



Fair Trial

Enid W. Langbert



Fair Trial:

Free Press and Fair Trial United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Rights,1966 **Free Press and Fair Trial** United States. Congress. Senate. Judiciary,1966 **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 *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 [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

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

Evidence in International Criminal Trials Mark Klamberg, 2013-02-21 Evidence in International Criminal Trials compares procedural activities relevant for international criminal tribunals and the International Criminal Court evaluation collection disclosure admissibility and presentation of evidence The book provides guidance on how to confront legal as well as factual issues

Obstacles to Fairness in Criminal Proceedings John D Jackson, Sarah J Summers, 2018-03-22 This volume considers the way in which the focus on individual rights may constitute an obstacle to ensuring fairness in criminal proceedings The increasingly cosmopolitan nature of criminal justice forcing legal systems with different institutional forms and practices to interact with each other as they attempt to combat crime beyond national borders has accentuated the need for systems to seek legitimacy beyond their domestic traditions Fairness expressed in terms of the right to a fair trial in provisions such as Article 6 of the European Convention on Human Rights has emerged across Europe as the principal means of guaranteeing the legitimacy of criminal proceedings The consequence of this is that criminal procedure doctrines are framed overwhelmingly in constitutional terms the protection of defence rights is necessary to restrict and legitimate the state s mandate to prosecute crime Yet there are various problems with relying solely or predominantly on defence rights as a means of ensuring that proceedings are fair or legitimate and these issues are rarely discussed in the academic literature In this volume scholars from the disciplines of law

philosophy and sociology challenge various normative assumptions underpinning our understanding of fairness in criminal proceedings *Administration of Criminal Justice* United States. Congress. House. Committee on the District of Columbia,1975 *The Elgar Companion to the International Criminal Tribunal for Rwanda* Anne-Marie de Brouwer,Alette Smeulers,2016-12-30 The Elgar Companion to the International Criminal Tribunal for Rwanda is a one stop reference resource on this complex tribunal established in the aftermath of the 1994 genocide in Rwanda which closed its doors on 31 December 2015 This Companion provides an insightful account of the workings and legacy of the ICTR in the field of international criminal justice **The African Charter on Human and Peoples' Rights** Rachel Murray,2019-02-14 The African Charter on Human and Peoples Rights ACHPR is the principle regional human rights treaty for the African continent Adopted in 1981 there is now a significant body of jurisprudence and interpretation by its African Commission on Human and Peoples Rights and the recently established African Court This volume provides a comprehensive article by article legal analysis of the provisions of the Charter as it draws upon the documents adopted by the African Commission including resolutions case law and concluding observations Where relevant case law adopted by the African Court on Human and Peoples Rights and that of other sub regional courts and tribunals and domestic courts in Africa are also incorporated The book examines not only the substantive rights in the African Charter but also the work of the African Commission on Human and Peoples Rights and provides a full examination of its mandate A critical analysis of each of the provisions of the ACHPR is led principally by the jurisprudence and documentation of the African Commission and African Court The text also identifies the overall development of the ACHPR within the broader regional and international human rights legal arena

International Criminal Justice Michael Bohlander,2007 Summary Written by seasoned scholars and practitioners this collection of essays provides a most comprehensive analysis of the institutional dynamics and political underpinnings of international criminal justice They explore and provide critical comment on the main institutional difficulties experienced by International Tribunals Publisher description **Anticipative Criminal Investigation** Marianne F.H. Hirsch Ballin,2012-03-06 The book assesses the adoption of counterterrorism measures in the Netherlands and the United States which facilitate criminal investigations with a preventive focus anticipative criminal investigations from the perspective of rule of law principles Anticipative criminal investigation has emerged in the legal systems of the Netherlands and the United States as a consequence of counterterrorism approaches where the objective of realizing terrorism prevention is combined with the objective to eventually prosecute and punish terrorists This book has addressed this new preventive function of criminal justice and identified the rule of law principles limiting the role of criminal investigation in terrorism prevention The possibilities and limits of criminal investigation in general and of cooperation and the division of responsibilities between law enforcement and intelligence have been addressed in a manner transcending differences between national legal systems Valuable for academics and practitioners interested in criminal investigation rule of law and counterterrorism *The*

Encyclopedia of American Civil Liberties Paul Finkelman, 2006 Publisher Description *European Competition Law* Weijer VerLoren van Themaat, Berend Reude, 2018-01-26 This updated second edition explains EU competition law by presenting the relevant legal provisions together with carefully selected case extracts pertaining to those provisions The book's unique structure enables users to quickly locate information on procedural and substantive aspects of competition law Containing an article by article overview of EU competition law jurisprudence and concise selected extracts from judgments in key cases this book serves as an easy to navigate resource for practitioners academics and competition authorities themselves

Australia's War Crimes Trials 1945-51 Georgina Fitzpatrick, Timothy L.H. McCormack, Narrelle Morris, 2016-08-29 This unique volume provides a detailed analysis of Australia's 300 war crimes trials of principally Japanese accused conducted in the immediate aftermath of the Second World War Part I contains contextual essays explaining why Australia established military courts to conduct these trials and thematic essays considering various legal issues in and historical perspectives on the trials Part II offers a comprehensive collection of eight location essays one each for the physical locations where the trials were held In Part III post trial issues are reviewed such as the operation of compounds for war criminals the repatriation of convicted Japanese war criminals to serve the remainder of their sentences and reflections of some of those convicted on their experience of the trials In the final essay a contemporary reflection on the fairness of the trials is provided not on the basis of a twenty first century critique of contemporary minimum standards of fair trial expected in the prosecution of war crimes but by reviewing approaches taken in the trials themselves as well as from reactions to the trials by those associated with them The essays are supported by a large collection of unique historical photographs maps and statistical materials There has been no systematic and comprehensive analysis of these trials so far which has meant that they are virtually precluded from consideration as judicial precedent This volume fills that gap and offers scholars and practitioners an important and groundbreaking resource **The Digest of Judgments of the Supreme Court of Nigeria**

Bamgbose, Olatokunbo John, 2017-08-16 The Digest of Judgments of the Supreme Court of Nigeria DJSCN is a legal practice book which is a comprehensive compendium of Nigerian case law at the apex level of the Nigerian Judiciary The DJSCN is produced in four volumes which comprise the judgments of the Supreme Court of Nigeria for over a period of forty three years The first and second volumes cover the judgments of the Supreme Court on Practice and Procedure Courts Criminal Law and Procedure and Evidence The last two volumes cover contemporary issues in different branches of law

Developing Human Rights Jurisprudence, Volume 3, 1991 One of an eight volume series recording the development of international jurisprudence in human rights issues and in particular the domestic application of international human rights norms Discussion focused on recent developments in international human rights jurisprudence and norms from which judges and lawyers are beginning increasingly to draw to augment the domestic law of their jurisdictions **The Customary**

International Law of Human Rights William A. Schabas, 2021-06-24 Customary international law is one of the principal

sources of public international law Although its existence is uncontroversial until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner This book from one of international law's foremost scholars and practitioners provides an unparalleled account of the customary international law of human rights It discusses the emergence of this customary law the debates about how it is to be identified and the efforts at formulation of customary norms In doing so the book provides a useful and accessible introduction to the content of international human rights The author uses the Universal Declaration of Human Rights as a basis to examine human rights norms and determine whether they may be described as customary He makes use of relatively new sources of evidence of the two elements for the identification of custom State practice and *opinio juris* In particular the book draws on the increasingly universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council The book concludes that a large number of human rights norms may indeed be described as customary in nature and that courts should make greater use of custom as a source of international law

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