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International Criminal Justice Series

Volume 4

# Illicitly Obtained Evidence at the International Criminal Court

Petra Viebig



Springer

# Nice Illicitly Obtained Evidence International Criminal

**Yi-Tong Ma**



## **Nice Illicitly Obtained Evidence International Criminal:**

**Illicitly Obtained Evidence at the International Criminal Court** Petra Viebig, 2016-01-04 This work deals with the exclusion of illicitly obtained evidence at the International Criminal Court At the level of domestic law the so called exclusionary rule has always been a very prominent topic The reason for this is that the way a court of law deals with tainted evidence pertains to a key aspect of procedural fairness It concerns the balancing of the right to a fair trial with the interest of society in effective law enforcement At the international level however the subject has not yet been discussed in detail The present research intends to fill this gap It provides an overview of the approaches of a number of domestic legal systems as well as of the approaches of the UN ad hoc tribunals and the European Court of Human Rights and uses the different perspectives to develop a version of the exclusionary rule which fits the International Criminal Court The book is highly recommended for practitioners and researchers in the field of international criminal law and especially the law of international criminal evidence Petra Viebig is a Public Prosecutor at the Staatsanwaltschaft Hamburg Germany

**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

**International Criminal Procedure** Göran Sluiter, Håkan Friman, Suzannah Linton, Sergey Vasiliev, Salvatore Zappalà, 2013-03-21 International Criminal Procedure Principles and Rules is a comprehensive study of international criminal proceedings written by over forty leading experts in the field The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon Based on a major research project the study covers all procedural phases from the initiation of investigation to the appeals process It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence the defence issues the procedural role of victims and negotiated dismissal of international crime cases The book not only takes stock of the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court but also reflects on the future directions of international criminal procedure Investigating the tribunals procedural law and practice through the prism of human rights law domestic legal traditions and tribunals special objectives the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met International Criminal Procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics

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**Expenditure on Economic and Political Resources** Das, Ramesh Chandra, 2018-05-25 As many countries have increased

their budgets to allow for newer technologies and a stronger military force defense spending has become a popular debate topic around the world As such it is vital to understand the interplay between the military expenditure and economic growth and development across countries The Handbook of Research on Military Expenditure on Economic and Political Resources is a critical scholarly publication that explores the interplay between the military expenditure and economic growth and development across countries Featuring coverage on a wide range of topics such as defense management economic growth and dynamic panel model this publication is geared towards academicians researchers and professionals seeking current research on the interplay between the military expenditure and economic growth and development across countries

*Commentary on the Law of the International Criminal Court* Mark Klamberg, 2017-04-29      [The International Criminal Court in Its Third Decade](#) Carsten Stahn, 2023-11-07 This volume examines lessons learned in over two decades of ICC practice It discusses macro issues such as universality selectivity new technologies complementarity victims and challenges in the life cycle of cases as well as ways to re think the ICC regime in light of the Independent Expert Review aggression against Ukraine and novel global challenges      **The European Investigation Order** Kai Ambos, Alexander Heinze, Peter Rackow, Miha Šepec, 2023-08-02 This book is the last and final part of the project European Investigation Order legal analysis and practical dilemmas of international cooperation EIO LAPD in the EU Justice Programme It presents a contribution to the European wide discourse on how to enhance the effectiveness and the practical implementation of the Directive 2014 41 EU on the European Investigation Order in Criminal Matters of the European Parliament and of the Council of 3 April 2014 EIO Through national reports Part I the analysis of selected topics Part II and shorter case comments Part III the book s objective is to equip target groups with specialised knowledge about the cross border evidence gathering procedure described in the Directive 2014 41 EU Unlike other parts of the project this monograph is targeted at the legal community students of law NGOs and the interested public Its goal is to achieve a greater inclusion of dilemmas connected with the practical application of the Directive into the legal and public discourse      **Research Handbook on International Taxation** Yariv Brauner, 2020-12-25 Capturing the core challenges faced by the international tax regime this timely Research Handbook assesses the impacts of these challenges on a range of stakeholders evaluating various paths to reform at a time when international tax policy is a topic high on politicians agendas      [Principles of Evidence in International Criminal Justice](#) Karim A. A. Khan, Caroline Buisman, Christopher Gosnell, 2010 Principles of Evidence in International Criminal Justice provides an overview of the procedure and practice concerning the admission and evaluation of evidence before the international criminal tribunals The book is both descriptive and critical and its emphasis is on day to day practice drawing on the experience of the Yugoslavia Rwanda and Sierra Leone Tribunals This book is an attempt to define and explain the core principles and rules that have developed at those ad hoc Tribunals the rationale and origin of those rules and to assess the suitability of those rules in the particular context of the International Criminal Court which is still at its early stages The

ICC differs in structure from the ad hoc Tribunals and approaches the legal issues it has to resolve differently from its predecessors. The ICC is however confronted with many of the same questions. The book examines the differences between the ad hoc Tribunals and the ICC and seeks to offer insights as to how and in which circumstances the principles established over years of practice at the ICTY, ICTR and SCSL may serve as guidance to the ICC practitioners of today and the future. The contributors represent a cross section of the practising international criminal bar drawn from the ranks of the Bench, the Prosecution and the Defence and bringing with them different legal domestic cultures. Their mixed background underlines the recurring theme in this book which is the manner in which a legal culture has gradually taken shape in the international Tribunals drawing on the various traditions and experiences of its participants.

**Prosecuting International Crimes: A Multidisciplinary Approach** Bartłomiej Krzan, 2016-07-11. The volume edited by Bartłomiej Krzan offers different perspectives on the prosecution of international crimes. The analyses contained therein reflect different backgrounds, mainly legal, combining several disciplines and making it a multidisciplinary study. The main but definitely not the exclusive point of reference is that of international law. In addition, other perspectives, those of legal history or sociology of law and obviously the one of criminal law, both substantive and procedural, provide useful alternatives or in most occasions complementary approaches to the examination of the prosecution of international crimes. The book combines different views, backgrounds and underlying assumptions. But gathered together they, it is to be hoped, shed some additional useful light that might be helpful for identifying new dimensions of the reaction, judicial or other, towards international crimes.

Contributors: Władysław Czapliński, Patrycja Grzebyk, Witold Jakimko, Wojciech Jasiński, David Kohout, Karolina Kremens, Bartłomiej Krzan, Krzysztof Masoń, Neringa Mickevičiūtė, Robert Uerpmann, Wittzack Regina, Valutytė Karolina, Wierczyńska Joachim, Wolf Loammi, Wolf and Justinas Ilinskas.

**Reluctant Engagement: U.S. Policy and the International Criminal Court** Mark D. Kielsgard, 2010-09-24. Why has the United States taken such a firm stance against the International Criminal Court (ICC) and expended such diplomatic goodwill in an attempt to dismantle a tribunal that poses no serious risk to its citizens? This book critiques causal ideologies such as American exceptionalism, state sovereignty and laissez faire capitalism to show how U.S. opposition is driven by pervasive political, legal, historic, military and economic conditioning factors. It shows how U.S. attitudes transcend partisan politics and predicts how the U.S.-ICC relationship will be affected by the economic crisis, shifting international geopolitical power structures, the crisis in the U.S. military, unfolding international human rights law and the politics of change promised by the nascent Obama administration. The United States has been at the centre of international criminal justice initiatives from Nuremberg to the more recent ad hoc tribunals for the former Yugoslavia, Rwanda, Sierra Leone and Lebanon. But its position has been lukewarm and sometimes in the darkest days of the Bush administration outright hostile to the International Criminal Court. Filling a gap in the literature, Dr Mark Kielsgard reviews the history of American policy, analysing the factors that have driven it, making useful and practical suggestions aimed at greater engagement of the United

States with the International Criminal Court Professor William A Schabas      Weaponising Evidence Margherita Melillo, 2024-02 Analyses the history of the international law on tobacco control from the negotiation of the WHO FCTC to the WTO      **Evidence** Andrew L.-T. Choo, 2018 Andrew Choo's Evidence provides a lucid and concise account of the principles of the law of civil and criminal evidence in England and Wales Critical and thought provoking it is the ideal text for undergraduate law students      **Improperly Obtained Evidence in Anglo-American and Continental Law** Dimitrios Giannouloupoulos, 2019-02-21 This is the first book to offer an extensive cosmopolitan cross cultural insight into the perennial controversy over the use of improperly obtained evidence in criminal trials It challenges the conventional view that exclusionary rules are idiosyncratic of Anglo American law and highlights the constitutionalisation and internationalisation of criminal evidence and procedure as a cause of rapprochement or divergence beyond the Anglo American and Continental law divide Analysis focuses on confessional evidence and evidence obtained by search and seizure telephone interceptions and other means of electronic surveillance The laws of England and Wales France Greece and the United States are systematically compared and contrasted throughout this study but where appropriate analysis extends to other Anglo American and Continental legal systems The book reviews exclusionary rules vis vis the operation of judicial discretion and explores the normative justifications that underpin them It attempts to reinvigorate the idea of excluding evidence to protect constitutional or human rights the rights thesis arguing that there is significant scope for Anglo American and Continental legal systems to place a renewed emphasis on it particularly in relation to confessional evidence obtained in violation of custodial interrogation rights we can locate an emerging rapprochement and unique potential for European Court of Human Rights jurisprudence to build consensus in this respect In marked contrast remaining divergence with regard to evidence obtained by privacy violations means there is little momentum to adopt a reinvigorated rights thesis more widely Longlisted for the Inner Temple Book Prize 2022      ICC Jurisprudence and the Development of International Humanitarian Law Martin Faix, Ondřej Svaček, 2024-03-28 This book explores how International Humanitarian Law IHL has been developed in the jurisprudence and practice of the International Criminal Court ICC A partial focus is given to the phenomenon of child soldiering which became symptomatic for the early practice of the ICC The book provides readers with broad insight into the activity of the ICC The first part contains chapters focused on the methodology of law finding before the ICC i.e identification interpretation and application of the law The authors address complex issues concerning the mutual relationship between treaty law Article 8 of the ICC Statute and customary international humanitarian law and explore the relevance of IHRL in the application and interpretation of Article 8 of the Rome Statute The second part consists of chapters focused on substantive international criminal law The authors address issues concerning contextual elements of war crimes passive personal scope of IHL denying judicial guarantees as a serious breach of IHL forms of responsibility and circumstances precluding wrongfulness      **Jurisprudence of the International Criminal Courts and the European Court of Human**

**Rights** Vladimir Tochilovsky, 2008 The book provides a comprehensive guide to the jurisprudence of the criminal tribunals for the former Yugoslavia and Rwanda Special Court for Sierra Leone the International Criminal Court and the European Court of Human Rights on procedural and evidential matters

**Evidence** Andrew Choo, 2021 Choo's Evidence provides a lucid and analytical account of the principles of the law of evidence in England and Wales Succinct critical and engaging it is the ideal text for undergraduate law students

Cross-border Crime in a Changing Europe P. C. van Duyne, 2001 Contents Cross Border Crime A Relative Concept and Broad Phenomenon Cross Border Crime Patterns between Eastern Europe and the European Union Transnational Organised Crime and Cross Border Trafficking in Human Beings in the Czech Republic Multi Disciplinary and Pro Active Approach to the Human Trafficking Phenomenon Trafficking in Migrants A European Perspective Drug Trafficking in Poland Cross Border Crime Between Finland and Estonia Organised Economic Crime Problems in the Ukraine Credit Card Fraud in International Perspective Fraud Against the European Public Funds Financial Investigations and Crime Money Facts and Myths About Underground Banking Organised Crime and Money Laundering The Proceeds of Crime and their International Recovery in Europe Extra and Sneaky Legal Evidence in Cross Border Investigations Afterword

**International Investment Law and General International Law** Christian J. Tams, Stephan W. Schill, Rainer Hofmann, 2023-01-19 This book questions whether investment law influences the wider field of general international law and more specifically whether approaches adopted by tribunals in investment arbitrations have radiated or should radiate into other fields of international law

How to Be a Good Private Investigator Dr. Dahn Batchelor, 2013-09-12 This book tells you how to be a good private investigator and the author describes techniques that can be used to solve various kinds of investigations Further you will learn what is expected of you as an investigator and as a witness in court It also tells you how to prepare your notes and your evidence that your clients have asked you to prepare for them Included in this book is the The Private Security and Investigative Services Act that regulates private investigators in Ontario The Act is similar to the ones in other provinces in Canada The book also describes criminal law and the court system and refers to other Acts as they relate to police officers and private investigators

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