



Press Office of the Constitutional Court

Press release of 3 December 2020

THE EXCLUSION OF SUMMARY PROCEEDINGS IN CASES INVOLVING
CRIMES PUNISHABLE WITH LIFE IMPRISONMENT IS NEITHER
UNREASONABLE NOR ARBITRARY

The aims pursued by the Legislator in excluding summary proceedings in cases involving persons accused of crimes punishable with life imprisonment “can be deemed acceptable or not; however, neither the aims in and of themselves, nor the means identified by the Legislator to achieve them, appear, to this Court, manifestly unreasonable or arbitrary”.

This was stated in the reasons provided for [Judgment No. 260](#), filed today (Judge Rapporteur: Francesco Viganò), which – as anticipated in the [press release of 18 November 2020](#) – declared that the questions as to the constitutionality of Law No. 33 of 2019 raised by the Court of Assizes of Naples and by the Ordinary Court of Piacenza, in the context of two trials against persons accused of the murder of, respectively, their father and their wife, were unfounded.

In particular, the Court acknowledged that through the law in question, the Legislator sought to ensure that in cases involving the most serious crimes, public proceedings would be held before a court of assizes and not before a single-judge court, and that the victims too would have a chance to be heard.

According to the judgment, the above purpose certainly entails proceedings of longer duration where crimes punishable with life imprisonment are concerned, especially aggravated murder. However, the Legislator’s discretion does encompass identifying the most suitable solution to ensure that, in a reasonable timeframe, proceedings can fulfil their purpose – that is, ascertaining the facts and respective responsibilities in observance of the rights of the defence – and the Constitutional Court cannot superimpose its own assessment.

In addition, the Court stated that the examined provisions do not fall foul of the constitutional right to a defence, because the Legislator does have the power to exclude persons accused of particularly serious crimes, such as those punishable with life imprisonment, from accessing certain alternative proceedings.

The Court noted that there is no right, of accused persons, to have the proceedings against them conducted “behind closed doors” in order to protect their dignity and privacy. In fact, the principle of the publicity of proceedings, especially those regarding the most serious crimes, is not only a form of subjective protection for the accused, but also an identifying trait of the rule of law, one that protects impartiality and objectivity in the administration of justice, under the scrutiny of public opinion.

Finally, the judgment emphasises that the reform does not necessarily mean that accused persons found guilty at trial must then be sentenced to life imprisonment: the court of assizes can always recognise the existence of extenuating circumstances that justify the application of a more lenient punishment.

Rome, 3 December 2020