

## **INTRODUCTION TO ITALIAN CRIMINAL PROCEDURE**

First Semester, Professor Fabio Cassibba

24 hours – Cfu: 3

The fulfillment of the typical fact-finding function of the criminal trial cannot ignore the fundamental rights of the accused, which limit State power to prosecute crimes in a democratic society. From this point of view, the course aims to provide a critical approach to illustrate in which features the Italian Criminal Procedure Code has suitably implemented the Fair Trial guarantees and which features are still inadequate to be in compliance with the Italian Constitution as well as the European Convention and European Court of Human rights case-law.

The attention will be focused on the effectiveness of the Fair trial principles, seen as an European common heritage of criminal procedure. During the lessons, a critical examination of some criminal trials will take place in order to make understanding of the dynamic of Italian criminal proceeding easier.

The papers for preparing the final examination will be pointed out and distributed free during the lessons. The students who do not wish to attend the course should contact the lecturer promptly, in order to arrange the papers for the final examination.

**Fabio Cassibba** (1975) held a Ph.D. in Criminal procedure at University of Bologna in 2005 and is Research fellow in Criminal procedure law at University of Milano-Bicocca since 2008.

His main fields of interest are the preliminary investigation and the preliminary hearing in the Italian criminal procedure as well as the Fair trial rights in criminal proceedings provided for by both the Italian Constitution and the European Convention of Human Rights.

He wrote a monograph by Giuffr  publisher, about “*The preliminary hearing. Structure and functions*” (2007), as well as many essays and case notes, published by the major Italian journals concerning Criminal Law and Procedure.