Criminal Law and Criminal Procedure

Prof. Marco Valentini; Prof. Paola Corvi

Module 1: General Section *(Prof. Marco Valentini)*

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide students with adequate knowledge about the criminal system through an in-depth analysis of the most significant concepts within the framework of constitutional principles and values. Lectures will be enriched by addressing particularly topical aspects and issues concerning criminal justice.

At the end of the course, students will be able to know the fundamental principles of criminal law, having learned and contextualised their relevance in the context of a broader sociological and criminological vision. Students will have acquired the ability to individually evaluate the main problems regarding the exercise of the penal function and jurisdiction, in the complex changes of the dynamics of social and institutional organization, with adequate knowledge of the systems and models of criminal law through an historical and comparative approach.

***COURSE CONTENT***

Lectures will cover the essential features of the penal system and related constitutional principles designed to protect legal interests and to guarantee rights and freedoms. The teaching approach will prioritise criminal law with particular regard to its integration with criminology, sociology and criminal policies, in line with the objectives of the training pathway. Applying these general skills, the course will go on to outline the most relevant tenets of criminal law and the most important challenges for its interpretation and implementation. In particular, lectures will focus on: systems and models of criminal law, from legal, philosophical and political perspectives; general principles, with specific reference to the broader issues surrounding the principle of legality; the relationship between criminal law and the Constitution; the general theory of crime, with reference to its structure, constituent elements and manifestation; the types of criminal law in an international and supranational perspective; future prospects of criminological science.

***READING LIST***

L. Mazza-C. Mosca-M. Valentini-G. Scandone-P. F. Iovino-U. Pioletti, *“Breviaria di diritto penale”, Editoriale Scientifica, 2016.*

Further indications as to additional reading material will be given during the lectures.

It is also advisable an accurate knowledge of rules for the examination:

***TEACHING METHOD***

The method to assess acquired knowledge and skills is a written exam that takes place in the computer lab with the usage of a personal computer. The exam is divided into two parts. In the first part, students have 5 minutes to answer 5 multiple choice questions. Multiple choice questions are immediately corrected by the system and students will know immediately if they will be able to access the second part of the exam. In the second part, students have 120 minutes to answer 4 open-ended questions. The answers will be corrected by the lecturer after end of the exam. The test grade is determined by the score obtained in the second part of the exam.

***ASSESSMENT METHOD AND CRITERIA***

Final written exam.

***NOTES AND PREREQUISITES***

There are no specific content prerequisites for this course although having passed exams or in any case having knowledge related to law in general or criminal law in particular is an advantage.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.

Module 2: Criminal Procedure *(Prof. Paola Corvi)*

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course is aimed at giving students a solid grounding in criminal procedure through the systematic analysis of the most significant principles enshrined in the Italian Constitution and International Human Rights Conventions. At the end of the course, students are expected to have acquired knowledge of institutional profiles and fundamental principles of criminal procedural law and the ability to grasp systematic links, using an appropriate language.

***COURSE CONTENT***

1. Trial models.

2. Criminal procedures in Italy and their normative sources.

3. The ‘right trial’ and the International Court of Human Right

4. The subjects and the acts of the criminal trial

5. The evidence system

6. Precautionary measures

7. The procedure: from preliminary investigations to the final judgement.

***READING LIST***

Students should prepare for the exam relying on the following textbooks:

P. Tonini, *Lineamenti di diritto processuale penale,* Milano, last edition (the parts indicated during lectures).

Further information on the reading list will be provided during the course.

***TEACHING METHOD***

Lectures.

***ASSESSMENT METHOD AND CRITERIA***

Students will be assessed through a written exam at the end of the academic year. The test will take place in the IT lab with the support of a pc. The test is divided into two parts. In the first part, students will answer 20 multiple choice questions which have only one correct answer and are immediately corrected by the pc so that the student will immediately know their score. Passing the exam of the first part, students are allowed to sit for the second one. In the second part students will answer 3 open-ended questions in a 90-minute time frame. The answers are corrected by the lecturer at the end of the exam, and are marked based on relevance of answers, clarity of presentation and use of specific legal language. The final mark of the exam is the result of the assessment of the open-ended questions.

***NOTES AND PREREQUISITES***

There are no content prerequisites for this course, except for attending the first module of the course.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.