



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2022/2023		
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)	MANGIARACINA ANNALISA	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	MANGIARACINA ANNALISA Monday 10:00 12:00 Il ricevimento si svolgerà mediante l'applicazione "Teams", previa prenotazione sul portale.		

DOCENTE: Prof.ssa ANNALISA MANGIARACINA

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 of 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 of 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, practice on case law.
SUGGESTED BIBLIOGRAPHY	Per la procedura penale europea: Kostoris, Manuale di procedura penale europea, Giuffrè, ultima edizione (con riferimento alla parte I) oppure Caianiello-Manes, Introduzione al diritto penale europeo. Fonti, metodi, istituti casi, Giappichelli, 2020 oppure Ceresa Gastaldo M.-Lonati S. (a cura di), Profili di procedura penale europea, Giuffrè, 2021 (capitolo III) Per la procedura penale comparata: Marcolini, voce Processo penale spagnolo, in Enc. dir., vol. II, t. I, p. 782 ss. Per la procedura penale internazionale: Zappalà, La giustizia penale internazionale, Bologna, 2020 Per la Procura europea:

	<p>Barrocu, La Procura europea. Dalla legislazione sovranazionale al coordinamento interno, Cedam, 2021. Ai testi sarà affiancato lo studio della giurisprudenza delle Corti.</p> <p>For foreign students: Kostoris(ed.), Handbook of European criminal procedure, Springer, 2018. Ligeti -Antunes-Giuffrida, The European Public prosecutors office at launch, Cedam 2020 Gaeta-Vinuales, Cassese's International Law, Oxford, 2020 Klip, Materials on European Criminal Law, Intersenta (last ed.)</p>
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SYLLABUS

Hrs	Frontal teaching
3	ECHR and its influence on national criminal procedure law
6	Article 6 ECHR and "fair trial"
2	Ne bis in idem principle
3	The UE and its influence on criminal procedure law: sources, bodies
2	Judicial cooperation and mutual recognition
3	The movement of evidence: the European Investigation Order
3	Directives on fundamental rights of accused
4	The Spanish criminal procedure system
4	The international criminal justice
6	The functioning of International Criminal Court
4	The European Public Prosecutor Office
Hrs	Practice
2	The right to evidence at the appeal stage
2	European investigation order and national case law
4	Analysis of case law of International Criminal Court