

# **INTERNATIONAL ASSOCIATION OF LAW SCHOOLS (IALS)**

## **2015 ANNUAL GENERAL MEETING**

**THEME: DEVELOPING APPROACHES AND STANDARDS FOR A GLOBAL LEGAL EDUCATION**

**HOST: IE UNIVERSITY, LAW SCHOOL**

**VENUE: SEGOVIA, SPAIN**

**DATES: 27<sup>TH</sup> -29<sup>TH</sup> OCTOBER, 2015**

**PROJECT: REPORT OF SMALL GROUP BREAKOUT SESSION**

**GROUP: CRIMINAL LAW & PROCEDURE GROUP**

### **MEMBERS IN ATTENDANCE**

1. ABDULKARIM A. KANA .....CHAIR  
NASARAWA STATE UNIVERSITY, FACULTY OF LAW, NIGERIA
2. PHILIP EBOW BONDZI-SIMPSON  
UNIVERSITY OF CAPE COAST, FACULTY OF LAW, GHANA
3. NIRMAL CHAKRABARTI  
KIIT UNIVERSITY, LAW SCHOOL, INDIA
4. KAMA BETHEL PIERCE  
CHARLOTTE SCHOOL OF LAW, UNITED STATES
5. CHACHAPON JAYAPHON  
CHULALONGKON UNIVERSITY, FACULTY OF LAW, THAILAND

**SUBJECT: THE DEVELOPMENT OF GLOBAL STANDARDS ACROSS DOCTRINAL AREAS**

**REPORT: Knowledge, Skills and Values**

**DOCTRINAL AREA: CRIMINAL LAW & PROCEDURE**

1. Knowledge:
  - What core elements are essential for students to enable them to have a substantive understanding of the field?
    - a. Historical background of respective criminal justice system, criminal law and sources.
    - b. The universal meaning of crime, purpose of criminal law, and jurisprudence/ typology of crime.

- c. Background knowledge of the various systems of criminal justice administration across jurisdictions civil law, Islamic law and common law.
- d. Basic elements of different forms of offences.
- e. Basic principles of criminal liability, corporate liability and vicarious liability.
- f. Theories of punishment and principles of sentencing.
- g. Evidential burden and admissibility.
- h. Exceptions and defenses to criminal liability.
- i. Determination of parties and quantum of culpability.
- j. Jurisdictions of criminal procedure and the principle of *locus criminis* and its exceptions.
- k. Advancement and admissibility of Forensic evidence.

2. Skills:

- In addition to general skills outlined in the Outcomes of a Legal Education, are there any skills sets particular to this field which students should have attained at the end of the course?
  - a. Interviewing skills, examination of witnesses, logical writing and critical reading.
  - b. Understanding deeply the difference between crime and other civil wrongs.
  - c. Listening skills and composure/ decorum.
  - d. Trial and advocacy skills.
  - e. Compliance requirement under Criminal Procedure
  - f. Fact analysis

3. Values:

- What values specific to this field should students incorporate in an overall ethical legal education? What values specific to this field can be used to illustrate and reinforce an ethical legal education?
  - a. The interest of the public and common good of the society is uppermost.
  - b. Fairness towards the accused.
  - c. Protective rights of the victims.
  - d. Rehabilitation and Support services to victims of Crime

4. How has globalization impacted the course?

- a. Emergence of contemporary crimes like cybercrime, money laundering, transnational organized crime, intellectual property infringement and the international dimension to the crime.
  - b. Mutual Assistance in investigation and prosecutions, corruption and financial crimes.
5. Are there areas where international standards are adopted?
  - a. In teaching of laws relating to cybercrime, terrorism, human and child trafficking, money laundering, corruption and other financial crimes.
  - b. Extradition principles and mutual assistance and mutual assistance frameworks.
  - c. Formulation, ratification and domestication of multilateral and regional treaties on trafficking and terrorism, money laundering and similar emerging crimes.
6. How did that come to pass?
  - a. Necessity as a result of growth and changes in the respective laws.
7. What areas in your field will be the next ones to be influenced by globalization?
  - a. Law reforms towards universalization of jurisdiction.
  - b. Changing boundaries of substantive criminal law as a result of criminalization and decriminalization.
8. How should we prepare our students to confidently meet these challenges within a regime of the rule of law?
  - a. Comparative study of different jurisdictions.
  - b. Develop the course work to incorporate comparative criminal procedure.
  - c. Exchange programs for students to different jurisdictions.
  - d. The idea of an appreciation for other cultures and traditions in this context because they influence the development of our approach to crimes and our respective criminal justice procedures as well.
9. What are the major areas for investigation in this field?
  - a. International dimensions to crimes and formulation of legislation by nations to address same.
  - b. Development of cooperation and mutual assistance in criminal investigation and prosecution across jurisdictions.
10. How can collaborative approaches across regions inform the scholarship in this field?

- a. Better understanding of each others' criminal laws and procedure.
  - b. Opens and develops further areas of research.
11. What trends are developing in the field which researchers and scholars both in and outside of the field should be aware?
- a. Decriminalization of certain offences in different countries.
  - b. New offences in contemporary crimes relating to commerce, science and technology and terrorism etc.