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Introduction. 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.

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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.

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 practicing 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.

The book examines the implications of cosmopolitan thought for the functioning of the ICC, and the implications of this for the position of witnesses before the ICC/other tribunals. The cosmopolitan theory becomes a way of critiquing their practice and jurisprudence.

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 placingforensic 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'scommon 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.

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 Milošević 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.

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.

Volume 3 addresses the direct enforcement system, namely international criminal tribunals, how they came about and how they functioned, tracing that history from the end of WWI to the ICC, including the post-WWII experiences. They address the IMT, IMTFE, ICTY, ICTR, the mixed model tribunals and the ICC. It also contains a chapter which addresses some of the problems of the direct enforcement system, namely the general, procedural, evidentiary, and sanctions parts of ICL, which is largely made of what is contained in the statutes of the tribunals mentioned above as well as the jurisprudence of the established tribunals. In addition this volume addresses national experiences with the enforcement of certain international crimes. It is divided into 4 chapters which are titled as: Chapter 1: History of International Investigations and Prosecutions (International Criminal Accountability; International Criminal Justice in Historical Perspective); Chapter 2: International Criminal Tribunals and Mixed Model Tribunals (The International Criminal Tribunal for the Former Yugoslavia; The International Criminal Tribunal for Rwanda; The Making of the International Criminal Court; Mixed Models of International Criminal Justice; Special Court for Sierra Leone; Special Tribunal for Cambodia; East Timor); Chapter 3: National Prosecutions for International Crimes (National Prosecutions for International Crimes; National Prosecutions of International Crimes: A Historical Overview; The French Experience; The Belgian Experience; The Dutch Experience; Indonesia; The U.S. War Crimes Act of 1996; Enforcing ICL Violations with Civil Remedies: The Case of the U.S. Alien Tort Claims Act); Chapter 4: Contemporary Issues in International Criminal Law Doctrine and Practice (Command Responsibility; Joint Criminal Enterprise; The Responsibility of Peacekeepers; The General Part: Judicial Developments; Ne bis in idem; Plea Bargains; Issues Pertaining to the Evidentiary Part of International Criminal Law; Penalties and Sentencing; Penalties: From Leipzig to Arusha; Victimsa (TM) Rights in International Law).

A concise and comprehensive introduction to the law of evidence, Criminal Evidence takes an active learning approach to help readers apply evidence law to real-life cases. Bestselling author Matthew Lippman, a professor of criminal law and criminal procedure for over 25 years, creates an engaging and accessible experience for students from a public policy perspective through a multitude of contemporary examples and factual case scenarios that illustrate the application of the law of evidence. Highlighting the theme of a balancing of interests in the law of evidence, readers are asked to apply a more critical examination of the use of evidence in the judicial system. The structure of the criminal justice system and coverage of the criminal investigative process is also introduced to readers.