted at the request of the prosecuting authorities or the prison governor and should last for a period of no more than six months, but the measures can be repeatedly extended for additional periods of no more than three months each (subsection 3). Complaints against such orders may be lodged in accordance with the procedure laid down in section 14 *ter* of the Prison Administration Act (subsection 6).

19. Section 14 *ter* of the Prison Administration Act states that prisoners can lodge an appeal against, among other things, an order adopted under section 18 *ter* and lays down a time-limit of ten days for adjudication by the sentence supervision court. Afterwards, the order of the sentence supervision court can be appealed against on points of law before the Court of Cassation under section 71 *ter* of the Prison Administration Act within ten days from its delivery.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

20. The applicant complained under Article 8 of the Convention that the limitation on his right to correspondence had not been "necessary in a democratic society", as the order of 8 January 2013 of the Reggio Emilia sentence supervision judge and subsequent domestic decisions in the appeal proceedings had not been adequately reasoned. Article 8 reads as follows:

> "1. Everyone has the right to respect for ... his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

21. The Court notes that the Government have not challenged the admissibility of the complaint. It finds that the complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' arguments

22. The applicant argued that the order of 8 January 2013 of the Reggio Emilia sentence supervision judge (see paragraph 7 above) had not been adequately reasoned. He asserted that it had been based on insufficient, stereotyped reasoning. In that connection, he provided the analogous orders of 8 April and 7 October 2013 which were grounded on the same arguments (see paragraph 11 above). He also highlighted that on 21 November 2013 the Bologna sentence supervision court had granted his appeal against the order of 8 April 2013, finding that it was inadequately reasoned (see paragraph 13 above), and he further argued that, consequently, on 31 December 2013 the Reggio Emilia sentence supervision judge had rejected the request for renewal of the limitation on his right of correspondence (see paragraph 16 above).

23. The Government argued that the order of 8 January 2013 had been adequately reasoned, as it had referred to the ministerial order renewing the section 41 *bis* regime. They also stressed that the order renewing the regime of 30 October 2013, issued while the appeal against the order of 8 January 2013 had still been pending (see paragraph 12 above), had referred to wiretapped conversations, which had occurred in 2003, between the applicant and members of the criminal organisation, during which the complaint had been made that it had been impossible to contact the applicant in person or by mail. The Government also produced the prison governor's request for an extension dated 29 March 2013 and a document granting the request dated 8 April 2013 (see paragraphs 11 and 22 above). They highlighted that from that request it appeared that on 5 March 2012 a letter addressed by the applicant to an association had been stopped, as it had contained sentences that could be interpreted as an attempt to leak information from prison.

2. The Court's assessment

(a) General principles

24. The Court reiterates that detention, like any other measure depriving a person of his or her liberty, entails inherent limitations on private and family life (see *Khoroshenko v. Russia* [GC], no. 41418/04, § 106, ECHR 2015). The necessity of those limitations implies that the interference corresponds to a pressing social need and, in particular, that it is proportionate to the legitimate aim pursued. In determining whether an interference is "necessary in a democratic society" regard may be had to the State's margin of appreciation (see, among other authorities, *Campbell v. the United Kingdom*, 25 March 1992, § 44, Series A no. 233).

25. In this connection, the Court has repeatedly held that public order considerations may lead a State to introduce high-security prison regimes for particular categories of detainees. These arrangements, intended to prevent the risk of escape, attack or disturbance of the prison community, are based on separation of such detainees from the prison community together with tighter controls (see, among other authorities, *Epure v. Romania*, no. 73731/17, § 73, 11 May 2021, and *Horych v. Poland*, no. 13621/08, § 88, 17 April 2012). With specific regard to the section 41 *bis* regime, the Court has acknowledged its preventive and security – rather than punitive – purposes and its aim to sever contact between detainees and their criminal networks (see *Provenzano v. Italy* no. 55080/13, § 150, 25 October 2018). The Court has also noted that before the introduction of the special regime, imprisoned Mafia members were able to maintain their positions within the criminal organisation, to exchange information with other prisoners and the outside world and to organise and procure the commission of serious crimes both inside and outside their prisons (*Messina v. Italy (no. 2)*, no. 25498/94, § 66, ECHR 2000-X).

26. With specific regard to the limitation of the right of correspondence, it has been recognised that some measure of control over prisoners' correspondence is called for and is not of itself incompatible with the Convention, regard being paid to the ordinary and reasonable requirements of imprisonment. In assessing the permissible extent of such control in general, the fact that the opportunity to write and to receive letters is sometimes the prisoner's only link with the outside world should, however, not be overlooked (see *Campbell*, cited above, § 45). Furthermore, where measures interfering with prisoners' correspondence are taken, it is essential that reasons be given for the interference, such that the applicant and/or his or her advisers can satisfy themselves that the law has been correctly applied to him or her and that decisions taken in the case are not unreasonable or arbitrary (see *Onoufriou v. Cyprus*, no. 24407/04, § 113, 7 January 2010).

27. The Court has already had the opportunity to assess the right to correspondence of prisoners detained under the section 41 *bis* regime in a

large number of cases when the relevant proceedings were governed by section 18 of the Prison Administration Act. This provision established that the judge could order censorship of a prisoner's correspondence by reasoned decision, without specifying the cases in which such a decision could be taken. Accordingly, the Court found that decisions based on section 18 of the Prison Administration Act did violate Article 8 of the Convention as not being "in accordance with the law" as it did not lay down rules on either the period of validity of the measures for monitoring the prisoner's correspondence or the reasons which might warrant them and did not indicate with reasonable clarity the scope and manner of exercise of the relevant discretion conferred on the public authorities (see *Enea v. Italy* [GC], no. 74912/01, § 143, ECHR 2000; *Labita v. Italy* [GC], no. 26772/95, §§ 176-180, ECHR 2000-IV; *Messina v. Italy (no. 2)*, cited above**,** §§ 75-83; *Calogero Diana v. Italy*, 15 November 1996, §§ 29-33, *Reports of Judgments and Decisions* 1996-V; and *Domenichini v. Italy*, 15 November 1996, §§ 29-34, *Reports* 1996-V).

28. In order to comply with the Court's judgments, Law no. 95 of 2004 introduced section 18 *ter* of the Prison Administration Act (see paragraph 18 above; and see *Enea*, cited above, §§ 40 and 147; *Zara v. Italy*, no. 24424/03, § 34, 20 January 2009; and *Bagarella v. Italy*, no. 15625/04, § 54, 15 January 2008).

(b) Application of the above principles in the present case

29. It is uncontested between the parties that, even though the order of 8 January 2013 allowed the applicant to maintain contact with his close family (see paragraph 7 above) and the law ensured his right to maintain correspondence with his representatives and other public bodies (see paragraph 18 above), limiting the number of people with whom he could maintain correspondence did constitute an interference with his right under Article 8 of the Convention. The Court sees no reason to depart from the parties' conclusion (compare, *mutatis mutandis*, *Hagyó v. Hungary*, no. 52624/10, § 84, 23 April 2013).

30. However, this interference can only be justified if it was in accordance with the law, pursued a legitimate aim and was necessary in a democratic society in order to achieve that aim.

31. The Court observes that it is not disputed between the parties that the interference was prescribed by law. Accordingly, it accepts that the interference complained of by the applicant had a legal basis under domestic law, namely section 18 *ter* of the Prison Administration Act. It also acknowledges that, differently from section 18 (see paragraph 27 above), section 18 *ter* provides that the measure be adopted with reasoned order by the judicial authority under specific circumstances (namely to prevent the commission of crimes, maintain security in prison and ensure the confidentiality of investigations) and for a limited period of time (see

paragraph 18 above). Therefore, the authorities are no longer granted unfettered discretion.

32. The Court further notes that the interference pursued legitimate aims within the meaning of Article 8 § 2 of the Convention, namely the protection of public order and national security and the prevention of disorder and crime, by ensuring that correspondence was not used as a means of conveying prohibited messages. The main purpose of the measure appears to be that of preventing the criminal organisation to which applicant belonged from obtaining instructions for carrying out criminal activities, given his position within the organisation.

33. As regards the necessity of the interference, in order to determine whether the interference with the applicant's right to correspondence was convincingly justified in the present case, the Court must assess, in line with its case-law, whether the reasons provided by the national authorities to justify the interference were "relevant and sufficient" and whether the measure taken was "proportionate to the legitimate aim pursued".

34. The Court notes that in the order of 8 January 2013, the Reggio Emilia sentence supervision judge, having had regard to the information contained in the applicant's dossier and the request submitted by the prison governor on 7 January 2013, renewed the restrictions on the applicant's correspondence on the basis of the applicant's prominent role in the criminal organisation (see paragraph 7 above). In this regard, the Court reiterates that it is not in question whether the applicant posed a danger to society, but only whether the order in question was adequately reasoned.

35. The Court observes that section 18 *ter* of the Prison Administration Act establishes that both the monitoring and the limitations on detainees' correspondence be ordered by the judicial authority (see paragraph 18 above). The monitoring of the applicant's correspondence was ordered in the context of application of the section 41 *bis* regime (see paragraphs 5 and 17 above; and compare *Enea*, cited above, § 141). Moreover, the applicant was also subjected to judicial limitation of his correspondence.

36. The Court notes that while the order of 8 January 2013 broadly referred to the applicant's maintenance of a prominent role within the organisation (see paragraphs 7 and 34 above), there appears to be no discernible trace in the text of that order of an explicit and autonomous assessment of the need to limit the applicant's correspondence to only relatives admitted for family visits, as would be required by section 18 *ter* of the Prison Administration Act (see paragraph 6 above; and, *mutatis mutandis*, *Provenzano*, cited above, § 156).

37. Against this background, the Court finds it difficult to ascertain whether the references contained in the order of 8 January 2013 satisfy the need for adequate reasoning.

38. Firstly, the Court takes note of the Government's argument that the order of 8 January 2013 referred to the pre-existing ministerial order in force at the relevant time renewing the section 41 *bis* regime.

39. In that regard, the Court observes that, in the light of the close link between the ministerial order applying the section 41 *bis* regime and the judicial order imposing monitoring of correspondence, the reasons for the latter can be clearly traced back to those advanced by the Minister of Justice. However, as limiting the number of people with which a prisoner can maintain correspondence amounts to an additional limitation of the applicant's right (see paragraph 35 above), the Court is not convinced that a general reference to the ministerial order is in itself sufficient to justify further restrictions. The autonomy of the order of 8 January 2013 rather suggests the need for individualised reasons, or at least an explanation of the reasons why the general monitoring of the prisoner's correspondence, without limitations as to the senders or addressees, was deemed insufficient (see paragraph 36 above).

40. In any event, the order of 8 January 2013 does not refer to the ministerial order renewing the section 41 *bis* regime, but generally to the "dossier concerning the applicant" (see paragraph 7 above). Although it is reasonable to presume that the dossier available to the sentence supervision judge included the ministerial order, the Court is not able to assess which documents were *in concreto* taken into account by the Reggio Emilia sentence supervision judge. Moreover, the Government failed to provide a copy of the ministerial order in force at that time. The parties only provided the ministerial order of 30 October 2013 renewing the section 41 *bis* regime (see paragraph 12 above), which, as highlighted by the Government, referred to wiretapped conversations between the applicant and members of the criminal organisation to which he belonged, during which the impossibility of contacting the applicant in person or by mail had been discussed (see paragraphs 12 and 23 above). Even assuming that this information was also contained in the ministerial order in force at the relevant time and that its seriousness justified further limitations of the applicant's right to correspondence, the domestic authorities failed to clarify the importance of such information, especially considering that the wiretapped conversations in question appear to have taken place about ten years before (ibid.).

41. The Court notes that the Reggio Emilia sentence supervision judge referred to the request submitted by the prison governor on 7 January 2013. Nevertheless, the Government failed to produce it. They rather submitted the request for extension dated 29 March 2013 and granted on 8 April 2013 (see paragraph 11 above). Although information which was possibly relevant with a view to applying further limitations on the applicant's right to correspondence would appear to arise from the request for the extension (see paragraph 23 above), it is not possible to determine whether this information was also contained in the governor's request of 7 January 2013.

42. Lastly, the Court notes that the domestic authorities did not raise additional arguments to justify the limitations on the applicant's right in the appeal proceedings (see paragraphs 9 and 10 above); that in the appeal proceedings against the subsequent order of 8 April 2013, which was grounded on the same arguments as the order of 8 January 2013, the Bologna sentence supervision court found the reasoning insufficient to renew the restriction in question (see paragraphs 11 and 13 above); and that the reasoning of the Bologna sentence supervision court was later reaffirmed by the Reggio Emilia sentence supervision judge, who, on 31 December 2013, rejected the request for renewal of the restriction (see paragraph 16 above).

43. The lack of any explicit reference to specific circumstances justifying the additional limitation on the applicant's right to correspondence under section 18 *ter* of the Prison Administration Act and the Government's failure to provide the documents that might have supplemented the reasoning of the order of 8 January 2013 make it difficult for the Court to ascertain which circumstances, in what manner and to what extent were weighed up when assessing whether to renew the restriction (compare *Čiapas v. Lithuania*, no. 4902/02, § 25, 16 November 2006). Accordingly, the Court cannot but conclude that there is insufficient evidence in the reasoning of the order of 8 January 2013 of a genuine assessment having been made.

44. In the light of the foregoing, the Court is not persuaded that the Government have convincingly demonstrated that, in the particular circumstances of the present case, the renewal of the limitation of the applicant's right to correspondence of 8 January 2013 was justified. There has accordingly been a violation of Article 8 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

45. The applicant further complained under Article 13 of the Convention that the appeal against the order of 8 January 2013 had been ineffective on account of the delay in its adjudication. Article 13 of the Convention reads as follows:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

A. The parties' arguments

46. The Government asserted that section 18 *ter* of the Prison Administration Act provided for an effective remedy against measures limiting a prisoner's right to correspondence. They argued that the Bologna sentence supervision court had adopted a decision on the merits of the applicant's appeal when the order of 8 January 2013 had still been in force and that the right to appeal on points of law before the Court of Cassation had amounted to an additional safeguard, and its possible delay had not affected the effectiveness of the proceedings.

47. The applicant submitted that he had not obtained a timely decision from the Court of Cassation, which had considered his appeal on points of law when the validity of the order of 8 January 2013 had already expired and the limitations on his right to correspondence had already been renewed by subsequent identical orders.

B. The Court's assessment

1. General principles

48. In accordance with the Court's established case-law, the effective remedy required by Article 13 of the Convention is one where the domestic authority examining the case has to consider the substance of the Convention complaint. In cases involving Article 8 of the Convention, this means that the authority has to carry out a balancing exercise and examine whether the interference with the applicant's rights answered a pressing social need and was proportionate to the legitimate aims pursued; that is, whether it amounted to a justifiable limitation of those rights (see *Voynov v. Russia*, no. 39747/10, § 42, 3 July 2018, and *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, § 108, 2 July 2019).

49. The Court already had the opportunity to assess the effectiveness of an appeal against the ministerial order renewing the section 41 *bis* regime. On that occasion, it found that the systematic failure to comply with the statutory ten-day time-limit had reduced, and indeed had practically nullified, the impact of judicial review of the decrees issued by the Minister of Justice (see *Messina (no. 2)*, cited above, § 96). At the same time, it also found, from the perspective of Article 6 of the Convention, that the lack of any decision on the merits of the appeals had nullified the effect of the review of the orders issued by the Minister of Justice made by the sentence supervision courts (see *Ganci v. Italy*, no. 41576/98, § 31, ECHR 2003-XI).

2. Application of the above principles in the present case

50. Firstly, the Court observes that sections 14 *ter*, 18 *ter* and 71 *ter* of the Prison Administration Act set forth the procedures for appealing against

orders limiting the applicant's right to correspondence (see paragraph 19 above) and that the applicant made use of this remedy (see paragraph 8 above). The Court considers that this remedy shares the same features of the one provided for in section 41 *bis* of the Prison Administration Act in respect of the appeal against the order renewing the section 41 *bis* regime (see *Provenzano*, cited above, §§ 87-90). Therefore, in order to assess the effectiveness of the remedy under scrutiny, the Court finds it appropriate to follow the same approach already adopted in cases concerning an appeal lodged in accordance with section 41 *bis*.

51. The order of 8 January 2013 was valid for three months, until 8 April 2013 (see paragraph 7 above). The date on which the applicant lodged his appeal against the order does not follow from the file. The Bologna sentence supervision court did not declare the appeal inadmissible as belated and the Government did not claim that the applicant failed to lodge the appeal within the ten-day time-limit as established by section 14 *ter* of the Prison Administration Act (see paragraph 8 above). Whereas the Bologna sentence supervision court rejected the applicant's appeal on 12 March 2013 while the order was still in force, the Court of Cassation published its final decision after its expiry on 21 March 2014 (see paragraphs 8 and 9 above).

52. The Court finds that the applicant failed to provide any evidence of a systematic failure by the domestic court to adjudicate timely on his appeals against the orders adopted under section 18 *ter*. While it cannot be excluded that the Bologna sentence supervision court failed to comply with the ten-day time-limit, it delivered a judgment on the merits of the appeal while the order was still in force (see paragraph 49 above). The fact that the order of the Court of Cassation was delivered on 21 January 2014 and published on 21 March 2014, that is after the expiry of the order imposing the restriction**,** is insufficient to declare that the remedy in question was ineffective.

53. Against this background, the Court finds that an appeal to the court responsible for the execution of sentences constituted an effective remedy with regard to the applicant's arguable complaint of an infringement of the right to correspondence and that the complaint under Article 13 must be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

54. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

55. The applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage.

56. The Government argued that, having regard to the nature and extent of the alleged violation, the finding of a violation constituted sufficient just satisfaction.

57. Having regard to the circumstances of the case and to its case-law (see *Enea*, cited above, § 159), the Court considers that the finding of a violation is sufficient to compensate for the non-pecuniary damage sustained.

B. Costs and expenses

58. The applicant also claimed EUR 5,000 for the costs and expenses incurred before the Court.

59. The Government argued that the applicant had failed to provide evidence of the costs and expenses allegedly incurred.

60. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 370-72, 28 November 2017). In the present case, the applicant did not submit any document showing that he had paid or was under a legal obligation to pay the fees charged by his representative or the expenses incurred by them. In the absence of such documents, the Court finds no basis on which to accept that the costs and expenses claimed by the applicant have actually been incurred by him. It follows that the claim must be rejected.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning Article 8 admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 8 of the Convention;

3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 10 July 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth Registrar	Ivana Jelić President