



General information	
Academic subject	<b>Criminal procedure I</b>
Degree course	LMGI
Academic Year	4th
European Credit Transfer and Accumulation System (ECTS)	5
DSS	GIUR-13/A Criminal procedure
Language	Italian
Academic calendar (starting and ending date)	2nd semester from 17/02/2025 to 23/05/2025
Attendance	Highly recommended

Professor/ Lecturer	
Name and Surname	Francesca Delvecchio
E-mail	<a href="mailto:francesca.delvecchio@uniba.it">francesca.delvecchio@uniba.it</a>
Telephone	-
Department and address	Department of Law, floor IV, professor's room
Office Hours	The office hours will be held in person or von MS Teams, on a date to be arranged by email. The office hours schedule is available on the professor's webpage.

Syllabus	
<b>Learning Objectives</b>	The course aims to provide an organic and comprehensive knowledge of the "static" part of criminal procedural law. Preliminary to the analysis of procedural models, sources and general principles, the illustration of the topics is articulated according to the sequence of the books of the Code of Procedure [Subjects (Book I), Acts (Book II), Evidence (Book III), Precautionary Measures (Book IV)]. The analysis of the rules is accompanied by a constant focus on their jurisprudential application.
<b>Course prerequisites</b>	Criminal law II To successfully study criminal procedure law, it is essential to have a solid foundation in criminal law.
<b>Contents</b>	<ul style="list-style-type: none"><li>• <b>CRIMINAL PROCEDURE LAW AND ITS SOURCES</b> Definition and content of criminal procedure law. Sources of criminal procedure law. The criminal process and its historical evolution.</li><li>• <b>FUNDAMENTAL PRINCIPLES</b> The principles of the Constitution and international conventions relevant to the criminal process.</li><li>• <b>THE PARTIES</b> The judge. The public prosecutor. The judicial police. The defendant. Accessory parties: the civil party, the civilly liable party, and the party civilly obligated to pay fines. The victim of the crime and entities representing interests harmed by the crime. The defense lawyer.</li><li>• <b>THE ACTS</b> General provisions. The form of acts: electronic documents. Acts and rulings of the judge. Documentation of acts. Translation of acts. Notifications. Time limits. Invalidities.</li><li>• <b>EVIDENCE</b> General provisions. Means of proof and means of obtaining proof.</li><li>• <b>PRECAUTIONARY MEASURES</b> Personal and real precautionary measures. The application procedure. Appeals. Compensation for wrongful detention.</li></ul>
<b>Books and bibliography</b>	<b>1)</b> A. SCALFATI-A. BERNASCONI-A DE CARO-A. FURGIUELE-M. MENNA-C.

	<p>PANSINI-N. TRIGGIANI- C. VALENTINI, <i>Manuale di Diritto Processuale Penale</i>, 4th ed., Torino, Giappichelli, 2023 (pp. 1-437).</p> <p><b>Alternatively:</b></p> <p><b>2)</b> P. TONINI-C. CONTI, <i>Manuale di procedura penale</i>, 25th ed., Milano, Giuffrè, 2024 (first and second parts).</p>
<b>Additional materials</b>	<p>Students should use an up-to-date Code of Criminal Procedure as an indispensable tool for exam preparation. For this purpose, we recommend:</p> <p>H. BELLUTA-M. GIALUZ-L. LUPARIA (ed.), <i>Codice sistematico di procedura penale</i>, ult. ed. agg., Torino, Giappichelli.</p>

<b>Work schedule</b>			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
<b>Hours</b>			
125	32	8	85
<b>ECTS</b>			
5			
<b>Teaching strategy</b>			
<p>Conventional teaching methodology. The course is developed through face-to-face lectures with the support of PowerPoint presentations and judicial measures of relevance.</p> <p>Frontal teaching is accompanied by in-depth seminars, which may be held using innovative teaching methods (debate, flipped learning, etc.). Occasionally scholars, magistrates and lawyers may be invited to lecture on topics of particular interest and topicality.</p>			
<b>Expected learning outcomes</b>			
<b>Knowledge and understanding on:</b>		<p>Upon completion of the teaching, the student will be able to:</p> <ul style="list-style-type: none"> <li>- Understand and remember the characteristics of traditional procedural models;</li> <li>- Know the sources of Italian criminal procedural law;</li> <li>- Understand the constitutional and supranational reference principles and how they are translated on the codified level;</li> <li>- Recognize the different subjects of the proceedings;</li> <li>- Identify the acts of the criminal process and the various forms of invalidity;</li> <li>- Know the basic principles of criminal evidence law, the individual means of proof and the means of searching for evidence, distinguish the different types of precautionary measures, understand the application procedure and identify the means of appeal.</li> </ul>	
<b>Applying knowledge and understanding on:</b>		<p>Individual study, attendance and participation in the proposed training activities will enable the student to apply the acquired theoretical knowledge to controversial issues pertaining to the criminal process, formulating possible interpretive solutions.</p> <p>At the end of the teaching, the student will have acquired the skills necessary to consciously approach the second part of the course.</p>	

Soft skills	<ul style="list-style-type: none"> <li>• <b>Making informed judgments and choices</b> <ul style="list-style-type: none"> <li>• Students should be able to read and critically examine, with autonomy of judgment, scholarly articles and texts of judgments of the Courts of merit, legitimacy and the Constitutional Court, as well as supranational courts.</li> </ul> </li> <li>• <b>Communicating knowledge and understanding</b> <ul style="list-style-type: none"> <li>• Students should acquire appropriate technical legal language and use it to express themselves correctly, conveying the knowledge learned clearly and effectively.</li> </ul> </li> <li>• <b>Capacities to continue learning</b> <ul style="list-style-type: none"> <li>• Students should acquire the ability to refine and deepen their knowledge, continuing independently in the study and updating of skills.</li> </ul> </li> </ul>
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Assessment and feedback	
Methods of assessment	<p>The examination will be conducted exclusively in oral form and will consist of questions designed to ascertain both the acquisition of the necessary theoretical knowledge and the ability to apply this knowledge in the face of concrete situations of which exemplification may be requested or proposed. For evaluation purposes, adequate account will be taken of the student's ability to express himself or herself through correct technical language.</p>
Evaluation criteria	<ul style="list-style-type: none"> <li>• <b>Knowledge and understanding</b> <ul style="list-style-type: none"> <li>○ The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for the knowledge and understanding of the principles of criminal procedural law indicated in the program.</li> </ul> </li> <li>• <b>Applying knowledge and understanding</b> <ul style="list-style-type: none"> <li>○ The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for the application of theoretical knowledge for the purpose of solving practical case studies, as well as for the critical analysis of the case law of the Constitutional Court, the Supreme Court, the European Court of Human Rights and the Court of Justice of the European Union.</li> </ul> </li> <li>• <b>Autonomy of judgment</b> <ul style="list-style-type: none"> <li>○ The evaluation criteria used aim to verify the student's effective acquisition and development of the ability to critically analyze the principles of criminal procedural law indicated in the program, including through the study of the most significant literature and jurisprudence on the individual topics under study.</li> </ul> </li> <li>• <b>Communicating knowledge and understanding</b> <ul style="list-style-type: none"> <li>○ The evaluation criteria used aim to verify the student's effective acquisition of the ability to express himself or herself through correct technical language, arguing doctrinal theses and jurisprudential positions in a timely manner, and being able to communicate effectively during moments of sharing, confrontation and discussion, both individually and in groups.</li> </ul> </li> <li>• <b>Capacities to continue learning</b> <ul style="list-style-type: none"> <li>• The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for learning, mastery of the discipline, and critical study of the main principles of criminal procedural law through examination of the most innovative doctrine and jurisprudence on the topics under study.</li> </ul> </li> </ul>
Criteria for assessment and	<p>The final grade is given in thirtieths. The examination is considered passed</p>

<p>attribution of the final mark</p>	<p>when the grade is greater than or equal to 18/30.</p> <p>The oral examination is a suitable mode for verifying, in addition to the mastery of legal principles and normative and "paranormative" discipline, the student's logical-argumentative, communicative and linguistic skills, as well as the aptitude for highlighting connections with the "contiguous" disciplines of constitutional and criminal law.</p> <p>Evaluation criteria and relative scores in thirtieths are determined according to the following scale:</p> <p>less than 18: insufficient level of competence. The candidate does not achieve any of the learning outcomes under "knowledge and comprehension skills"</p> <p>18-20: sufficient level of proficiency. The candidate achieves the learning outcomes stipulated under "knowledge and understanding skills".</p> <p>21-23: fully sufficient level of competence. The candidate achieves the learning outcomes stipulated under "knowledge and understanding ability" and "applied knowledge and understanding ability".</p> <p>24-26: Good level of competence. The candidate achieves the expected learning outcomes at the points of "knowledge and understanding skills"; "applied knowledge and understanding skills" and "independent judgment".</p> <p>27-29: very good level of competence. The candidate achieves the expected learning outcomes at the points "knowledge and understanding skills"; "knowledge and understanding skills applied"; "autonomy of judgment"; and "communication skills."</p> <p>30 and 30 cum laude: excellent level of competence. The candidate fully achieves the expected learning outcomes at the points "knowledge and understanding ability"; "knowledge and applied understanding ability"; "autonomy of judgment"; "communication skills" and "learning ability".</p>
<p><b>Additional information</b></p>	
	<p><b>Dissertation Assignment:</b></p> <p>The thesis can be requested after passing the profit exam in full. Information on the assignment process can be found on the faculty member's personal page.</p>