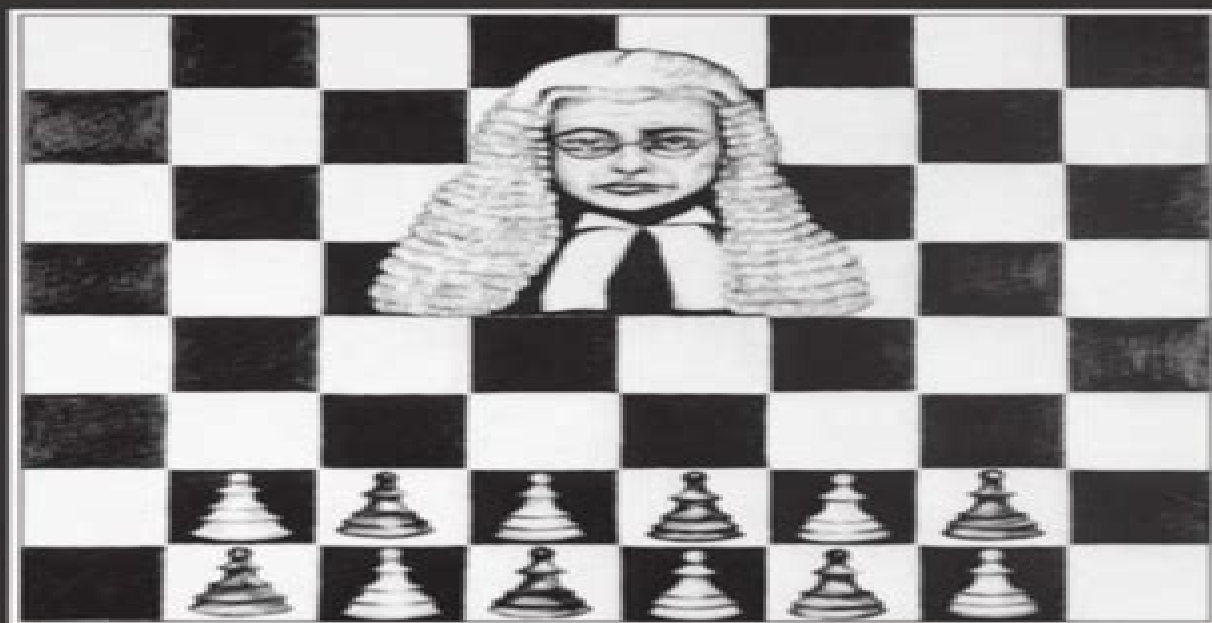


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Diplock Trials in the Adversary System



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Judge Without Jury Diplock Trials In The Adversary System

Louis Blom-Cooper



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Judge Without Jury John Jackson, Seán Doran, 1995 Cases connected with the troubles in Northern Ireland have been tried by a judge sitting without a jury in Diplock Courts Given the symbolic importance of the jury within the common law tradition this study offers the first systematic comparison of the process of trial by judge alone with that of trial by jury The authors determine the impact of the replacement of jury trial with trial by a professional judge on the adversarial character of the criminal trial process

Unreasoned Verdict Louis Blom-Cooper, 2019-05-02 The system of jury trial has survived intact for 750 years In the light of contemporary opposition to jury trial for serious offences this book explains the nature and scope today of jury trial with its minor exceptions It chronicles the origins and development of jury trial in the Anglo Saxon world seeking to explain and explore the principles that lie at the heart of the mode of criminal trial It observes the distinction between the professional judge and the amateur juror or lay participant and the value of such a mixed tribunal Part of the book is devoted to the leading European jurisdictions underlining their abandonment of trial by jury and its replacement with the mixed tribunal in pursuance of a political will to inject a lay element into the trial process Democracy is not an essential element in the criminal trial The book takes a look at the appellate system in crime from the Criminal Appeals Act 1907 to the present day and urges the reform of the appellate court finding the trial decision unsatisfactory as well as unsafe Other important issues are touched upon judicial ethics and court craft perverse jury verdicts the nullification of jury verdicts the speciality of fraud offences and the selection of models for various crimes as well as suggested reforms of the waiver of a jury trial or the ability of the defendant to choose the mode of trial The section ends with a discussion of the restricted exceptions to jury trial where the experience of 30 years of judge alone trials in Northern Ireland the Diplock Courts is discussed Finally the book proffers its proposal for a major change in direction involvement of the defendant in the choice of mode of trial and the intervention where necessary of the expert not merely as a witness but as an assessor to the judiciary or as a supplemental decision maker

The Internationalisation of Criminal Evidence John D. Jackson, Sarah J. Summers, 2012-01-19 An examination of international attempts to develop common principles for regulating criminal evidence across different legal traditions

The European Convention on Human Rights and the Conflict in Northern Ireland Brice Dickson, 2012-03-15 This book charts the role played by the European Convention on Human Rights during the conflict in Northern Ireland from 1968 to the present day It offers a systematic case study of the Convention's capacity to protect human rights in a society wracked by terrorism and political conflict

Criminal Justice in Transition Anne-Marie McAlinden, Clare Dwyer, 2015-11-12 This book represents a critical examination of key aspects of crime and criminal justice in Northern Ireland which will have resonance elsewhere It considers the core aspects of criminal justice policy making in Northern Ireland which are central to the process of post conflict transition including reform of policing judicial decision making and correctional services such as probation and prisons It examines contemporary trends in criminal justice in

Northern Ireland and various dimensions of crime relating to female offenders young offenders sexual and violent offenders community safety and restorative justice The book also considers the extent to which crime and criminal justice issues in Northern Ireland are being affected by the broader processes of policy transfer globalisation and transnationalism and the extent to which criminal justice in Northern Ireland is divergent from the other jurisdictions in the United Kingdom Written by leading international authorities in the field the book offers a snapshot of the cutting edge of critical thinking in criminal justice practice and transitional justice contexts *The Offences Against the State Act 1939 at 80* Mark Coen,2021-03-11

This timely edited collection brings together experts in the fields of legal history criminal justice human rights and counter terrorism law to appraise Ireland's Offences Against the State Act on the eightieth anniversary of its enactment The origins development invocation and extension of the powers contained in the legislation are analysed and critiqued using a broad range of methodologies The book engages fully with the 1939 Act's scope and complexity including consideration of the impact of the Act on issues as diverse as trial by jury paramilitary organisations organised crime disclosure the rules of evidence freedom of expression and association parliamentary oversight of legislation and adherence to international human rights norms In addition the interplay of the Act with the universal themes of normalcy exceptionalism contagion and due process are explored throughout This book will appeal to an audience beyond those with a particular interest in the Act itself It combines historical and contemporary insights with theoretical and practical perspectives that will enrich the reader's understanding of emergency law wherever it arises *Counter-terrorism, Constitutionalism and Miscarriages of Justice* Genevieve Lennon,Colin King,Carole McCartney,2018-11-01 The purpose of this book is to honour the influential and wide ranging work of Professor Clive Walker It explores Professor Walker's influence from three perspectives Firstly it provides a historical reflection upon the development of the law and policy in relation to counter terrorism and miscarriages of justice since the 1970s This historical perspective which is often overlooked is particularly timely 17 years after 9 11 as trends become clearer and historical perspective even more valuable So too with miscarriages of justice while there was considerable public and political scrutiny following high profile miscarriages such as the Birmingham Six Guildford Four and others in the early 1990s today there is much less scrutiny despite significant concern relating to issues such as legal aid and access to justice increasing the potential if not likelihood for miscarriages to occur By including a critical historical perspective this book enables us to learn lessons from the past and to minimise contemporary risks of miscarriages of justice Secondly this book provides a critical analysis of the law and policy as it stands today and its future trajectory Applying Walker's theoretical and analytical contributions to the field the authors focus on pressing contemporary concerns identifying lacunae where relevant as well as the possible probable and preferable future trends Finally the book celebrates and recognises the significant contributions by Walker with each chapter built around one or more of Walker's key works

Community Justice Andrew Sanders,2001 **Balancing Liberty and Security** Kate Moss,2011-10-26 Examining the

erosion of people's democratic rights and the potential catastrophic dangers of neglecting civil liberties this book explores the endemic danger of the enlarged power of the state and the central role of Government in undermining personal freedoms through the use of state force in the name of the protection of security

Juries, Lay Judges, and Mixed Courts Sanja Kutnjak Ivković, Shari Seidman Diamond, Valerie P. Hans, Nancy S. Marder, 2021-07-29 Although most countries around the world use professional judges they also rely on lay citizens untrained in the law to decide criminal cases The participation of lay citizens helps to incorporate community perspectives into legal outcomes and to provide greater legitimacy for the legal system and its verdicts This book offers a comprehensive and comparative picture of how nations use lay people in legal decision making It provides a much needed in depth analysis of the different approaches to citizen participation and considers why some countries use of lay participation is long standing whereas other countries alter or abandon their efforts This book examines the many ways in which countries around the world embrace reject or reform the way in which they use ordinary citizens in legal decision making

Towards a System of European Criminal Justice Andrea Ryan, 2014-06-05 With the developing landscape of a European criminal justice sphere comes an increasing imperative for scholars and practitioners to gain some insight into the diversity that exists in the criminal justice systems of European Union Member States This book explores the mutual admissibility of evidence a facet of EU criminal justice that is proving difficult to realise While the Lisbon Treaty places the issue of mutual admissibility of evidence squarely on the agenda the EU instruments to date have not succeeded in achieving this goal Andrea Ryan argues that part of the reason for this failure is that while the mutual recognition instruments have focussed on the issue of gathering evidence and safeguarding suspects rights they have not addressed how evidence is to be presented and contested at trial Drawing upon case studies from Ireland France and Italy and adopting a legal cultural perspective and enriched by the author's observations of criminal trials the book presents a detailed analysis of the developments to date in EU criminal justice and evidence law By examining evidence practices the book asks whether the inquisitorial and accusatorial traditions within the EU systems are too irreconcilable to achieve a system of mutual admissibility of evidence The book will be of great interest and use to academics and practitioners with an interest in European and comparative criminal justice criminal procedure human rights and socio legal studies

Hunted: The Kevin Barry Artt Story Dan Lawton, 2024-05-16 On Sunday 26 November 1978 two IRA gunmen kicked in the front door at 8 Evelyn Gardens in Belfast the home of Maze prison official Albert Miles They executed Miles in front of his family and vanished into the night In 1983 twenty four year old Catholic taxi driver Kevin Barry Artt was convicted and sentenced to life for Miles murder falsely named by an IRA member turned jailhouse informant On his way to the Maze in handcuffs Artt resolutely professed his innocence Six weeks into his life sentence he escaped in one of the most daring and notorious prison breaks in history fleeing to California and going underground The epic legal saga that followed spanned one ocean two court systems and nearly three decades as Artt was relentlessly pursued by the British government aided by the US Department of

State and the FBI Dan Lawton discovered the vital piece of evidence that caused the Northern Ireland Court of Appeal to throw out Artt's murder case in 2020 and in *Hunted* he has forensically chronicled Kevin Barry Artt's surreal story of survival and redemption

The Verdict of the Court Jenny McEwan, 2003-10-02 Courts are constantly required to know how people think They may have to decide what a specific person was thinking on a past occasion how others would have reacted to a particular situation or whether a witness is telling the truth Be they judges jurors or magistrates the law demands they penetrate human consciousness This book questions whether the arm chair psychology operated by fact finders and indeed the law itself in its treatment of the fact finders bears any resemblance to the knowledge derived from psychological research Comparing psychological theory with court verdicts in both civil and criminal contexts it assesses where the separation between law and science is most acute and most dangerous

Above the Ground Dan Lawton, 2023-08-08 Convicted for a murder that he did not commit ABOVE THE GROUND A True Story of the Troubles in Northern Ireland by Dan Lawton takes readers through the chronicle of one of the darkest periods in Northern Ireland's history highlighting themes of injustice perseverance and hope through Kevin's escape and struggle In this deep and exposing novel readers are shown for the first time the true story of the murder of British prison official Albert Miles by Irish Republican Army assassins and the best efforts of former IRA men and the British government to keep hidden the secrets of their dirty war during the Troubles in Northern Ireland No matter where you stand regarding the bloody conflict in Northern Ireland known as The Troubles from 1978 ABOVE THE GROUND will have you turning the pages to keep revealing the truth Filled with courtroom drama and true crime you are not want to put this new release down

Human Rights: 21st Century Angela Hegarty, Siobhan Leonard, 2012-11-12 Published in the year 1999 Human Rights 21st Century is a valuable contribution to the field of Law

Miscarriages of Justice Clive Walker, Keir Starmer, 1999 The authors examine the various steps within the criminal justice system which have resulted in the conviction of the innocent and suggest remedies as to how miscarriages might be avoided in the future The contributors comprise academics campaigners and practitioners

Criminal Law Nicola Padfield, 2016 A concise yet authoritative introduction to the subject Criminal Law offers a stimulating account of the key topics in this area of law illustrated through numerous case summaries Exposition of the most recent case law and academic commentaries ensures a solid grounding in the core areas of a complex subject

The Irish Supreme Court Brice Dickson, 2019-01-17 This book examines the jurisprudence of the Supreme Court of Ireland since its creation in 1924 It sets out the origins of the Court explains how it operated during the life of the Irish Free State 1922 1937 and considers how it has developed various fields of law under Ireland's 1937 Constitution especially after the re creation of the Court in 1961 As well as constitutional law the book looks at the Court's views on the status and legal system of Northern Ireland administrative law criminal justice and personal and family law There are also chapters on the Supreme Court's interaction with European Union law and with the European Convention on Human Rights The argument throughout is that while the

Court has been well served by many of its judges who on occasion have manifested a healthy degree of judicial activism there are still several legal fields in which the Court has not developed its jurisprudence as clearly or as imaginatively as it might have done It has often displayed undue conservatism and deference For many years its performance was hampered by its extreme workload generated by its inability to control the number of appeals brought to it However the creation of a new Court of Appeal in 2014 has freed up the Supreme Court to act in a manner more analogous to that adopted by supreme courts in other common law countries The Court s future looks bright *Democracy and Counterterrorism* Robert J. Art, Louise Richardson, 2007 A comparative study of the policies strategies and instruments employed by various democratic governments in the fight against terrorism **The Routledge Handbook of Irish Criminology** Deirdre Healy, Claire Hamilton, Yvonne Daly, Michelle Butler, 2015-12-14 This book charts the contours of the criminological enterprise in Ireland and brings together internationally recognized experts to discuss theory research policy and practice on a range of topics and in an international context

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