

## **CRIMINAL LAW II**

**Bachelor of Laws LLB [2504110] SEP-2023 CL2-NLL.2.S.A**

Area Public Law and Global Governance

Number of sessions: 30

Academic year: 23-24

Degree course: SECOND

Number of credits: 6.0

Semester: 1º

Category: BASIC

Language: English

Professor: **SILVINA EDITH CAPELLO**

E-mail: [scapello@faculty.ie.edu](mailto:scapello@faculty.ie.edu)

SILVINA CAPELLO is an International Consultant specialized in Criminal Law, Economical Crimes Prevention, International Cooperation and Compliance. She holds a Bachelor's degree in Law from Universidad Católica de la Plata (Argentina), and from the Universidad Rey Juan Carlos (Spain) and a Master in Criminology from the ESNECA Business School and the University of Cuyo (Argentina).

She is specialized, since 2000, in the fight against money laundering and terrorist financing, both in the public sector (from 2001 to 2008 in GAFILAT) and in the private sector (from 2008 to 2017 in KPMG); International financial sanctions and Anti-corruption and Bribery policies. She also has experience in international cooperation, providing regulatory technical assistance to Latin-American countries and as an instructor of courses and training sessions on the above topics.

Previously, she worked in KPMG Spain, as the Head of the "Money Laundering and Terrorist Financing Prevention Unit" and responsible for designing and establishing policies and procedures to ensure compliance with the legal requirements of the Money Laundering and Terrorist Financing Prevention Act and the policies of the Group and oversee its effective implementation in the Firm.

She was also responsible of the management of all the activities of analysis and reporting of suspicious transactions, Compliance, international financial sanctions, internal training, relations with the competent authorities and internal advice on the prevention of other economic crimes, such as application of anti-corruption and bribery policies (AB&C and FCPA).

During her professional career, she has had active participation in International Organizations: in the revision of the FATF 40 Recommendations and elaboration of the Interpretative Notes of the Recommendations on Terrorist Financing, in the FATF Plenary meetings, as instructor in training activities of competent authorities of the Member Countries, and FATF Evaluators, as well as consultant in other relevant international organizations (UN, CTC, CFATF, IMF, World Bank, IADB).

She has coordinated the Mutual Evaluations of the national anti-money laundering and counter terrorist financing systems of FATF and GAFILAT member countries and the Legal and Law Enforcement Working Groups.

[scapello@faculty.ie.edu](mailto:scapello@faculty.ie.edu)

## **SUBJECT DESCRIPTION**

This course has been designed to study substantive Criminal Law II from a national, comparative and International perspective. For that reason, we have selected the most relevant crimes and offenses from Common Law and Civil Law systems to analyze their concrete regulation and interpretation problems. The course is divided in two sections:

### **Comparative Criminal Law**

As the Special Part of Criminal Law is specific and singular to each domestic legislation, this subject will not be focusing in depth on any specific legal framework. The aim of this course is mainly to achieve the tools to understand different legal systems, conduct research on comparative criminal law in order to prepare international lawyers to deal efficiently with legal texts they have not worked with in the past.

### **International Criminal Law**

International Criminal Law is a discipline that has experienced intense development during the last decades becoming an autonomous field of study. Strictly speaking, this approach for Criminal Law is the only one that can be applied and argued internationally. Its nature and mechanisms (with the exception of Universal Jurisdiction) are purely international. Students will analyze and achieve general understanding of International Criminal Law and its components.

We will study initiatives to understand the use of Criminal Law to address global and regional problems and how legislators are trying to develop a global approach which encompasses comparative and international law.

Thinking on global lawyers for the 21st century, this syllabus includes a wide range of topics dealing with national, cross-border, international and European crimes.

## **LEARNING OBJECTIVES**

The aims of the course are as follows:

1. Providing essential knowledge of the most relevant crimes.
2. Achieving the tools to understand different legal systems, conduct research on comparative criminal law in order to prepare international lawyers to deal efficiently with legal texts they have not worked with in the past.
3. Developing advanced skills and competences in Criminal Law topics.
4. Analyzing International Criminal Law and its components.
5. Assessing the relevance of the UN Sustainable Development Goal 16: Peace, Justice and

Strong Institutions.

Upon successful completion of this course students will be able to:

1. Identify the interests protected by Criminal Law in modern societies.
2. Understand concepts and legal institutions in national and international Criminal Law systems.
3. Analyze and compare criminal regulations in different jurisdictions.
4. Propose innovative solutions to develop advisory work on Comparative Criminal Law topics.

## TEACHING METHODOLOGY

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	40.0 hours
Discussions	10.0 %	15.0 hours
Exercises in class, Asynchronous sessions, Field Work	23.33 %	35.0 hours
Group work	20.0 %	30.0 hours
Individual studying	20.0 %	30.0 hours
TOTAL	100.0 %	150.0 hours

## PROGRAM

### SESSIONS 1 - 2 (LIVE IN-PERSON)

Introduction to the course; learning objectives; overview of crimes; general revision of criminal law I.  
Offences against a person - murder and manslaughter.

### SESSIONS 3 - 4 (LIVE IN-PERSON)

Offences against a person - murder and manslaughter.  
Pistorius Case.

Offences against a person - Suicide assistance and euthanasia: regulation; limits and conflicts of fundamental rights.

### SESSIONS 5 - 6 (LIVE IN-PERSON)

Offences against a person: Physical harm and domestic violence.

### SESSIONS 7 - 8 (LIVE IN-PERSON)

Offences against a person - Sexual crimes: rape and sexual assault.  
Comparative analysis.

### SESSIONS 9 - 10 (LIVE IN-PERSON)

Offences against a person - Confinement and kidnapping.

Hate crimes and crimes against the administration of justice.

### **SESSIONS 11 - 12 (LIVE IN-PERSON)**

Offences against the property and the market - money laundering and corruption.

### **SESSIONS 13 - 14 (LIVE IN-PERSON)**

Offences against the property and the market - Robbery, embezzlement, fraud, larceny, theft.

### **SESSION 15 (LIVE IN-PERSON)**

Mid-term.

### **SESSIONS 16 - 17 (LIVE IN-PERSON)**

History of international criminal law and universal jurisdiction:

1. Concept, nature, principles and history of International Criminal Law.
2. Modes of liability, defences.
3. Armenian Genocide and First World War.
4. Second World War – Nuremberg and Tokyo Trials.
5. Universal Jurisdiction.

### **SESSIONS 18 - 19 (LIVE IN-PERSON)**

Core international crimes:

1. Genocide.
2. Crimes against humanity.
3. War crimes.  
The crime of aggression.

### **SESSIONS 20 - 21 (LIVE IN-PERSON)**

Movie.

International Tribunals:

1. ICTR
2. ICTY
3. SCSL
4. STL
5. ECCC
6. ICC

### **SESSIONS 22 - 23 (LIVE IN-PERSON)**

International Tribunals:

1. ICTR
2. ICTY

3. SCSL
4. STL
5. ECCC
6. ICC

Transnational crimes - terrorism, drug trafficking, environmental crimes.

### **SESSIONS 24 - 25 (LIVE IN-PERSON)**

Transnational crimes - terrorism, drug trafficking, environmental crimes.

Case study.

### **SESSIONS 26 - 27 (LIVE IN-PERSON)**

Future of International Criminal Law: Transitional Justice:

1. Transitional justice.
2. Purposes of international criminal law (retribution, deterrence, reconciliation, narrative setting).  
Obstacles to fight against impunity: amnesties, immunities, statute limitations.

### **SESSIONS 28 - 29 (LIVE IN-PERSON)**

Moot Court.

### **SESSION 30 (LIVE IN-PERSON)**

Final exam

## **EVALUATION CRITERIA**

### **GENERAL OBSERVATIONS**

Each student has four attempts over two consecutive academic years to pass this course. Dates and location of the final exam will be posted in advance and will not be changed. Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year). Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

### **EVALUATION AND WEIGHTING CRITERIA**

- Class participation 20%: Will be assessed on the basis of (1) individual assignments and (2) class participation (includes both interventions and active listening).
- Moot court 15%: Drafting a legal memorandum as a team.
- Mid-term exam(s) 20%.
- Final Exam 45%.
- TOTAL 100%.

<b>criteria</b>	<b>percentage</b>	<b>Learning Objectives</b>	<b>Comments</b>
Final Exam	45 %		
Intermediate Tests	20 %		Midterm
Group Presentation	15 %		

Class Participation	20 %		
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### **RE-SIT / RE-TAKE POLICY**

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

- The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained on the second and fourth attempts is 8 out of 10.
- The third attempt will require the student to complete:
  - a written assignment,
  - a midterm,
  - a final exam This is also applicable to students who do not have required attendance, e.g. sickness.
- Dates and location of the retakes will be posted in advance and will not be changed.

### **BIBLIOGRAPHY**

#### **Compulsory**

- R Cryer, H Friman, D Robinson and E Wilmeshurst. (2019). *Introduction to criminal law and procedure*. 4th. CUP. ISBN 9781108741613 (Printed)

### **BEHAVIOR RULES**

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

### **ATTENDANCE POLICY**

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

### **ETHICAL POLICY**

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.