# Master's degree in Investigation Sciences Criminal procedural law A.A. 2022/2023

**I and II semester**

**12 credits**

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|  | | **Course Information**  **Teacher information**  **Course Description** |  | The Criminal procedural law Course is annual and unfolds over  two semesters for a total of 12 CFU (72 hours), of which 4 CFU (28 hours) entrusted to prof. Mario Murone. | | | |
|  | |  | Prof.ssa Elena Augusta Andolina, Associate of Criminal Procedural Law Department of Law, Economics and Sociology [elena.andolina@unicz.it](mailto:elena.andolina@unicz.it)  The office hours are indicated on the lecturer page of the Department website | | | |
|  | |  | The course is divided into two parts. According to the order of the code, we will first deal with the "static" part of the process (the system of sources, the subjects, the parties to the process, the deeds, the evidence, the precautionary »(Preliminary investigations, preliminary hearing, special rites, trial, etc.). The ultimate goal is to provide the methodological and cognitive tools aimed at the ability to understand and analyze the regulatory framework pertaining to the criminal trial as well as the underlying problems, especially related to the conflictual tension between the individual and the authorities | | | |
| **Course objectives and expected learning outcomes** | | | | 1. Allow the learning of the structural characteristics of the criminal trial and the fundamental criteria that govern it, also in relation to the principles of  reference contained in the Constitutional Charter and in the International Charters of Human Rights. 2. Acquire an in-depth basic competence on how to carry out the process in its entirety, which can be used for the needs of professional practice. 3. Compulsive and refine the spirit of the interpreter aimed at finding the solution of the concrete case, also in the light of the examination of the different - or opposing - orientations of doctrine and jurisprudence.  4. Raise awareness of the main regulatory profiles subjected to reform tensions. | | | |
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| **Program (contents, methods of development)** | | | | *Outlines of the Italian criminal trial* - (note: the Roman numbering shown corresponds to the chapter numbers of the Manual by O. Dominioni and other Authors)  - I. Introduction to the study of criminal procedural law. History and ideologies of the Italian criminal trial. -II. The adaptation of domestic law to European sources. – III. The protagonists of the process. -IV. The deeds (only the following subjects: the language of the deeds; the publication bans; the judge's deeds and provisions; the proceedings in the Council chamber; the immediate declaration of the causes of non-punishment; participation and remote examination ; the terms; the return within the term; the invalidities, nullities, unusability and inadmissibility).-V. The body of the right to evidence. General provisions.-VI. The means of proof. - VII. The means of finding evidence. - VIII. The precautionary measures. -IX. The precautionary measures. – X. Preliminary investigations. -XI. The preliminary hearing. - XII. The special procedures.  - XIII. ordinary judgement. -XVIII. Appeals in general (only the following arguments: obligatory nature and conversion of the appeal; the subjects entitled to appeal; forms, terms and modalities of the appeal; the inadmissibility and waiver of the appeal; the effects of the appeal (effect suspensive effect, extension effect and devolution effect)). - XIX. The appeal (only the following topics: the appeal in the code system; the appeal judge, competence and knowledge; appeal against convictions and acquittals; the incidental appeal; the decision-making powers of the appeal judge) . - XX. The appeal to cassation (only the following topics: the reasons for appeal to the Cassation, appeal for saltum and cancellation with postponement). -XXI. Res judicata (only the following topics: penal res judicata; the irrevocability of sentences and penal decrees; enforceability; the ne bis in idem; the extra-criminal effects of res judicata).-XXII. The appeal to the European Court of Human Rights (only the general concepts).-XXIII. The extraordinary means of appeal (only the following topics: cases of revision; the reparation of the judicial error and the rescission of the res judicata). -  XXVI. European arrest warrant and extradition (only the general concepts).- XXVII. Letter rogatory (only the general notions).  **At the end of the course, an ad hoc program will be published for attending students concerning the topics covered during the course itself.** | | | |
| **Estimate of the time commitment required for the study** | | | | Individual Hours to devote to study for serious preparation: 300/350 hours | | | |
| **Teaching** | | | | used Lectures in the classroom also aimed at involving students  (recommended textbooks, any further recommended reading information,  other material |  |  | |
| **Methods:** | | | |  |  | |
| **Learning** | | | |  |  | |
| **resources:** | | | | for | further | |

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| **The texts indicated for the study of the subject are:**  **Support Activities:**  **Attendance Methods** | DOMINIONI and Others, Criminal Procedure, Turin, G. Giappichelli Editore, latest edition;  or  O. TONINI, Manual of Criminal Procedure, Milan, A. Giuffrè Editore, latest edition; or  D. SIRACUSANO and Others, Criminal procedural law, A. Giuffrè Editore, latest edition.  The study of textbooks must be absolutely integrated with the constant consultation of the code. Given the continuous flow of regulatory data, it is noted the absolute need to use the most recent edition of the study manuals and to consult the most recent edition of the criminal procedure code, to be integrated with any legislative changes, as well as with the any rulings of the Constitutional Court.  In addition to the lessons of the course, additional activities are planned such as seminars with the presence of teachers from other universities and qualified magistrates, as well as participation in criminal hearings and exercises.  The attendance of the Course will develop both in the 1st and 2nd semester. Although it is not compulsory, it is also strongly recommended for the purpose of a guided approach to the study topics. |

**Method of**The exam will be carried out in oral form.

# Assesment

Intermediate verification tests with an exemption nature are not envisaged.

In order to pass the exam, the student must demonstrate sufficiently know the program in its entirety and of

be able to express it in satisfactory language on the syntactic and technical level. The total or partial lack

of these basic elements will result in the negative evaluation of the proof and therefore the student's non-suitability to pass

of the exam.

Once the presence of these minimum requirements has been ascertained, the student evaluation, aimed at identifying the grade

final (18 to 30) will be done using the parameters here in shown below in the appropriate grid:

Voting Knowledge and Ability to Use understanding analysis and references of the summary topic

Not Important Irrelevant. Completely

suitable shortcomings. Frequent inappropriate Significant generalizations.

inaccuracies Inability to

synthesis

18/20 At the threshold level. Capacity Just Imperfections just appropriate

evident sufficient

21/23 Knowledge Is able to Use the routine analysis and references correct summaries. standard

Argue in logical way e coherent

24/26 Knowledge Has ability to use good analysis and references

good summaries. standard The arguments

are expressed consistently

27/29 More remarkable knowledge Has deepened what a good ability to argue

analysis and of synthesis

30/30L Knowledge Has very good Important excellent ability to investigate

analysis and of synthesis