

COURSE OF STUDY *Master's degree in law*
ACADEMIC YEAR 2023/2024

ACADEMIC SUBJECT *Criminal procedure law II*

General information	
Year of the course	V
Academic calendar (starting and ending date)	Second Semester (22 February 2024 – 31 March 2024)
Credits (CFU/ETCS):	6 CFU
SSD	Criminal Procedure Law – IUS/16
Language	Italian
Mode of attendance	Attendance is optional, but warmly recommended in consideration of the high degree of technicality of the subject

Professor/ Lecturer	
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Telephone	
Department and address	Via Duomo 259, Taranto
Virtual room	Microsoft Teams, access code eyjqkzs
Office Hours (and modalities: e.g., by appointment, on line, etc.)	At the end of each class, at the Department headquarters - room n. 9, first floor (or on Teams, by appointment, previously agreed via e-mail)

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
150	48		102
CFU/ETCS			
6	6	0	

Learning Objectives	The course - closely connected to the subsequent Criminal Procedure I course - aims at providing an organic and complete overview of the discipline ruling the Italian criminal trial, not only from an exegetical point of view, but also in a critical key and from the point of view of the living law, with particular reference to the "dynamic part" of the criminal procedure code (preliminary investigations, preliminary hearing, special proceedings, proceedings before monocratic judges, juvenile proceedings, administrative liability of entities involved in a crime, judgments, appeals, execution, judicial relations with foreign authorities). Particular focus, from a problematic perspective, will be reserved to the relationship between criminal justice and information.
Course prerequisites	Criminal law exam passed

Teaching strategies	The course is developed through lectures relating to the relevant and indispensable aspects of the discipline, with the purpose of achieving specific and general learning objectives of the study course. Classes in presence are supported by in-depth seminars and exercises. During the classes in presence various tools are used to improve teaching such as, for example, PowerPoint
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	presentations projected in the classroom, use of schemes, provision of bibliographic indications and anything else deemed useful for improving effectiveness of teaching.
Expected learning outcomes in terms of	
Knowledge and understanding on:	Students should be able to elaborate what was discussed during the classes and what was individually studied, in order to transform the knowledge acquired into personal considerations with original features.
Applying knowledge and understanding on:	Students should be able to use the concepts and knowledge acquired in the preparation and understanding of the data and resources available.
Soft skills	<ul style="list-style-type: none"> • <i>Making informed judgments and choices:</i> Students should be able to deepen independently the concepts learned, in order gradually to acquire a full maturity and autonomy of judgment. • <i>Communicating knowledge and understanding</i> Students should be able to transmit the knowledge learned in a clear and comprehensible way to everybody, having acquired adequate communication, relational and social skills useful for building communication between different subjects. • <i>Capacities to continue learning</i> Students should acquire the ability to refine and deepen their knowledge, through independent continuing study and skills update.
Syllabus	
Content knowledge	<p>The course - strictly connected to the course of Criminal Procedure Law I - aims at providing an organic and complete knowledge of the Italian criminal process, not only from the exegetical perspective, but also from a critical point of view, as well as from the point of view of the living law, with reference to its dynamic development (preliminary investigations, preliminary hearing, special proceedings, proceedings before single judges, juvenile trial, judgment, appeals, execution, jurisdictional relationships with foreign authorities).</p> <p>The special part will focus on the analysis of the problematic relationship between criminal justice and information, with an highlight to the dangers and distortions of the so-called "Media process" as opposed to correct "process information", respectful of constitutional values and principles.</p> <p style="text-align: center;"><u>GENERAL PART:</u></p> <ul style="list-style-type: none"> • PRELIMINARY INVESTIGATIONS Purpose and competent authorities. The criminal offence report. The investigative activity of the judicial police. The investigative activity of the public prosecutor. Defensive investigations. The special evidentiary hearing. Investigations timing. • CLOSURE OF INVESTIGATIONS AND ARCHIVING • CRIMINAL ACTION AND PRELIMINARY HEARING Criminal action. Preliminary hearing. • HEARING • SPECIAL PROCEDURES Different rites. The proceeding before the Court with a single judge. • CRIMINAL PROCEDURES OF SPECIAL LEGISLATION The juvenile process. The criminal procedure before the Judge of the Peace. • APPEALS General provisions. The appeal. The appeal before the Court of

	<p>Cassation.</p> <ul style="list-style-type: none"> • EXTRAORDINARY MEASURES AND REMEDIES AGAINST JUDICIAL ERRORS The extraordinary appeals. The reparation of the judicial error. The intervention of the European Court of Human Rights. • JUDGEMENT AND EXECUTION The res judicata. Criminal execution. Supervisory jurisdiction and criminal record. • SOVRANATIONAL JUDICIAL COOPERATION Extradition. Rogatory letters. European cooperation to obtain delivery of individuals and acquire evidence. Further types of cooperation. <p style="text-align: center;"><u>SPECIAL PART:</u></p> <p>- INFORMATION AND CRIMINAL JUSTICE</p>
<p>Texts and readings</p>	<p style="text-align: center;"><u>GENERAL PART:</u></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>, 4^a edizione, Torino, Giappichelli, 2023, pp. 457-1155</p> <p>(N.B.: Attending students are exempt from studying the following chapters: L'esecuzione penale. Giurisdizione di sorveglianza e casellario giudiziale. Disposizioni generali e procedimento di estradizione. Rogatorie. Cooperazione europea per ottenere la consegna di individui e acquisire le prove. Forme ulteriori di cooperazione europea e internazionale).</p> <p>H. BELLUTA-M. GIALUZ-L. LUPARIA (a cura di), <i>Codice sistematico di procedura penale</i>, 6^a edizione, Torino, Giappichelli, 2023</p> <p style="text-align: center;"><u>SPECIAL PART:</u></p> <p>N. TRIGGIANI (a cura di), <i>Informazione e giustizia penale. Dalla cronaca giudiziaria al "processo mediatico"</i>, Cacucci, 2022:</p> <p>For attending students:</p> <p>Colamussi – I divieti di pubblicazione a presidio del convincimento giudiziale (pp. 189-210) Certosino – La protezione dei minori (pp. 331-356) Triggiani – Dalla "pubblicità immediata" alla pubblicità Immediata tecnologica": le riprese audiovisive dei dibattimenti (pp. 379-414) Menna-Minafra-Pagliano – Il valore extraprocessuale della motivazione e la diffusione pubblica della sentenza (pp. 415-461)</p> <p>For non-attending students:</p> <p>Trapella – La tutela del segreto investigativo (pp. 159-188) Colamussi – I divieti di pubblicazione a presidio del convincimento giudiziale</p>

	<p>(pp. 189-210)</p> <p>Certosino – La protezione dei minori (pp. 331-356)</p> <p>Triggiani – Dalla “pubblicità immediata” alla pubblicità Immediata tecnologica”: le riprese audiovisive dei dibattimenti (pp. 379-414)</p> <p>Menna-Minafra-Pagliano – Il valore extraprocessuale della motivazione e la diffusione pubblica della sentenza (pp. 415-461)</p>
Notes, additional materials	<p>Websites, such as by way of example:</p> <ul style="list-style-type: none"> • www.processopenaleegiustizia.it • www.sistemapenale.it • www.archiviopenale.it • www.giurisprudenzapenale.it
Repository	<p>The tools used to improve teaching (such as, for example, Power Point presentations) will be made available to students during the classes.</p>

Assessment	
Assessment methods	<p>There is a single oral exam covering the entire program (general part and special part) at the end of the courses of Criminal Procedure Law 1 and Criminal Procedure Law 2, with the acquisition of 15 ETCS.</p> <p>Partial exams on Criminal Procedure Law 1 program may however take place on the same dates as the regular exams.</p>
Assessment criteria	<ul style="list-style-type: none"> • <i>Knowledge and understanding</i> The evaluation criteria in use aim at verifying the effective acquisition of the methodology by the students, this methodology being necessary to know and understand the institutes of procedural criminal law indicated in the program. • <i>Applying knowledge and understanding</i> The evaluation criteria used aim at verifying the effective acquisition, by the students, of the methodology necessary for the application of the knowledge and understanding of the institutes of criminal procedural law indicated in the program, to be considered in the current historical context where the process shows signs of crisis; special focus on most significant literature on single topics being studied in depth through seminar activities and the analysis of the most innovative case-law; 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. • <i>Autonomy of judgment</i> The evaluation criteria in use aim at verifying the effective acquisition and development, by the students, of the critical study capacity with reference to the institutes of criminal procedural law indicated in the program, also by studying the most significant literature on single topics being studied in depth through seminar activities - and the most innovative case-law, with specific attention to the case-law on fact and right. • <i>Communication skills</i> The evaluation criteria used aim at verifying the effective acquisition, by the students, of the ability to discuss topics related to doctrine and case-law, in order to be able to properly deliver them in the occasion of sharing, comparison and discussion moments, both individually and in groups. • <i>Capacities to continue learning</i>

	The evaluation criteria used aim at verifying the effective acquisition, by the students, of the methodology necessary for learning, mastering the topics, critically studying the main institutes of criminal procedural law by examining the doctrine and the most innovative case-law on the topics object of study.
Final exam and grading criteria	The minimum passing grade is 18/30 to be obtained by answering the questions clearly and correctly. In case of achievement of the score of 30/30 the student may be entitled to the Praise in case of high-quality performance.
Further information	
Graduation thesis	Students can submit their request for thesis assignment directly to the teacher after successfully passing the exam (or at least the partial exam on Criminal Procedure Law 1) at least 6 months before the scheduled graduation session. Attending students will have preference on assignment.