

Course title	General Principles of Criminal Law
Course Code	LAW203.1
Category (core/elective)	
Level	LLB in European Law
Duration (semesters)	1
Semester when taught (autumn/spring)	Spring
ECTS:	6
Access requirements	None
Responsible	Professor Stefano Maffei
Course objectives	
<p>After successfully completing this course, students will be able to understand, analyze and discuss how matters of crime and punishment are governed and regulated in Europe.</p> <p>More specifically, students will be exposed to the fact that domestic legal orders are no longer sovereign in the areas of criminal law and justice (which were once bastions of nationhood) but are now subject – albeit in different ways - to the international orders established by both the Council of Europe and the European Union.</p> <p>First, students will learn the principles of criminal law, procedure and evidence developed by the rulings of the European Court of Human Rights. Secondly, they will familiarise with the fast growing EU competences in criminal matters (especially in relation to the minimum rules regarding the definition of certain criminal offences – the so called “Eurocrimes”).</p>	
Course Description	

The course will begin with an overview of the crime trends and the current criminological context across Europe. It will then move on to tackle the traditional tension between the “domestic” and “international” dimensions of criminal policies.

A significant portion of the course will concentrate on the principles of criminal law, procedure and evidence that were developed in the last 40 years by the rulings of the Strasbourg Court, based upon a number of key provisions of the European Convention on Human Rights (Articles 3, 5, 6, 7 and 8).

Discussion will then move to the EU competences in criminal matters, as reshaped and expanded by the Treaty of Lisbon. More specifically, the Treaty allowed the EU to adopt directives providing for minimum rules regarding the definition of criminal offences, i.e. rules setting out which behaviour is considered to constitute a criminal act and which type and level of sanctions are applicable for such acts. Such minimum rules are adopted for the so-called 'Euro crimes', which is a list of particularly serious areas of crime with a cross-border dimension. They include terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, etc...

A final class will eventually cover the topic of punishment, with specific reference to the European Prison Rules of the Council of Europe.

Course Outline

1. Crime trends and the criminological context in Europe (national statistics and EUROSTAT);
2. Criminal law at the domestic level: sources of law and "shared" principles.
3. The principle of legality (art 7 ECHR) and "ne bis in idem"
4. National variations and minimum standards in rules of procedure and evidence.
5. Investigations, interrogation of suspects and pre-trial detention (art 3 and art 5 ECHR)
6. The right to a fair trial (art 6 ECHR)
7. The right to respect of private life (art. 8 ECHR)
8. The origin of EU criminal law: the protection of the "financial interest of the EU"
9. The new "Euro-Crimes" after the Lisbon Treaty
10. Terrorism and Organised crime
11. Human trafficking and sexual exploitation of women and children
12. Money laundering, corruption and counterfeiting of means of payment,
13. Punishments across the EU - Minimum standards and the "European prison rules"

Educational Outcomes

This course aims at providing students with an understanding of the founding concepts of European criminal law.

More specifically, students will be able to:

- Explain the current criminological trends across Europe;
- Analyze and discuss the interplay of sources of law stemming from States, the Council of Europe and the European Union in relation to criminal matters
- Understand the respective roles of domestic Supreme courts, the European Court of Human Rights and the European Court of Justice;
- Apply examples of EU criminal law to practical cases;
- Explain the foundational principles of criminal law, procedure ad evidence in Europe, also in light of domestic variations in rules of substantive and procedural criminal law
- Understand and critically assess the minimum rules on Euro-crimes
- Understand and critically assess the minimum standards set by the European Prison Rules.

<p>Basic Textbook(s)</p>	<p>Klip, A. <i>European Criminal Law</i>. Cambridge: Intersentia, 2016 (III edition)</p>				
<p>Basic Bibliography</p>	<p>Maffei & Sonenshein, <i>The Cloak of the Law and fruits falling from the poisonous tree: a European perspective on the exclusionary rule in the Gafgen case</i>, in <i>Columbia Journal of European Law</i>, 2013</p>				
<p>Additional Bibliography</p>	<p>EUROSTAT, Crime and criminal justice statistics</p>				
<p>Teaching Methodology</p>	<p>Lectures</p> <p>Tutorials</p>	<table border="1"> <tr> <td data-bbox="1027 1527 1254 1608"> <p>12 x 2 = 24 h</p> </td> </tr> <tr> <td data-bbox="1027 1608 1254 1688"> <p>6 x 2 = 12 h</p> </td> </tr> <tr> <td data-bbox="1027 1688 1254 1769"> <p>Total = 36 h</p> </td> </tr> </table>	<p>12 x 2 = 24 h</p>	<p>6 x 2 = 12 h</p>	<p>Total = 36 h</p>
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Evaluation	Final Exam	80%
	Course Participation	20%
	Paper(s)	0%
		100%
Language	English	
Traineeship	Yes	
Location	Legraina	