UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Procedural Penal Law (Advanced)

Academic Year 2026/2027

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

2nd

4. Course Unit

Procedural Penal Law (Advanced) (71623)

5. Scientific Area

6. Curricular Year

1st

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	15,00
Tutorial Guidance:	20,00

9. ECTS Credits

7,50

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

The course aims to introduce the student to scientific research in Criminal Procedural Law. This research experience from legal texts will help prepare the student for the monographic research asked for in the Master's thesis.

15. Specific Objectives

The course aims to provide systematic engagement with key issues in criminal investigation and evidence in criminal proceedings, to encourage critical evaluation of the main doctrinal and case-law positions on these topics, to develop students? ability to conceive and carry out a monographic Master?s research project in the field of advanced criminal procedure, and to foster dialogue with related disciplines (such as criminology, forensic science and constitutional law).

16. Skills to be acquired

Skills to be acquired: the ability to analyse and critically discuss legal doctrine and case law on criminal investigation and evidence, linking general issues to specific cases; the ability to identify theoretical and practical problems in legislative solutions and judicial decisions; the development of advanced research skills applicable to the preparation of a Master?s thesis in Criminal Procedural Law.

17. Teaching Methodology

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The subject is taught over one semester and assessment will be based on student participation. This participation should include the presentation and discussion of a written work, prepared through individual tutoring. This presentation allows for the communication of individual research experiences and individual tutorials by the teacher to overcome individual difficulties. In the initial lessons the programmatic contents will be deepened.

18. Course Unit Program

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Criminal Investigation and Evidence in Criminal Procedure

I-Concept, aims and scope of criminal investigation
1. Concept of criminal investigation and its place within the structure of criminal procedure.
2. Aims of investigation: establishment of the truth, protection of fundamental rights, effectiveness of criminal prosecution.
3. Scope and limits of criminal investigation.
4. Stages of criminal procedure and the role of investigation.

II-Fundamental principles of criminal investigation
1. Principle of human dignity and ethical‑legal limits of investigation.
2. Principle of legality and statutory basis for investigative powers.
3. Principle of material truth and its tension with defence rights.
4. Presumption of innocence and the in dubio pro reo rule.
5. Principle of free evaluation of evidence and the requirement of rational reasoning in judicial decisions.
6. Principles of immediacy, orality, publicity, concentration and adversarial proceedings in the production of evidence.

III-Authorities competent for criminal investigation
1. Direction of the criminal investigation: Public Prosecutor and investigating judge; models of direction.
2. Criminal police bodies: status, competences and powers of intervention.
3. Relations between judicial authorities and criminal police bodies:
3.1. Principle of judicial oversight of criminal investigation.
3.2. Risks of ?policialização? and ?desjudicialização? of investigation; guarantees of judicial control.

IV- Criminal evidence: concept, principles and legal framework
1. Concept of evidence and distinction between evidence, evidential means and methods of obtaining evidence.
2. Fundamental principles relating to evidence: lawfulness, proportionality, necessity, adequacy; exclusionary rules and evidentiary nullities.
3. Classical evidential means: statements of the accused, witness testimony, expert evidence, documentary evidence, identification procedures, reconstruction of events.
4. Methods of obtaining evidence: searches, seizures, telephone tapping, surveillance, interception of communications, collection of digital data, DNA and other technical means.
5. Contemporary challenges in criminal evidence: digital evidence and cybercrime; international judicial cooperation in gathering evidence; circulation and assessment of evidence produced outside criminal proceedings (internal investigations, administrative procedures).

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19. Assessment Methods

Continuous assessment is based on active participation in the seminar (10%), the preparation of a written research paper (40%), its oral presentation and discussion (40%), and the supervision of the research process through individual tutorials (10%). Together, these components allow for an integrated evaluation of the student's autonomous command of the material, the quality of their research, and their written and oral argumentative skills.

20. Didactic Resources

Constituição da República Portuguesa
Código de Processo Penal
Manuais e outros textos doutrinais
Jurisprudência penal
PowerPoint
Internet

21. Sustainability Objectives

General Objectives
1 - 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

Criminal Investigation
Fundamental rights
Principle of material truth
Judicial authorities

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23. Main Bibliography

Author(s): Silva, Germano Marques
Title: Direito Processual Penal- Teoria da Prova, vol II- Tomo I
Edition: Year: 2024
Local: Lisboa
Publisher: Universidade Católica Editora
ISBN Code:

Author(s): Dias, Jorge de Figueiredo
Title: Clássicos Jurídicos- Direito Processual Penal
Edition: 1ª Year: 2004
Local: Coimbra
Publisher: Coimbra Editora
ISBN Code:

Author(s): AAVV (cord. Paulo Pinto de Albuquerque
Title: Comentário do Código de Processo Penal à luz da Constituição da República e da Convenção Europeia do
Edition: 5º. Year: 2026
Local: Coimbra
Publisher: Universidade Católica Editora
ISBN Code:

24. Complementary Bibliography

Author(s): AAVV (cord. Paulo de Sousa Mendes e Rui Soares Pereira)
Title: Novos Desafios da Prova Penal
Edition: Year: 2020
Local: Coimbra
Publisher: Almedina
ISBN Code:

Author(s): Stefan Trechsel
Title: Human Rights in Criminal Proceedings
Edition: Year: 2005
Local:
Publisher: Oxford University Press

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Autor / Author	Prof. Doutora ANA BARBARA PINA DE MORAIS DE SOUSA E BRITO
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