## PLANO DE TRABALHO

<table>
<thead>
<tr>
<th>DISCIPLINA</th>
<th>CROSS-BORDER COOPERATION IN CRIMINAL MATTERS</th>
</tr>
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<tbody>
<tr>
<td>DOCENTE</td>
<td>AUKÉ WILLEMS</td>
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<tr>
<td>CÓDIGO</td>
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<td>PERÍODO</td>
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<td>NATUREZA</td>
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<td>CARGA HORÁRIA</td>
<td>15h</td>
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### EMENTA

In an increasingly globalising world, cross-border crime is on the rise. Enhanced technologies have enabled new forms of crime such as cyber-crime, but also more traditional forms as drug-trafficking, human trafficking, organised crime and terrorism, remain a threat. How have states around the world responded to these threats to security, law and order? The legal framework dealing with cross-border crime is often found in bi-lateral contexts, with international law setting out some principles on cooperation. Since the 1950s, cross-border cooperation in criminal matters has also been arranged by multi-lateral (regional) legal agreements, most prominently in Europe. This course will assess the legal framework on cross-border cooperation in criminal matters, with a particular focus on the security, law enforcement and human rights components. Since international law is limited in this area, the focus will be with bi- and multi-lateral agreements.

The course aims to provide students with the foundations of the legal framework dealing with cross-border crime, with a focus on the interaction between the various legal sources (and systems) studied. The students will engage in discussion on primary and secondary sources, as well as analysis of the centrepieces of the area. Students will be exposed to different approaches and address the topics from a theoretical and a practical point of view, that will enable them to critically evaluate the current legal framework on cross-border crime.

### OBJETIVOS

- Teaching in this course will combine a number of teaching methods and strategies. The departing point is the Socratic model of teaching, placing the student and participation central in the course. The learning activities will be clearly linked to the intended learning outcomes, so that in addition to the teacher being able to monitor students progress, students can also monitor their own progress.
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### METODOLOGIA

- Interpreta/aplica as normas (princípios e regras) do sistema jurídico nacional, observando a experiência estrangeira comparada, quando couber, articulando o conhecimento teórico com a resolução de problemas.

### HABILIDADES

<table>
<thead>
<tr>
<th>Exigência MEC</th>
<th>CNE/CES nº</th>
<th>Data de realização</th>
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<tr>
<td>X</td>
<td>5, 18 de dezembro de 2018</td>
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- Demonstrar competência na leitura, compreensão e elaboração de textos, atos e documentos jurídicos, de caráter negocial, processual ou normativo, bem como a devida utilização das normas técnico-jurídicas.
- Dominar instrumentos da metodologia jurídica, sendo capaz de compreender e aplicar conceitos, estruturas e racionalidades fundamentais ao exercício do Direito.
- Adquirir capacidade para desenvolver técnicas de raciocínio e de argumentação jurídicas com objetivo de propor soluções e decidir questões no âmbito do Direito.
- Compreender a hermenêutica e os métodos interpretativos, com a necessária capacidade de pesquisa e de utilização da legislação, da jurisprudência, da doutrina e de outras fontes do Direito.
- Utilizar corretamente a terminologia e as categorias jurídicas.
- Aceitar a diversidade e o pluralismo cultural.
- Compreender o impacto da inteligência artificial e das novas tecnologias na área jurídica.
- Possuir o domínio de tecnologias e métodos para permanente compreensão e aplicação do Direito.
- Desenvolver a capacidade de trabalhar em grupos formados por profissionais do Direito ou de caráter interdisciplinar.
- Aprender conceitos deontológico-profissionais e desenvolver perspectivas transversais sobre direitos humanos.

### OUTRAS:

- Conhecer e utilizar corretamente as normas da legislação, da jurisprudência, da doutrina e de outras fontes jurídicas.
- Conhecer a hermenêutica e os métodos interpretativos jurídicos.
- Aprender a desempenhar as atividades de trabalho em equipe.
- Aprender a desempenhar atividades齿科相关的.
- Aprender a desempenhar atividades relacionadas ao campo jurídico.
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### CONTÉUDO PROGRAMÁTICO

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<tr>
<th>AULA</th>
<th>TEMA</th>
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<tbody>
<tr>
<td>1</td>
<td>Why do states need to cooperate in matters of criminal law? What are the pitfalls of such cooperation? And, what are the principles underpinning this form of cooperation? When a crime committed knows cross-border elements, how does a state obtain jurisdiction?</td>
</tr>
</tbody>
</table>

**Core reading**


**Additional reading**

- N. Boister, An Introduction to Transnational Criminal Law (OUP, 2018, 2nd ed.).
The primary mode of international cooperation in criminal matters is extradition. How does this procedure operate? And, on the basis of what principles? Other forms/modes of cooperation are often called MLA. What are these forms and how do these function?

Core reading

Case study: Julian Assange
UK-US Extradition Treaty.
Fact Sheet on the U.S.-UK Extradition Treaty.

Between various criminal legal systems there are significant differences. This leads to difficulties in cooperation. What can be done to overcome this? The right to a fair trial is an international human right. How is this guaranteed in the context of international cooperation in criminal matters? And how do states respond to (possible) violations in other states?

Core reading

Case study: Amanda Knox
M. Cheriff Bassiouni, Is Amanda Knox Extraditable From the US to Italy?’ OUPBlog (2014).

Additional reading

The EU is now the most advanced system of regional cooperation. Police and criminal justice cooperation is embedded within the EU’s legal framework. How does this model of cooperation differ from traditional forms of international cooperation? The focus will be with the European Arrest Warrant. What is it, and what is significant about it? Parallels will be drawn with recent developments in South America. Has Brazil (and other countries in the region) moved towards a similar enhanced extradition model?

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Case study: Julian Assange
UK-US Extradition Treaty. (Available at: https://fas.org/irp/world/uk/extradite.pdf)
Fact Sheet on the U.S.-UK Extradition Treaty. (Available at: https://uk.usembassy.gov/our-relationship/policy-history/the-u-s-uk-extradition-treaty/fact-sheet-on-the-u-s-uk-extradition-treaty/)

BIBLIOGRAFIA COMPLEMENTAR
N. Boister, An Introduction to Transnational Criminal Law (OUP, 2018, 2nd ed.).