UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Procedura Penale Europea

1819-5-A5810073

Learning objectives

Help the student to develop a "negative capability ' (intended as the ability to work under uncertainties) and the ability to contextualize (which means to correctly order judicial measures and individual rights); these two tecniques are indispensable to all legal operators.

Contents

This course is composed by two parts: the first one concerns judicial (and police) cooperation in criminal matter; the second one is related to the protection of human rights (rights that must be considered as effective and not merely symbolical ones). Just through these keywords (cooperation and protection of rights) is possible to build up a model of due criminal process, and then to think about both its concrete functioning, and rules of a process that aims to be fair, typical of a democratic society (European Convention of Human Rights, art. 6). This is not a simple task, if we consider that now Europe looks like a great factory, where obsession for public safety and zero tolerance live together with the willingness to create a ‘Europe of Rights’, besides the ‘Europe of Markets’.

Detailed program

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Prerequisites

No specific prerequisites are required: just basic knowledge of the law and of the criminal procedure.

Teaching methods

In order to reach the educational goals one must study the subject through the 'living law system' (examination of cases and jurisprudence).

Assessment methods

Textbooks and Reading Materials

Reference texts for attending students only

1. Lecture notes.

Reference texts for non-attending students

1.G. UBERTIS - F. VIGANO' (a cura di), Corte di Strasburgo e giustizia penale, Giappichelli, 2016

o

1. R.E. KOSTORIS (a cura di), Manuale di procedura penale europea, Giuffrè, 2017.