

Academic Year: (2023 / 2024)

Review date: 18-05-2023

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

Coordinating teacher: SOLETO MUÑOZ, HELENA

Type: Compulsory ECTS Credits : 6.0

Year : 5 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Spanish judicial system
Legal Theory of Crime

OBJECTIVES

Generally speaking, the understanding of fundamental concepts of the criminal process will be promoted through the use of legal texts, databases and collections of jurisprudence, alternating with training in team work and developing skills in written and oral presentation.

In particular, the subject will promote the theoretical and practical knowledge essential for the development of professional practice in the field of criminal procedure, promoting skills such as:

- Mastery of the criminal process in its various procedural modalities
- Preparation of the defence and the criminal prosecution
- Drafting of complaints, accusations, defence, accusations, various procedural steps, as well as the drafting of sentences and appeals
- Preparation of judicial opinions
- Management of legislation and jurisprudence databases
- Knowledge and practical advice for the development of a professional career related to the practice of criminal law as a lawyer and prosecutor
- Basic knowledge for the development of a professional career related to the Administration of Justice as a judge, LAJ, prosecutor, management bodies, processing and judicial assistance.
- Oral and written skills to advocate.

DESCRIPTION OF CONTENTS: PROGRAMME**I. CRIMINAL PROCEDURAL LAW FUNDAMENTAL CONCEPTS**

Constitutional Principles of the Criminal Procedure
Structure of the Criminal Process
Organs and subjects participating in the process

II. CRIMINAL ORDINARY PROCESSES

Modes of initiation of criminal proceedings
The training phase
The intermediate phase
The oral trial and sentence
The ordinary criminal proceedings
Special criminal proceedings and specialties

III. THE RESOURCES IN THE CRIMINAL PROCEDURE**IV. THE CRIMINAL EXECUTION****V. RESTORATIVE JUSTICE****LEARNING ACTIVITIES AND METHODOLOGY**

The subject contents a period of four months in total 16 weeks: 12 weeks of teaching with 3 hours per week, divided in one theoretical class in a multiple group (1h30) and one practical class developed in small groups (1h30).

ACTIVITIES:

- .- Lectures
- .- Seminars
- .- Research
- .- Oral presentation of the research work.

- Practical classes:
 - Elaboration of procedural documents
 - Analysis of precedent and doctrine
 - Reflections about legal news
 - Analysis of videotaped real trials

METHODOLOGY:

- Through the study of the specialized material (handbooks, doctrine and precedents) and through the classes and the guidance in office hours, the student will participate in seminars in order to improve the oral legal argumentation capacities
- Concerning the practical classes, the student will elaborate legal documents which will be revised and debated
- Students will defend different legal positions during the role-play to be held in the Sala de Vistas; the activity will then be commented and analyzed
- The essential abilities will be gained by means of the study of real trials, both by attending in real time and by viewing videotaped versions, and on the basis of subsequent analysis

OFFICE HOURS SYSTEM:

- Individual tutoring will be scheduled between professor and student following a request by the student and taking into account the timetable of both.
- During the period of classes, to the extent that there exist such a possibility, three collective office hours shall be scheduled: one corresponding to each evaluation/month; they shall be complementary and non compulsory to the student.

ASSESSMENT SYSTEM

1. Ordinary call:

The teacher will establish the system of continuous assessment by practices and/or tests that can consist of a combination of these two activities for a maximum of 6 points. The total sum of the continuous assessment marks will be communicated to the student at least 5 days before the final exam.

In order to add the continuous assessment grade to that of the exam, the continuous assessment grade must be at least 2,5 points out of a possible 5 and the final exam at least 2 from 5 points.

2. Extraordinary call:

2.1. If the student followed the continuous assessment process, the exam will have the same percentage value as in the ordinary call, and the final grade of the course will take into account the continuous assessment grade and the grade obtained in the final exam.

2.2. If the student did not follow the process of continuous assessment, he/she will have the right to take an exam in the extraordinary call with a value of 100 % of the total grade of the course.

2.3. Even if the student had followed the continuous assessment process, he/she will have the right to be graded in the extraordinary convocation taking into account only the grade obtained in the final exam when it is more favorable.

% end-of-term-examination:	50
% of continuous assessment (assignments, laboratory, practicals...):	50

BASIC BIBLIOGRAPHY

- MORENO CATENA, V., y CORTÉS DOMÍNGUEZ, V. Derecho Procesal Penal, Tirant lo Blanch, 2019
- MOTERO AROCA, J. Derecho jurisdiccional III: proceso penal, Tirant lo Blanch, 2019

ADDITIONAL BIBLIOGRAPHY

- Fiodorova, Anna La transmisión de información personal y datos personales en la Unión Europea para fines de investigación de delitos, Aranzadi, 2015
- Fiodorova, Anna Intercambio transfronterizo de perfiles de ADN: ¿menos es más?, La Ley Penal. Revista de Derecho Penal, Procesal y Penitenciario, 2016, (118)
- Soleto Muñoz, Helena Macrojuicio por terrorismo: problemática procesal del enjuiciamiento de los ataques terroristas de 2004 en Madrid, RIEDPA, 2016
- Soleto Muñoz, Helena Parámetros europeos de limitación de Derechos Fundamentales en el uso de datos de ADN en el proceso Penal, Revista General de Derecho Procesal, 2016

BASIC ELECTRONIC RESOURCES

- Consejo General del Poder Judicial . Poder Judicial de España: http://www.poderjudicial.es/cgpj/es/Poder_Judicial
- Fiscalía General del Estado . Ministerio Fiscal: http://www.fiscal.es/cs/Satellite?cid=1240559967365&language=es&pagename=PFiscal/Page/FGE_home
- Thomson Reuters . La reforma penal: <http://www.reformapenal.es/>
- Tribunal Constitucional . Tribunal Constitucional de España: <http://www.tribunalconstitucional.es/es/Paginas/Home.aspx>