UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Criminal Procedure Law

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

SECURITY POLICIES

3. Cycle

1st

4. Course Unit

Criminal Procedure Law (L7025)

5. Scientific Area

6. Curricular Year

3rd

7. Type of Curricular Unit / Semester

2nd Semester

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8. Class type and workload (work time)

Theoretical classes:	
Practical classes:	
Theoretical-Practical Classes	30,00
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutora ANA BARBARA PINA DE MORAIS DE SOUSA E BRITO

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

To promote and encourage the development of research, analysis, reflection, critical thinking, decision making and presentation skills on the part of the student, as well as their ability to apply the acquired knowledge in practice and also their sense of ethics and justice.

15. Specific Objectives

To enable the student to obtain theoretical and practical knowledge that will enable him/her to
a) understand the principles, concepts, and fundamental institutes of criminal procedure.
b) understand and critically evaluate doctrinal and jurisprudential positions on the various institutes and problems of criminal proceedings.

16. Skills to be acquired

Know how to identify and formulate the specific legal and procedural criminal problems raised;
Know how to find, interpret and use in the resolution of concrete cases the framework of relevant principles and norms.

17. Teaching Methodology

Teaching will focus on the problematization, discussion and reasoned resolution of concrete cases, preferably collected using case law databases.

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18. Course Unit Program

I. Introductory notions

1. Criminal Procedure Law - concept and delimitation

A. Concept of criminal procedural law

B. Criminal procedure law and constitutional law

C. Fundamental principles of Criminal Procedure

D. Criminal Procedure Law and Criminal Law

E. The criminal procedure and its confrontation with other procedures

2. Models of criminal procedure

A. Inquisitorial model

B. Accusatorial model

C. Mixed model

3. Forms and phases of criminal procedure

A. Common and special procedures

B. Brief summary of the phases of the common process

a) The preparatory phase (enquiry and instruction)

b) The trial stage

c) The appeal phase

C. Brief summary of the scope and stages of the special procedures

a) the summary procedure

(b) the abbreviated procedure

(c) the summary procedure

4. The purpose of the procedure

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A. Concept

B. Change (substantial and non-substantial) in the facts

II. The course of the ordinary procedure

1. Introductory remarks

2. Notification of crime

a) Concept and methods of acquisition

b) Precautionary police measures

c) Preliminary assessment of the facts by the Public Prosecutor

3. The preparatory phases

A. The enquiry

a) Scope, aims and competence to direct and conduct the investigation

b) The subject of the enquiry

c) Publicity and investigation secrecy

d) The procedural subjects intervening in the investigation (Public Prosecutor, Examining magistrate, Accused and Assistant)

e) The intervention of the Criminal Police Bodies

f) Constitutionality of the enquiry

g) Characteristics and duration of the enquiry

h) Ways of closing the enquiry and means of reaction

i) Nullities of the enquiry

B. The instruction

a) Concept, aims and competence

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b) The request for the opening of an investigation

c) The acts of inquiry and the debate on the investigation

d) Characteristics, object and duration of the investigation

e) Modalities of the pre-trial decision and admissible forms of reaction

4. The judgement in 1st instance

A. The Court. Territorial, functional and material jurisdiction.

B. Preliminary acts

a) Sanitation of the proceedings

b) Designation of the trial date

(c) Statement of opposition

C. Trial hearing

a) Subject matter of the trial

b) Principles of concentration, immediacy and orality: cases of anticipated evidence

c) Procedural subjects at the trial. Contumacy

d) The structure of the hearing

e) Documentation of the hearing

D. Sentence

a) Concept and requirements

b) Defaults

c) Forms of contestation

5. The special proceedings

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A. The summary procedure

B. The abbreviated procedure

C. The accelerated procedure

III. Detention and measures of constraint

A. Detention

a) Concept and purposes

b) Arrest in flagrante delicto

c) Arrest out of flagrante delicto

d) Legal system

B. The measures of coercion

a) Concept and purposes

b) General conditions of application

c) Legal regime of coercive measures in particular

d) Revocation, modification and extinction

e) Modes of contestation

19. Assessment Methods

The elements of assessment will be those laid down in the Assessment Regulations of the Lusíada University. In particular, it will be considered the oral intervention of students and the completion of two written tests.

20. Didactic Resources

Constitution of the Portuguese Republic,
Criminal Procedure Code,
Manuals and other doctrinal texts,
Jurisprudence on criminal procedure,
Powerpoint,
Internet

21. Sustainability Objectives

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General Objectives
Ensure equal opportunities in education, including for people in vulnerable situations.
Specific Objectives
Legal area: To contribute to responsible, inclusive, participative, and representative decision making at all levels.
Economic area: To raise awareness of the need to protect workers' rights and to promote safe and secure work environments for all.
Environmental area: Calling for valuable resource management.

22. Keywords

Subjects of the Proceedings
Procedural Acts
Instruction
Enquiry
Trial
Coercive measures

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23. Main Bibliography

Author(s):	Silva, Germano Marques da		
Title:	Direito Processual Penal Português - Noções Gerais- Sujeitos processuais e Objecto		
Edition:	1.º	Year:	2013
Local:	Lisboa		
Publisher:	Universidade Católica		

Author(s):	Silva, Germano Marques da		
Title:	Direito Processual Penal III- Do Procedimento (Marcha do Processo)		
Edition:	1.º	Year:	2014
Local:	Lisboa		
Publisher:	Universidade Católica		

Author(s):	Dias, Jorge de Figueiredo		
Title:	Direito Processual Penal - Lições coligidas por Maria João Antunes (fascículos policopiados		
Edition:		Year:	1974
Local:	Coimbra		
Publisher:	Coimbra Editora		

24. Complementary Bibliography

Author(s):	Mendes, Paulo de Sousa		
Title:	Lições de Direito Processual Penal		
Edition:		Year:	2018
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Antunes, Maria João		
Title:	Direito Processual Penal		
Edition:	4.º	Year:	2022
Local:	Coimbra		
Publisher:	Almedina		

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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'DIREITO PROCESSUAL PENAL': Academic Year 2023/2024
Autor / Author	Prof. Doutora ANA BARBARA PINA DE MORAIS DE SOUSA E BRITO
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Descritores / Descriptors	-
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