



Press Office of the Constitutional Court

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THE DEADLINE OF 24 HOURS FOR APPEALING DECISIONS CONCERNING BONUS PERIODS OF SHORT RELEASE IS OVERLY SHORT

The deadline of only 24 hours for appealing decisions regarding bonus periods of short release infringes upon inmates' right of defence and is an undue obstacle to the re-educational function served by punishment.

This was held by the Constitutional Court in [Judgment No. 113](#), filed today (Judge Rapporteur: Francesco Viganò), in which it declared that the questions raised by the Supreme Court of Cassation were well founded. The questions concerned a provision of the Prison Law that unreasonably sets the same deadline for appealing both decisions on temporary release for urgent reasons – namely, the lives of family members are in danger, or other exceptional serious events – and those on bonus periods of short release, even though their preconditions and purposes are different.

The excessively short deadline had already come before the Constitutional Court: in [Judgment No. 235 of 1996](#), it had found that establishing the same deadline for appealing two different types of temporary release was unreasonable. However, in that case, the Court stopped at declaring the questions inadmissible, because it could not find, in the legal order, a constitutionally mandatory solution that could directly remedy the overly short deadline. The Court asked the Legislator to “establish, as quickly as possible, a new term that reconciles protection of the right of defence with the celerity required by the procedure”.

Examining the question anew 24 years after that warning, which went unheeded, the Court reiterated the unconstitutionality of such a short deadline, which makes it very hard for inmates to state their case effectively, also due to the objective difficulty to obtain legal counsel in such a short time. The Court identified the general law on appealing decisions of supervisory courts, enacted by the Legislator in 2013, as the point of reference to address the breach found. This

legislation envisages a deadline of 15 days for appealing decisions of the Supervisory Court, which the Constitutional Court thus also extended to appeals filed by inmates or public prosecutors against decisions on bonus periods of short release.

The Court specified that this is without prejudice to the Legislator's power to establish – in conformity with the constitutional principles recalled above – a different deadline, if it is considered more appropriate, for the specific type of appeal at issue.

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