

COURSE SYLLABUS

Elements of Criminal Procedure

2425-2-E1401A085

Learning objectives

The course aims to raise awareness of the criminal procedure and evidence to students, who may well have the most appropriate skills to undertake the “classic” subsequent career paths to graduation.

Contents

The objective of the course is to take a problematic approach in illustrating the fundamental issues and workings of the criminal procedure. In order to achieve this, the main institutions regulated by the code of criminal procedure will be analyzed, with particular attention to the logical, ideological and constitutional aspects of the subject.

Detailed program

1. Structure and function of criminal proceedings
2. Procedural system: accusatory, inquisitorial and mixed
3. Due process
4. Pre-established and natural judge: jurisdiction by subject matter, by territory and by connection
5. Independence and impartiality of the court: abstention, objection, incompatibility, remission
6. Public prosecutor
7. Reporting of offences, preliminary investigations and dismissal
8. Presumption of innocence: border of proof and treatment rule
9. Personal freedom: pre-trial measures and personal protective measures
10. Right of personal defence and accused person
11. Right of technical defence
12. Evidence rules

13. Preliminary hearing
14. Pre-trial phase
15. Trial
16. Special procedures

Prerequisites

Knowledge of constitutional law and general principles of law

Teaching methods

The lessons are held in presence, even if the teacher reserves the right to conduct up to 2 lessons (out of a total of 24) in remote recorded delivery mode:

- 18 lessons are 8 lessons are in attendance, with lectures to illustrate the rules and functioning of the criminal trial.
- 6 lessons are held in an interactive way, through the illustration of procedural events with the help of professionals (lawyers and/or magistrates) and the study of a practical case.

There will also be 4 hours of meetings dedicated to working students on the webex platform of the teacher, during which you can discuss any doubts about the program or the methods of examination.

Assessment methods

Oral examination

The oral exam consists of an interview on the topics illustrated in the program and indicated in the recommended study texts; particular attention is paid to the in-depth parts during the lessons; the objective is to verify the ability to understand and explain in a clear and personal way all the topics and fundamental aspects of the subject.

Textbooks and Reading Materials

1. G. UBERTIS, Il processo penale, Il Mulino, Bologna, 2020, studiare i seguenti capitoli:
Modelli processuali (cap. 1)

Processo e verità (cap. 2)

I principi fondamentali (cap. 3)

Gli strumenti (cap. 5)

2. AA.VV., *Sistema di procedura penale, II, Persone, strumenti, riti*, a cura di G. Ubertis, Giuffrè Francis Lefebvre, Milano, 2023:

Soggetti (Sez. quarta: cap. XIII; XIV; XV; XVI [§ 1-2]; XVII; XVIII)

Prove (Sez. settima: cap. XXV; XXVI; XXVIII; XXIX; XXX; XXXI; XXXII; XXXIII)

Misure cautelari (Sez. ottava: cap. XXXIV [§ 1-7, 10]; XXXV)

Indagini preliminari e udienza preliminare (Sez. nona: cap. XL; XLI; XLIII; XLV; XLVI; XLVII; XLVIII [§ 1-2]; XLIX [§ 1-7]; L [§ 1-13, 16-18])

Giudizio (Sez. decima: cap. LI; LII; LIV; LVI)

3. Codice di procedura penale, last edition

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS
