

Academic Year: (2019 / 2020)

Review date: 23-05-2019

Department assigned to the subject: Department of Criminal Law, Procedural Law and History Law

Coordinating teacher: GARROCHO SALCEDO, ANA MARIA

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 1

STUDENTS ARE EXPECTED TO HAVE COMPLETED

Bachelor Degree in Law

- Criminal law: general and special part
- International Public Law

COMPETENCES AND SKILLS THAT WILL BE ACQUIRED AND LEARNING RESULTS.

The students shall know the main categories, principles and crimes of the International Criminal Law, and the procedural regulations of the International Criminal Court (ICC).

DESCRIPTION OF CONTENTS: PROGRAMME

§ 1. International Criminal Law: Concept and origins. The establishment of the ad hoc international tribunals for the former Yugoslavia (1993) and Rwanda (1994). Other international tribunals: Cambodia, Sierra Leone, Lebanon, Kosovo, Cambodia and Timor Leste.

§ 2. The International Criminal Court. Jurisdiction and functioning. The exercise of jurisdiction of the ICC. The principle of complementarity of the jurisdiction of the ICC to national jurisdictions. Preliminary investigation. The admissibility of a case and its challenge. Causes of inadmissibility. The confirmation of charges decision by the Trial Chamber. The sentence and the verdict of the Trial Chamber. The appeal of the judgment and other court decisions. The review of the judgment. Cooperation and judicial assistance.

§ 3. The general principles of international criminal law and applicable law. Principle of legality of offenses and penalties, and non-retroactivity of the Rome Statute. Irrelevance of official position and lack of immunities. Non-Applicability of Statute limitations.

§ 4. The general part of international criminal law.

- 1) Individual criminal responsibility: the forms of perpetration and participation (art 25 ECPI) and superior responsibility for failure to act (Article 28 ECPI).
- 2) The intention and knowledge (art 30 ECPI).
- 3) The error of fact and law (Article 32 ECPI).
- 4) Grounds of exclusion of criminal responsibility: a) self-defense or third parties; b) Coercion; c) Intoxication; d) Mental disease. The limited effect of the so-called "due obedience".

§ 5. The crimes under international criminal law.

- 1) Genocide. Objective and subjective elements.
- 2) Crimes against humanity. Elements of context and conducts (murder, torture, disappearances, rape, etc.).
- 3) War crimes. Elements of context and conducts
- 4) The crime of aggression.

§ 6. Transitional Justice processes. The issue of amnesty and pardon. The jurisprudence of the Interamerican Court of Human Rights: Truth, Justice and Reparation and guarantees of non-repetition.

§ 7. Universal Jurisdicción principle: legislative changes, specific problems and challenges of the future.

LEARNING ACTIVITIES AND METHODOLOGY

Exposition of theoretical material, seminars with invited speakers/experts, practical cases analysis.

ASSESSMENT SYSTEM

Final exam: 100% (ordinary and extraordinary examination)

Assessment is continuous and class attendance is compulsory.

The unjustified absence to classes of more than 10 % of the sessions of each subject may be accompanied by non-qualification of the subject and the necessity to retake classes.

% end-of-term-examination: 100

% of continuous assessment (assignments, laboratory, practicals...): 0

BASIC BIBLIOGRAPHY

- Alicia Gil Gil Derecho penal Internacional. El delito de genocidio, Techos, 1999
- Gerhard Werle/Florian Jessberger/Boris Bourghardt Tratado de Derecho Penal Internacional, Tirant lo blanch, 2ª ed: 2011
- Kai Ambos La parte general del Derecho penal internacional. Bases para una elaboración dogmática, Konrad Adenauer Stiftung/TEMIS/ Duncker & Humblot, 2005
- Kai Ambos/Ezequiel Malarino/Elser Gisela Justicia de Transición, 2009, Konrad Adenauer Stiftung
- VVAA- Gil Gil/Maculan (Directoras) Derecho penal internacional, Dykinson, 2016