



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza		
<b>ACADEMIC YEAR</b>	2016/2017		
<b>MASTER'S DEGREE (MSC)</b>	LAW		
<b>INTEGRATED COURSE</b>	CRIMINAL PROCEDURAL LAW - - INTEGRATED COURSE		
<b>CODE</b>	02547		
<b>MODULES</b>	Yes		
<b>NUMBER OF MODULES</b>	2		
<b>SCIENTIFIC SECTOR(S)</b>	IUS/16		
<b>HEAD PROFESSOR(S)</b>	DI CHIARA GIUSEPPE PARLATO LUCIA SCACCIAOCE CATERINA	Professore Ordinario Professore Ordinario Professore Associato	Univ. di PALERMO Univ. di PALERMO Univ. di PALERMO
<b>OTHER PROFESSOR(S)</b>	DI CHIARA GIUSEPPE PARLATO LUCIA SCACCIAOCE CATERINA	Professore Ordinario Professore Ordinario Professore Associato	Univ. di PALERMO Univ. di PALERMO Univ. di PALERMO
<b>CREDITS</b>	14		
<b>PROPAEDEUTICAL SUBJECTS</b>	18773 - CRIMINAL LAW		
<b>MUTUALIZATION</b>			
<b>YEAR</b>	4		
<b>TERM (SEMESTER)</b>	Annual		
<b>ATTENDANCE</b>	Not mandatory		
<b>EVALUATION</b>	Out of 30		
<b>TEACHER OFFICE HOURS</b>	<p><b>DI CHIARA GIUSEPPE</b> Monday 16:00 18:00 Dipartimento di Giurisprudenza, Sezione processualpenalistica (secondo atrio)</p> <p><b>PARLATO LUCIA</b> Monday 8:30 10:30 Piattaforma virtuale "Teams": in seguito alla prenotazione sul portale, gli studenti vengono chiamati singolarmente per un incontro. Il ricevimento, inoltre, può essere svolto in presenza dal martedì al venerdì, prima o dopo le lezioni (mart. 16-19 in "Aula G. Tranchina", merc. e giov. 14-16 in Aula 3, ven. 8-11 in "Aula G. Tranchina"), previo contatto via mail.</p> <p><b>SCACCIAOCE CATERINA</b> Wednesday 10:00 13:00 Si prega di prenotarsi e il docente si premurerà di contattarvi per concordare le modalità del ricevimento, se su piattaforma Teams o in presenza.</p>		

<b>PREREQUISITES</b>	Knowledge of the normative sources, with particular reference to the supranational sources; as well as of basic principles of substantive criminal law.
<b>LEARNING OUTCOMES</b>	<p>Acquisition of an adequate knowledge and ability to understand: deep knowledge of normative sources of criminal procedure law, with particular reference to the Constitution, the main International sources of law, the current criminal procedure code and the more relevant complementary legislation; ability to understand the basic structure of the system.</p> <p>Ability to apply knowledge and understanding: ability to apply principles which govern the criminal process, the strength of the system lines and the general principles of the system in the interpretation of criminal procedural rules and in the examination of case law both of tribunals and Supreme Court.</p> <p>Making judgments: ability to make connections among the normative sources, taking into account the multilevel structure of the system, and to develop their own judgments in the face of controversial opinions formulated by scholars and by jurisprudence.</p> <p>Ability to communicate: ability to transmit knowledges in a clear manner and using a proper technical language.</p> <p>Capacity Learning: ability to criticise the structural characteristics of the criminal process, of its main principles, enhancing the existing regulatory structure in its multilevel structure and the case law; ability to finalise the knowledge to the need of professional trainee, as well as to the specialistic insights.</p>
<b>ASSESSMENT METHODS</b>	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude.</p> <p>The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialized language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue possible solutions. The interview consists of a minimum of four questions.</p> <p>The evaluation will take place 'in conformity' to the following evaluation grid:</p> <ul style="list-style-type: none"><li>-Excellent, 30 -30 cum laude: good knowledge of the topics, excellent property language, excellent capacity of analysis; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives.</li><li>- Very good, 26-29: good knowledge of the topics, good properties of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed.</li><li>- Good, 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analyzed.</li><li>-Satisfactory, 21-23: the student does not show that complete command of the main topics, although seems to possess a basic knowledge of the relevant areas; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed.</li><li>- Sufficient, 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed.</li><li>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</li></ul> <p>During the second semester n. 1 oral test in progress, on voluntary basis, is scheduled. The test, consisting in a minimum of four questions is devoted to offer the student an opportunity to do a preliminary check up of his/her overall understanding and knowledge of the syllabus as well as to test the ability' to apply theoretical knowledge to the solution of concrete cases.</p> <p>The assessment of the evidence does not mean the final examination and is given a choice: Positive Rating / negative judgment.</p>
<b>TEACHING METHODS</b>	Lectures

<b>PREREQUISITES</b>	Knowledge of the normative sources, with particular reference to the supranational sources; as well as of basic principles of substantive criminal law.
<b>LEARNING OUTCOMES</b>	<p>Acquisition of an adequate knowledge and ability to understand: deep knowlegde of normative sources of criminal procedure law, with particular reference to the Constitution, the main International sources of law, the current criminal procedure code and the more relevant complementary legislation; ability to understand the basic structure of the system.</p> <p>Ability to apply knowlegde and understanding: ability to apply principles which govern the criminal process, the strenght of the system lines and the general principles of the system in the interpretation of criminal procedural rules and in the examination of case law both of tribunals and Supreme Court.</p> <p>Making judgments: ability to make connections among the normative sources, taking into account the multilevel structure of the system, and to develop their own judgments in the face of controversial opinions formulated by scholars and by jurisprudence.</p> <p>Ability to communicate: ability to transmit knowledges in a clear manner and using a proper technical language.</p> <p>Capacity Learning: ability to criticise the stuctural characteristics of the criminal process, of its main principles, enhancing the existing regulatory structure in its multilevel structure and the case law; ability to finalise the knowledge to the need of professional trainee, as well as to the specialistic insights.</p>
<b>ASSESSMENT METHODS</b>	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude</p> <p>The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialized language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue possible solutions. The interview consists of a minimum of four questions</p> <p>The evaluation will take place 'in conformity' to the following evaluation grid</p> <p>-Excellent 30 -30 cum laude: good knowledge of the topics, excellent property 'language, excellent capacity of analysis ; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives</p> <p>- Very good 26-29: good knowledge of the topics, good properties 'of language, good capacity' analytical; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed</p> <p>- Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>-Satisfactory 21-23: the student does not show that complete command of the main topics, although seems to possess a basic knowledge of the relevant areas; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>- Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacxty to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda</p> <p>During the second semester n. 1 oral test in progress, on voluntary basis, is scheduled. The test, consisting in a minimum of four questions is devoted to offer the stuudent an opportunity to do a preliminary check up of his/her overall understanding and knowledge of the syllabus as well as to test the ability' to apply theoretical knowledge to the solution of concrete cases.</p> <p>The assessment of the evidence does not mean the final examination and is given a choice: Positive Rating / negative judgment.</p>
<b>TEACHING METHODS</b>	Lectures

**MODULE  
CRIMINAL PROCEDURAL LAW I**

*Prof. GIUSEPPE DI CHIARA - Lettere A-E, - Lettere A-E*

**SUGGESTED BIBLIOGRAPHY**

AA.VV. (SIRACUSANO-GALATI-TRANCHINA-ZAPPALA'), Diritto processuale penale, Giuffrè, ultima ed.;  
ovvero  
AA.VV., (DOMINIONI-CORSO-GAITO-SPANGHER-GALANTINI-FILIPPI-GARUTI-MAZZA-VARRASO-VIGONI), Procedura penale, Giappichelli, ultima ed.;  
ovvero  
CONSO-GREVI- BARGIS, Compendio di procedura penale, Cedam, ultima ed.  
ovvero  
TONINI, Manuale di procedura penale, Giuffrè, ultima ed.

<b>AMBIT</b>	20014-Processualpenalistico
<b>INDIVIDUAL STUDY (Hrs)</b>	119
<b>COURSE ACTIVITY (Hrs)</b>	56

**EDUCATIONAL OBJECTIVES OF THE MODULE**

The aim of the course is to allow students the secure domain of constitutional principles related to the jurisdiction, the right of defence as well as the judicial organisation; moreover, to help students to understand relation between supranational and national sources in the dynamics of the process.

**SYLLABUS**

Hrs	Frontal teaching
14	Jurisdiction, guarantees, procedural sequences: the flows
20	Ordinary procedure and special procedures: morphologies and system values.
22	The system guarantees in the Constitution and supranational sources: a) the constitutional status of the judge and judicial organization; b) independence of the prosecutor, mandatory prosecution, organization of the office of the public prosecutor; c) the defendant: the right of defense, personal freedom, presumption of innocence; d) the fair trial.

**MODULE  
CRIMINAL PROCEDURAL LAW II**

*Prof. GIUSEPPE DI CHIARA - Lettere A-E, - Lettere A-E*

**SUGGESTED BIBLIOGRAPHY**

AA.VV. (SIRACUSANO-GALATI-TRANCHINA-ZAPPALA'), Diritto processuale penale, Giuffrè, ultima ed.;  
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AA.VV. (DOMINIONI-CORSO-GAITO-SPANGHER-GALANTINI-FILIPPI-GARUTI-MAZZA-VARRASO-VIGONI), Procedura penale, Giappichelli, ultima ed.  
ovvero  
CONSO-GREVI-BARGIS, Compendio di procedura penale, Cedam, ultima ed.  
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TONINI, Manuale di procedura penale, Giuffrè, ultima ed.

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**EDUCATIONAL OBJECTIVES OF THE MODULE**

The aim of the course is to introduce students to an appropriate knowledge of the Italian criminal proceedings and of main principles on which it is based.

**SYLLABUS**

Hrs	Frontal teaching
10	Preliminary investigations and defence inquiries: strategies, techniques, system guarantees. Preliminary hearing and prosecution occurs.
30	Evidence and adversarial principle. The evidence procedure. Witness hearing and oral evidence: types, methods, strategies, techniques. The adversarial principle: rules and exceptions. Law of evidence and special procedures. Evidence and evaluation: table of rules, case law.
8	The system of criminal appeals. The final judgment.
8	The procedural invalidity: pathologies, therapies, sanctions.

**MODULE  
CRIMINAL PROCEDURAL LAW II**

*Prof.ssa CATERINA SCACCIANOCE - Lettere F-N, - Lettere F-N*

**SUGGESTED BIBLIOGRAPHY**

AA.VV. (SIRACUSANO-GALATI-TRANCHINA-ZAPPALA'), Diritto processuale penale, Giuffrè, ultima ed.;  
ovvero  
AA.VV.,(DOMINIONI-CORSO-GAITO-SPANGHER-GALANTINI-FILIPPI-GARUTI-MAZZA-VARRASO-VIGONI), Procedura penale, Giappichelli, ultima ed.;  
ovvero  
CONSO-GREVI-BARGIS, Compendio di procedura penale, Cedam, ultima ed.  
TONINI, Manuale di procedura penale, Giuffrè, ultima ed.  
PARTE SPECIALE:  
GAITO-CHINNICI, Regole europee e processo penale, Cedam 2016

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**SYLLABUS**

Hrs	Frontal teaching
15	Preliminary investigations. The end of preliminary investigations.
15	Preliminary hearing. Special proceedings
10	The trial hearing
10	Ordinary and extraordinary appeals
6	The proceedings in front of the justice of the peace. The proceedings for the criminal responsibility of legal persons.

**MODULE  
CRIMINAL PROCEDURAL LAW I**

*Prof.ssa LUCIA PARLATO - Lettere O-Z, - Lettere O-Z*

**SUGGESTED BIBLIOGRAPHY**

AA.VV. (SIRACUSANO-GALATI-TRANCHINA-ZAPPALA'), Diritto processuale penale, Giuffrè, ultima ed.;  
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AA.VV.,(DOMINIONI-CORSO-GAITO-SPANGHER-GALANTINI-FILIPPI-GARUTI-MAZZA-VARRASO-VIGONI), Procedura penale, Giappichelli, ultima ed.;  
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CONSO-GREVI- BARGIS, Compendio di procedura penale, Cedam, ultima ed.  
TONINI, Manuale di procedura penale, Giuffrè, ultima ed.  
Codice sistematico di procedura penale, a cura di Belluta, Gialuz, Luparia, Giappichelli, 2016.

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**SYLLABUS**

Hrs	Frontal teaching
14	Jurisdiction, Constitutional principles
15	The structure and organization of criminal justice. Subjects of the process. Acts.
12	Evidence. Means of gathering evidence.
15	Right to defence; personal freedom; presumption of innocence; precautionary measures.

**MODULE  
CRIMINAL PROCEDURAL LAW II**

*Prof.ssa LUCIA PARLATO - Lettere O-Z, - Lettere O-Z*

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**SYLLABUS**

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15	Preliminary investigations. The end of preliminary investigations.
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6	The proceedings in front of the justice of the peace. The proceedings for the criminal responsibility of legal persons.