



The Holy See

APOSTOLIC LETTER
ISSUED "MOTU PROPRIO"
BY THE SUPREME PONTIFF

FRANCIS

ON AMENDMENTS IN MATTERS OF JUSTICE

Needs which have arisen, even recently, in the criminal justice sector, with the consequent repercussions on the activity of those who, in various ways, are interested, require constant attention to redefine the applicable substantive and procedural norms which, in certain aspects, bear inspirational criteria and functional solutions now obsolete. For these reasons, continuing in the process of continuous updating dictated by changing sensitivities of the times, I order the following

AMENDMENTS AND INTEGRATIONS TO THE LEGISLATION OF VATICAN CITY STATE

Article 1

(Amendments to the criminal code)

1) In the penal code following Article 17 the following is inserted:

“Art. 17-b. — One who is sentenced to a penalty restricting personal freedom, who, during the execution of the sentence has conducted himself in such a way as to presume his reform and has successfully participated in a programme of treatment and reintegration, is granted, as recognition of this participation and for the purposes of his effective reintegration into society, a reduction of forty-five to one hundred twenty days for each year of sentence served.

“At the beginning of the execution the convicted person develops, in agreement with the execution judge, a programme of treatment and reintegration containing the indications of the specific tasks he assumes, also with the aim of eliminating or mitigating the consequences of the crime, considering for this purpose compensation for damage, restorative conduct and restitution. The convicted person, to this end, may propose the performance of works of public utility, of voluntary activities of social importance, as well as conduct aimed at promoting, where possible, mediation with the person offended.

“Conviction of a non-culpable crime committed during the execution subsequent to the concession of the benefit implies its revocation.”.

Article 2

(Amendments to the code of criminal procedure)

1) In the code of criminal procedure article 376 is replaced by the following:

“Art. 376. — The accused under a state of arrest attends the hearing free in person, with the necessary precautions to prevent escape.

“If at any time he or she refuses to attend, without the concurrence of circumstances envisaged in article 379-b, the judge orders that procedures continue as if with the presence of the accused, who, for all effects of the adversarial system, is represented by the defender.”.

2) In the code of criminal procedure following article 379 the following articles are inserted:

“Art. 379-b. — When the accused, even if detained, is not present at the hearing, and it is shown that he or she finds it impossible to appear due to a legitimate and serious impediment, or if due to mental illness it is impossible to contribute to his or her defense, the tribunal, or the single judge, even *ex officio*: suspends or postpones the hearing according to the circumstances; prescribes, when necessary, that the accused be notified of the provision; may also authorize the aggrieved party who petitions for it, to promote or continue the action for damages before the civil judge independent of the criminal procedure, and notwithstanding that a civil action has been filed. The petition may be proposed by the public minister in the case envisaged in art. 64. Should the hearing be held thereafter, the civil action may avail itself of the means provided for in article 10.

“Art. 379-c. — Apart from the cases indicated in the preceding article and the one envisaged in the opening paragraph of art. 376, if the accused does not appear at the hearing, the president, or the single judge, orders the clerk of court to read the deed of notification of the sentence of remand, if it be the case, and the deed of notification of the decree of summons.

“The judge, thereafter, having heard the public minister and the defenders, when demonstrated that the notifications have been legally carried out and the terms observed, prescribes by order that judgment be entered *in absentia*, or otherwise orders the renewal of the acts whose nullity has been ascertained.

“Art. 379.d. — The default judgement, in the first instance as on appeal, is treated with the ordinary forms.”.

3. In the code of criminal procedure articles 282, 472, 473, 474, 475, 476, 497, 498 and 499 are repealed.

Article 3

(Amendments and integrations to law n. CCCLI to the judicial system of Vatican City State)

1. In law n. CCCLI on the judicial system of Vatican City State, in article 10, following paragraph 4 the following paragraph 5 is inserted:

“At the time of termination, ordinary magistrates retain all rights, assistance, social security and guarantees provided for the citizens.”.

2. In law n. CCCLI on the judicial system of Vatican City State, the first paragraph of article 12 is replaced by the following:

“1. The office of the promoter of justice is exercised with autonomy and independence, in the three levels of judgment, the functions of public ministry and the others assigned to it by law.”.

3. In law n. CCCLI on the judicial system of Vatican City State, article 15 is replaced by the following:

“1. In appellate proceedings the functions of public ministry are exercised by a magistrate of the office of the promoter of justice, designated according to article 13, paragraph 1.”.

4. In law n. CCCLI on the judicial system of Vatican City State, article 20 is replaced by the following:

“1. In cassation proceedings the functions of public ministry are exercised by a magistrate of the office of the promoter of justice, designated according to article 13, paragraph 1.”.

5. On the date of the entry into force of this provision and as a result of preceding dispositions, magistrates previously appointed according to the prior articles 15 and 20 of law n. CCCLI on the

judicial system of Vatican City State, are integrated into the office of the promoter of justice.

I establish that this Apostolic Letter issued Motu Proprio be promulgated by publication in the bulletin of the Press Office and enter into force on 16 February 2021.

From the Vatican, 8 February 2021, the eighth year of my Pontificate,

FRANCIS

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