



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza		
<b>ACADEMIC YEAR</b>	2023/2024		
<b>MASTER'S DEGREE (MSC)</b>	MIGRATIONS, RIGHTS, INTEGRATION		
<b>INTEGRATED COURSE</b>	JUDICIAL COOPERATION, SAFETY AND MIGRANTS' RIGHTS C.I.		
<b>CODE</b>	22874		
<b>MODULES</b>	Yes		
<b>NUMBER OF MODULES</b>	2		
<b>SCIENTIFIC SECTOR(S)</b>	IUS/13, IUS/16		
<b>HEAD PROFESSOR(S)</b>	MANGIARACINA ANNALISA	Professore Ordinario	Univ. di PALERMO
<b>OTHER PROFESSOR(S)</b>	MANGIARACINA ANNALISA	Professore Ordinario	Univ. di PALERMO
	FERRARA MARIA	Ricercatore a tempo determinato	Univ. di PALERMO
<b>CREDITS</b>	9		
<b>PROPAEDEUTICAL SUBJECTS</b>			
<b>MUTUALIZATION</b>			
<b>YEAR</b>	2		
<b>TERM (SEMESTER)</b>	2° semester		
<b>ATTENDANCE</b>	Not mandatory		
<b>EVALUATION</b>	Out of 30		
<b>TEACHER OFFICE HOURS</b>	<b>MANGIARACINA ANNALISA</b> Monday    10:00    12:00    Il ricevimento si svolgerà mediante l'applicazione "Teams", previa prenotazione sul portale.		

<b>PREREQUISITES</b>	Knowledge and competence regarding: a) the basic notions of public law, with particular reference to the sovereignty of the state; b) the basic notions of constitutional law, international law, and European law that have relevance in the area of judicial cooperation, security and migrant's rights; c) the basic notions of human rights.
<b>LEARNING OUTCOMES</b>	<p>According to both the Dublin descriptors - section 'Didattica' of the website 'Giurisprudenza' - and the RAD).</p> <p><b>KNOWLEDGE AND UNDERSTANDING</b></p> <ul style="list-style-type: none"><li>- Knowledge of the basic notions regarding the multilevel frame on the topic of judicial cooperation, security and migrant's rights.</li><li>- Knowledge of legal instruments and judicial Agency for the judicial cooperation (particularly as regards migrants).</li><li>- Knowledge of the main issues in the area of judicial cooperation and in the protection of migrants as victims of crimes.</li></ul> <p>This knowledge is aimed at understanding:</p> <ol style="list-style-type: none"><li>1) the relationship with the EU legal basis regarding judicial cooperation;</li><li>2) the social and economic relevance of cooperation;</li><li>3) the importance of protecting fundamental rights of migrants;</li><li>4) the relationship between European and international duties of cooperation and the corresponding enforcement at national level;</li><li>5) Italian law rules and practices aimed at guaranteeing security at borders;</li><li>6) harmonisation process in the area of cooperation and protection of migrants;</li><li>7) the forms of judicial cooperation at International level.</li></ol> <p><b>ABILITY TO APPLY KNOWLEDGE AND UNDERSTANDING:</b> The course is aimed at orienting the student's ability to apply the notions that will be analyzed in the area of judicial cooperation, as well as at stimulating their ability to solve real cases, with due awareness of relevant EU, constitutional and international norms.</p> <p><b>AUTONOMY OF JUDGEMENT:</b> ability to value comparatively the different normative solutions and to develop critical arguments on the issues analysed.</p> <p><b>COMMUNICATIVE ABILITY:</b> control over relevant legal concepts and terminology, to be fortified through exercise and the writing of brief papers.</p> <p><b>LEARNING ABILITY:</b> ability to understand normative sources regulating judicial cooperation, security and migrant's rights, as well as doctrinal conceptions and judicial decisions; ability to systematize the studied subjects with a view to their professional application; ability to grasp the relationships with other areas of law and their practical implications; ability to make use of multi-level legal instruments with a view to solving real cases.</p>
<b>ASSESSMENT METHODS</b>	<p>Oral final exam.</p> <p>Positive evaluation of the exams will always be provided on a scale ranging from 18 to 30 cum laude points.</p> <p>Oral exam.</p> <p>The oral exam consists of an interview aimed at ascertaining the candidate's knowledge of the basic notions of the economic criminal law and his/her specific knowledge of false accounting and bankruptcy.</p> <p>The interview consists of a minimum of three questions.</p> <p>Positive evaluation of the exam will be provided on a scale ranging from 18 to 30 cum laude points.</p> <p>Questions will be aimed at ascertaining: 1) the candidate's knowledge of the topics in the syllabus; 2) his/her ability to use and apply the learned notions, as well as to relate them each other; 3) his/her ability to use appropriately the criminal law theory's language.</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): excellent knowledge of the topics in the syllabus, excellent ability to use the criminal law's technical language, the excellent capacity of analysis; excellent ability to apply theoretical knowledge to real cases which are proposed to be analysed; excellent ability to properly argue possible solutions, including multiple alternatives.</li><li>- Very good (26-29): very good knowledge of the topics in the syllabus, very good ability to use the criminal law's technical language, very good capacity of analysis; very good ability to apply theoretical knowledge to real cases which are proposed to be analysed; very good ability to properly argue possible solutions, including multiple alternatives.</li><li>- Good (24-25): good knowledge of the topics in the syllabus, good ability to use the criminal law's technical language, with a certain ability to apply theoretical knowledge to real cases which are proposed to be analysed.</li><li>- Satisfactory (21-23): satisfactory knowledge of the topics in the syllabus; satisfactory ability to use the criminal law's technical language, albeit with a poor</li></ul>

	ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Sufficient (18-20): basic knowledge of the main teaching; basic ability to use the criminal law's technical language; limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Insufficient outcome: the student does not have an acceptable knowledge of the topics in the syllabus.
<b>TEACHING METHODS</b>	Classroom lessons, with interactive method; - Exercise on topics concerning lectures as well as on practical questions; - Lectures by external experts.

## MODULE CRIMINAL PROCEDURAL LAW

*Prof.ssa ANNALISA MANGIARACINA*

### SUGGESTED BIBLIOGRAPHY

- V. Militello, A. Spena, A. Mangiaracina, L. Siracusa (cur.), I traffici illeciti nel Mediterraneo. Persone, stupefacenti, tabacco, Giappichelli, 2019 (pp. 115-138; 166-191), ISBN:978889213267-2.  
 - Geraci R.M., Il mutuo riconoscimento della cooperazione processuale: genesi, morfologie, sviluppi, Cacucci, 2020, ISBN: 9788866119609  
 For English students:  
 - Mitsilegas V, The European Model of Judicial Cooperation in Criminal Matters: Towards Effectiveness based on Earned Trust, in  
 Rev. Bras. de Direito Processual Penal, vol. 5, n. 2, p. 565-595, 2019;  
 - Cyrille Fijnaut, A Peaceful Revolution: The Development of Police and Judicial Cooperation in the European Union, Cambridge, Intersentia, 2019, ISBN 9781780686974

<b>AMBIT</b>	20826-A scelta dello studente
<b>INDIVIDUAL STUDY (Hrs)</b>	114
<b>COURSE ACTIVITY (Hrs)</b>	36

### EDUCATIONAL OBJECTIVES OF THE MODULE

The course is aimed at providing a clear and aware interdisciplinary understanding of topics concerning judicial cooperation, with particular regard to the fight against crimes that affect migrants as author of the crime as well as victim. Students' participation in interactive seminars intends to promote teamwork skills and to develop a critical approach in the selection of personal study topics.

In particular, the aim is to develop an enhanced legal knowledge, especially in the criminal procedure law area, useful not only to manage practical issues but also to develop the ability to value current and future choices in the matter of judicial cooperation, aimed at strengthening the security.

## SYLLABUS

Hrs	Frontal teaching
4	The develop of judicial cooperation at EU level
4	EU Agency for judicial cooperation
4	Judicial cooperation instruments: the joint investigative teams
3	Instruments of Judicial cooperation: the European investigation order
6	International cooperation mechanism
6	The protection of migrants-victims: measures of protection
2	New perspectives at normative level
Hrs	Practice
2	The activity developed by the Agency for cooperation: more relevant cases
2	Problematic issues concerning the EIO: case law analysis
3	The protection of victims: analysis of case law

**MODULE  
INTERNATIONAL LAW**

*Prof.ssa MARIA FERRARA*

**SUGGESTED BIBLIOGRAPHY**

- V. Moreno-Lax, A New Common European Approach to Search and Rescue? Entrenching Proactive Containment, in EU Immigration and Asylum Law and Policy, 2021  
<https://eumigrationlawblog.eu/a-new-common-european-approach-to-search-and-rescue-entrenching-proactive-containment/#more-3649>

- M. Starita, Search and Rescue Operations Under the New Pact on Asylum and Migration, in SIDI blog, 2020  
<http://www.sidiblog.org/2020/11/08/search-and-rescue-operations-under-the-new-pact-on-asylum-and-migration/>

- European Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence  
[https://ec.europa.eu/info/sites/default/files/commission-guidance-implementation-facilitation-unauthorised-entry\\_en.pdf](https://ec.europa.eu/info/sites/default/files/commission-guidance-implementation-facilitation-unauthorised-entry_en.pdf)

<b>AMBIT</b>	20826-A scelta dello studente
<b>INDIVIDUAL STUDY (Hrs)</b>	57
<b>COURSE ACTIVITY (Hrs)</b>	18

**EDUCATIONAL OBJECTIVES OF THE MODULE**

The main goal of the course is to examine the complex relationship between the Member States' duty, under EU Law, to penalise anyone who facilitates unauthorised entry in the EU and the international principles and rules on rescuing people in distress at sea. This relationship will be examined in the light of the recent Italian case-law and of the European Commission's new Pact on migration and asylum

**SYLLABUS**

<b>Hrs</b>	<b>Frontal teaching</b>
6	The duty to rescue at sea under international law: general rules and treaties' rules
4	The EU rules on the prohibition of the prevention of facilitation of unauthorised entry in the EU' territory
4	The European Commission Guidance on the implementation of EU rules on definition and prevention of unauthorised entry. transit and residence
<b>Hrs</b>	<b>Practice</b>
4	Selected Italian case-law