

Academic Year: (2023 / 2024)

Review date: 27-04-2023

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

Coordinating teacher: HERNANDEZ MOURA, BELEN

Type: Compulsory ECTS Credits : 9.0

Year : 1 Semester : 0

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

- Before taking the course "Practical Aspects of Criminal Justice", it is recommended to have completed the Bachelor's Degree in Law.
- It is also recommended to have studied the subjects related to Spanish Procedural Law in general and, in particular, to Criminal Procedural Law.

OBJECTIVES

- Identify the impact of criminal law and criminal procedure on fundamental and human rights, as well as the guarantees provided in the national legal system to safeguard them
- To recognize the characteristics and singularities of the different phases of criminal procedure, as well as the different types of procedure, ordinary and special, foreseen by the Spanish legal system
- Distinguish the particularities of the major theoretical models of criminal investigation and prosecution, placing them in the international context and comparing the functions performed by the different legal operators in each of them
- To compare the different legal-criminal systems, both in their formal and material aspects, categorizing them within the major existing procedural and criminal models, according to their characteristics
- Communicate in a clear and complete manner the legal qualification that applies to certain facts with criminal appearance, specifying the forms of participation and modifying circumstances that may occur
- Select the applicable legal regulations and the appropriate jurisprudential pronouncements to resolve a given case from the perspective of the judicial body
- Interpret the regulations contained in the Criminal Code, the special criminal laws and the Criminal Procedure Act, in the light of the existing jurisprudential doctrine on the specific adjective or substantive issues addressed
- To report, both orally and in writing, on the status of a given criminal case, the proceedings carried out to date and the possible forms of continuation existing, according to the type of procedure and the circumstances of the case
- Designing defense strategies, both procedural and substantive, taking into account the specific characteristics of the case and the interests of the person represented
- Represent the roles of the parties in the criminal proceeding, taking into account the singularities that each one of them presents and the burdens and rights inherent to their legal position
- To clearly and synthetically expose the hypotheses that can be formulated in relation to the investigation of a specific crime, as well as the methodology to be followed and the practical implications that this entails
- To detect the main practical problems associated with each of the functions carried out by the different legal-criminal operators, deducing possible solutions or strategies for each of the problems evidenced
- To build a concrete theory of the case, on the analysis of the information/facts that one possesses, in order to propose a litigation strategy appropriate to the sources and evidentiary means to the version proposed from the perspective of its criminal legal fit
- Detect logical inconsistencies and conceptual errors present in a given legal argumentation
- To translate the theoretical knowledge acquired into concrete legislative proposals on the criminal and criminal procedure system.
- Participate in complex legal debates on general and specific substantive and adjective issues specific to the criminal field
- Follow the proceedings of any type of criminal procedure with a full understanding of what and why they are being carried out
- Prepare reports and legal opinions on criminal matters, taking into account all the aspects involved, both in criminal and civil matters arising from crime
- Defend a specific legal position through participation in the various oral proceedings that occur in the criminal process, correctly choosing the legal terminology to be applied, being clear and understandable in the presentation of legal arguments

- Formulate coherent conclusions with a criminal investigation and solve the evidentiary problems that arise throughout the criminal process.
- Legally sustain criminal claims in the form established by the procedural order, through the application of the corresponding regulations and the existing jurisprudence on the subject
- Draft legal briefs such as the complaint, the qualification or accusation and defense briefs, the provisional qualifications or, where appropriate, those that proceed in the appeal phase and execution of penalties
- To correctly interrogate witnesses and experts in accordance with the specific facts to be prosecuted, the procedural rules in force and the existing jurisprudential criteria on the matter
- To provide due assistance to the victims of the crime adapting the corresponding form of proceeding depending on their situation and in coherence with the rights that the legal system recognizes them

DESCRIPTION OF CONTENTS: PROGRAMME

- The subject of Practical Aspects of Criminal Justice is designed to allow students to further deepen their practical development of the theoretical knowledge acquired in the other subjects of the basic procedural module.
- Given the particularly technical, as well as abstract, nature of Criminal Procedural Law, it is necessary to dedicate special attention to those training and teaching activities aimed at directly showing the real functioning of the institutions studied, as well as to provide students with sufficient training for their development in them at a practical level.
- For this purpose, this course will be divided into two blocks: the first one dedicated to learning the essential logistical aspects related to the exercise of judicial and party functions in criminal proceedings, and the second one, aimed at analyzing the specificities of the different types of criminal proceedings in practice and the different possibilities and strategies they offer.
- The teaching methodology of the course is eminently practical and consists of the visualization, analysis and representation of the different phases of the criminal process based on realistic circumstances, procedural simulations and common elaboration of opinions and reports on concrete cases, following the case study method. As for the material content of the subject, it is of a transversal nature, dealing with the contents seen in the other subjects by means of the aforementioned methodology and will be developed in parallel to them throughout the course.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES AND TEACHING METHODOLOGIES:

THEORETICAL SESSIONS:

- These are lecture sessions where all the theoretical concepts necessary for the understanding of the subject will be explained.
- The student will be provided with the necessary materials and bibliography prior to the class in order to make the best use of them.

PRACTICAL SESSIONS:

- These are practical sessions where all the concepts acquired in the lectures will be applied.
- Analysis and discussion of practical cases, with different formats (procedural writings, videos, etc.).

THEORETICAL-PRACTICAL SESSIONS:

- Analysis of jurisprudence linked to the contents of the module.
- Monographic seminars on relevant legal topics.

TEAM WORK:

- Elaboration of reports based on real practical cases.
- Debates guided by the teacher of the subject.
- Group work sessions supervised by the teacher or by a specialist in the subject -legal operators-.

PERSONAL WORK:

- Elaboration of individual work on specific topics taught in the module.

TEACHING METHODOLOGIES:

- Class presentations by the teacher with the support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.
- Analysis and discussion of practical cases, with different formats that may vary between (a) group work sessions supervised by the teacher or expert in the subject or (b) activities developed in spaces and with specialized equipment.
- Practical classes of theoretical-practical problems: doctrine-jurisprudence.
- In addition, the development of seminars dedicated to monographic sessions on cases and topics of

relevant legal, procedural and criminal law (national and international) and sessions with guest lecturers and/or experts is foreseen.

- Carrying out and/or presentation of papers and/or debates.
- Critical reading of texts recommended by the teacher of the subject: press articles, reports, manuals and/or academic articles, either for later discussion in class, or to expand and consolidate the knowledge of the subject.
- Evaluation of the set of oral and/or written tests used in the module (see evaluation section).

ASSESSMENT SYSTEM

ORDINARY CALL:

- Up to 15% participation in the forum
- Up to 45% resolution of a practical case or report.
- Up to 40% multiple-choice exam

The student must obtain at least a grade of 3 out of 6 in the continuous evaluation (forum and resolution of a practical case / report), and 1.8 out of 4 in the multiple-choice exam. If he/she does not obtain this score, he/she will be failed and will have to attend the extraordinary call.

EXTRAORDINARY CALL:

- 100% Exam

% end-of-term-examination: 40

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

BASIC BIBLIOGRAPHY

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- ARMENTA DEU, T. Lecciones de derecho procesal penal, Marcial Pons, 2019
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- JIMÉNEZ SEGADO, C. Garantías y principios del juicio oral en los anteproyectos 2020 de eficiencia procesal y de nueva LECrim, La ley penal: revista de derecho penal, procesal y penitenciario, 2021
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ADDITIONAL BIBLIOGRAPHY

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- ALONSO GONZÁLEZ, A.B. 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, K. Las prohibiciones de utilización de pruebas en el proceso penal alemán - fundamentación teórica y sistematización (Prohibitions Regarding the Use of Evidence ('Exclusionary Rules') in the German Penal Procedure - Theoretical Basis and Systematization), Política Criminal, Vol. 4, nº7, 2006
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