



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2019/2020
MASTER'S DEGREE (MSC)	LAW
INTEGRATED COURSE	CRIMINAL PROCEDURAL LAW - - INTEGRATED COURSE
CODE	02547
MODULES	Yes
NUMBER OF MODULES	2
SCIENTIFIC SECTOR(S)	IUS/16
HEAD PROFESSOR(S)	DI CHIARA GIUSEPPE Professore Ordinario Univ. di PALERMO CHINNICI DANIELA Professore Associato Univ. di PALERMO PARLATO LUCIA Professore Ordinario Univ. di PALERMO
OTHER PROFESSOR(S)	CHINNICI DANIELA Professore Associato Univ. di PALERMO DI CHIARA GIUSEPPE Professore Ordinario Univ. di PALERMO PARLATO LUCIA Professore Ordinario Univ. di PALERMO
CREDITS	14
PROPAEDEUTICAL SUBJECTS	18747 - CRIMINAL LAW - INTEGRATED COURSE
MUTUALIZATION	
YEAR	4
TERM (SEMESTER)	Annual
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	<p>CHINNICI DANIELA Thursday 12:00 13:00 Stanza del docente.</p> <p>DI CHIARA GIUSEPPE Monday 16:00 18:00 Dipartimento di Giurisprudenza, Sezione processualpenalistica (secondo atrio)</p> <p>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.</p>

PREREQUISITES	Knowledge of the normative sources, with particular reference to the supranational sources; as well as of basic principles of substantive criminal law.
LEARNING OUTCOMES	<p>(According to Dublin descriptors- see Teaching Section in the website of Law Degree- and to the RAD)</p> <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>
ASSESSMENT METHODS	<p>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:</p> <ol style="list-style-type: none">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. <p>FINAL EXAM - Grades on a scales between 18 and 30 cum laude.</p> <p>The interview consist of a minimum of four questions.</p> <p>The assessment will take place in conformity to the following grid:</p> <ul style="list-style-type: none">- 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. <p>Intermediate oral exam:</p> <p>The exam is aimed to verify the level of comprehension of topics object of the course and to verify the ability to apply theory to practical cases. The intermediate exam is not mandatory for the student. The assessment of the exam is based on the grid above mentioned (excellent, very good...) and has an incidence on the final result in a measure not up to the 50% in relation to the part of the programme object of the exam. In any case, students need to obtain a sufficient assessment. Students can renounce to the evaluation obtained, taking the final exam on the whole programme.</p>
TEACHING METHODS	Lectures

PREREQUISITES	Knowledge of the normative sources, with particular reference to the supranational sources; as well as of basic principles of substantive criminal law.
LEARNING OUTCOMES	<p>"Learning outcomes (according to Dublin descriptors- see Teaching Section in the website of Jurisprudence - and to the RAD):</p> <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. 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. 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. Ability to communicate: ability to transmit knowledges in a clear manner and using a proper technical language. 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>
ASSESSMENT METHODS	<p>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.</p> <p>FINAL EXAM- Grades on a scales between 18 and 30 cum laude</p> <p>The interview consist of a minimum of four questions</p> <p>The assessment will take place in conformity to the following grid:</p> <ul style="list-style-type: none">- 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. <p>"Intermediate oral exam":</p> <p>The exam is aimed to verify the level of comprehension of topics object of the course and to verify the ability to apply theory to practical cases. The intermediate exam is not mandatory for the student. The assessment of the exam is based on the grid above mentioned (excellent, very good...) and has an incidence on the final result in a measure not up to the 50% in relation to the part of the programme object of the exam. In any case, students need to obtain a sufficient assessment. Students can renounce to the evaluation obtained, taking the final exam on the whole programme.</p>
TEACHING METHODS	Lectures

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LEARNING OUTCOMES	<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 specialist insights (According to Dublin descriptors- see Teaching Section in the website of Law Degree - and to the RAD).</p>
ASSESSMENT METHODS	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude</p> <p>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-judicial language.</p> <p>FINAL EXAM- Grades on a scales between 18 and 30 cum laude</p> <p>The interview consist of a minimum of four questions</p> <p>The assessment will take place in conformity to the following grid</p> <ul style="list-style-type: none">- 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. <p>Intermediate oral exam:</p> <p>The exam is aimed to verify the level of comprehension of topics object of the course and to verify the ability to apply theory to practical cases. The intermediate exam is not mandatory for the student. The assessment of the exam is based on the grid above mentioned (excellent, very good...) and has an incidence on the final result in a measure not up to the 50% in relation to the part of the programme object of the exam. In any case, students need to obtain a sufficient assessment. Students can renounce to the evaluation obtained, taking the final exam on the whole programme.</p>
TEACHING METHODS	Lectures

MODULE
CRIMINAL PROCEDURAL LAW - MODULE 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.

For English students:

- M. Gialuz, L. Luparia, F. Scarpa (eds.), The Italian code of criminal procedure. Critical essays and English translation, Wolters Kluwer, last edition
- L. Luparia (ed.), Victims and Criminal Justice. European standards and national good practices, Wolters Kluwer, 2015

AMBIT	20014-Processualpenalistico
INDIVIDUAL STUDY (Hrs)	119
COURSE ACTIVITY (Hrs)	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 - MODULE 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.;
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.

For English students:

- M. Gialuz, L. Luparia, F. Scarpa (eds.), The Italian code of criminal procedure. Critical essays and English translation, Wolters Kluwer, last edition
- L. Luparia (ed.), Victims and Criminal Justice. European standards and national good practices, Wolters Kluwer, 2015

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INDIVIDUAL STUDY (Hrs)	119
COURSE ACTIVITY (Hrs)	56

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, sanction

MODULE
CRIMINAL PROCEDURAL LAW - MODULE II

Prof.ssa DANIELA CHINNICI - 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.
AA.VV. (SCALFATI-BERNASCONI-DE CARO-FURGIELE-MENNA-PANSINI-TRIGGIANI-VALENTINI), Manuale di diritto processuale penale, Giappichelli, ultima ed.
P. TONINI, Manuale di procedura penale, Giuffrè, ultima ed.
CONSO, GREVI, BARGIS, Compendio di Procedura Penale, Cedam, ultima ed.
PARTE SPECIALE:
D. CHINNICI-A. GAITO, Regole europee e processo penale, II ed., Cedam, 2018 (Capitoli I, VI, VII, VIII, XI, XII, XIV, XVI).
For English students:
- M. Gialuz, L. Luparia, F. Scarpa (eds.), The Italian code of criminal procedure. Critical essays and English translation, Wolters Kluwer, last edition

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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
18	Preliminary investigations and defence inquiries. Preliminary hearing
18	The trial hearing and the special proceedings
14	The system of criminal appeals. The final judgment.
6	The others proceedings

MODULE
CRIMINAL PROCEDURAL LAW - MODULE I

Prof.ssa DANIELA CHINNICI - 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.
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SYLLABUS

Hrs	Frontal teaching
12	Jurisdiction, inquisitory and adversary procedure, fair trial.
18	Judge - Public prosecutor - Judicial police - Defendant - The defense - The other subjects of the process
18	The procedural invalidity: pathologies, therapies, sanctions. The acts of the judge. The evidences.
8	Personal freedom and cautionary measures

MODULE
CRIMINAL PROCEDURAL LAW - MODULE II

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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TONINI, Manuale di procedura penale, Giuffrè, ultima ed.
Codice sistematico di procedura penale, a cura di Belluta, Gialuz, Luparia, Giappichelli, ultima ed.
Lecture in lingua straniera consigliate: The Italian code of criminal procedure, a cura di Gialuz- Luparia- Scarpa, Cedam, ultima ed.; Fabri, Four criminal procedure case studies in comparative perspective: China - Italy - Russia - U.S.A., Nomos, 2016, pp.105-228; Maiwald, Einführung in das italienische Strafrecht und Strafprozeßrecht, Lang, 2009, 169-240.

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SYLLABUS

Hrs	Frontal teaching
15	Preliminary investigations. The end of preliminary investigations.
15	15 Preliminary investigations. The end of preliminary investigations. 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 - MODULE 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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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.