

Program: Doctoral Studies
Course title: LAW ON CRIMINAL PROCEDURE
Teachers: Prof. Dr. Milan Škulić, Prof. Dr. Goran Ilić, Ass. Prof. Dr. Vanja Bajović
Course status: mandatory
Number of ECTS: 10
Requirements:
<p>Aims of the Course: Within the course, the focus is on the deepened theoretical analysis of the rules of criminal procedure, both in the context of domestic practice and in comparison with foreign, primarily with the adversarial model of criminal proceeding. Purpose of the course is complementing the existing theoretical knowledge of the students and training them for independent scientific research and presentation of scientific results.</p>
<p>Course result: Upon completion of the course, students shall acquire a wide knowledge and deep understanding of domestic and comparative criminal procedure and its rules. Students will be trained for independent scientific research and practical application of knowledge in solving concrete and complex legal problems.</p>
<p>Course content:</p> <ol style="list-style-type: none"> 1. Different models of Criminal Proceedings <ol style="list-style-type: none"> 1.1. History of criminal process- adversarial, inquisitorial and mixed models 1.2. Basic features of different procedural models 1.3. Convergence of different models of criminal process 2. Crime Control vs. Due Process Model of Criminal Proceedings 3. Participants in Criminal Procedure <ol style="list-style-type: none"> 3.1. Position and rights of defendant 3.2. Position and authorities of prosecutor (public prosecutor, injured party as a prosecutor and private prosecutor) 3.3. Defense council 3.4. Judges and jurisdiction of the courts 4. Rules of Evidence <ol style="list-style-type: none"> 4.1. The Burden of Proof 4.2. Exclusionary Rule and Fruit of the poison tree doctrine 4.3. Evidentiary Measures 5. Course of the Criminal Proceeding <ol style="list-style-type: none"> 5.1. Pre-trial procedure (pre-investigation and investigation) 5.2. Indictment and its control 5.3. Trial and judgment 5.4. Legal Remedies 6. Criminal Procedure and European Convention on Human Rights- Analyse of ECHR case-law
<p>Literature:</p> <ul style="list-style-type: none"> - Marty M. and Spencer J. R. (eds.), <i>European Criminal Procedures</i>, Cambridge University Press, 2002 - Bradley, C. M. (ed.), <i>Criminal Procedure- A Worldwide Study</i>, 2nd Ed., USA, 2007 - Trechsel, S., <i>Human Rights in Criminal Proceedings</i>, Oxford University Press, 2006 - M. Damaska, <i>The Faces of Justice and State Authority</i>, 1986 - McConville, M. Wilson, G. (eds), <i>The Handbook of the Criminal Justice Process</i>, Oxford University Press, Oxford and New York, 2002 - Roxin, C., <i>Strafverfahrensrecht</i>, 25. Auflage, Verlag C.H. Beck, München 1998 - Renucci, J.-F., <i>Traité de droit européen des droits de l'homme Droit européen des droits de l'homme</i>, 2^e édition, L.G.D.J., Paris, 2012 ; - Pradel, J., <i>Droit pénal comparé</i>, 4^e édition, Dalloz, Paris, 2016.
Number of Lectures: 75
Instruction method: Lectures, consultations
Grading system (maximum number of points 100)
Class Participation: 30
Oral exam: 70