

Academic Year: (2019 / 2020)

Review date: 22-04-2020

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

Coordinating teacher: LOPEZ JIMENEZ, RAQUEL

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 0

OBJECTIVES

BASIC SKILLS

1. Possess knowledge and understanding that provide a basis or opportunity for originality in developing and / or applying ideas, often within a research context.
2. That the students can apply their knowledge and ability to solve problems in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their field of study.
3. Students should be able to integrate knowledge and handle complexity, and formulate judgments based on information that was incomplete or limited, include reflecting on social and ethical responsibilities linked to the application of their knowledge and judgments.
4. That students can communicate their conclusions, and the knowledge and rationale underpinning these, to specialist and non-specialist audiences in a clear and unambiguous.
5. Students must possess the learning skills to enable them to continue studying in a way that will be largely self-directed or autonomous.

GENERAL SKILLS

1. Students should be responsible for drafting quality legal reports .
2. That students experience a development in their abilities to function in criminal investigative sufficient for academic tasks.
3. That students become proficient in the access and management of legal information sources specific to the Criminal Justice.
4. Have students display able to develop scientific and legal texts and carry out effectively their analysis.
5. That students a thorough knowledge of the legal procedures that make up the criminal justice system necessary for the proper performance of judicial functions.

SPECIFIC SKILLS

1. Know the main criminal prosecution systems exist globally with brief review of its origin, evolution and trends.
2. Know and identify the elements of each of the main theoretical model of criminal justice and its influence on contemporary criminal legal orders
3. Distinguish correctly the concepts inquisitive, adversarial or accusatory or mixed formal model and know their features identified by specific category belongs to one particular institution or procedural
4. Know the divergent and convergent points of the models of common law and continental European systems, as they are distributed roles of the various actors and detect most contentious issues of proof, position of victims, class action, the Jury or the effect of the principle of opportunity.
5. Achieve a level of knowledge sufficient to obtain their own conclusions about the advantages and drawbacks of the different options in criminal investigations and concrete institutions to their service as well as regarding the prosecution presented model different systems.

DESCRIPTION OF CONTENTS: PROGRAMME

I. THE CURRENT CRIMINAL PROCEEDINGS AND ITS ORIGINS

1. Introduction to criminal proceedings. 1.1 Purpose. 1.2 Models. 1.3 Principles of the proceedings. 1.4 Principles of the procedure. 2. Evolution of criminal proceedings. 2.1 From the inquisitorial system to accusatory one. 2.2 From the Criminal Law of ofender to the Criminal Law of the criminal act. 2.3 Guarantees.

II. CONSTITUTIONAL GUARANTEES OF CRIMINAL PROCEEDINGS

1. Approach. 2. The right to effective judicial protection. 3. The right to judge predetermined by law. 4. The right to defense and technical assistance. 5. The right to be informed of the charge. 6. The right to a public trial without undue delays. 7. The right to use evidence appropriate to the defense. 8. The right not to make self-incriminating statements and not to plead guilty one-self. 9. The right to presumption of innocence.

III. RIGHT TO A FAIR PROCEEDINGS

1. The right to a trial with all the guarantees: 1.1 The formal charge; 1.2. The adoption of investigation measures that limit personal rights; 1.3. Principle of jurisdictional exclusivity or jurisdictional exceptions; 1.4. Measures related to the personal liberty: arrest and custody; 1.5. The compliance with the principles of accusation, contradiction, equality, orality and immediacy.

IV. EVIDENCE AND CRIMINAL PROCEEDINGS

1. The principles related to the evidence. 2. Evidence gathered before the trial. 3 Pre-constituted evidence. 4. Illicit evidence.

V. THE TAXPAYER OF CRIMINAL PROSECUTION

1. The right to the presumption of innocence. 2. Non-restraint of passive part of the criminal proceedings: subject and object of the process.

VI. CRIMINAL ACTION AND ACCUSATION BROUGHT IN THE NAME OF THE PEOPLE (POPULAR ACCUSATION)

1. Holders of criminal action. 1.1. The public accusation. 1.2 The private accusation. 1.3 The popular accusation. 1.4 The private accusation.

VII. THE VICTIM IN THE CRIMINAL PROCESS

1. The status of the victim of crime. 2. Development of the status of the victim and victim support services.

VIII. PENAL REFORM PROCESS AND ITS CHALLENGES

1. Challenge of the criminal law. 2. Core guidelines of the criminal process. 3. Evolution.

LEARNING ACTIVITIES AND METHODOLOGY

Training activities:

Case-law analysis

Analysis of comparative law

Analysis of reports of different international entities

Práctice

ASSESSMENT SYSTEM

Ordinary call:

-Case study or report- 40%

-Participation in forums - 30%

-Multiple choice test during the weeks in Madrid - 30%

Extraordinary call (June) IN-PERSON:

- 100% Exam (multiple choice or open questions) or case study/report

% end-of-term-examination: 50

% of continuous assessment (assignments, laboratory, practicals...): 50