



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	
<b>ACADEMIC YEAR</b>	
<b>ANNO ACCADEMICO EROGAZIONE</b>	
<b>SUBJECT</b>	
<b>CODE</b>	
<b>SCIENTIFIC SECTOR(S)</b>	
<b>HEAD PROFESSOR(S)</b>	<p>MANGIARACINA Annalisa Professore Ordinario Univ. di PALERMO</p> <p>DI CHIARA GIUSEPPE Professore Ordinario Univ. di PALERMO</p> <p>PARLATO LUCIA Professore Ordinario Univ. di PALERMO</p>
<b>OTHER PROFESSOR(S)</b>	<p>MANGIARACINA Annalisa Professore Ordinario Univ. di PALERMO</p> <p>DI CHIARA GIUSEPPE Professore Ordinario Univ. di PALERMO</p> <p>PARLATO LUCIA Professore Ordinario Univ. di PALERMO</p>
<b>CREDITS</b>	
<b>PROPAEDEUTICAL SUBJECTS</b>	18747 - CRIMINAL LAW - INTEGRATED COURSE
<b>MUTUALIZATION</b>	
<b>YEAR</b>	
<b>TERM (SEMESTER)</b>	
<b>ATTENDANCE</b>	
<b>EVALUATION</b>	
<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>MANGIARACINA ANNALISA</b> Monday 10:00 12:00 Il ricevimento si svolgera mediante l'applicazione "Teams", previa prenotazione sul portale.</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, puo 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>

<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>(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>
<b>ASSESSMENT METHODS</b>	<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"><li>1) level and quality of knowledge;</li><li>2) ability to explain legal concepts and to connect them;</li><li>3) possession of an adequate capacity of communication and of technical-judicial language.</li></ol> <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"><li>- 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.</li><li>- 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.</li><li>- 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.</li><li>- Satisfactory 21-23: more than sufficient mastery of main topics and property language; poor ability to apply autonomously knowledge.</li><li>- Sufficient 18-20: minimum basic knowledge of general concepts and technical language; minimum ability to autonomously apply knowledge.</li><li>- Insufficient: does not have minimum basic knowledge of the notions of the matter.</li></ul> <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> <p>Compensatory tools and dispensatory measures will be guaranteed by the Disability and Neurodiversity Center - University of Palermo (Ce.N.Dis.) to students with disabilities and neurodiversity, based on specific needs and in implementation of current legislation.</p>
<b>TEACHING METHODS</b>	Lectures

**DOCENTE:** Prof.ssa ANNALISA MANGIARACINA- *Lettere F-N*

<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 (According to Dublin descriptors- see Teaching Section in the website of Law Degree - and to the RAD).</p>
<b>ASSESSMENT METHODS</b>	<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"><li>- 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</li><li>- 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.</li><li>- 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.</li><li>- Satisfactory 21-23: more than sufficient mastery of main topics and property language; poor ability to apply autonomously knowledge.</li><li>- Sufficient 18-20: minimum basic knowledge of general concepts and technical language; minimum ability to autonomously apply knowledge.</li><li>-Insufficient: does not have minimum basic knowledge of the notions of the matter.</li></ul> <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> <p>"Compensatory tools and dispensatory measures will be guaranteed by the Disability and Neurodiversity Center - University of Palermo (Ce.N.Dis.) to students with disabilities and neurodiversity, based on specific needs and in implementation of current legislation."</p>
<b>TEACHING METHODS</b>	Lectures; seminars; practical cases

<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 (According to Dublin descriptors- see Teaching Section in the website of Law Degree - and to the RAD).</p>
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<b>TEACHING METHODS</b>	Lectures

**MODULE  
CRIMINAL PROCEDURAL LAW - MODULE I**

*Prof. GIUSEPPE DI CHIARA - 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

<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 - MODULE II**

*Prof. GIUSEPPE DI CHIARA - 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.

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<b>INDIVIDUAL STUDY (Hrs)</b>	119
<b>COURSE ACTIVITY (Hrs)</b>	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 I**

*Prof.ssa ANNALISA MANGIARACINA - Lettere F-N*

**SUGGESTED BIBLIOGRAPHY**

Manuali:

C. Fiorio e altri, Corso di procedura penale, Le Monnier, ultima edizione;

oppure

M. Bargis (a cura di), Compendio di procedura penale, Cedam, ultima edizione;

oppure

A. Camon e altri, Fondamenti di procedura penale, Cedam, ultima edizione.

oppure

O. Dominioni e altri, Procedura penale, Giappichelli, ultima edizione;

oppure

A. Scalfati e altri, Manuale di diritto processuale penale, Giappichelli, ultima edizione;

oppure

P. Tonini-C.Conti, Manuale di procedura penale, Giuffrè, ultima edizione;

oppure

D. Siracusano e altri, Diritto processuale penale, Giuffrè, ultima edizione

Codici:

- H. Belluta-M. Gjaluz-L. Luparia (a cura di), Codice sistematico di procedura penale, Giappichelli, ultima edizione.

For English students:

A. Di Amato-F. Fucito, Criminal law in Italy, Wolters Kluwer, 2020 (Part II: criminal procedure)

R. Orlandi, The Italian path to reform: Italy's Adversarial Model of Criminal Procedure, in The Italian Law Journal, 5 (2), 565-579, 2019

<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**

<b>Hrs</b>	<b>Frontal teaching</b>
10	Sources of criminal process. Constitutional principles. The role of European case law
12	Subjects of trial
9	Acts of proceedings and digitalisation of justice
15	Evidence: means of evidence and means of gathering evidence
6	Precautionary measures and the appeal system
<b>Hrs</b>	<b>Practice</b>
4	Practical session in the field of coercive measures

**MODULE  
CRIMINAL PROCEDURAL LAW - MODULE II**

*Prof.ssa ANNALISA MANGIARACINA - Lettere F-N*

**SUGGESTED BIBLIOGRAPHY**

Manuali:

C. Fiorio e altri, Corso di procedura penale, Le Monnier, ultima edizione

oppure

M. Bargis (a cura di), Compendio di procedura penale, Cedam, ultima edizione

oppure

A. Camon e altri, Fondamenti di procedura penale, Cedam, ultima edizione.

oppure

O. Dominioni e altri, Procedura penale, Giappichelli, ultima edizione

oppure

A. Scalfati e altri, Manuale di diritto processuale penale, Giappichelli, ultima edizione

oppure

D. Siracusano e altri, Diritto processuale penale, Giuffr , ultima edizione;

oppure

P. Tonini-C. Conti, Manuale di procedura penale, Giuffr , ultima edizione;

Codici:

H. Belluta-L. Luparia-M. Gjaluz (a cura di), Codice sistematico di procedura penale, Giappichelli, ultima edizione

For English students:

-A. Di Amato-F. Fucito, Criminal law in Italy, Wolters-Kluwer, 2020 (Part II: criminal procedure)

- G. Lasagni-S. Mirandola, Criminal Appeals in Italy, in S. Allegrezza (ed.), Appeal Proceedings in criminal matters. A

European and comparative study, Wolters-Kluwer, Cedam, 2023, pp. 275-306

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<b>INDIVIDUAL STUDY (Hrs)</b>	119
<b>COURSE ACTIVITY (Hrs)</b>	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**

<b>Hrs</b>	<b>Frontal teaching</b>
7	Preliminary investigations
4	Preliminary hearing
10	Special proceedings
10	The trial
3	The proceedings in front of a single Judge
7	Ordinary and extraordinary remedies
1	Res judicata and its effects
2	Proceedings in front of the judge of peace
<b>Hrs</b>	<b>Practice</b>
3	Practical session on preliminary investigations acts
2	Analysis of a practical case: identify the most appropriate alternative proceedings
3	Simulation of a cross examination
1	Analysis of a practical case
3	Exercise: writing an appeal

**MODULE  
CRIMINAL PROCEDURAL LAW - MODULE I**

*Prof.ssa LUCIA PARLATO - 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.;

AA.VV. (ADORNO, DEL COCO, FIORIO, FONTI, MAFFEO, MANGIARACINA, MONTAGNA, PARLATO), Corso di procedura penale, Le Monnier Università,  
ovvero  
CONSO-GREVI- BARGIS, Compendio di procedura penale, Cedam, ultima ed.  
RUGGIERI, Diritto processuale e pratiche criminali, Zanichelli, ultima ed.  
TONINI, Manuale di procedura penale, Giuffrè, ultima ed.  
(nelle parti corrispondenti al programma).  
Codice sistematico di procedura penale, a cura di Belluta, Gialuz, Luparia, Giappichelli, ultima ed.  
Lecture in lingua straniera consigliate: Di Amato (ed.), Criminal Law in Italy, ultima ed.; Aa.Vv., 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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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**

<b>Hrs</b>	<b>Frontal teaching</b>
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 - MODULE II**

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

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AA.VV. (SIRACUSANO-GALATI-TRANCHINA-ZAPPALA'), Diritto processuale penale, Giuffrè, ultima ed.;  
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CONSO-GREVI- BARGIS, Compendio di procedura penale, Cedam, ultima ed.  
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TONINI, Manuale di procedura penale, Giuffrè, ultima ed.  
(nelle parti corrispondenti al programma).  
Codice sistematico di procedura penale, a cura di Belluta, Gialuz, Luparia, Giappichelli, ultima ed.  
Lecture in lingua straniera consigliate: Di Amato (ed.), Criminal Law in Italy, ultima ed.; Aa.Vv., The Italian code of criminal procedure, a cura di Gialuz- Luparia- Scarpa, Cedam, ultima ed.; Allegrezza (ed.), Appeal Proceedings in Criminal Matters - A European Comparative Study, Milano, 2023; Aa.Vv., 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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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**

<b>Hrs</b>	<b>Frontal teaching</b>
15	Preliminary investigations. The conclusion of preliminary investigations stage.
15	Preliminary hearing. Special trials.
10	The trial hearing
10	Ordinary and extraordinary appeal tools. The final judgement and its positive and negative effects
6	The trial before the justice of the peace