

RIVISTA ITALIANA DI  
**MEDICINA LEGALE**  
E DEL DIRITTO IN CAMPO SANITARIO

ITALIAN JOURNAL OF  
**LEGAL MEDICINE**  
AND LAW IN HEALTHCARE AREA

diretta da Fabio Buzzl e Francesco Centonze

Rivista pubblicata con il patrocinio della Società italiana di Medicina Legale e delle Assicurazioni e con la collaborazione del CSGP - Centro Studi "Federico Stella" sulla Giustizia penale e la Politica criminale e del Laboratorio Interdisciplinare Diritti e Regole della Scuola Superiore Sant'Anna

**02/2014**

Anno XXXVI - Trimestrale - aprile/giugno 2014 - ISSN 1124-3376 - Poste Italiane s.p.a. Spedizione in a.p. - D.L. 353/2003 (conv. in L. 27/02/2004 n° 46) art. 1, comma 1, DCB (VARESE)

**FOCUS: IL RIFIUTO DI CURE**

**LA DICHIARAZIONE DI ILLEGITTIMITÀ COSTITUZIONALE DELLA LEGGE SULLE DROGHE**

**ATTI PERSECUTORI E METODO SCIENTIFICO NEL PROCESSO DECISORIO**

**MOBBING C.D. ORIZZONTALE E RISARCIMENTO DEL DANNO NON PATRIMONIALE**



**GIUFFRÈ EDITORE**

## INDEX

### EDITORIAL

- MANES V., ROMANO L., *Italy's anti-drug law (so called Fini-Giovanardi) was declared unconstitutional: The judge has to rebuild (from the) ruins* ..... 363

### DOCTRINE AND METHODOLOGY

- TURILLAZZI E., NERI M., FRATI P., RIEZZO I., FINESCHI V., *Forensic pathology, scientific research and explanation of the evidence: elective affinities or a liaison betrayed?* ..... 375
- MASSONI F., RICCI P., RICCI L., CRUSCO P., RICCI S., *Evaluation of quality of guidelines: a new challenge for the legal medicine. Medico-legal considerations on AGREE method* ..... 391
- PENNATI A., MERZAGORA I., *Evolution in forensic psychopathology: a matter of disciplinal integration* ..... 399
- BUZZI F., TASSI G., *Judges' « supremacy », subjection of medical science and weakness of administrative and political governance regarding healthcare treatments properly qualified as « compassionate »* ..... 415

### CASE REPORTS AND EXPERIMENTAL RESEARCH

- NUCCI G., PIERGIOVANNI D., GABRIELLI M., BENVENUTI M., *The so-called "Stamina method": history, law and personal experiences case study* ..... 431
- CONSOLAZIO G., *Post-mortem recognition of inability in two unusual cases* ..... 453
- BONSIGNORE A., TACCHELLA T., DE STEFANO F., VENTURA F., *A retrospective analysis of suicides occurred in Genova during a 5-year period (2006- 2010) and review of the literature* ..... 467

### FOCUS

#### THE REFUSAL OF CARE

- EUSEBI I., *Introduction to Focus (I). Serious health disabilities: "right to live" or "right to die"? Open questions about advance health care directives* ..... 483

VALLINI A., <i>Introduction to Focus (II). The right to refuse treatment. Reflects on physicians liability and sparks for a multidisciplinary debate</i> .....	495
GARGANI A., <i>The exercise of the right to reject medical treatment between guarantees necessity and law reform</i> .....	505
CORNACCHIA L., <i>Criminal-legal aspects of refusal of care</i> .....	529
CACACE S., <i>The refusal of medical treatment, to avoid any misunderstanding</i> .....	547
RODRIGUEZ D., <i>The refusal of care in the code of ethics medical conception: a guide for clinical practice?</i> .....	563

**PENAL LAW OBSERVATORY**

REMARKS ON THE JUDGEMENTS .....	593
JURISPRUDENCE REVIEW .....	627

**CIVIL LAW OBSERVATORY**

REMARKS ON THE JUDGEMENTS .....	726
JURISPRUDENCE REVIEW .....	745

**DOCUMENTS**

<i>Healthcare electronic personal data processing: advice of the Ethics Committee of the "Santa Maria della Misericordia" Hospital - Udine (edited by Benciolini P.)</i> .....	755
--	-----

**BOOK REVIEWS**

VERDUCI M.L., <i>Scelte di fine vita e diritto penale</i> , Aracne, Roma, 2014 (Liparoti F.) .	761
--	-----