

Honorable Prosecutor of the International Criminal Court

Subject: possible violation of the Rome Statute by the Italian government, mainly in the figures of Prime Minister Mario Draghi and Minister of Health Roberto Speranza.

With this complaint I would like to bring to your attention possible criminal conducts by the Italian government in violation of the Rome Statute, and in particular of the following articles:

- **Article 7 (Crimes against humanity):**
- *Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;*
- *Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.*

Facts in support of the complaint.

Since last August the Italian government, with the justification of countering the spread of sars-cov-2 on the Italian territory, has introduced the green pass (certifying either the vaccination against sars-cov-2, or the recovery from the disease, or a negative result of a nasopharyngeal swab, the so-called “covid test”) as a mandatory condition to access some areas of the social life of the country. Gradually, over a few months, this measure, and its *enhanced* version (the super green pass, released only to vaccinated, recovered people and to holders of a medical exemption), were implemented extensively to cover all areas of a person's life, including work and study (for university students). For some categories of workers, including the one that I represent, the direct covid-19 vaccination mandate was also introduced. Any worker who did not comply with these obligations (green pass or direct vaccination mandate or super green pass for workers over the age of 50) was suspended and left unpaid. For the unvaccinated, therefore, the loss of work and the source of livelihood related to it, was added to the almost total social segregation, pushed to the extreme level of being banned from using public transport. All these restrictions and vaccination mandates are, in theory and by law, linked to the state of health emergency, which has been in force in Italy for two years now. However, with a recent new law decree that establishes the **end of the state of emergency** (March 31, 2022), the government has nevertheless maintained the obligations of possessing the green pass for workers, as well as to access the indoor spaces of restaurants, bars, clubs, and for other activities, thus **separating this measure from the state of emergency**. This is very alarming, as there are no longer any formal guarantees that the green pass will be permanently abrogated, its possession and use having been “normalized” outside the state of emergency. The state of emergency was in fact the legal and regulatory “container” that temporarily justified the exceptions to the exercise of individual fundamental rights and freedoms, by virtue of the persistence on the territory of an alleged health emergency connected to sars-cov-2. Although the aforementioned law decree sets an expiration date for the green pass (April 30), I have reason to fear that this date may be further and arbitrarily extended, as the Italian government has never met the deadlines set by law, even in relation to the duration of the state of emergency itself. In any case, maintaining even for only another thirty days a measure that had to have the characteristics of exceptionality and temporariness, given the deep negative impact on individual freedoms and rights, empties it of any health connotation, and manifests its political nature: **an oppressive and punitive measure against a minority of the population.**

The evidence and data from the real world show that the green pass has not served to contain the spread of sars-cov-2, as initially proclaimed by the Italian prime minister, given that covid-19 vaccination itself has proven unable to provide lasting immunity. The Italian government has been aware of all this for months, as outbreaks of sars-cov-2 infection were reported during the winter in all environments to access

which it was necessary to possess the green certification, basic or “super”. The Italian National Institute of Health also recognized in its weekly reports on the epidemiological situation that **even people who are doubly or triply vaccinated can contract the infection and pass it on to others as a result.** -Yet, our governors have never backed down; on the contrary, they have tightened over time the restrictive measures against the unvaccinated, even in the face of the relative harmlessness of the **Omicron variant**, comparable, according to the experts, to a **common cold**. If there has never been a health basis to support covid-19 vaccination mandates, direct or indirect, during the alleged health emergency, once the state of emergency has ended, there can be no other reason other than **political** for the maintenance of these measures, which in fact had excluded hundreds of thousands of Italians from the world of work and from society. Even if the direct vaccination mandate for some categories of workers has been repealed by the new decree law, the basic green pass remains, with the obligation, for those who have not been vaccinated, to carry out a swab **at their own expense** every 48 hours. With **the recent substantial increases in the prices of primary goods and energy as a result of the war in Ukraine**, this additional cost can no longer be supported by a worker with a low or middle income. The Italian government is well aware of the impoverishment suffered by workers who for months have been deprived of work and income. Expecting these people to return to work only by undergoing a covid test every 48 hours, and in times of severe general economic crisis, is a blackmail that has, once again, nothing to do with the protection of public health: it is important at this point to remember that already last June **the WHO discouraged national governments from frequently testing on a mass scale asymptomatic people.** Ignoring and continuing to ignore this directive is already a signal of a *political will* to harm a part of the population.

How covid-19 vaccination mandates negatively impacted my life and that of my family: repercussions on psychophysical health.

- I had difficulty traveling from the place where I live - Milan - to where I work: Catania, due to the impossibility of taking a plane or a train;
- I was unable to participate in conferences and cultural and professional meetings;
- I was insulted and socially discriminated;
- I have been forbidden from doing my lessons and the work I love;
- I had the clear perception of a serious and pervasive discrimination due to my ideas and the behaviors deriving from those ideas.

I am a university professor suspended from work since 11 March 2022.

My request.

For all the reasons indicated above, I ask you to investigate whether the conduct of the Italian government, both in reference to the past months, or for the measures implemented since last summer that gradually introduced covid-19 vaccination mandates, and in reference to the current situation, or the extension of the green pass beyond the state of emergency, configures the violations of the Rome Statute transcribed in the epigraph.

I also ask you to order the Italian government to remove, **once and for all and without the possibility of restoring these measures in the future**, the current obstacles to the enjoyment of the fundamental rights of unvaccinated people.

Faithfully.

Alberto Giovanni Biuso

Catania, 27 March 2022