

**COURSE OF STUDY** *Law*
**ACADEMIC YEAR** *2024/2025*
**ACADEMIC SUBJECT** *Criminal procedure law I*

General information	
Year of the course	IV
Academic calendar (starting and ending date)	First Semester (24 September 2024 – 6 December 2024)
Credits (CFU/ETCS):	9 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	
Name and Surname	Nicola Triggiani
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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
225	72	0	153
CFU/ETCS			
9	9	0	

<b>Learning Objectives</b>	The course - closely connected to the subsequent Criminal Procedure II course - aims at providing a systematic, organic and complete overview of the discipline ruling the Italian criminal trial in the light of constitutional and conventional principles. The subject will be presented not only from an exegetical point of view, but also in a critical key and from the point of view of the living law, taking into account the doctrinal and jurisprudential elaboration, with particular reference to the "static part" of the criminal procedure code (subjects, acts, evidence, pre-trial and precautionary measures). Particular focus, from a problematic perspective, will be reserved to the relationship between criminal justice and information, highlighting the dangers and distortions of the so-called "trial by media" as opposed to appropriate "news about the process", in compliance with the principles and constitutional values.
<b>Course prerequisites</b>	Criminal law exam passed

<b>Teaching strategies</b>	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
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	supported by in-depth seminars and exercises. During the classes in presence various tools are used to improve teaching such as, for example, PowerPoint presentations projected in the classroom, use of schemes, provision of bibliographic indications and anything else deemed useful for improving effectiveness of teaching.
<b>Expected learning outcomes in terms of</b>	
<b>Knowledge and understanding on:</b>	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.
<b>Applying knowledge and understanding on:</b>	Students should be able to use the concepts and knowledge acquired in the preparation and understanding of the data and resources available.
<b>Soft skills</b>	<ul style="list-style-type: none"> <li>• <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.</li> <li>• <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.</li> <li>• <i>Capacities to continue learning</i> Students should acquire the ability to refine and deepen their knowledge, through independent continuing study and skills update.</li> </ul>
<b>Syllabus</b>	
<b>Content knowledge</b>	<p>The course - closely related to the subsequent course of Criminal Procedure Law II - aims at providing an organic and complete knowledge on 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, taking into account both doctrine and case-law, with particular reference to general principles and static profiles of the proceedings (subjects, acts, evidences, precautionary and pre- precautionary measures).</p> <p style="text-align: center;"><u>GENERAL PART</u></p> <ul style="list-style-type: none"> <li>• <b>FUNDAMENTAL PRINCIPLES</b> Procedural objectives and judicial models. The constitutional framework. The sources.</li> <li>• <b>SUBJECTS AND ROLES</b> The judge. The subjects of the investigative role. The private parties, the offended person and the defender.</li> <li>• <b>ACTS</b> The general provisions. Acts and measures of the judge. The documentation. Language guarantees: the interpreter and the translator. The notifications. The terms. The nullity and other types of invalidity.</li> <li>• <b>EVIDENCES</b> Evidence system and general provisions. Means of proof. Means of seeking evidence.</li> <li>• <b>PRECAUTIONARY AND PRE-PRECAUTIONARY INSTRUMENTS</b> Personal precautionary measures: principles and conditions. The application procedure and the evolution of the precautionary matter. Real precautionary measures. Preliminary appeals and remedies for unjust detention. Pre-precautelay measures.</li> </ul>

	<p style="text-align: center;"><u>SPECIAL PART</u></p> <p>In-depth study of the discipline on the relationship between information and criminal justice.</p>
<b>Texts and readings</b>	<p style="text-align: center;"><u>GENERAL PART:</u></p> <p><b>A. SCALFATI-A. BERNASCONI-A. DE CARO- M. MENNA-C. PANSINI-A. PULVIRENTI-N. TRIGGIANI-C. VALENTINI-D. VIGONI</b>, <i>Manuale di Diritto Processuale penale</i>, 4<sup>a</sup> edizione, Torino, Giappichelli, 2023, pp. 1-453</p> <p><b>H. BELLUTA-M. GIALUZ-L. LUPARIA</b> (a cura di), <i>Codice sistematico di procedura penale</i>, 6<sup>a</sup> edizione, Torino, Giappichelli, 2023</p> <p style="text-align: center;"><u>SPECIAL PART:</u></p> <p><b>N. TRIGGIANI</b> (a cura di), <i>Informazione e giustizia penale. Dalla cronaca giudiziaria al "processo mediatico"</i>, Cacucci, 2022:</p> <p><b>Triggiani</b> - Introduzione. "È la stampa bellezza! E tu non puoi farci niente! Niente" (neppure con il soccorso della presunzione di innocenza) (pp. 1-54)  <b>Pulito</b> – <i>Media</i> e processo penale nella giurisprudenza della Corte europea dei diritti dell'uomo (pp. 125-155)  <b>Didi</b> – Limiti al segreto professionale del giornalista (pp. 211-231)  <b>Pulvirenti</b> – Campagne mediatiche e istanze di rimessione del processo (pp. 233-255)  <b>Camaldo</b> - La tutela delle persone in <i>vinculis</i> (pp. 357-376)</p>
<b>Notes, additional materials</b>	<p>Websites, such as by way of example:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.processopenaleegiustizia.it">www.processopenaleegiustizia.it</a></li> <li>• <a href="http://www.sistemapenale.it">www.sistemapenale.it</a></li> <li>• <a href="http://www.archiviopenale.it">www.archiviopenale.it</a></li> <li>• <a href="http://www.giurisprudenzapenale.it">www.giurisprudenzapenale.it</a></li> </ul>
<b>Repository</b>	<p>The tools used to improve teaching (such as, for example, Power Point presentations) will be made available to students during the classes.</p>
<b>Assessment</b>	
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"> <li>• <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.</li> <li>• <i>Applying knowledge and understanding</i> The evaluation criteria used aim at verifying the effective acquisition, by the</li> </ul>

	<p>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.</p> <ul style="list-style-type: none"> <li>• <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.</li> <li>• <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.</li> <li>• <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.</li> </ul>
Final exam and grading criteria	<p>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.</p>
<b>Further information</b>	
Graduation thesis	<p>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.</p>