



General information	
Academic subject	Criminal procedure I (A-L course)
Degree course	LMG
Year of the course	4th
Academic calendar (starting and ending date)	2nd semester from 16/02/2026 to 22/05/2026
Credits (CFU/ETCS):	9
DSS	GIUR-13/A Criminal procedure
Language	Italian
Mode of attendance	Recommended

Professor/ Lecturer	
Name and Surname	Marilena Colamussi
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Telephone	-
Department and address	Department of Law, floor IV, teacher's room
Office Hours	Tuesday h 12 o'clock, in-person

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
225	72		153
CFU/ETCS			
9			

<b>Learning Objectives</b>	The Criminal Procedure Law I course aims to provide the basic knowledge concerning the fundamental principles of the criminal trial, as well as the static part of the Code of Criminal Procedure (the first four books). Both parts are preparatory to understanding the dynamic development of the process, which is the subject of study in the following course.
<b>Course prerequisites</b>	Criminal law II

<b>Teaching strategy</b>	Lectures, exercises (trial simulation) and seminars with legal practitioners. The teaching course is not delivered in e-learning mode.
<b>Expected learning outcomes in terms of</b>	
<b>Knowledge and understanding on:</b>	The "Criminal Procedure Law I" course aims to provide the basic skills regarding the static part of the Code of Criminal Procedure (subjects, acts, evidence and precautionary measures), preparatory to learning the dynamic development of the trial, the subject of the following course.
<b>Applying knowledge and understanding on:</b>	The starting point of the course is an examination of the fundamental principles that govern the accusatory rite and represent the basic criteria for understanding and interpreting all the institutions that govern the criminal process. Through knowledge of the basic principles, the student can acquire the correct skills to understand how the regular legal procedural relationship is established between the essential and eventual parties. Following this, special attention is given to the acts of the trial with their pathologies; the fundamental system of evidence (typical and atypical); and the restrictive measures of personal freedom (pre-cautionary and precautionary measures) with their extinguishing events and the mechanisms of control and protection. The student, at the end of the first course, will be able to acquire the basic



	elements of the main procedural categories, enabling him or her to systematically place the relevant legal principles, developing a technical language preparatory to the study and in-depth study of the dynamic part of the trial, which is the subject of the next course.
<b>Soft skills</b>	<p>At the end of the course, the student will be able to embed within the criminal trial system the categories learned in the study of substantive law.</p> <p>Among the fundamental transversal skills, the student at the end of the course will accrue the ability to understand and adopt a technical language useful for the dialogue of knowledge on the technical-scientific level, the ability to critically analyze the discipline on the ground of positive law, accompanied by constant reference to jurisprudential evolution and the most recent innovations introduced by the Cartabia reform intervened with the specific intention of making the duration of the trial reasonable.</p>
<b>Syllabus</b>	
<b>Content knowledge</b>	<p><b>General Part:</b></p> <p><b>- CRIMINAL PROCEDURAL LAW AND THE CRIMINAL TRIAL.</b> Concept and content of criminal procedural law. The sources of criminal procedural law. The criminal process and its historical evolution.</p> <p><b>- THE FUNDAMENTAL PRINCIPLES</b> The principles of the Constitution and international conventions having relevance to the criminal process.</p> <p><b>- THE SUBJECTS.</b> The judge. The prosecutor. The judicial police. The defendant. The accessory parties: civil party, civilly liable and civilly obligated for the pecuniary penalty. The person offended by the crime and the entities representing interests harmed by the crime. The defense counsel.</p> <p><b>- THE ACTS.</b> The general provisions. Acts and orders of the court. The documentation of the acts. The translation of acts. The notifications. Time limits. Nullities and other species of invalidity.</p> <p><b>- TRIALS.</b> General provisions. The means of proof: testimony; examination of the parties; confrontation; reconnaissance; judicial experiment; expert opinion; documents. The means of seeking evidence: inspections; searches; seizures; interceptions of conversations or communications; computer capturers.</p> <p><b>- PRECAUTIONARY AND PRECAUTIONARY MEASURES.</b> The arrest in flagrante delicto, the detention of suspicion of crime, and the emergency removal from the family home. The validation judgment. Personal precautionary measures: coercive and interdictory measures. The application procedure and the evolution of the precautionary case. Appeals of personal precautionary measures. Reparation for unfair detention. Real precautionary measures: precautionary attachment and preventive seizure. Appeals of real precautionary measures.</p> <p><b>Recommended readings:</b></p> <p><b>- THE CRIMINAL TRIAL FOR CRIMES AGAINST PUBLIC ADMINISTRATION.</b> The procedural path for crimes against public administration. Changes in the cases and increases in the penalty framework: the procedural repercussions. "Mandatory" confiscations on price and profit: the scope of the precautionary instrument. Confiscation by disproportion: prerequisites and limits in seizure procedures. Suspension from office through precautionary intervention. Penalty and non-punishment tenuousness clauses: critical issues and risks of procedural collaboration. Undercover operations. "Flexible" prerequisites in the use of wiretapping. The extensive use of the computer wiretap. Limits and powers in the application of punishment at the request of the parties. Extinction of the crime on appeal and adoptability of confiscation.</p>



	<p><b>Or:</b></p> <p><b>- DETENTION AND MOTHERHOOD</b></p> <p>Motherhood before the criminal justice system. Axiological coordinates. On the side of international and supranational sources. Precautionary measures in the dimension of parent and child: a regulatory apparatus under construction. Ways, times and guarantee instruments for the execution of the sentence against the convicted mother. Perspectives.</p>
<b>Texts and readings</b>	<p>For <b>the general part</b> it is recommended:</p> <p>A. SCALFATI-A. BERNASCONI-A. DE CARO- M. MENNA- C. PANSINI-A. PULVIRENTI-N. TRIGGIANI-C. VALENTINI- D. VIGONI, <i>Manuale di diritto processuale penale</i>, Giappichelli, Turin, fourth edition, 2023, pp. 3-453.</p> <p>For <b>recommended readings</b>:</p> <p>A. SCALFATI (ed.), <i>Il processo penale per i delitti contro la pubblica amministrazione</i>, Cacucci, Bari, 2024, pp. 1-211.</p> <p><b>or</b></p> <p>M. COLAMUSSI, <i>Detenzione e maternità</i>, Cacucci, Bari, 2023, pp. 11-210.</p>
<b>Notes, additional materials</b>	<p>N.B. For consultation of regulatory texts, the use of an up-to-date Code of Criminal Procedure is recommended.</p>
<b>Repository</b>	

<b>Assessment</b>	
Assessment methods	Oral examination
Assessment criteria	<ul style="list-style-type: none"><li>• <b>Knowledge and understanding</b></li></ul> <p>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</p> <ul style="list-style-type: none"><li>• <b>Applying knowledge and understanding</b></li></ul> <p>The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for the application of the knowledge and understanding of the principles of criminal procedural law indicated in the program in the current historical context of the crisis of the trial, including through the study of the most significant literature on the individual topics to be studied through seminar-type teaching activities and analysis of the most innovative case law through exercises, with specific attention to the case law of the Constitutional Court, the Court of Cassation, the European Court of Human Rights and the Court of Justice of the European Union.</p> <ul style="list-style-type: none"><li>• <b>Autonomy of judgment</b></li></ul> <p>The evaluation criteria used aim to verify the student's effective acquisition and development of the ability to critically study the principles of criminal procedural law indicated in the program, including through the study of the most significant literature on the individual topics to be studied - through seminar-type teaching activities - and the most innovative case law, with specific attention to the jurisprudence of legitimacy and merit.</p> <ul style="list-style-type: none"><li>• <b>Communication skills</b></li></ul> <p>The evaluation criteria used aim to verify the student's effective acquisition of the ability to argue doctrinal and jurisprudential theses, so as to be able to communicate them well in moments of sharing, comparison and discussion, both individually and in groups.</p> <ul style="list-style-type: none"><li>• <b>Capacities to continue learning</b></li></ul>



	<p>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.</p>
Final exam and grading criteria	<p>Oral examination. The exam can be taken separately (Criminal Procedure Law I and II), or in one sitting. During the oral examination, the following is assessed: a) the ability of the student to correctly situate the relevant legal principle on the systematic ground; b) the understanding of the content and rationale of the procedural principles; c) the technical language, as well as the descriptive and analytical ability of the procedures underlying fundamental guarantees. Final evaluation is expressed by examination grade. The final grade is given in thirtieths. The examination is considered passed when the grade is greater than or equal to 18/30.</p> <p>For the attribution of the final mark, the level of preparation achieved in accordance with the aforementioned criteria will be taken into account and, in line with the expected learning outcomes, the different levels of preparation will lead to different judgments: excellent (30/30 with honours), very good (28/29), good (25/27), satisfactory (21/24), sufficient (18/20). The honours are awarded on the basis of the previous unanimous consent of the examination committee in case of high-quality performance.</p>
<b>Further information</b>	
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