# Criminal procedure

## Gr: A-K: Prof. Gianluca Varraso

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

The course aims to provide students with a general analysis of procedural models, in order to fully understand the discipline of criminal proceedings, from the acquisition of the crime report to the executive phase, in close connection with the transnational dynamics of crime and the new perspectives of the punitive responsibility of the entities. At the end of the course, students will be able to: become familiar with the systematic and reasoned analysis of the statics and the dynamics of criminal proceedings, appreciating the implications of supranational and constitutional jurisprudence on ordinary sources; autonomously elaborate critical evaluations on the proposed solutions to the issues, including practical-applicative ones, analysed during the lessons.

***COURSE CONTENT***

For *attending* students, the course will consist of lectures focused on examining the most significant issues and related regulatory and jurisprudential solutions to the following topics:

– the system of the sources of criminal procedural law;

– criminal procedural law in time and space;

– organisation of the judiciary;

– subjects and objects of trial jurisdiction;

– acts of the trial and procedure;

– system of evidence;

– precautionary measures;

– preliminary investigations and the preliminary hearing;

– defensive investigations;

– special procedures;

– first instance judgment both before the court in monocratic and collegial composition;

– the proceeding before the justice of the peace;

– ordinary and extraordinary appeals;

– *res judicata* and its internal and external effectiveness in the criminal trial;

– the jurisdiction relating to the determination of the administrative liability of "entities".

*Non attending* students will have to focus their study on the following topics:

– the system of the sources of criminal procedural law;

– criminal procedural law over time and space;

– the organisation of the judicial system;

– the subjects and the objects of trial jurisdiction;

– the documents of trials and proceedings;

– the system of evidence;

– precautionary measures;

– preliminary investigations and preliminary hearings;

– defensive investigations;

– special procedures;

– first instance judgments before monocratic and collegial courts;

– the proceeding before the justice of the peace;

– ordinary and extraordinary appeals;

– *res judicata* and its internal and external effectiveness in the criminal proceeding;

– criminal enforcement;

– the jurisdictional relations with foreign authorities;

– the jurisdiction concerning the determination of the administrative accountability of “bodies”;

– juvenile criminal courts.

– prevention proceeding.

***READING LIST***

Students can prepare for the exam on the following manuals:

For *attending* students:

*Procedura penale* (Dominioni et al.), Giappichelli, Torino, ultima edizione disponibile, con esclusione dei seguenti Capitoli: XIX (*Il processo penale minorile*), XXVI (*L’esecuzione penale*), XXVII (*Spazio penale europeo e cooperazione giudiziaria internazionale*), XXVIII (*Mandato europeo ed estradizione*), XXIX (*Rogatorie*), XXX (*La cooperazione giudiziaria nell’esecuzione e la nuova disciplina del trasferimento dei procedimenti penali*), XXX (*Il procedimento di prevenzione*).

For *non attending* students:

G. Conso-V. Grevi-M. Bargis, *Compendio di procedura penale*, Cedam, Padua, latest edition available (the whole textbook).

Students may use any available edition of the Code of Criminal Procedure, provided it is updated and includes the most significant texts of constitutional and supranational law, in particular the European Convention on Human Rights and related protocols, the International Covenant on civil and political rights, as well as the Treaty of Lisbonthe .

***TEACHING METHOD***

Classroom lectures and practical exercises.

***ASSESSMENT METHOD AND CRITERIA***

The learning assessment consists of an oral exam with questions on the topics covered by the course programme. The student’s knowledge acquired and the ability to grasp the interrelationships between institutions and system profiles will be verified through these questions on significant aspects of the subject. The final mark will take into account the accuracy and the quality of the students’ answers, as well as their communication skills, the correct use of the legal language, and the ability to argue. Serious knowledge gaps, an inappropriate use of the language, and a clear lack of critical analysis will be assessed with a negative mark.

***NOTES AND PREREQUISITES***

Students are advised to take the Criminal Procedural Law exam after taking, and possibly passing, the following exams: Criminal Law and Civil Procedural Law.

Among the complementary courses, students will be able to usefully include Law and logic of evidence, Judicial System and Penitentiary Law courses in the degree curriculum.

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.