

Ministero pubblico and pubblico ministero

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The criminal prosecution authority of Ticino is the *Ministero pubblico*. It consists of a *procuratore generale* and twenty-two *procuratori pubblici*, elected by the Gran Consiglio for terms of ten years, with its seat in Lugano and an office in Bellinzona. It prosecutes offences under federal and cantonal criminal law that do not fall under federal jurisdiction and handles requests for international mutual assistance in criminal matters.¹ At federal level the corresponding authority is the *Ministero pubblico della Confederazione* (Office of the Attorney General of Switzerland). In Italy the same two words in reverse order, *pubblico ministero* (PM), designate the function of the prosecutor as a member of the judiciary. The prosecutor's obligation to prosecute is entrenched in Art. 112 of the Constitution: "Il pubblico ministero ha l'obbligo di esercitare l'azione penale."² The office in which Italian prosecutors work is the *Procura della Repubblica* at each *tribunale*, and the individual prosecutor is a *sostituto procuratore*. Correspondence between Ticinese and Italian prosecutors in mutual assistance matters, which Chapters G.III and H.IV describe, therefore uses two parallel vocabularies. A Swiss lawyer writing to an Italian *Procura* should address it by its Italian name.

In figures. Ticino's judiciary in numbers: 10 *preture* in the judicial districts; 38 *circoli* each with a *giudice di pace* competent for claims up to CHF 5,000; appeal (*appello*) for claims above CHF 10,000; a *Ministero pubblico* of 1 *procuratore generale* and 22 *procuratori pubblici* elected for 10 years.³ In Italy the *pretore* disappeared on 2 June 1999 for civil cases and on 2 January 2000 for criminal cases.⁴

1 Notes

1. Canton of Ticino, "Ministero pubblico" (above). ↩

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2. Costituzione della Repubblica italiana, Art. 112, text at Brocardi.it, <https://www.brocardi.it/costituzione/parte-ii/titolo-iv/sezione-ii/art112.html>. ↩
3. Canton of Ticino, "Preture"; Potere giudiziario; "Ministero pubblico" (all above). ↩
4. Wikipedia (Italian), "Pretore (ordinamento italiano)" (above). ↩

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