

Artur Appazov

Expert Evidence and International Criminal Justice

 Springer

Nice Expert Evidence International Criminal Justice

DJ Losen



Nice Expert Evidence International Criminal Justice:

Expert Evidence and International Criminal Justice Artur Appazov, 2016-01-09 The book is a comprehensive narration of the use of expertise in international criminal trials offering reflection on standards concerning the quality and presentation of expert evidence It analyzes and critiques the rules governing expert evidence in international criminal trials and the strategies employed by counsel and courts relying upon expert evidence and challenges that courts face determining its reliability In particular the author considers how the procedural and evidentiary architecture of international criminal courts and tribunals influences the courts ability to meaningfully incorporate expert evidence into the rational fact finding process The book provides analysis of the unique properties of expert evidence as compared with other forms of evidence and the challenges that these properties present for fact finding in international criminal trials It draws conclusions about the extent to which particularized evidentiary rules for expert evidence in international criminal trials is wanting Based on comparative analyses of relevant national practices the book proposes procedural improvements to address some of the challenges associated with the use of expertise in international criminal trials

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

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

Expert Evidence and Scientific Proof in Criminal Trials Paul Roberts, 2017-07-05 Forensic

science evidence and expert witness testimony play an increasingly prominent role in modern criminal proceedings Science produces powerful evidence of criminal offending but has also courted controversy and sometimes contributed towards miscarriages of justice The twenty six articles and essays reproduced in this volume explore the theoretical foundations of modern scientific proof and critically consider the practical issues to which expert evidence gives rise in contemporary criminal trials The essays are prefaced by a substantial new introduction which provides an overview and incisive commentary contextualising the key debates The volume begins by placing forensic science in interdisciplinary focus with contributions from historical sociological Science and Technology Studies STS philosophical and jurisprudential perspectives This is followed by closer examination of the role of forensic science and other expert evidence in criminal proceedings exposing enduring tensions and addressing recent controversies in the relationship between science and criminal law A third set of contributions considers the practical challenges of interpreting and communicating forensic science evidence This perennial battle continues to be fought at the intersection between the logic of scientific inference and the psychology of the fact finder s common sense reasoning Finally the volume s fourth group of essays evaluates the limited success of existing procedural reforms aimed at improving the reception of expert testimony in criminal adjudication and considers future prospects for institutional renewal with a keen eye to comparative law models and experiences success stories and cautionary tales

International Criminal Evidence at the International Criminal Court Geert-Jan Alexander

Knoops, 2024-08-19 This book aims to provide readers with an overview of the rules of evidence within the International Criminal Court ICC and offers guidance for both prosecution and defense counsel It emphasizes the pivotal role of defense counsel in shaping case law particularly concerning the admissibility of documentary and forensic evidence in a system still evolving Drawing from academic research and practical experience the book provides practical inside information for defense counsel on evidence

The Dynamics of International Criminal Justice Hiram Abtahi, Gideon Boas, Richard May (LL. B.), 2006 This book is dedicated to the memory of Sir Richard May who passed away on 1 July 2004 and to the rich legacy he has left behind in the area of international criminal law It contains in depth analyses of a range of issues critical to the development and understanding of international criminal law written by contributors who worked in some way with Sir Richard during his tenure at the ICTY particularly during his last years as Presiding Judge of the Milosevi Trial It contains a Foreword by the President of the ICTY Theodor Meron and substantive work in three main parts one chapter concerning the development and understanding of human rights five chapters addressing international criminal law issues in the context of ICTY proceedings and two chapters focusing on substantive aspects of international criminal law All the chapters analyse international criminal law as applied by the ICTY as well as the ICC ICTR and other international or hybrid criminal tribunals and are all authored by persons in a position to give great insight into the subject matter discussed

Cultural Expertise, Law, and Rights Livia Holden, 2023-05-19 Cultural Expertise Law and Rights introduces readers to the theory and practice of

cultural expertise in the resolution of conflicts and the claim of rights in diverse societies Combining theory and case studies of the use of cultural expertise in real situations and in a great variety of fields this is the first book to offer a comprehensive examination of the field of cultural expertise its intellectual orientations practical applications and ethical implications This book engages an extensive and interdisciplinary variety of topics ranging from race language sexuality Indigenous rights and women s rights to immigration and asylum laws international commercial arbitration and criminal law It also offers a truly global perspective covering cultural expertise in Africa Asia Australia Europe Latin America the Middle East and North America Finally the book offers theoretical and practical guidance for the ethical use of cultural expert knowledge This is an essential volume for teachers and students in the social sciences especially law anthropology and sociology and members of the legal professions who engage in cross cultural dispute resolution asylum and migration private international law and other fields of law in which cultural arguments play a role The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Defense Perspectives on International Criminal Justice Colleen Rohan, Gentian Zyberi, 2017-04-27 This examination of the role of the defense in international criminal proceedings highlights its contribution to the development of international criminal law and the fair administration of international criminal justice Written by leading international practitioners and scholars it combines the practice and theory of international criminal law in order to provide a first hand perspective on the significant challenges involved in the administration of international criminal justice The authors examine among other issues the role of the defense during the different stages of international criminal proceedings the key aspects of defense work which seek to ensure the accused s right to a fair trial professional ethics the United Nations Residual Mechanism for International Tribunals and post conviction remedies and issues relating to those serving prison sentences

The Expert Witness, Forensic Science, and the Criminal Justice Systems of the UK S. Lucina Hackman, Fiona Raitt, Sue Black, 2019-04-24 The global nature of crime often requires expert witnesses to work and present their conclusions in courts outside their home jurisdiction with the corresponding need for them to have an understanding of the different structures and systems operating in other jurisdictions This book will be a resource for UK professionals as well as those from overseas testifying internationally as to the workings of all UK jurisdictions It also will help researchers and students to better understand the UK legal system

The Defaulting State and the South China Sea Arbitration Alfredo C. Robles Jr., 2023-05-27 This book focuses on the legal and procedural problems caused by China s default in the South China Sea Arbitration Many of these problems arose because in several respects China departed from the conduct of other defaulting States in cases before the International Court of Justice The book argues that the Tribunal confronted with the difficulties of maintaining the balance between two parties in a situation of default drew on the full range of its powers to ensure that neither China nor the Philippines would suffer from China s default Further the book describes the shortcomings of the

submissions of putative amicus curiae It refutes China's questioning of the independence and impartiality of the experts and of the judges In so doing it explains the expert opinions and the Tribunal's assessments of the latter in the areas of satellite imagery coral reef ecology and navigational safety while rebutting the half truths and counter truths disseminated by Chinese scholars about the proceedings The book compares China's threats to the independence of the Tribunal to its behavior towards Chinese judges It places China's accusations of bias against the Tribunal in the context of China's domestic situation and concludes that the Tribunal acting independently and impartially was able to perform the judicial function despite China's default

Evidential Legal Reasoning Jordi Ferrer Beltrán, Carmen Vázquez, 2022-05-19 This book offers a transnational perspective of evidentiary problems drawing on insights from different systems and legal traditions It avoids the isolated manner of analyzing evidence and proof within each Common Law and Civil Law tradition Instead it features contributions from leading authors in the evidentiary field from a variety of jurisdictions and offers an overview of essential topics that are of both theoretical and practical interest The collection examines evidence not only as a transnational field but in a cross disciplinary context Each chapter engages with the interdisciplinary themes cutting through the issues discussed benefiting from the expertise and experience of their diverse authors

EU Criminal Justice, Financial & Economic Crime Marc Cools, 2011 This fifth volume of the Governance of Security GofS Research Paper series addresses a wide variety of topical issues focusing on European criminal justice and financial and economic crime The first cluster of articles is concerned with European criminal justice matters particularly relating to EU mutual recognition such as conceptualization unwanted effects in the context of prisoner transfer and sentence execution impact for cross border gathering and use of forensic expert evidence and interrogational fairness standards A second cluster of articles addresses the subjects of financial and economic crime ranging from informal economy among street children to formal informal economy vulnerability of the hotel and catering industry to crime and white collar crime phenomena like transnational environmental crime and corruption A final cluster groups together a variety of selected topical issues including juvenile offending and mental disorders desistance theories and sexually transmitted infections

Professional Issues in Forensic Science Max M. Houck, 2015-04-15 Professional Issues in Forensic Science will introduce students to various topics they will encounter within the field of Forensic Science Legal implications within the field will focus on expert witness testimony and procedural rules defined by both legislative statute and court decisions These decisions affect the collection analysis and court admissibility of scientific evidence such as the Frye and Daubert standards and the Federal Rules of Evidence Existing and pending Forensic Science legislation will be covered including laws governing state and national DNA databases Ethical concerns stemming from the day to day balancing of competing priorities encountered by the forensic student will be discussed Such competing priorities may cause conflicts between good scientific practice and the need to expedite work meet legal requirements and satisfy client's wishes The role of individual morality in Forensic Science and competing ethical standards between state and

defense experts will be addressed Examinations of ethical guidelines issued by various professional forensic organizations will be conducted Students will be presented with examples of ethical dilemmas for comment and resolution The management of crime laboratories will provide discussion on quality assurance quality control practices and the standards required by the accreditation of laboratories and those proposed by Scientific Working Groups in Forensic Science The national Academy of Sciences report on Strengthening Forensic Science will be examined to determine the impact of the field Professional Issues in Forensic Science is a core topic taught in forensic science programs This volume will be an essential advanced text for academics and an excellent reference for the newly practicing forensic scientist It will also fit strategically and cluster well with our other forensic science titles addressing professional issues Introduces readers to various topics they will encounter within the field of Forensic Science Covers legal issues accreditation and certification proper analysis education and training and management issues Includes a section on professional organizations and groups both in the U S and Internationally Incorporates effective pedagogy key terms review questions discussion question and additional reading suggestions

Proof and the Burden of Proof in International Investment Law Giulio Alvaro Cortesi,2022-04-29 International investment arbitration has been dubbed the Antarctica of international procedural law This book explores international investment arbitration IIA using the searchlight of comparative analysis Further it provides answers to several questions such as the role of ICJ judgments and WTO decisions as a source of inspiration for how proof and the burden of proof are approached in IIA By investigating various evidence related issues the book also sheds light on overarching questions including the role of IIA as a subsystem of international economic law Research Methods for Law Mike McConville,Wing Hong (Eric) Chui,2024-12-31 This third edition of Research Methods for Law offers students in a range of disciplines law sociology psychology criminology forensic science social legal studies and social welfare an advanced introduction to research methods in an accessible and grounded way As well as covering theoretical comparative and interdisciplinary methods the book breaks new ground by offering a focus on topics of contemporary and developing concerns in areas such as Artificial Intelligence BRICS Continental Legal Systems Islamic Law Gender Race and the Virtual World The expert contributors draw on their vast experience in teaching and research to encourage students and provide sure pathways for their own enterprises with technical competence and adherence to ethical standards 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 Writing History in International Criminal Trials Richard Ashby Wilson,2011-03-07 Why do international criminal tribunals write histories of the origins and causes of armed conflicts Richard Ashby Wilson conducted research with judges prosecutors defense attorneys and expert witnesses in three

international criminal tribunals to understand how law and history are combined in the courtroom Historical testimony is now an integral part of international trials with prosecutors and defense teams using background testimony to pursue decidedly legal objectives In the Slobodan Milo evi trial the prosecution sought to demonstrate special intent to commit genocide by reference to a long standing animus nurtured within a nationalist mindset For their part the defense called historical witnesses to undermine charges of superior responsibility and to mitigate the sentence by representing crimes as reprisals Although legal ways of knowing are distinct from those of history the two are effectively combined in international trials in a way that challenges us to rethink the relationship between law and history

The Arms Trade and International Criminal Law Tomas Hamilton,2025-01-22 Despite the establishment of UN embargoes the Arms Trade Treaty ATT and the EU Common Position arms export regulation suffers from significant legal and practical limitations This book critically evaluates the existing body of Arms Trade Law highlighting its inadequacies in preventing weapons from reaching perpetrators of mass violence Drawing on interviews participant observation and empirical research to assess the perspectives of judges and lawyers it also explores the International Criminal Court s narrow focus on prosecuting political and military leaders Arguing that institutional attitudes and commitments contribute to a legal culture that obscures the potential for an arms trader case the book illustrates these dynamics through a case study of the UN Security Council s response to the Second Congo War and the ICC s investigations in the DRC Situation elucidating missed opportunities to enforce accountability against the entire spectrum of actors responsible for international crimes Through detailed examination of the arms trade s complexities The Arms Trade and International Criminal Law foregrounds the structural causes of atrocity and argues for broader accountability It investigates how individuals including corporate executives state officials and arms traffickers can be held directly accountable for atrocities under international law even when their actions are geographically or causally distant from the violence itself Furthermore by advancing a specific interpretation of the actus reus and mens rea elements of accomplice liability under Article 25 of the Rome Statute this book argues for a robust legal basis upon which the ICC can prosecute arms traders It therefore underscores how international criminal law can complement existing regulations by leveraging its expressive function to condemn all those who profit from atrocity

Library of Congress Subject Headings Library of Congress,2012 **Histories Written by International Criminal Courts and Tribunals** Aldo Zammit Borda,2020-12-18 This book argues for a more moderate approach to history writing in international criminal adjudication by articulating the elements of a responsible history normative framework The question of whether international criminal courts and tribunals ICTs ought to write historical narratives has gained renewed relevance in the context of the recent turn to history in international criminal law the growing attention to the historical legacies of the ad hoc Tribunals and the minimal attention paid to historical context in the first judgment of the International Criminal Court The starting point for this discussion is that in cases of mass atrocities prosecutors and judges are inevitably understood to

be engaged in writing history and influencing collective memory whether or not they so intend Therefore while writing history is an inescapable feature of ICTs there is still today a significant lack of consensus over the proper place of this function Since Hannah Arendt articulated her doctrine of strict legality in response to the prosecutor's expansive didactic approach in Eichmann the legal debate on the subject has been largely polarised between restrictive and expansive approaches to history writing in mass atrocity trials What has been noticeably missing from this debate is the middle ground The contribution this book seeks to make is precisely to articulate a framework that occupies that ground The book asks what are the lenses through which judges of ICTs interpret historical events what kind of histories do ICTs write and what kinds of histories should ICTs produce Its arguments for a more moderate approach to history writing are based on three distinct but interrelated grounds 1 Truth and Justice 2 Right to Truth and 3 Legal Epistemology Different target audiences may benefit from this book Court officials and legal practitioners may find the normative framework developed herein useful in addressing the tensions between the competing objectives of ICTs and in particular in assessing the value of the history writing function Lawyers historians and other academics may also find the analysis of the strengths constraints and blind spots of the historical narratives written by ICTs interesting This issue is particularly timely in view of current debates on the legacies of ICTs Aldo Zammit Borda is Director of the Centre for Access to Justice and Inclusion at Anglia Ruskin University Cambridge UK

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