

Academic Year: (2020 / 2021)

Review date: 13-07-2020

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

Coordinating teacher: FIODOROVA , ANNA

Type: Compulsory ECTS Credits : 9.0

Year : 1 Semester : 0

STUDENTS ARE EXPECTED TO HAVE COMPLETED

Law degree.

It is recommended to have completed courses related to general procedural law and in particular criminal procedural law.

COMPETENCES AND SKILLS THAT WILL BE ACQUIRED AND LEARNING RESULTS.**COMPETENCES**

- Own and understand knowledge that provides a basis or opportunity to be original in developing and/or applying ideas, often in a research context
- Students should be able to apply the knowledge acquired as well as their problem solving skills in new or unfamiliar environments within broader context (or multidisciplinary) related to their field of study
- Students should be able to integrate knowledge and face the complexity of formulating judgements based on information that, being incomplete or limited, includes reflections about social and ethical responsibilities linked to the application of their knowledge and judgment.
- Students should be able to communicate their conclusions and knowledge as well as the ultimate reasoning that support them to both specialized and non-specialized public in a clear and unambiguous way
- Students will own learning skills that enable them to continue studying in a way that will be mainly self-directed or autonomous.
- Write quality legal reports
- Prove that the methods and basic principles of research activity in the criminal procedural law field have been acknowledged.
- Manage legal information sources specific to Criminal Justice.
- Prepare scientific-legal text and carry out efficiently analysis of the former.
- Apply the knowledge about criminal and procedural institutions while performing legal roles
- Understand the stages that lead to criminal court conviction and the possibility to influence on it under the presumption of innocence.
- Inform about the adaptation of research methods in a criminal offence and the competence of the evidence sources as well as the adaptation of the evidentiary means in relation to the specific case theory.
- Segregate the elements that belong to each of the main theoretical models of criminal indictment and its influence on contemporary criminal legal systems
- Prove the acceptance of different procedural roles, prosecution, defense and indictment as well as the strategies of argumentation according to them
- Segregate the different mechanisms, institutions and procedures of international cooperation in each content and territorial context and its distinctive elements, practical management of the formal and institutional tools of the cooperation environment (legal atlas, Belgian files, compendiums, cooperation and experts¿ networks, etc.)

LEARNING OUTCOME

- They will be able to prepare coherent conclusions within a criminal investigation and solve the evidentiary issues that may appear during the criminal trial.

- They will be able to communicate clear and synthetically the hypotheses that can be formulated in a crime scene, an investigation, the methodology and the practical implication of a police, legal or Fiscal Ministry investigation
- They will be able to distinguish the investigation and indictment model of a specific country, identifying questionable elements and possible solutions developed in comparative law.
- They will be able to identify questionable and appealable elements regarding an evidence or the investigation diligence.
- They will be able from the perspective of either of the sides of the criminal process (prosecution or defense) to build a specific case theory from the existing facts/information analysis in order to propose a litigation strategy that keeps in mind the adaptation of sources and evidentiary means to the version proposed from the perspective of the fitting to the legal penal procedure.
- They will be able to prepare the necessary documents in the international legal proceedings and recognize international related matters as well as how to react to judicial authorities from other countries (noticeable by practical case solving)
- They will be able to identify problematic matters regarding the evidentiary activity that may occur along the different stages of the legal proceedings

DESCRIPTION OF CONTENTS: PROGRAMME

Practical Aspects of Criminal Justice course is designed to enable students a further studying of the practical proceedings of the theoretical knowledge acquired in other courses of the basic procedural module.

Considering the particularly technical and abstract nature of criminal procedural law, it is necessary to pay special attention to those training and educational activities designed to show directly the real working of the institutions studied, as well as to provide enough training to students for their performing in a practical level.

For this purpose this course is divided into two blocks; The first one is dedicated to the learning of essential logistical aspects but not strictly legal related to the exercise of judicial functions and part of criminal proceedings; The second one is addressed to analyzing the specifics that practically exist within the different types of criminal proceedings and the different possibilities and strategies they offer.

The teaching methodology of the course is eminently practical and involves visualization, analysis and representation of the different phases of the criminal proceeding based on realistic circumstances, simulations and common development of judgements and reports on specific cases following the case methodology of study.

Regarding the content of the course, is a cross curricular one, addressing through the mentioned methodology the content seen in the other courses and it will be given concurrently to the former throughout the course.

LEARNING ACTIVITIES AND METHODOLOGY

EDUCATIONAL ACTIVITIES ¿ LECTURING METHODOLOGIES

THEORETICAL MATERIAL

Material which will be used to develop all the theoretical concepts needed for the content understanding.

Students will get previous to the class the material and biography needed to make the most of the class.

Specially for the blended course, students will have available the recording of the classes through the teaching-learning platform

PRACTICAL SESSIONS

- Practical sessions that will develop all the theoretical concepts acquired through the theoretical material previously given

- Analysis and Discussion of the practical cases in different formats.

Specially for the blended course, there will be an analysis and study of the learning material prepared

by the professor (presentations, tutorials, etc.) watching and listening the recorded sessions of the ad hoc seminars with interviews to experts about some of the key matters of the content or either selected videos that stimulate some competences of this matter.

THEORETICAL-PRACTICAL SESSIONS

Analysis of the jurisprudence linked to the module
Monographic seminars and visits

TEAMWORK

- Preparation of reports from real practical cases
- Debates driven by the course professor
- Teamwork sessions supervised by the professor/expert of the matter

In the blended course modality the synchronous debate with the rest of the students is scheduled (chat through the platform once a week) as well as the asynchronous debate (through the forum over the course) about the readings, material, videos and even the issues using applications or concerns when picking specific software.

PERSONAL WORK

- Preparation of individual assignments about specific topics given in the module.

Teaching methodology

¿ Public presentations in class with audiovisual and computer support, where main concepts of the content are developed and the biography is given in order to complement the learning process of students.

- ¿ Analysis and discussion of practical cases, with different formats:
- o Teamwork sessions supervised by the professor/expert in that matter
- o Activities developed in the appropriate rooms with specialized equipment

- ¿ Practical lectures of theoretical-practical problems: doctrine-jurisprudence
- ¿ Seminars with:
- o Monographic sessions about cases and current topics (national and international)
- o Sessions with lecturers/expert guests

¿ Completion and/or presentation of assignments and/or debates about a topic of any of the subjects of the module (research/proof)

¿ Critical reading of recommended texts by the course professor: press articles, reports, manuals and/or academic articles, either for further discussion in class or to complete and consolidate the course content

¿ Assesment of oral/written tests used in the module (see assesment summary)

ASSESSMENT SYSTEM

ORDINARY CALL:

DISTANCE LEARNING:

-Case study or report- 40%

-Participation in forums - 20%

FACE-TO-FACE WEEK

-Multiple choice test - 40%

To add the distance evaluation grade to the face-to-face evaluation, the student must have at least a note of 3 out of 6 in the distance evaluation, and 1.8 out of 4 in the face-to-face evaluation. if the student does not obtain this score, he/she will be SUSPENDED and must attend the extraordinary meeting in June.

EXTRAORDINARY CALL (June) IN-PERSON:

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

Lack of assistance in face-to-face part in Madrid prevents from obtaining of the title.

% end-of-term-examination: 40

% of continuous assessment (assignments, laboratory, practicals...): 60

BASIC BIBLIOGRAPHY

- AMBOS Principio y proceso acusatorio desde una perspectiva histórica, Derecho Penal Contemporáneo: Revista Internacional, nº 28, 2009
- JIMÉNEZ BADOS Alternativas al proceso penal dentro de un modelo de sistema acusatorio, Estudios jurídicos, nº 2011, 2011
- LLARRAURI PIJOAN ¿Son las sentencias públicas? ¿Son los antecedentes penales privados?: Una comparación de la cultura jurídica de Estados Unidos y España., Indert: Revista para el Análisis del Derecho, nº 4, 2010
- LÓPEZ Y LÓPEZ El nuevo proceso penal, la investigación del Ministerio Fiscal versus abogado defensor: el juez encargado del control de la acción penal, Diario La Ley, nº 7987, 2012
- MAGRO SERVET La prueba en el proceso penal: entre el hipergarantismo y la victimización secundaria, La ley penal: revista de derecho penal, procesal y penitenciario, nº 54, 2008
- MORENO CANTENA, CORTÉS DOMÍNGUEZ Derecho Procesal Penal,, Tirant lo Blanch, Valencia, 2012
- RIFÁ SOLER Actos de investigación, actos de instrucción y actos de prueba, Estudios sobre la prueba penal, vol. 1, 2010

ADDITIONAL BIBLIOGRAPHY

- ALONSO GONZÁLEZ La futura reforma de la Ley procesal penal: estudio de derecho comparado, el juez de garantías en el seno del proceso acusatorio, Estudios jurídicos, nº 2011, 2011
- AMBOS Las prohibiciones de utilización de pruebas en el proceso penal alemán - fundamentación teórica y sistematización , Política Criminal: Revista Electrónica emestral de Políticas Públicas en Materias Penales, nº 7, 2009
- ARMENTA DEU Juicio de acusación, imparcialidad del acusador y derecho de defensa, Ius et Praxis, vol. 13, nº 2, 2007
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- LOZANO EIROA Prueba prohibida y confesión: la excepción de la conexión de antijuridicidad, Revista General de Derecho Procesal, nº 28, 2002
- MONTERO AROCA Principios del proceso penal: una explicación basada en la razón, Tirant lo Blanch, 997
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- MORENO CATENA El recurso de apelación y la doble instancia penal, Estudios de derecho judicial, nº 149, 2007
- MORENO CATENA Imagen de portada del libro Problemas actuales del proceso penal y derechos fundamentales , Universidad de Deusto, 2010
- MORENO CATENA Sobre el derecho de defensa: cuestiones generales, Teoría y derecho: revista de pensamiento jurídico, nº 8, 2010
- RODRÍGUEZ RAMOS ¿Inferioridad de armas en el proceso penal? (Especial referencia al derecho a la prueba)., Teoría y derecho: revista de pensamiento jurídico, nº 8, 2010
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- SOLETO MUÑOZ Garantías y errores en la investigación penal, Tirant lo blanch, 2015