# Criminal Procedure

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

The course aims to analyse the enforcement of sentences involving deprivation of liberty, and following the cognisance of a case that results in the issue of an enforcement order.

In particular, the course will focus on the effective usefulness of penal institutes and the rehabilitation purpose of sentences, as well as the judicial guarantees of the enforcement phase that are assured by the constant presence of a judge.

Furthermore, the course will analyse the provisional detention of a defendant, in order to verify its compliance with the minimum rules of supranational law, especially in terms of distinction between the enforcement of the sentence and the implementation of provisional detention.

At the end of the course, students will be able to carry out a proper analysis of criminal procedure laws (and, therefore, identify their implications on the sources of supranational and constitutional law) and the European prison rules; in particular, they will get familiar with the fundamental principles at the basis of the penitentiary system, the tasks and the skills of the different actors of this sector, the different ways in which sentences can be enforced, and the rules that regulate the rehabilitation process. Furthermore, students will be able to identify, interpret, and apply criminal procedure laws, special laws, and the penal code, and combine their knowledge with practical case studies.

***COURSE CONTENT***

1. The crisis of the sanction system. The limited perspective of the penitentiary ‘treatment’. The new horizons of rehabilitation and the alternatives to detention. Alternative sanctions and security measures. Prison as a place for the deprivation of liberty. In addition, students will be invited to attend practical classes focused on these topics and, more in general, on criminal procedure.

2. The issue of an enforcement order and the jurisdictionalisation of the enforcement phase, also in the light of the latest legislative interventions and the decisions taken by the Constitutional Court and the European Court of Human Rights. Criminal justice agencies. The procedures: the different forms of legislative measures, the penitentiary surveillance, and the complaint procedure.

***READING LIST***

*Attending students* will have the possibility to study on their lecture notes and the textbook of reference.

A. Giarda-G. Forti-F. Giunta-G. Varraso, *Manuale di diritto penitenziario*, Cedam, Padua, latest edition available.

Further information will be made available during the course.

In terms of criminal procedure laws, students can purchase any edition, provided that it is updated with the most relevant elements of constitutional and supranational law, notably the European Court of Human Rights and its protocols, the International Covenant on Civil and Political Rights, and the Treaty of Lisbon.

For example, students may purchase the following edition

G. Di Rosa-G. Varraso, Codice di diritto penitenziario. La normativa e la prassi, La Tribuna, Piacenza, latest edition available.

Beside studying for the general part of the course, students will have the possibility to write a research paper on the topics explained during the seminars organised during the course. The students attending these seminars will be awarded with 1 extra ECTS credit.

***TEACHING METHOD***

Frontal lectures, seminars, practical classes, and meetings with subject matter experts. In addition, students will be invited to join visits to prisons.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam, taking place at the end of the academic year. Class attendance and an active participation during the lectures and the seminars will be taken into account. In addition, students will be assessed on the accuracy of their answers, their communication skills, the use of an appropriate terminology, and their argumentation skills. A defective knowledge of the course content, together with a lack of critical skills, will determine a negative mark.

***NOTES AND PREREQUISITES***

Only the students who pass the Criminal Law exam will be admitted to the Criminal Procedure exam. In order to get the most out of this course, students should have a basic knowledge of criminal procedural law and criminology.

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.