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Defendants (criminal proceedings)

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Italy



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If you are suspected or accused of a criminal offence, these factsheets take you through the criminal process and the various steps involved. They explain your rights and obligations at each stage, from the time of pre-trial investigations, right through to after the trial. The factsheets also provide information on how minor offences, such as road traffic offences, are dealt with.

Summary of the criminal proceedings

A summary of the normal steps in criminal proceedings in respect of adults is set out below.

In the information notes, you can find a detailed description of each stage of the proceedings, as well as your rights. This information does not replace legal advice and is only intended as a guide.

Criminal proceedings are initiated when the police or public prosecutor becomes aware of an act that could constitute a criminal offence.

Once the investigation has been completed, the prosecutor brings proceedings to open the trial, unless it considers it appropriate to dismiss the case.

For offences to be tried by a court in collegiate formation, the assize court (a body similar to the Crown Court in the United Kingdom (England and Wales), or the Federal Judicial District in the United States), or in some cases by a court composed of a single judge, the prosecutor sends a request for committal to trial to the judge at the preliminary hearing.

At the end of the preliminary hearing, the court may commit the defendant to trial or discontinue the proceedings

In the case of offences for which a single body or justice of the peace is competent, the public prosecutor issues a summons or a direct summons to appear (mandato di comparizione, citazione diretta in giudizio).

There are also several special procedures: summary proceedings, imposition of a penalty at the request of the parties (plea bargain), immediate or direct committal for trial (giudizio immediato, giudizio direttissimo), penalty order.

Criminal proceedings normally take place in three stages:

- first instance (assize court, court sitting in collegiate formation, single judge or justice of the peace),
- appeal and
- court of cassation (the highest instance).

At first instance, all evidence, witness evidence and documentary evidence is collected; the proceedings end with a conviction or an acquittal.

You can bring an appeal against the judgment given at first instance.

The court of appeal decides whether to uphold the judgment given at first instance or to amend it in whole or in part, or to set it aside and refer the case back to the court of first instance.

An appeal against the decision of the court of appeal may be brought before the court of cassation (the highest instance).

The court of cassation delivers its judgment, by which it may declare the application inadmissible or dismiss it, set aside the judgment under appeal without referral, or set aside the judgment and refer the case back to the court of first instance.

Once all stages of the proceedings have been completed, the judgment becomes final. In the event of a conviction with imposition of a penalty, the latter becomes enforceable.

In the information notes, you can find a detailed description of each stage of the proceedings, as well as your rights. This information does not replace legal advice and is only intended as a guide.

If you are a victim of a crime, you can find all information about your rights by clicking [here](#).

The role of the European Commission

It should be noted that the European Commission has no role in criminal proceedings within the Member States and therefore cannot assist you in bringing a complaint. The information provided in these information notes is merely to inform you of how you can file a complaint and whom to contact.

Click on the links below to find the information that you need:

[1 - My rights during the investigation](#)

[2 - My rights during the trial](#)

[3 - My rights after the trial](#)

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