



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2018/2019
MASTER'S DEGREE (MSC)	LAW
SUBJECT	COMPARATIVE, INTERNATIONAL AND EUROPEAN CRIMINAL TRIAL
TYPE OF EDUCATIONAL ACTIVITY	X
AMBIT	20015-Attività formative in ambiti disciplinari affini o integrativi a quelli di base e caratterizzanti, anche con riguardo alle culture di contesto e alla formazione interdisciplinare
CODE	18734
SCIENTIFIC SECTOR(S)	IUS/16
HEAD PROFESSOR(S)	PARLATO LUCIA Professore Ordinario Univ. di PALERMO
OTHER PROFESSOR(S)	
CREDITS	6
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48
PROPAEDEUTICAL SUBJECTS	02547 - CRIMINAL PROCEDURAL LAW - - INTEGRATED COURSE
MUTUALIZATION	
YEAR	5
TERM (SEMESTER)	2° semester
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	PARLATO LUCIA 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.

DOCENTE: Prof.ssa LUCIA PARLATO

PREREQUISITES	Knowledge of the Italian criminal procedure system; of relationships between the different normative sources - at national and supranational level - which influence the Italian criminal procedure system.
LEARNING OUTCOMES	Acquisition of an adequate knowledge and ability to understand: Ability to learn issues related to supranational sources, to the harmonisation process of legal systems as well as to the comparison among them. Ability to apply knowledge and understanding: Ability to connect and to analyse national systems, including the Italian system, keeping into account the supranational influence. Ability to analyse case law. Making judgments: Ability to develop a critical knowledge of the matter, not only from the point of view of positive law, but also from the point of view of possible reforms, taking into account the balancing between the effectiveness of the assessment and the protection of individual guarantees. Ability to communicate: Ability to transmit knowledges in a clear and convincing manner (also through written papers). Capacity Learning: Ability to rebuild the evolution of main procedural institutions, analysing the evolution of the multilevel system of rules, and taking into account the opinion of scholars as well as the relevant case law (According to Dublin descriptors- see Teaching Section in the website of Law Degree - and to the RAD).
ASSESSMENT METHODS	Oral Final exam - Grades on a scale between 18 and 30 cum laude The student's assessment is based on an oral exam, which consists of an interview on questions related to topics object of the programme of the course. Questions are aimed to ascertain the achievement by students of learning outcomes. In particular, are aimed to ascertain: 1) level and quality of knowledge; 2) ability to explain legal concepts and to connect them; 3) possession of an adequate capacity of communication and of technical-juridical language. FINAL EXAM- Grades on a scale between 18 and 30 cum laude The interview consists of a minimum of three questions The assessment will take place in conformity to the following grid - Excellent 30- 30 cum laude: excellent knowledge of topics object of the programme, excellent property language, excellent capacity of analysis, full ability to apply theoretical knowledge to real cases - Very good 26-29: good knowledge of topics and of general legal concept of the matter; fully property of language, very good ability to apply theoretical knowledge to solve questions proposed. - Good 24-25: good knowledge of main topics, good property of language, with limited ability to apply autonomously theoretical knowledge to the solution of questions proposed. - Satisfactory 21-23: more than sufficient mastery of main topics and property language; poor ability to apply autonomously knowledge. - Sufficient 18-20: minimum basic knowledge of general concepts and technical language; minimum ability to autonomously apply knowledge. - Insufficient: does not have minimum basic knowledge of the notions of the matter.
EDUCATIONAL OBJECTIVES	The aim of the course is to provide students with the dominion of main principles of criminal process, with the consciousness of differences between legal models adopted in different systems and of similarities induced by the European standards. The analysis of national and supranational case law will stimulate students to verify the perspectives of a real harmonization between different systems.
TEACHING METHODS	Lectures, seminars.
SUGGESTED BIBLIOGRAPHY	Per la procedura penale comparata: Amodio, Processo penale, diritto europeo e common law, Giuffrè, 2003, pp. 75-98; Patane', Processo penale inglese, in Enc. dir., Annali, Giuffrè, 2008, vol. II, tomo I, p. 744 ss.; Rafaraci, Processo penale tedesco, in Enc. dir., Annali, Giuffrè, 2008, vol. II, tomo I, p. 831 ss. Per la procedura penale internazionale: Zappala, La giustizia penale internazionale, Bologna, 2005; oppure, in alternativa, AA.VV., La Corte penale internazionale, a cura di Fanchiotti, Giappichelli, 2014, pp. 93-160. Per la procedura penale europea: Manuale di procedura penale europea, a cura di Kostoris, Giuffrè, ultima ed.; oppure Gaito-Chinnici (a cura di) Regole europee e processo penale, Cedam, ultima ed. Lecture in lingua straniera consigliate: Satzger, International and European criminal Law, Beck, Nomos, 2017; Satzger, Internationales und europäisches

SYLLABUS

Hrs	Frontal teaching
4	European sources related to the criminal process. The implementation within national system.
4	The European Convention on human rights: art. 6.
4	Strasbourg Court case law related to the evidence.
8	Europe and criminal justice. Towards a multilevel protection of fundamental rights. The rights of accused. The protection of the victim.
6	Judicial cooperation in penal matters: since the framework decision on the european arrest warrant to the Directive on the European investigation order
10	International criminal justice: the International Criminal Court (the proceedings, the rights of victims in the interpretation given by the ICC)
12	The civil law and common law models. The german and english criminal procedural systems: similarities and differences.