

Avv. Andrea Rossolini

– AVVOCATO –

NOTES FOR FOREIGNER IMPRISONED IN ITALY AND THEIR FAMILIES

When a foreigner Citizen is arrested and detained in Italy, the Italian authorities must inform the Foreign Consul. This is usually done in writing and normally takes about a week or so to reach it. The Consul may be informed much more quickly by friends or relations, or exceptionally by the prison itself. In Italy you do not have the right to make a phone call when you are arrested. If you wish to make a telephone call permission must first be obtained from the judge. At the time of arrest you must be given verbal and written notice by the arresting officers (police) of the charges for which you are being held in detention. This notice must be given to you not later than 24 hours after you have been arrested. **You have the right to appoint a lawyer to defend you;** if you wish you may avail yourself of the right not to respond without the presence of a lawyer. The nomination of a lawyer while in prison is made through the office of the “Matricola” (prison central records office). **Also the imprisoned’s relatives can appointment a lawyer to defend the prisoner. You can use the form enclosure.** All accused, who have not appointed their own defence lawyers or are without a lawyer for some reason, are guaranteed assistance through the Court Appointed Lawyer scheme. This service has been established under the law to guarantee the right of defence in all proceedings, an inviolable human right recognised under the Constitution at Article 24(2). The defence lawyer is appointed by the Court or the Public Prosecutor on the basis of a list of lawyers drawn up by the Council of the "Ordine Forense" (Society of Legal Practitioners) jointly with the President of the Court. Avv. Andrea Rossolini is on the list. The Court Appointed Lawyer is required to provide legal assistance and may only be replaced for good reason. The costs of the Court Appointed Lawyer will be charged to the accused but if the latter is entitled to legal aid, they will be borne by the State. Legal aid may be available in criminal cases. **A defendant may submit a request to the court to authorise the State to pay his/her lawyer, but only if he/she can prove earnings of less than 9,296 Euros per year. If you do not speak or understand Italian then the court will appoint an interpreter for you, but you also have the right, depending on your financial circumstances, to appoint your own interpreter.** Depending upon the seriousness of the charges the Public Prosecutor (Pubblico Ministero) will ask that you be held in custody or released pending trial. Within 48 hours of your arrest the “Pubblico Ministero” (Public Prosecutor) must apply to the “Giudice Indagini Preliminari” (Judge for the first trial) for confirmation of the charges and preventive custody (that you remain in prison awaiting trial). Detention on remand either in prison or in a treatment centre represents a limitation imposed on the accused's personal liberty. It is applied before the final sentence on conviction for specific grounds connected with the trial itself (that is, risk of flight or interference with evidence) or where it is necessary to protect society at large (risk of the commission of further offences) in cases involving the commission of serious offences where there is strong evidence tending to show the guilt of the person under investigation or of the accused. Application can also be made for house arrest, but this is not easy to obtain for foreigners. Before you have been tried, the Visits by family, next-of-kin or friends permission from the Judge (Giudice Indagini Preliminari) must be obtained in order to have permission to visit or telephone with family or relatives. You should consult Avv. Andrea

Studio Legale
Avv. Andrea Rossolini
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web: <http://www.rossolini.net>
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Si riceve solo per appuntamento

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Rossolini in the first instance. You must also apply yourself to the Ufficio Matricola for permission to see your visitor. Normally a visit will last for one hour but in the case of foreigners where the family has arrived from overseas, application can be made for extended visits of 2 to 3 hours, but this decision rests with the Director of the prison. A prisoner can receive 4 postal parcels per month; there is a weight limit of 5 kilos per parcel but this depends on whether a person has received other packages on normal prison visits. A delay of 15 days between parcels delivered on visits and postal parcels is part of the regulations governing the entry of parcels to a convicted person. Parcels may contain personal goods such as clothes, books etc. but cooked goods such as meats, food in general will not gain entry. In every prison different rules apply to which goods are permitted entry, so it is advisable that the person expecting the parcel inquires as to which goods are permitted entry. The prisoner has the right to unlimited correspondence while under arrest and also during the service of the sentence. Depending on the articles under which the person is accused censorship may be applied to all correspondence (incoming and outgoing). Mail will be subject to examination and delays are to be expected, but this requires a Judge's order and the person concerned is always notified. There are social workers in every prison who are there to assist you. The Social Worker is available to assist you in maintaining contact with your family. He is also involved in your general welfare and will be involved in reports regarding any benefits you apply for in the future.

You should consult Avv. Andrea Rossolini – imprisoned@rossolini.net

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**NOMINA DEL DIFENSORE DI FIDUCIA
DELLA PERSONA FERMATA, ARRESTATO O IN CUSTODIA CAUTELARE
DA PARTE DEL PROSSIMO CONGIUNTO (¹)**

Il sottoscritto (cognome e nome (²)) _____

cittadinanza (³) _____ nato a (⁴) _____ (_____)

il giorno (⁵) _____ e residente in (⁶) _____ (_____)

alla via (⁷) _____ quale

coniuge (⁸)

figlio (⁹)

genitore (¹⁰)

fratello/sorella (¹¹)

del sig. (cognome e nome (¹²)) _____

cittadinanza (¹³) _____ nato a (¹⁴) _____ (_____)

il giorno (¹⁵) _____ e residente in (¹⁶) _____ (_____)

alla via (¹⁷) _____ , ai

sensi dell'art. 96 comma 3, codice procedura penale, con il presente atto dichiara di nominare per il proprio congiunto in stato di fermo, arresto o in custodia cautelare, come in effetti

NOMINA

difensore di fiducia **l'Avv. Andrea Rossolini del foro di Ancona**, con studio in Falconara Marittima (Ancona) alla via Cavour n. 2 conferendo allo stesso ogni e più ampio potere. Ancona, li (¹⁸) _____.

Firma (¹⁹)

_____.

La firma è autentica
Avv. Andrea Rossolini

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TRASLATE

- 1) appointment lawyer for to defend the prisoner
- 2) Your Surname and Given Names
- 3) Your Nationality.
- 4) Your Place and State of birth
- 5) Your Date of birth
- 6) Your Place and State of Residence
- 7) Your address
- 8) Consort
- 9) Son / daughter
- 10) Parents
- 11) Brother / sister
- 12) Imprisoned's surname and Given Names
- 13) Imprisoned's nationality
- 14) Imprisoned's Plase and State of birth
- 15) Imprisoned's Date of birth
- 16) Imprisoned's Place and State of Residence
- 17) Imprisoned's address
- 18) Date of issue
- 19) Your Signature

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