



PRESS RELEASE

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A sparkling and ruthless analysis of the situation of the Italian justice system by Judge Davigo

JUDGES DO NOT NEED MORE MONEY, BUT CERTAIN PENALTIES, FEWER APPEALS AND CODES NOT WRITTEN BY MADMEN!

Called on to participate in the same debate by “la voce.info”, Mastrobuoni and Davigo presented a passionate analysis of the problem, including a wide range of data

The data emerging from the presentation of the young economist Giovanni Mastrobuoni, who together with the judge Piercamillo Davigo tried to answer the question “Who pays the price for inefficient justice” today at the Faculty of Economics in Trento, would send shivers down the spine of any economist and give rise to the indignation of every citizen.

The last pardon, the one taking place in 2006, which to date has led to the freeing of around 24 thousand prisoners, has indeed led to the state saving an average of 56 thousand Euro for every prisoner no longer incarcerated, but has created economic damage for each person freed amounting to around 145,000 Euro. In other words, the economic action which lies at the foundation of any virtuous behaviour, namely that every Euro invested should provide a benefit greater than the initial expenditure, in the case of the pardon has failed spectacularly: as compared to moderate savings for the country, the economic damage caused by those 24 thousand people amounts to around 2 (two!) billion Euro, without counting the fact that many of them re-offend after leaving prison (and many of them have already returned there, with further damage for the Treasury).

So the 66 per cent of Italians who said they were against the pardon were right! Those who asked at least for a “selective” pardon, excluding habitual criminals and more serious crimes committed against people and property, were right! Those who demanded that the problems of overcrowding in prisons be resolved with a new policy of building prisons were right!

After Giovanni Mastrobuoni, it was the turn of Judge Piercamillo Davigo to continue with the ruthless analysis of the state of justice in our country: “a country which is currently being investigated by the EU as a result of the unreasonable duration of trials” – Davigo said. This is an aberrant situation, so much so that when the European courts were submerged by appeals coming from Italy due to interminable trials, in order to clear the backlog of work they too have had to increase the time limit for the first instance judgement

from two and a half to three years!”.

The reckoning is easy: a simple trial with four hearings could be terminated with four days' work; if time is required for preliminary investigations between one hearing and another, the time necessary in order to reach a sentence arrives at more or less four months. “The fact is that if these four hearings are entrusted to a judge who has to deal with two thousands lawsuits, the duration of the legal proceedings will be four years! This is the origin of the biblical timescale of our justice system, and hence also of financial waste and the monetary damage caused by the justice system!”

If for an insurance company it is worth going to court in order to delay payment of the damage for years and years, because in this way it may even succeed in recovering the value of the compensation it has to pay the injured party after ten years, we create injustice and flood the courts (40% of lawsuits in Milan, recalled Judge Davigo, are for road accidents!). If each decriminalisation approved by Parliament in order to diminish the workload of trials is invariably followed by a series of new laws introducing new crimes, approved by the same Parliament, it is clear that we will never get out of the tangle. If only in Italy is the principle in force according to which the judge, at the beginning of each trial, must not know anything and be “a blank page” and thus the witnesses and experts must repeat everything already said and recorded by the police force and the public prosecutor's office, it is clear that trials will be endless...

How is possible to escape from this situation? “I oppose the current trend” - Piercamillo Davigo concluded – “and state impartially that the Italian justice system does not need more money to work better. We can count on the same budget as in Britain and there things work much better! We must take action as regards the mechanisms and the procedural codes, which contain the underlying principles for the rule of law, but which would sometimes appear to have been written by madmen; we must make it less worthwhile to proceed legally as compared to immediate compensation for the damage caused; we must introduce the concept of compensation not in proportion to the damage caused, but in proportion to the seriousness of the behaviour of those causing the damage; we must review the appeal system. We must review, again, the composition of Courts of Appeal: whereas the ordinary courts are presided by what I call father judges, because they are strict when necessary, in the Court of Appeal there are the so-called grandfather judges, those who ruin their grandchildren because they are too indulgent! We must guarantee the certainty of the penalty, because only in this way we can discourage crime and make it less worthwhile to act in a criminal manner!”

It would seem easy, and perhaps it is precisely for this reason that nothing is done, someone murmured in the public. However we have all understood who pays the price for an inefficient justice system: those who have never had anything to do with it and will never enter a courtroom!