

Format for complaints to the Special Rapporteur on Environmental Defenders under the Aarhus Convention

I. Date of complaint

17.01.2025

II. Information on the victim(s)

If the victim(s) is an individual:

If the victims include more than one individual, insert a row for each victim in the table below and provide the requested information for each individual.

Victim 1	Full name of victim: ¹ Antonio Tricarico Date of birth: 18.07.1972 Gender: ☐ Female ☒ Male ☐ Other ☐ Prefer not to answer E-mail: ¹ atricarico@recommon.org Telephone: ¹ +39.328.8485448 Permanent address: c/o ReCommon, Via dei Sardi, 28 – 00185 Roma

If the victim(s) is an organization:

If the victim(s) is an organization, briefly describe in the box below the organization and its activities, including how it is engaged in promoting environmental protection (200 words maximum). If the victims include more than one organization, insert a row for each victim in the table below and provide the requested information for each organization.

Organization 1	Name of the organization: Work area of the organization: Main activities of the organization:

III. Information on complainant(s)

Explanatory note:

The complainant is the person, organization or Party submitting a complaint and may be different from the victim(s). The identity of the complainant(s) will be kept confidential unless they explicitly waive their right to confidentiality.

If the complaint is submitted by more than one individual or organization, provide the information below for each complainant and indicate one contact person on behalf of all complainants.

Complainant 1	Full name of the complainant: ² Email: ²
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¹ The Special Rapporteur may not be able to take up the complaint if he or she cannot contact the victim(s) or their representative.

² The Special Rapporteur may not be able to take up the complaint if he or she cannot contact the complainant.

	Telephone: ² Permanent address: ² If the complainant is an organization, provide the following information for the contact person authorized to represent the organization in connection with the complaint: Name: ² Title/Position: Telephone: ² Email: ²

IV. The Party to the Aarhus Convention involved in the persecution, penalization or harassment

Explanatory note:

The Special Rapporteur may investigate the alleged persecution, penalization or harassment of an environmental defender by **any State that is a Party to the Convention**. This State is called “the Party concerned”.

The persecution, penalization or harassment may result from the actions of State entities of the Party concerned. It may also arise from a failure by the Party concerned to act to protect the victim(s) from persecution, penalization or harassment by third parties, including private actors, companies or other States.³

The list of States that are Parties to the Aarhus Convention is available here:

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=_en

Specify which State that is a Party to the Aarhus Convention is the subject of this complaint:

Italy

V. Nature of the alleged persecution, penalization or harassment⁴

Explanatory note:

The Special Rapporteur’s mandate is to take measures to protect any person who is either:

(a) Experiencing persecution, penalization or harassment; or

(b) At imminent threat of persecution, penalization or harassment

in any way, for seeking to protect their right to live in an environment adequate to their health or well-being.⁵

In the box below (extend box as needed):

- (a) Briefly summarize the events, actions or measures that it is alleged constitute persecution, penalization or harassment.
- (b) Clearly specify how the persecution, penalization or harassment is related to the victim(s)’ efforts to protect the environment.
- (c) Provide a chronology of the relevant events, actions or measures.

³ ECE/MP.PP/C.1/2017/19, para. 70, and decision VII/9, annex, para. 1, final sentence.

⁴ The terms “penalization”, “persecution” and “harassment” should be understood in their ordinary meaning and are meant to cover retribution of any kind. Regarding the ordinary meaning of these terms: “to penalize” means to impose a restriction or penalty on, to put at a disadvantage; “to harass” means to trouble or vex by repeated attacks; and “to persecute” means to seek out and subject (a person, group, organization, etc.) to hostility or ill-treatment; to oppress, to torment. See ECE/MP.PP/C.1/2017/19, paras. 67-69.

⁵ Decision VII/9, annex, para. 1, and ECE/MP.PP/C.1/2017/19, para. 66.

On 24th October 2025 Antonio Tricarico, campaigner and researcher of the Italian NGO ReCommon, was summoned to the police station of Rieti (the competent authority for the province of Italy in which Antonio lives) and, after few confirmatory questions about his identity, was notified – Annex 1 - that he was under criminal investigation for alleged defamation via media (art. 595 para. 3 of Italy's criminal code) of the Italian oil and gas major, Eni, in the course of an interview given to the programme "Report" of the Italian national broadcasting service, RAI, on 5th May 2024. In his less than 40 seconds long intervention, Antonio reported – Annex 2 - the clear overlap in timing (from the end of January 2016 through the end of February 2016) between on one hand the finalisation of an agreement between Eni and the Egyptian government for the development license of the largest gas field discovered in the Mediterranean Sea off the coast of Egypt and on the other the tragic events of the kidnapping, torturing and murdering in Cairo of the Italian research Giulio Regeni. The killing of Regeni and developments in the ongoing trial related to this in Rome's Court were the subjects of the RAI programme. Antonio also briefly mentioned the role of Eni and its CEOs, as well as other oil and gas majors, in supporting the Al-Sisi government in Egypt since it got into power in 2013. Such support took the form of restructuring debts owned to the companies by Egypt in exchange for new oil and gas licenses on terms that favoured the companies. It should be noted that Antonio reported what was stated in much more detail in a publication by ReCommon available online since October 2022 on ReCommon's web-site – Annex 3 (pp. 5-10).

Under Italian law, defamation is still a crime, which can be sanctioned with a jail term from 6 months up to 3 years or a fine. In the notification mentioned above it, is stated that Eni's chief legal council – Stefano Giovanni Andrea SPERONI – is the alleged offended party which filed on 20th June 2024 a criminal complaint against Antonio Tricarico to the Public Prosecutor Office in Rome. So far, the prosecutor has not communicated with Antonio. It is likely that also the journalist who carried out the specific investigation and programme and the journalist who is the head of the programme at RAI are also under criminal investigation for the same alleged crime: but, given that the prosecutor could be already sure about their identity and roles due to their regular public exposure, no notification of investigation to the two of them occurred so far because it was likely not needed. Antonio and ReCommon's lawyers regard the accusation without any ground and reckless.

Antonio is a leading figure in the environmental justice movement in Italy and the public face of ReCommon's Eni campaign since the foundation of the organisation in January 2012. ReCommon has been campaigning on Eni in solidarity with local communities in Italy, Europe and globally who are affected by the company's polluting operations in the oil and gas sector as well as by corrupt practises allegedly involving the company. Eni is 30 per cent controlled by the Italian government through a golden share mechanism under EU law which gives the government the right to appoint two thirds of the company's board and de facto its chair and the CEO. Eni is the most powerful Italian multinational company reportedly with a strong influence on Italy's energy, foreign affairs and security policies. Eni is currently regarded by Italian environmental NGOs as the main blockage to a just and rapid transition away from fossil fuels in Italy. Eni is by far the largest historical and current greenhousegas polluter from Italy – with its annual and global scope 1-2-3 emissions higher than those from the entire energy system of Italy. Because of such a big climate legacy and responsibility, in May 2023 ReCommon together with Greenpeace Italy brought court proceedings against Eni for violating its obligations under the Paris Climate Agreement and fundamental human rights. It was the first ever climate litigation moved against a private entity under Italian law. The case is still pending at Italy's Supreme Court. Antonio played a key role in drawing up the case and coordinating the legal and campaigning work around it.

Furthermore Eni has been criticised by ReCommon's partners in the global South as a company having a significant impact on local democracies with severe impacts on the environment and local communities' livelihoods. For of all these reasons, Antonio played a key role in investigating and filing criminal complaints in Italy and other jurisdictions regarding the allegedly corrupt acquisition of the significant offshore oil license Opl-245 in Nigeria in 2011. In 2018, Eni as well as Shell and their managers ended up on trial in Milan for aggravated international corruption, even though they were acquitted in March 2021.

Since its acquittal in Milan, Eni became very litigious against ReCommon and Italian media reporting ReCommon's investigations and positions. In December 2021 the chief legal counsel of Eni publicly sought to prevent the Italian national broadcasting RAI – Annex 4 - from broadcasting an interview of Antonio in a RAI Report programme concerning the Opl245 prosecution and a related investigation on an alleged plot aimed at derailing it. Eni questioned the "legitimacy, competence and authoritativeness" of Antonio Tricarico to be interviewed by RAI. RAI Report resisted such pressure from Eni and broadcast the interview on 13th December 2021.

Furthermore, since the filing of the above-mentioned climate lawsuit by ReCommon and Greenpeace in May 2023, Eni scaled up legal action against the two plaintiffs. In July 2023, Eni summoned them to a mandatory mediation based on the accusation of alleged defamation via media and social networks concerning some

social media posts covering the launch of the litigation in May 2023. ReCommon and its partner rejected the mediation request that they commit to not using the term “climate crime” in the future. Based on this rejection in October 2024, Eni sued the two NGOs, as well as Greenpeace Netherlands, for defamation on 3rd October 2024 and requested that the judge of Rome’s Court issue an injunction to prevent the NGOs from using the term “crime”, “homicide” and the like, when associated with Eni in the future – Annex 5. The trial will start in Rome’s Court in May 2025.

At the same time Eni sued several Italian journalists who covered in a critical manner the company’s judicial affairs. Among these: Claudio Gatti and Il Fatto Quotidiano, who got recently acquitted by Rome’s Court; Alfredo Faieta and Domani newspaper, against whom Eni withdrew its lawsuit; Luca Chianca and RAI Report, who were also acquitted. The outcome of these proceedings – of which the complainant is ready to supply further details to the Special Rapporteur, upon request – show how Eni’s bullying attitude aims to attack both the few Italian journalists who are ready to report in a critical manner about the company and some of their sources, including Antonio Tricarico, as a warning to other civil society organisations, activists and citizens about possible retaliation in case they publicly criticise Eni’s operations and their impacts. It is worth noting that Eni is by far the largest contributor to advertisement on Italian media: independent experts have warned that this dominance in the sector could have an impact on the interest and ability of media to critically report on the company’s behaviour.

Explanatory note:

It is important to **attach** to the complaint any available supporting documentation that substantiates:

- (a) The events, actions or measures (e.g. court judgments) that constitute the alleged persecution, penalization or harassment.
- (b) That the persecution, penalization or harassment is related to the victim(s)’s efforts to protect the environment.⁶

All documentation should be provided in the **original language**, together with an **English translation** thereof, or if that is not possible, a translation in French or Russian. It is not necessary to provide a professional, certified translation. A good quality machine translation (for example, through DeepL or Google Translate) will suffice.

Has the alleged persecution, penalization or harassment been reported to the relevant authorities of the Party concerned?

☒ Yes ☐ No ☐ Don’t know

If yes, specify when and to which authorities of the Party concerned:

Eni filed a criminal complaints against Antonio at Rome’s public prosecutor office. Antonio is preparing an investigative defense file, while waiting for the notification of conclusion of the investigation on him. The file can only be submitted to the preliminary judge in the case after this notification has been received.
No interaction is allowed at the current stage of the investigation with the prosecutor office.

Has the Party concerned taken action to prevent or investigate the persecution, penalization or harassment, to punish the perpetrators, or to provide compensation to the victim(s)?

☐ Yes ☒ No ☐ Don’t know

If yes, specify which actions have been taken by the Party concerned and when:

⁶ ECE/MP.PP/C.1/2017/19, para. 66.

VI. Consent of the victim(s) to the submission of the complaint

Explanatory note:

The Special Rapporteur will not be able to take up the complaint unless the person(s) or organization(s) subject to the alleged persecution, penalization or harassment have consented to the complaint being submitted.

Whenever possible, the written consent of the victim(s) to the submission of the complaint should be **attached** to the complaint at the time that it is submitted. (Important: If the written consent of the victim(s) is not attached to the complaint, this will necessarily delay the Special Rapporteur acting on the complaint, since he or she will not be able to take up the complaint until the written consent of the victim(s), or their representative, has been obtained.)

Check the relevant box below concerning the consent of the victim(s) to the submission of this complaint to the Special Rapporteur.

- ☒ The written consent of each victim named in the complaint is attached to the complaint.
- ☐ The written consent of the victim(s) cannot be obtained (for example, because the victims have been subject to enforced disappearance), but the written consent of an immediate family member or legal representative of each victim named in the complaint is attached to the complaint.

VII. Consent of the victim(s) to the disclosure of their name

Explanatory note:

Information submitted to the Special Rapporteur will be kept confidential unless the complainant explicitly waives the right to confidentiality. However, maintaining the confidentiality of the name of the victims may impact upon the Special Rapporteur's ability to perform his or her functions.⁷

Accordingly, unless disclosure of their name may put them at serious risk of further persecution, penalization or harassment, the consent of each victim to the disclosure of their name as described in point (a) below, and preferably points (b) – (e) also, should be attached to the complaint.

Whenever possible, the written consent of the victim(s) to the disclosure of their name should be **attached** to the complaint at the time that it is submitted.

Does **each** of the victims consent to the disclosure of their name as follows:

- (a) To have their name(s) included in any correspondence regarding this complaint with the Party concerned?⁸
- ☒ Yes ☐ No
- (b) To have their name(s) included in any correspondence regarding this complaint with intergovernmental organizations, non-governmental organizations, businesses, military or security companies?⁹
- ☒ Yes ☐ No
- (c) To the inclusion of their name(s) by the Special Rapporteur in the media, including social media, in order to draw attention to the alleged violation(s)?

⁷ See decision VII/9, annex, para. 5.

⁸ See decision VII/9, annex, para. 6 (d).

⁹ See decision VII/9, annex, para. 6 (e).

☒ Yes ☐ No

- (d) To the inclusion of their name(s) in any correspondence, documents or information regarding this complaint that may be posted on the website of the Aarhus Convention?

☒ Yes ☐ No

- (e) To the inclusion of their name(s) in reports by the Special Rapporteur to the Meeting of the Parties to the Aarhus Convention and in any referral that may be made by the Special Rapporteur to the Aarhus Convention Compliance Committee?

☒ Yes ☐ No

VIII. Additional requests for confidentiality

Clearly **highlight** any information contained in the complaint, besides the name of the complainant or victim(s), for which confidentiality is requested.

Briefly specify in the box below why the confidentiality of that information is requested:

No confidentiality is requested

IX. Use of other international procedures

Has a complaint regarding the persecution, penalization or harassment alleged in the present complaint been submitted to any other Special Rapporteur and/or international human rights court or procedure?

☐ Yes ☒ No ☐ Don't know

If yes, specify to which other Special Rapporteurs and/or international human rights courts or procedures a complaint has been submitted, on which date, and what, if any, actions have to date been taken by each such procedure:

X. Signature

Sign the complaint. If the complaint is submitted by an organization or a Party to the Convention, a person authorized to sign on behalf of that organization or Party must sign it.

Antoine Zucare

XI. Sending the complaint

Send the complaint by **email** to the following address: Aarhus-EnvDefenders@un.org

Clearly indicate in the subject line of the email: Complaint to the Special Rapporteur on Environmental Defenders.

Send any questions on how to complete the complaint form by email to Aarhus-EnvDefenders@un.org.
