

Academic Year: ( 2023 / 2024 )

Review date: 26-04-2023

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 organised through theoretical lessons (where the teacher will present the basic concepts of the course using visual /audio-visual materials) complemented with readings and videos and practical lessons (in which students, guided by the teacher shall 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. Cassese International Criminal Law, Oxford, 2008

- M. Glasius The International Criminal Court : a global civil society achievement, Taylor & Francis, 2006

## 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

- K. Ambos Treatise on International Criminal Law: Volume 1, Oxford, 2013

- K. Ambos Treatise on International Criminal Law: Volume II: The Crimes and Sentencing , Oxford, 2013

## 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/](https://curia.europa.eu/jcms/jcms/j_6/en/)

- . European Court of Human Rights (case law): <a href="http://hudoc.echr.coe.int/eng#{\"documentcollectionid2\":[\"GRANDCHAMBER\",\"CHAMBER\"]}\" target=\"\_blank\">[http://hudoc.echr.coe.int/eng#{\"documentcollectionid2\":\[\"GRANDCHAMBER\",\"CHAMBER\"\]}\"](http://hudoc.echr.coe.int/eng#{\) </a>

- . European Court of Human Rights: <http://www.echr.coe.int/Pages/home.aspx?p=home>

