

Academic Year: ( 2019 / 2020 )

Review date: 21-04-2020

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

Coordinating teacher: GARROCHO SALCEDO, ANA MARIA

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 0

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

Bachelor degree in Law.

Knowledges of Criminal Law and International Public Law are required.

**OBJECTIVES**

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 mixed 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 research. 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. Applicability of crimes under international criminal law.

§ 4. The general part of international criminal law.

- 1) Individual criminal responsibility: the forms of ownership and active participation (art 25 ECPI) and superior responsibility for failure to act (Article 28 ECPI).
- 2) The intent and its forms (art 30 ECPI).
- 3) The error of fact and law (Article 32 ECPI).
- 4) Causes of exclusion of liability: a) legitimate self-defense or third parties; b) Coercion imminent; c) Intoxication; d) Serious illness or mental deficiency. 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 various typical behavior (murder, torture, disappearances, rape, etc.).
- 3) War crimes. Elements of context and typical behaviors.

4) The crime of aggression.

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

#### LEARNING ACTIVITIES AND METHODOLOGY

During the two weeks of online learning the students shall review and study the materials, power points , judgments and the audiovisual material provided. They must also solve a practical case.

Tutorials : The tutorials will be conducted daily through Skype or email.

- Attendance Part In Madrid: the students shall attend the activities, conferences and seminars planned.

#### ASSESSMENT SYSTEM

<b>% end-of-term-examination:</b>	30
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	70

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

#### BASIC BIBLIOGRAPHY

- Alicia Gil Gil Derecho penal Internacional. El delito de genocidio, Techos, 1999
- Alicia Gil Gil Derecho penal Internacional. El delito de genocidio, Tecnos, 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