

Academic Year: (2022 / 2023)

Review date: 20-05-2022

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

Coordinating teacher: FIODOROVA , ANNA

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

- To get knowledge on the competences and procedures of the international tribunals related to the Criminal Law.
- To get knowledge on the Rome Statute and International Criminal Court.
- To get knowledge on the principle of universal jurisdiction and its application in Spain.
- To get capacity of critical analysis of the case-law and legislation in force.

DESCRIPTION OF CONTENTS: PROGRAMME

The programme consists of two parts:

PART I**1. JURISDICTION AND COMPETENCE**

- Universal jurisdiction versus national jurisdiction
- The role of the International Criminal Court
 - a. History of the International Criminal Court
 - b. Composition, nature and functioning of the International Criminal Court

2. INTERNATIONAL ORGANIZATIONS AND JUSTICE

- European Court of Human Right
- Inter-American Court of Human Rights
- Court of Justice of the European Union
- International Criminal Court

3. THE PROCEDURE WITHIN THE INTERNATIONAL CRIMINAL COURT

- Legitimizing
- Commencement of proceedings
- The intermediate phase
- The trial
- The verdict and its implementation

PART II**4. GENERAL PRINCIPLES AND ELEMENTS OF THE CRIMINAL LAW IN THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT -**

- Principles: legality, not time-barred crimes, immunities
- Crime author and participation
- Intentionality. Error
- Imperfect forms of execution
- Grounds for excluding criminal responsibility

5. INTERNATIONAL CRIMES I

- Concept and evolution
- The crime of Genocide: Background. The Convention of 1948. Elements of the crime: a) Intentional element, b) Protected groups, c) Exclusion of cultural and political groups, d) The so-called self-

genocide, e) Methods of commission

- Crimes against humanity: a) evolution and concept, b) active and passive subjects, c) constitutive elements: in particular the massive and systematic nature of the conducts, d) commission modalities

6. INTERNATIONAL CRIMES II

- War crimes: a) Origin and basis of the *ius in bello*: the Hague and Geneva Conventions, b) The concept of armed conflict, c) Subjects and elements of the crime and elements of the crime

- The crime of aggression: a) Concept, b) The question of legitimate self-defence

7. INTERNATIONAL CRIMES III

- Other international crimes: torture and disappearance of persons, racial discrimination and apartheid

- Ethnic cleansing as an international crime. Gender violence and armed conflicts

- The international fight against terrorism. The concept of terrorism in United Nations and European Union legislation

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

ORDINARY CALL

60% - continuous evaluation (solution of practical cases, participation in debates, presentations, etc.).

40% - multiple choice final exam (passed with at least 5 points out of 10 (2 points out of 4)).

EXTRAORDINARY CALL

The grading of students in the extraordinary call will be adjusted to the following rules:

a. If the student followed the continuous evaluation process, the exam will have the same percentage value as in the ordinary call, i.e. 40%. To which will be added the grade of the continuous evaluation valued on a maximum of 6 points.

b. If the student did not follow the continuous evaluation process, he/she will have the right to take an exam with a value of 100% of the total grade of the subject.

c. Even if the student had followed the continuous evaluation process, he/she will have the right to be graded in the manner indicated in section b) when it is more favorable to him/her.

The exam will consist of open questions on the whole program of the subject.

% end-of-term-examination: 40

% of continuous assessment (assignments, 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 Jurisdiction" 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
- M^a Isabel Cid Muñoz La Corte Penal Internacional : Un largo camino , Dynkinson, 2008
- M^a Isabel Lirola Delgado La Corte Penal Internacional. Justicia versus impunidad, Ariel, 2001

BASIC ELECTRONIC RESOURCES

- . International Criminal Court: <https://www.icc-cpi.int>
- . Court of Justice of the European Union: https://curia.europa.eu/jcms/jcms/j_6/en/
- . European Court of Human Rights (case law): http://hudoc.echr.coe.int/eng#{\"documentcollectionid2\":[\"GRANDCHAMBER\",\"CHAMBER\"]}
- . European Court of Human Rights: <http://www.echr.coe.int/Pages/home.aspx?p=home>