



# INTERNATIONAL COMMISSION OF JURISTS

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## COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

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### **Italy: High Council of Magistrature criticizes flawed Criminal Procedure Reform Bill**

The ICJ welcomes the opinion issued on 23 July by the Italian High Council of the Magistrature on Criminal Procedure Bill no. A.S.1440 presently under consideration in the Justice Commission of the Italian Senate. The High Council in its opinion underscores the threats posed by the legislation to the right to a fair trial, the independence of the judiciary, and freedom of expression under the Italian Constitution.

The High Council's opinion reinforces the analysis of the ICJ in its submission of 10 July 2009 sent to Italian Senators and to the Members of the Senate's Justice Commission. The submission reviewed the Bill's compliance with international law. The ICJ, like the High Council of the Magistrature, considers that the Bill's provisions granting expansive periods for the preparation of the defence and the new rules on evidence may have the effect of increasing the already excessive length of the Italian criminal proceedings, in breach of Italy's obligations under Articles 6(1) ECHR and 14(3)(c) ICCPR.

Both the ICJ and the High Council have determined that the new rule on abstention and recusal of judges is not necessary and would risk impairing independence of the judiciary, including the right of judges to exercise freedom of expression, contrary to Italy's international human rights law obligations and to Principle 8 of the *UN Basic Principles on the Independence of the Judiciary*.

The ICJ in its intervention recommends that the Italian Senate drop the provision of the Bill establishing a judicial panel on custodial and preventive measures. Such a panel would likely operate to exacerbate the already excessive length of the criminal proceedings. The ICJ also puts forward recommendations on the reform of the Pinto Law, the remedy under Italian law for excessive length of judicial proceedings, and for the revision of trials in breach of the European Convention on Human Rights.

The ICJ intervention is available at the following link:  
[http://www.icj.org/news.php3?id\\_article=4538&lang=en](http://www.icj.org/news.php3?id_article=4538&lang=en)

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