



Fair Trial



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scholars dealing with breaches of one of the most fundamental human rights

Justice and the Media Matthew D. Bunker, 2013-10-16 USE THIS FIRST PARAGRAPH ONLY FOR GENERAL CATALOGS The First Amendment right of free speech is a fragile one Its fragility is found no less in legal opinions than in other less specialized forms of public discourse Both its fragility and its sometimes surprising resiliency are reflected in this book It provides an examination of how the U S Supreme Court has dealt with the problem of restrictions on media coverage of the criminal justice system as well as how lower courts have interpreted the law created by the Supreme Court The author explores the degree to which the Court has created a coherent body of law that protects free expression values while permitting reasonable government regulation and examines the Supreme Court s jurisprudence concerning prior restraints post publication sanctions on the press and their right of access to criminal proceedings This is a study of the evolution of constitutional doctrine particularly when transported from the rarefied air of the Supreme Court to lower court judges who may not share the values of the jurists above them in the judicial hierarchy The book s greatest strength lies in its thorough analysis and critique of how judges apply First Amendment doctrine to the complex problem of providing for both a free press and fair trials Much of the available literature on this topic focuses on legal doctrine but with attention to the legal rules that emerge from the courts rather than examining and critiquing the judicial techniques that produce those rules Moreover although a significant body of scholarship has explored Supreme Court doctrine this work is one of the few that trace the influence of those doctrines through lower federal court decisions The hope is to produce a reasonably accurate if partial picture of how intermediate appellate and trial courts use U S Supreme Court doctrine to decide First Amendment cases Note This book is necessarily influenced by the round the clock press coverage of the recent O J Simpson trial Although the Simpson case did not make new law the trial and its outcome seem to be at this writing an inescapable part of how many people think about these issues The simple truth however is that the Simpson case was an anomaly that has little relation to the everyday concerns of media coverage of the criminal justice system While the venerable parade of horrors can be an effective strategy for the legal advocate it is not always the ideal way to address larger concerns particularly when fundamental rights are at stake

The Right to a Fair Trial Thom Brooks, 2017-07-05 The right to a fair trial is often held as a central constitutional protection It nevertheless remains unclear what precisely should count as a fair trial and who should decide verdicts This already difficult issue has become even more important given a number of proposed reforms of the trial especially for defendants charged with terrorism offences This collection *The Right to a Fair Trial* is the first to publish in one place the most influential work in the field on the following topics including the right to jury trial lay participation in trials jury nullification trial reform the civil jury trial and the more recent issue of terrorism trials The collection should help inform both scholars and students of both the importance and complexity of the right to a fair trial as well as shed light on how the trial might be further improved

The Right to a Fair Trial Enid W. Langbert, 2005 Traces the evolution of the 6th Amendment through documents and

Supreme Court rulings to reveal the ongoing effort to define the exact meaning of the text and apply its abstract concepts to real world cases

Recommended Court Procedure to Accommodate Rights of Fair Trial and Free Press American Bar Association. Legal Advisory Committee on Fair Trial and Free Press,1975

Fair Trial Rights Richard Clayton,Hugh Tomlinson,2010-02-11 This is a reprint of the chapter Fair Trial Rights from the major text The Law of Human Rights its separate publication makes it accessible to those who do not have their own copy of the larger work It provides a comprehensive treatment of human rights law and practice in the UK in relation to fair trial rights

Free Press--fair Trial United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Rights,1976

Avoiding a Full Criminal Trial Koen Vriend,2016-10-12 In modern societies full criminal trials are avoided on many occasions This book is concerned with mechanisms that either divert from or speed up the proceedings Koen Vriend argues that the fair trial rights as established by the European Court of Human Rights under Article 6 ECHR provide a normative framework that does not only apply in a full criminal trial but that it can also be used for diverted and shortened proceedings He shows that the concept of fairness as derived from ECtHR case law is a fundamental principle that underlies all criminal law enforcement It provides for the appropriate framework to assess whether diverted or shortened proceedings are fair and legitimate The book is intended for criminal law scholars and practitioners and human rights scholars Dr Koen Vriend is a Lecturer of Criminal Law and Criminal Procedural Law at the University of Amsterdam

Language and the Right to Fair Hearing in International Criminal Trials Catherine S. Namakula,2013-10-07 Language and the Right to Fair Hearing in International Criminal Trials explores the influence of the dynamic factor of language on trial fairness in international criminal proceedings By means of empirical research and jurisprudential analysis this book explores the implications that conducting a trial in more than one language can have for the right to fair trial It reveals that the language debate is as old as international criminal justice but due to misrepresentation of the status of language fair trial rights in international law the debate has not yielded concrete reforms Language is the core foundation for justice It is the means through which the rights of the accused are secured and exercised Linguistic complexities such as misunderstandings translation errors and cultural distance among participants in international criminal trials affect courtroom communication the presentation and the perception of the evidence hence jeopardizing the foundations of a fair trial The author concludes that language fair trial rights are priority rights situated in the minimum guarantees of fair criminal trial the obligation of the court to ensure fair trial or accord the accused person a fair hearing also includes the duty to ensure they can understand and be understood

Due Process and Victims' Rights Kent Roach,1999-01-01 A critical examination of the dramatic changes in criminal justice over the last two decades and the first full length study of the law and politics of criminal justice in the era of the Charter and victims rights

The Rights of Fair Trial and Free Press American Bar Association. Legal Advisory Committee on Fair Trial and Free Press,1969

The International Library of Essays on Capital Punishment, Volume 1 Peter

Hodgkinson,2016-12-05 This volume provides up to date and nuanced analysis across a wide spectrum of capital punishment issues The essays move beyond the conventional legal approach and propose fresh perspectives including a unique critique of the abolition sector Written by a range of leading experts with diverse geographical methodological and conceptual approaches the essays in this volume challenge received wisdom and embrace a holistic understanding of capital punishment based on practical experience and empirical data This collection is indispensable reading for anyone seeking a comprehensive and detailed understanding of the complexity of the death penalty discourse

The Constitutional Right to a Speedy and Fair Criminal Trial Warren Freedman,1989-01-20 Although the U S Constitution guarantees those accused of a crime the right to a speedy and fair trial in practice the judicial system is increasingly characterized by excessive trial delays and unfair trial situations Here Warren Freedman a member of the New York Connecticut and U S Supreme Court bars offers a comprehensive discussion of the constitutional and statutory provisions underlying the right to a speedy and fair trial and examines their application in actual court practice As Freedman notes the mounting costs of lengthy litigation periods dictate that if only for pragmatic reasons the constitutional rights of accused criminals to speedy and fair trials must be respected Freedman begins with an introduction to the concept and historical background of the speedy and fair trial Turning to an examination of constitutional guarantees he fully reviews the sixth and fourteenth amendments and their interpretation by the courts Subsequent chapters examine the criteria for speed and fairness the role of the jury and related statutes such as The Speedy Trial Act of 1974 as well as grand jury investigations and prosecutorial abuses of the legal principles that guarantee speed and fairness Throughout analyses of applicable case law and precedent setting court decisions illuminate the discussion An indispensable resource for attorneys in criminal corporate and private practice this volume clearly delineates not only the foundations of speedy and fair trial guarantees but also the many factors that can work against them in today s often overburdened judicial system

Fairness in International Criminal Trials Yvonne McDermott,2016-01-21 With the acceptance of international criminal procedure as a self sustaining discipline and as the tribunals established to try the most serious crimes in the former Yugoslavia Sierra Leone and Rwanda have completed or are beginning to wind up their activities the time is ripe for a critical evaluation of these international criminal tribunals and their legacy By examining the due process standards embraced by the five contemporary international criminal tribunals the author draws conclusions about how the right to a fair trial should be interpreted in international criminal law This volume addresses key conceptual questions on fairness including should international criminal tribunals set the highest standards of fairness or is it sufficient for their practice to be just fair enough To whom does the right to a fair trial attach and can actors such as the prosecution and victims be accurately said to benefit from that right Does fairness require the full realization of a number of guarantees owed to the accused under the statutory frameworks of international criminal tribunals or should we instead be concerned with the fairness of the trial as a whole What is the interplay between domestic and international

courts on questions of procedural fairness What are the elements of fairness in international criminal proceedings And what remedies are available for breaches of fair trial rights Through an in depth exploration of the right to a fair trial the author concludes that international criminal tribunals have a role in setting the highest standards of due process protection in their procedures and that in so doing they can have a positive impact on domestic justice systems

Sixth Amendment: The Right to a Fair Trial Rich Smith, 2007-08-15 Examines the Sixth Amendment explaining your right to a fair trial

Human Rights and Good Governance Hans-Otto Sano, Gudmundur Alfredsson, Robin Clapp, 2021-08-04 This volume the result of an ongoing Nordic research project undertaken under the auspices of the Danish Centre for Human Rights in Copenhagen and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law in Lund examines the relationship and possible interaction between good governance and human rights The contributors consist of academics and professionals with backgrounds in development studies economics law political science and sociology Together they demonstrate the need for interdisciplinary dialogue and clarification of concepts contents and processes of realisation While good governance is mainly pursued in a development context it is a central message of the book that good governance guidelines ought to have universal applicability affecting international organisations and public and private actors in Northern as well as Southern countries Yet an established consensus does not exist on how good governance and human rights can or should complement each other The book therefore assesses the advantages of using existing links and identifies ways of building new bridges for mutual support between governance and human rights The authors examine their topics on the basis of theory best practices law the experiences of societies undergoing democratic transition and other empirical evidence without attempting to come up with a common definition of good governance The plurality of interpretations will hopefully further strengthen good governance and human rights as integral elements of a global agenda

Criminal Evidence and Human Rights Paul Roberts, Jill Hunter, 2012-05-18 Criminal procedure in the common law world is being recast in the image of human rights The cumulative impact of human rights laws both international and domestic presages a revolution in common law procedural traditions Comprising 16 essays plus the editors thematic introduction this volume explores various aspects of the human rights revolution in criminal evidence and procedure in Australia Canada England and Wales Hong Kong Malaysia New Zealand Northern Ireland the Republic of Ireland Singapore Scotland South Africa and the USA The contributors provide expert evaluations of their own domestic law and practice with frequent reference to comparative experiences in other jurisdictions Some essays focus on specific topics such as evidence obtained by torture the presumption of innocence hearsay the privilege against self incrimination and rape shield laws Others seek to draw more general lessons about the context of law reform the epistemic demands of the right to a fair trial the domestic impact of supra national legal standards especially the ECHR and the scope for reimagining common law procedures through the medium of human rights This edited collection showcases the latest theoretically informed methodologically astute and doctrinally rigorous scholarship in criminal

procedure and evidence human rights and comparative law and will be a major addition to the literature in all of these fields

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