

In memory of  
Giorgio Santacroce

Let's not become misologists / μισόλογοι. For no worse evil can happen to a man than to hate argument [...]. When a man without proper knowledge concerning arguments has confidence in the truth of an argument and afterwards thinks that it is false, whether it really is so or not, and this happens again and again; then you know, those men especially who have spent their time in disputation come to believe that they are the wisest of men and that they alone have discovered that there is nothing sound or sure in anything, whether argument or anything else, but all things go up and down [...]. It would be a sad thing if a man [...] by throwing the blame gladly upon the arguments and should hate and revile them all the rest of his life, and be deprived of the truth and knowledge of reality."

(Plato, *Phaedo* 89-90

<http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0170%3Atext%3DPhaedo%3Asection%3D90b>)

Excellencies,  
Distinguished Guests,  
Ladies and Gentlemen

Firstly, I wish to thank the President of the Republic for having honoured with his presence this **Assembly of the Court of Cassation**, celebrating the opening of the Court's legal year. I also wish to welcome all the distinguished authorities and eminent guests who are here, as well as to express my sincere tribute to the women and men who every day work hard in silence within and for the administration of justice.

This ceremony aims at being an opportunity to reflect together and send out a message of commitment and hope. I shall open it, paying a fond tribute to the remarkable figure of Giorgio Santacroce, First President Emeritus of this Court, who, only very recently, prematurely passed away. I dedicate my report to him, asking for a minute of silence.

I also want to pay homage to the memory of the victims of the earthquake of August 2016 (the devastating effects of which are still dramatically present), and of those of Jihadist

terrorism and State torture. At the same time, I express my admiration to those victims' families for their nobility of soul, and to official institutions and our community as a whole for the solidarity shown. Families and local communities, even though severely hit and hurt, got back on their feet to repair the injuries caused by nature or man. Through their example, they have proven to us how better the road of truth, fraternity and unity is, instead of that of falsity, division and hatred.

### ***1. The Court of Cassation's self-reform process***

The *Doing Business 2017* report places Italy 108th out of 190 countries in a ranking concerning the length and costs of legal proceedings, where the most important EU countries perform better. However, Italy obtains a better result [13 points] than the average [11 points] among the most developed countries.

Indeed, there have been encouraging improvements in first instance and appeal court proceedings, thanks to the many reforms introduced (as well as thanks to the active involvement of judges – professional and honorary judges alike - and of administrative staff). However, it must be stressed that there has been no comparable new legislation for

reducing the number and flow of cases brought before this Court of Cassation. Over the last five years, the average number of cases per year has settled at 83,000 - 53,000 of which in the criminal field and 30,000 in the civil one.

In order to face this extremely critical situation, the Court embarked on a far-reaching **self-reform** process to simplify, speed-up and rationalize its procedural models, also adopting new organization standards for the Court's key procedural phases<sup>1</sup>. These self-organization measures - which involved all available resources, a shared cultural approach, a commendable effort from judges and staff, Memoranda of Understanding with the *Procura Generale* [Office of the Prosecutor General] and the *Avvocatura dello Stato* [State Legal Service] - rapidly generated positive results.

### ***1.1. The effects of the self-reform: a) in the field of civil proceedings***

Compared to 2015, the field of civil proceedings had **significant improvements** in 2016. These concerned the number of closed cases [27,394 published decisions + 3,151 awaiting to

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<sup>1</sup> These concerned, inter alia: the propelling role of the President of the Division [*Presidente di sezione*] and of the Sorting Office [*Ufficio Spoglio*]; the "filtering" of non-admissible appeals; the formal structure of the statement of reasons of decision; the work of the judges appointed as study assistants [*magistrati assistenti di studio*] and of trainee assistants [*tirocinanti*]; the use of electronic resources; the timing of the activities carried out by the Central Court Clerk's Offices [*cancellerie centrali*]

be published]; pending cases [106,862 – decreasing to 103,711 considering decisions awaiting to be published]; productivity [220.3 closed cases per judge]; turnover index [92 – increasing to 103 considering decisions awaiting to be published]; shorter average length of proceedings [3 years, 4 months, 7 days].

It is important to point out that 38% of new cases [over 11,000] and 47% of civil cases [over 50,000] were assigned to the **Tax Division** [*Sezione Tributaria*] of the Court. And so, notwithstanding its strenuous work and the involvement of supplementary staff<sup>2</sup>, its number of closed cases – many of which have been pending for over four years – does not even equal that of new ones. It is therefore necessary to call on the legislature to formulate a truly special plan for cutting down the backlog. Such a plan is needed given the high financial implications at stake. It could be achieved by setting up a **duplicate-Tax Division** [*Tributaria-bis*] and, in parallel, increasing the number of judges and administrative staff. In this respect, it would also be desirable to receive the contribution of the Ministry of Economy and Finance. Indeed, if the present legal framework remains unchanged,

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<sup>2</sup> Last Spring, a 10-strong support unit of particularly skilled officers from the Italian Finance Police [*Guardia di Finanza*], was set up to streamline the case-lists through a computerized classification of pending cases based on the matters and issues involved. Moreover, in 2016, many judges from other Divisions of the Court were assigned to the Tax Division to hold additional sittings of the Division.

the whole set-up of the Court of Cassation in the field of civil proceedings could collapse<sup>3</sup>.

More in general, it would be necessary to consider whether the overall tax-law court system is properly structured. As a matter of fact, while the competence over the substance of tax-cases falls on specialized jurisdictions [*i.e. regional and provincial tax commissions, which are having a significant drop in the number of their cases*], legality issues fall within the competence of the Court of Cassation<sup>4</sup>.

## ***1.2. ... b) in the field of criminal proceedings***

The field of criminal proceedings [*with a slight reduction in the number of new cases: 52,384*] achieved a **remarkable trend reversal** in 2016:

- the number of closed cases increased noticeably [*58,015, i.e. +12.2%*];
- the turnover index, for the first time since 2010, was distinctly positive [**110.7**];
- pending cases, which had grown regularly since 2010, decreased hugely [*30,349, i.e. 15.7%*].

These brilliant results have been achieved thanks to the

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<sup>3</sup> A forecast of our present data for 2020 and 2025 shows that tax-law cases would be 56% and 64%, respectively of the total cases dealt with by the Civil Divisions of the Court of Cassation.

<sup>4</sup> This occurs likewise with the **special military jurisdiction** in times of peace, which has a very low workload.

extremely high productivity rate of the judges involved [481 closed proceedings per judge] and the new working patterns at the Court<sup>5</sup>.

It is also important to highlight that:

- the proceedings closed in 2016 were mainly introduced in 2015-2016;
- the average length of proceedings [8 months] is shorter than the European one;
- the number of time-barred cases is insignificant [767, i.e. 1.3% of closed proceedings]; however it is somehow illogical that the **statute of limitations** shall continue to apply on the extinction of an offence, even after there has been a conviction at first instance: it would instead be more logical to introduce measures to speed up the duration of appeals;
- the rate of **non-admissible** cases is high [63.5%] compared to that of dismissed [12.7%] and quashed [22.0%] ones;
- equally high is the number of closed proceedings originated from **appeals brought directly by individuals** [*ricorsi personali*] [11,432, i.e. 21.9%] and against **plea-bargained**

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<sup>5</sup> Such as: a thorough selection of the cases in the filtering phase; the increase of cases found non admissible and thus sent to the 7<sup>th</sup> Division [45.3%]; holding additional hearings or grouping those on the same subject matter; adopting a simplified statement of reasons

**sentences** [*patteggiamenti*] [6,597, i.e.11.4%].

Bearing this in mind, it is misleading to say that the **reform of criminal proceedings**, as set out in Bill [*disegno di legge*] no. 2067 (already assented by the Chamber of Deputies, but laying since last year before the Senate, despite the commendable efforts made by the Minister of Justice) would be “*useless and harmful*”. On the issue of appeals, for example, it introduces radical changes to appeals made to the Court of Cassation. Indeed, it excludes the possibility of appeals brought directly by individuals; limits the right of appeal against plea-bargained sentences; simplifies the non-admissibility procedure. In this way, the Court is protected from wasting its resources and is supported in carrying out its nomophilactic function, i.e. that of securing the proper application and uniform interpretation of the law.

## ***2. “Nomophilacy” and the formation of “precedents”***

Actually, the Court of Cassation has had to handle the structural constraints of its jurisdiction, through the implementation of a series of measures based on high

standards of efficiency and accountability<sup>6</sup>. However, the Court's main purpose is not to achieve a business-like efficiency – which would be incompatible with the role of guarantor of the law, assigned to it by the Constitution – but to be credible. To this end, the Court has to secure the certainty of the law - that is to say, that court decisions must be foreseeable and uniform – by setting authoritative **"precedents"** through a fruitful dialogue with the other national and European courts.

The Court of Cassation, in exercising its **nomophilactic function**, i.e. securing proper application and uniform interpretation of the law, has taken into consideration some important leading cases and enunciated significant principles on the fundamental rights of the person and the socio-economic fabric of society and businesses. As a result, it has ensured some sort of stability in the case law of complex legal issues.

## ***2.1. Court of Cassation's case law in the field of civil law***

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<sup>6</sup> See Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe and the *Magna Charta* of the Judges of the Consultative Council of European Judges (CCJE), both dated 17 November 2010.

In the field of civil law, some judgments concerned socially and ethically sensitive issues.

In particular, judgments no. 12962 and no. 19599 deserve mentioning. The first one held the legality of the *adoption* of a child by the same-sex and cohabiting partner of his/her biological parent. It also held that the applicants' sexual orientation is irrelevant, since the objective of adoption must be to *promote* the consolidation of the relationship between the child and the person who already takes care of him/her and, therefore, the sole concern must be the exclusive interest of the child. The second judgment, on medically assisted reproduction within a couple formed by two women, held the legality of the recognition and transcription of the birth certificate, originated abroad, of a child "born" of two mothers through a procedure that can be assimilated to heterologous insemination.

What emerges is the redefinition of the **family** institution, which is considered as a community of lives and loved ones, centered on tangible relationships between its members, and where the leading principle is that of the child's best interest.

These judgments received great media coverage as well as the disapproval of some legal scholars and parts of the public

opinion. Actually, while this Court cannot, and does not want to, evade its duty to secure the protection of the fundamental rights of the person, the fact – however - of attributing exclusively to it socially and ethically sensitive issues which require challenging decisions, is not the best approach. It would be more appropriate to follow a hermeneutic approach, based on the clear and explicit expressions of the lawmakers' intentions.

As regards the Labour Division of the Court, this gave three key judgments on economic and labour relations issues [no. 11868, no. 22552 and no. 25201]. The first one, on the **dismissal of public service employees**, which was held to be governed still – at present - by Article 18 of the “Workers’ Statute”. The second one, on the reiterated renewal of **fixed-term employment contracts** for school staff that was held unlawful (engaging in a virtuous dialogue with the European Court of Justice and the Constitutional Court). In its judgment, the Court also held that a proportionate and effective sanction was through granting staff and teachers permanent contracts or compensation for the damage suffered. The third judgment, on **dismissal for objective justified reasons** held that such dismissal is lawful also when

it is justified by the need of a company to achieve an increased management-efficiency in order to remain competitive on the market.

On appeals over **jurisdiction issues**, Joint civil divisions of the Court of Cassation<sup>7</sup> in judgment no. 21620 the held that they should be disciplined and the related proceedings closed speedily. This judgment came at the outcome of a preparatory study carried out by the *Ufficio del Massimario* [Office competent for the extraction of the legal principles from case law] of the Court of Cassation and the *Ufficio Studi* [Research and Consultancy Office] of the Council of State, which was preceded by a training initiative with law scholars. This preparatory activity confirms that at the basis of a modern exercise of nomophilacy there is the ability to consider different opinions or possibilities.

As regards the activities for the **referendum on the reform of the Constitution**, the National Central Electoral Office (i.e. the competent office of the Court, that at the same time was also dealing with the abrogative referenda on offshore oil drillings; on the so-called “Good School” [*Buona Scuola*]; and on

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<sup>7</sup> The Court ruled that a claimant who is declared unsuccessful on the substance of the case, does not have a legal right to appeal against that decision claiming that the Court he chose lacked jurisdiction, given that he was not declared unsuccessful with reference to the separate issue of the court’s jurisdiction .

the “Jobs Act”) made its decisions with modalities similar to those of a court. However, ruling on the Central Office’s order closing those activities, the Joint Civil Divisions of the Court of Cassation held that, since that order did not have the nature of a typical jurisdictional act, it was not liable to being appealed against [judgment no. 24102] and, on the application to annul the Decree of the President of the Republic calling for the referendum, it declared its total lack of jurisdiction over that application, since it held that the Decree was not subject to any form of review [order no. 24624].

## ***2.2. Court of Cassation’s case law in the field of criminal law***

In the field of criminal law, the Court contributed also last year to a more centered case law by redefining the implementation boundaries of some legal provisions, coherently with the principles of the Constitution and the supranational sources of law, and with the European courts’ case law.

Within this framework, there is a definite **connection between the Court’s case law and the latest reforms**, which follows a double direction. On the one side, the

Court's rulings follow the reform's approach, solving the controversial issues originated from the enforcement of the new legislation, clarifying its *rationale* and consolidating its enforcement. On the other side, the Court foresees the need for reform and calls on the legislature to take action in a given area.

Many judgments of the Joint Criminal Divisions of the Court of Cassation reflect this connection. In particular, those on **probation** [judgments no. 33216 and no. 36272]; offences of a **particularly minor nature** [judgments no. 13681 and no. 13682]; **pre-trial precautionary measures** [judgment no. 18954 on the reappraisal of **pre-trial precautionary measures affecting assets** and no. 20769 on **electronic bracelets**]; the decriminalization of some offences and the introduction of **civil wrongs** [judgment no. 46688]; the definition of the conduct of **false accounting** taking also in consideration the data reported for appraisal [judgment no. 22474].

Two judgments of the Joint Criminal Divisions of the Court of Cassation preceded the substance of the above-mentioned Bill no. 2067. The first one [judgment no. 27620], on the obligation to **repeat before the court of appeal any statement made and brought as evidence at first instance** when the appeal is brought by the Public Prosecutor against an acquittal by the

first instance court. The second one [judgment of Oct. 27, 2016, Galtelli], on the need to state **precise grounds of appeal** for an appeal to be admissible<sup>8</sup>.

The Joint Criminal Divisions of the also ruled on the interception of communications, restricting the use of particularly invasive technologies - such as an interceptor in an electronic device (the so-called *trojan horse*) - to organized crime proceedings [judgment no. 26889]. In consideration of the marked intrusiveness of these technologies, the fact that the act investigated falls within the category of organised crime must be firmly based on objective indications of evidence, which must be accurately highlighted in the related authorization to use them.

Concerning the protection of fundamental rights, the European Court of Justice [judgment 5 April 2016, Aranyosi and Caldaru, case C-404/15 and C-659/15] held that the absolute **prohibition of inhuman or degrading treatment** imposes on the domestic court, requested to enforce a European Arrest Warrant, to assess whether there is a risk that the issuing Member State might infringe such a prohibition. And

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<sup>8</sup> Other judgments of the Joint Criminal Divisions of the Court of Cassation considered carefully the guarantees of defence. These were notably on the issue of the **substitution of the defence counsel not entitled to stand before the Court of Cassation** [*non cassazionista*] [judgment no. 40517] and appeal proceedings held in chambers, where the **absence of the defence counsel due to a lawful impediment** [*legittimo impedimento del difensore*] was deemed crucial [judgment no. 41432].

the court shall do so taking into account reliable information on detention conditions. This approach was followed by the Court of Cassation, both when the request for surrender was from an EU State [judgment no. 23877], or for the extradition to non-EU States [such as Turkey: judgment no. 54467] where there is a proven risk of violation of human rights<sup>9</sup>.

On the issue of **negligent disasters**, the judgment [no. 12478] on the earthquake in L'Aquila is particularly significant. The Court - ruling on misleading or inadequate information to the public by the service of the Civil Protection Department on the risk of natural disasters threatening the population's safety - set important principles differentiating a lawful behaviour from an unlawful unintentional behaviour.

Equally significant are two judgments on abusive messages or comments posted on social networks (*Facebook*) or websites, which at times have caused tragic effects on particularly vulnerable victims. Since this type of communication can potentially reach an indefinite number of persons, the Court held that it amounts to an offence of

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<sup>9</sup> The Court also ruled on the issue of the **rights of prisoners** [*diritti dei detenuti*] following the judgment of the European Court of Human Rights in the Torregiani case, in particular dealing with the problems connected with Decree-Law no. 92 converted into Law no. 117 of 2014, which provides for remedy of damages consequent to the violation of the prohibition of inhuman or degrading treatment [judgments no. 38801 and no. 52819].

aggravated slander [Cass., 7.10.2016 no. 2723/17], and the webmaster can be charged with being an accomplice if he fails to take the necessary steps to stop the defamatory behaviour.

### ***3. The reform of the Court of Cassation's procedure in civil law cases***

2016 has brought an important reform of the Court of Cassation's procedure in civil cases. This **reform** - contained in Decree Law no. 168 converted into Law no. 197 of 2016 - does not concern minor aspects, but the **whole system**, making the overall framework of the Court of Cassation's procedure lighter and more effective. The reform is based on a distinction between cases (a minority) noteworthy for nomophilactic purposes – given the importance of the legal issue they raise - and cases (the majority) without such relevance. The former are destined to a public hearing and to be decided by a judgment. The latter are destined to a hearing in Chambers, where the counter-observations are made in writing and not in person, and the decision is taken in the form of an order<sup>10</sup>. In the vast majority of cases, the Court has the task of ensuring the *ius litigatoris*, by checking on the

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<sup>10</sup> The Court has already examined the constitutional compatibility of this latter procedure by order no. 395 of 2017.

legality of the trial and judgment given by the courts of merit. In other cases, it is required to perform a further function: that of steering the coherence and focus of the case law, ensuring the *ius constitutionis*.

Therefore, the procedure adapts to the multiplicity and variety of the Court's functions, based on a fully effective jurisdiction and proportionality.

Today we are at a landmark turning point. On the one hand, we have a new approach in selecting *leading cases* and *precedents*. On the other, we are facing a true challenge, which involves the organisation of the functioning of the Court<sup>11</sup> and the mode of expression of its decisions, which must comply strictly with the requirements of conciseness, clarity and concision of the reasoning<sup>12</sup>.

The Court is already actively working in order to be ready to respond adequately to its new responsibilities and tasks and [with the precious contribution of the Electronic Documentation Centre and the *Massimario*] does not feel

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<sup>11</sup> With reference to the distribution of the appeals between the hearings in Chambers and those in Open Court, the reorganization of the service of the Offices of the Clerk of the Court, the appointment of judges at the office of the *Massimario*, the recourse to trainees.

<sup>12</sup> However, it must be borne in mind, that conciseness is not a quality appending to the **statement of reasons for the judgment [motivazione]** in order to make it become swifter and more efficient and effective. It is instead an immanent and constituent element of it (see the Circular notes by the President of the Court, no. 136 and no. 84 of 2016 on the statement of reasons in civil and criminal decisions). The Court has also ruled [judgment no. 21297] that the **duty of clarity and conciseness of defence pleadings** is a general principle that must be complied with. Failure to comply with it can jeopardize the intelligibility of the case brought before the Court for exam, and result in the non-admissibility of the appeal.

alone in facing this **cultural and organizational challenge**. Proceedings at the Court of Cassation are based not only on the law rules governing them, but also on the experience and cooperation of the actors in those proceedings, who are responsible for their functioning. Hence, there cannot be any actual and profound change in the Court's functioning and way of being without the contribution to its nomophilactic function from the Office of the Prosecutor General at the Court and the State Legal Service. Indeed, their participation in the adversarial phase is indispensable. In this perspective, two **Memoranda of Understanding** were signed. The first one with the Prosecutor General's Office and the other one with the National Council of the Bar and the State Legal Service<sup>13</sup>. These initiatives prove the common will to build together not only best practices but also to adopt a coherent approach on the technical aspects of the reform.

I am sure that the judges (with the precious and indispensable support of the administrative staff of the Court), and the lawyers, will be able to deal wisely and trustworthily – together - with the challenges of this reform.

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<sup>13</sup> The Two Memoranda were signed respectively on 17 November and 15 December 2016, ideally along the line of the Memorandum signed on 17 December 2015 with the National Council of the Bar, concerning the methods for drafting appeals.

#### ***4. The migration issue***

The constant increase of migration flows is having great consequences on the workload of courts, in particular on first and second instance courts - which deal with the substance of cases. Courts of appeal complain about the exponential increase in the number of their proceedings on the entry of migrants - many of whom are applicants for international protection – as well as the presence of thousands of unaccompanied minors. This complex issue raises humanitarian, cultural, economic and social problems. At the same time, it also has great repercussions on the administration of justice: the high number of proceedings requires the work of an increasing amount of judges and administrative staff (thus diverted from carrying out other court activities) and involves high costs.

On the one hand, it is urgent to redefine the relevant procedures in order to simplify them and speed them up. Nevertheless, as regards the offence of illegal immigration, we reiterate that it is pointless to criminalize it, whereas results that are more concrete could be achieved by classifying it as an administrative offence, entailing administrative sanctions

that could include the immigrant's expulsion.

### ***5. International terrorism***

International Islamic terrorism is a source of great concern for us. Its bloody and repeated attacks have made many innocent victims among civilians. It is a threat to the safety of people, the values of democratic societies and individual rights and freedoms.

Therefore this terrible threat requires the adoption of an international strategy aimed at ensuring adequate police and prevention measures, improving the coordination of investigations (also through the setting up of the European Public Prosecutor's Office), putting into place an effective repressive system, and even classifying terrorist acts as crimes against humanity.

To this effect, the legal controversies over some aspects of the applicable legislation call for an urgent intervention by the Court of Cassation, which is required to give coherent solutions to the issues raised<sup>14</sup>.

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<sup>14</sup> The Court, regarding the offence of criminal association aimed at international terrorism, on the one hand has excluded that simple proselytism and indoctrination are sufficient to qualify the offence, while they can be taken into account *per se* in deciding to enforce effectual prevention measures [judgment no. 48001], and on the other hand it has held [judgment no. 2651] that that offence, since it constitutes a presumed danger, is completed by the existence of an organizational structure, with such an operative trait that the criminal project may actually be carried out, without that there be the preparation of any specific act of violence or terrorist action characterized by that objective

It is also indispensable to avoid the radicalization of fundamentalist positions, that rely on a pervasive propaganda, proselytism and recruiting, both on the web and inside prisons. Given that prisons facilitate the indoctrination of the youngest, the threat of dangerous radicalizations can be mitigated, at least in part, through the adoption of humane and integration-oriented practices in the treatment of prisoners.

## ***6. Corruption***

In Italy, there is the strong feeling of a widespread corruption both in the public and in the private sectors. However, this perception is not supported by the data from the courts, which report a low number of judgments for these serious crimes [only 273 closed cases at the Court of Cassation in 2016, i.e. 0.5%].

It is therefore necessary to consider seriously if the present measures of prevention and repression, as well as of contrast of this phenomenon, actually enable to report it in its actual size - also in the courtroom.

## ***7. The distortion of trials by media coverage***

Public opinion often shows animosity over judgments of acquittal - or even of conviction if it feels that the sentence is too mild - when they concern cases that have received a wide media coverage. This reveals a fracture between the courts' activities and the public's expectation of justice that disregards the complexity of the facts, the reliability of evidence, the legal provisions applying to the case, the guarantees of fair trial, and the reasonableness of the judgment.

This distortion arises from the spatial-temporal dissonance between the offence alleged during the investigations, the parallel anticipation of the trial carried out by the media, and the judgment reached at the conclusion of the criminal trial which often comes a long time after the initial criminal investigations – those too excessively long.

Such a contradictory framework breeds the **conflict between the “expected” justice and the “applied” justice**, dangerously overturning the presumption of innocence of the accused. At times the Public Prosecutor in charge of the investigations or the accused's defence counsel themselves start and foster a conversation with the media and, through them, with the public. This increases the discrepancy between the so-called media trial and the criminal court one.

It is therefore urgent, also in this respect, to introduce reforms aimed at restoring the principles of the fair trial, strengthening the assessment of the truth at the trial, founding it on principles of efficiency, reasonable length and respect of the related guarantees.

At the same time, I believe that in some respect it is necessary to re-define the profile of Public Prosecutors within the jurisdictional organization (from which, at times, they visibly display their detachment, due to a sort of marked self-referential attitude, in the same way as they do in their contacts with the media). I also believe that it is necessary to consider seriously the proposal to open some windows of jurisdictional control over the investigation activity, rather than providing for hierarchical or disciplinary initiatives.

### ***8. Final remarks***

During these recent years, the Court of Cassation has had an intense and unprecedented generational renewal of its Presidents and judges. At the outcome of highly competitive selection procedures - scrupulously carried out by the *Consiglio Superiore della Magistratura* [Superior Council of the Judiciary], a new generation of young and skilled judges have entered this

Court, many of whom are women – also in senior positions.

I realize that judges, as well as staff, are worried because they have to become acquainted with the recent and profound legal and organizational innovations in the traditional “job” done in this Court. At the same time, I feel that they have a common, strong and firm determination to “take care” of this Court in the 21<sup>st</sup> century. Consequently, they accept the challenges of the self-reform and of the reforms of the Court with a spirit of service, a sense of belonging, democratic passion, a renewed commitment to safeguard the principles of our Constitution and the fundamental rights of the person.

We, older judges, feel we are really “privileged”, because we have been given the opportunity - in the final stage of our career - to take part in this courageous cultural and organizational renovation of the Court, relying only on what we have learned during our long experience within it. That is collegiality, transparency and reasonableness of every decision, as well as acting with humility and tenacity, serving exclusively the interests of our nation’s Institutions.