International courts and criminal law

Academic Year: (2021 / 2022) **Review date: 04-06-2021**

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

Coordinating teacher: GARROCHO SALCEDO, ANA MARIA

Type: Electives ECTS Credits : 3.0

Year : 5 Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Spanish Judicial System
Public International Law
Legal Theory of Crime
Criminal Procedural Law
Crime against people and against society

OBJECTIVES

- Knowledge of the competences and procedures of the international tribunals related to the Criminal Law.
- Knowledge of the Rome Statute and International Criminal Court, as well as the crimes within its jurisdiction.
- Knowledge of the principle of universal jurisdiction and its application in Spain.
- Capacity of critical analysis of the case-law and legislation in force.

DESCRIPTION OF CONTENTS: PROGRAMME

The program is divided into two blocks:

I BLOCK

LESSON I: INTERNATIONAL ORGANIZATIONS AND JUSTICE
1. European Court of Human Right
2. Inter-American Court of Human Rights
3. Court of Justice of the European Union

LESSON II: JURISDICTION AND COMPETENCE
1. Universal jurisdiction versus national jurisdiction
2. The role of the International Criminal Court
   a. History of the International Criminal Court
   b. Composition, nature and functioning of the International Criminal Court

LESSON III: THE PROCEDURE WITHIN THE INTERNATIONAL CRIMINAL COURT

1. Legitimating
2. Commencement of proceedings
3. The intermediate phase
4. The trial
5. The verdict and its implementation

BLOCK II

LESSON IV:

LECCION IV: GENERAL PRINCIPLES AND ELEMENTS OF THE CRIMINAL LAW IN THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT
1. General principles
2. Imprescriptibility and immunities
3. Responsibility of commanders and other superiors (arts. 25 y 28 ECPI)
4. Intentionality. Error

5. Imperfect forms of execution
6. Grounds for excluding criminal responsibility

LECCION V: INTERNATIONAL CRIMES IN THE STATUTE OF ROME
1. Genocide
2. Críme against humanity
3. War crimes
4. Crime of aggression

LEARNING ACTIVITIES AND METHODOLOGY

The contents are organized through theoretical lessons (where the teacher will present the basic concepts of the course) and practical lessons (in which students must apply the knowledge previously acquired in other practical cases).

ASSESSMENT SYSTEM

40% - multiple choice exam
60 % - continuous evaluation (resolution of cases, participation in debates and so on)

% end-of-term-examination:	40
% of continuous assessment (assigments, laboratory, practicals…):	60

BASIC BIBLIOGRAPHY

- A. Gil y E. Maculan (Directoras) Derecho penal internacional (2ª ed.), Dykinson, 2019
- Alicia Gil Gil Derecho penal internacional. Especial consideración del delito de genocidio, Madrid, 1999
- Alicia Gil Gil Bases para la persecución penal de crímenes internacionales en España, Comares, 2006
- BUJOSA VADELL, Lorenzo La cooperación procesal de los Estados con la Corte Penal Internacional, Atelier, 2008
- C. Vallejo Peña El estado de la jurisdicción universal en el derecho internacional y en el derecho interno español, Tirant lo Blanch, 2016
- Gil, A, Maculan, E Derecho penal internacional, Dykinson, 2016
- L. Bujosa Vadell La cooperación procesal de los Estados con la Corte Penal Internacional, Atelier, 2008
- Mª Isabel Lirola Delgado La Corte Penal Internacional. Justicia versus impunidad, Ariel, 2001
- VALLEJO PEÑA, Carmen El estado de la jurisdicción universal en el derecho internacional y en el derecho interno español, Tirant lo Blanch, 2016
- Vladimir Tochilovsky Procedimiento ante la Corte Penal Internacional, Revista de Derecho Penal y Criminología, nº 19, 2007
- Werle. G Tratado de Derecho penal internacional, Valencia, 2005

ADDITIONAL BIBLIOGRAPHY

- Anna Fiodorova "Terrorism as subject to Spanish Universal Jurisdicction" en Moreno Catena, V., Soleto Muñoz, H., Terrorism in Spain: a procedural approach, Tirant lo Blanch, 2017
- Jean Marcel Fernandes La Corte Penal Internacional : soberanía versus justicia universal , Reus, 2008
- Kai Ambos Cuestiones esenciales en la jurisprudencia de la Corte Penal Internacional , A-HOC, 2010
- Mª Isabel Cid Muñoz La Corte Penal Internacional : Un largo camino , Dynkinson, 2008
- Mª Isabel Lirola Delgado La Corte Penal Internacional. Justicia versus impunidad, Ariel, 2001

BASIC ELECTRONIC RESOURCES

- . Corte Penal Internacional: https://www.icc-cpi.int
- . Tribunal de Justicia de la Unión Europea (jurisprudencia): http://http://curia.europa.eu/jcms/jcms/j_6/es/
- . Tribunal Europeo de Derechos Humanos: http://http://www.echr.coe.int/Pages/home.aspx?p=home
- . Tribunal Europeo de Derechos Fundamentales (jurisprudencia): <a href="http://http://hudoc.echr.coe.int/eng#{"documentcollectionid2":["GRANDCHAMBER","CHAMBER"]} " target="_blank">http://http://hudoc.echr.coe.int/eng#{"documentcollectionid2":["GRANDCHAMBER","CHAMBER"]}