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Proof, Evidentiary Assessment and Credibility in Asylum Procedures



Edited by
Gregor Noll

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David Kirk



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Proof, Evidentiary Assessment and Credibility in Asylum Procedures. The Raoul Wallenberg Institute Human Rights Library Gregor Noll, 2005 Today a majority of asylum cases are arguably decided on the basis of evidentiary assessment rather than issues of material law Although the EU wide Common European Asylum System purports to harmonise domestic practices at a minimum level it fails to offer remedies for this crucial issue which poses challenges for practitioners and academics alike Without a coherent approach to evidentiary assessment asylum law will remain fragmented and open to discretionary excess Up to now academic research has not addressed issues of proof and credibility in the asylum procedure to an extent reflecting its practical importance This edited volume attempts to fill the void Academic experts on the theory of evidence international criminal law human rights law refugee law sociology of law and psychology have contributed chapters exploring both empirical and normative dimensions of evidentiary assessment Drawing on the results of a 12 month research project within the framework of the Refugee Research Programme and of three interdisciplinary expert conferences held at the Danish Centre for Human Rights Copenhagen the Institute for International Integration Studies Dublin and the Faculty of Law Lund this volume sets new parameters for an informed debate on evidence in asylum cases *Cyclopedia of Law and Procedure* William Mack, Howard Pervear Nash, 1913 *Cyclopedia of Law and Procedure*, 1913 **The Central Law Journal**, 1888 Vols 64 96 include Central law journal's international law list **The Vermont Digest, Annotated**, 1911

Evidence in European Asylum Procedures Ida Staffans, 2012-04-19 Evidentiary assessment holds a central position in all forms of judicial decision making Also the asylum procedure is dependent on solutions made in theory and practice regarding evidentiary issues This book explores the particular framework of evidentiary assessment in selected European appellate asylum procedures and discusses the relationship between these procedures on the one hand and between these procedures and other legal systems including the EU legal order on the other Conclusions are made regarding the similarities and differences between the German English and Finnish asylum procedures and the position and impact of European legal norms on the national procedures The book further discusses possibilities for harmonization and the future work towards a Common European Asylum System *The Criminal Justice Periodical Index*, 1988 *Proof, Evidentiary Assessment and Credibility in Asylum Procedures* Gregor Noll, 2005 **Complete Word Index of Annotations in American Law Reports**, 1937 *Gregor Noll (Hrsg.): Proof, Evidentiary Assessment and Credibility in Asylum Procedures (The Raoul Wallenberg Institute Human Rights Library ; Vol. 16)* Stefan Keßler, 2005 *Index to Legal Periodicals & Books*, 2004 *The New York Times Index*, 1971 **Assessing Testimonial Evidence in Asylum Proceedings** Rosemary Byrne, 2010 Although credibility determinations rest at the core of refugee protection international refugee law has failed to develop a body of evidentiary principles that is tailored to the unique dimensions of the testimony of those seeking asylum This article examines recent developments in assessing oral testimony in international criminal law International criminal law

judges like national asylum adjudicators must transcend geographic linguistic cultural educational and psychological barriers in order to assess the credibility of testimony As a result these new international courts have developed a body of principles of international evidence law for assessing the testimony of alleged victims of and witnesses to human rights abuses Current social science research on the asylum procedures in several jurisdictions reveals that asylum decision makers often fail to adapt the determination process to account for the realities of refugees presenting their cases in legal fora directing proceedings with a presumptive skepticism of claims It is argued that the nuanced and rigorous model for the assessment of the testimonial evidence of alleged victims and witnesses of human rights abuses in war crimes trials introduces effective international norms for the assessment of credibility in asylum proceedings

Vertical Judicial Dialogues in Asylum Cases Dana Baldinger, 2015-05-12 What do international and EU law require from the national asylum judge with regard to the intensity of judicial scrutiny to be applied and evidentiary issues To answer that question an analysis is made of the provisions on national judicial proceedings contained in the Refugee Convention RC the International Covenant on Civil and Political Rights ICCPR the UN Convention against Torture CAT the European Convention on Human Rights ECHR and the EU Charter of Fundamental Rights In addition the assessment as performed by the UN Human Rights Committee the UN Committee against Torture and the European Court of Human Rights in cases concerning the expulsion of asylum seekers is analysed

Rigorous Scrutiny Versus Marginal Review Dana Baldinger, 2013 This book explores what international and EU law require from the national asylum judge with regard to the required intensity of the judicial scrutiny to be applied and with regard to evidentiary issues such as the standard and burden of proof the assessment of credibility the required level of individualisation the admission and evaluation of evidence opportunities for presenting evidence and time limits for submitting evidence To that end an analysis is made of the provisions on national judicial proceedings contained in the Refugee Convention the International Covenant on Civil and Political Rights the UN Convention against Torture the European Convention on Human Rights the Charter of Fundamental Rights of the EU and a number of secondary EU law instruments such as the EU Qualification Directive and the EU Asylum Procedures Directive with a particular focus on issues of evidence and judicial scrutiny

Evidence and Credibility Assessment in the Context of the Common European Asylum System, 2018 This judicial analysis has been developed by a process having two components an editorial team ET of judges and tribunal members with overall responsibility for the final product and a drafting team of experts In order to ensure the integrity of the principle of judicial independence and that the EASO professional development series for members of courts and tribunals is developed and delivered under judicial guidance an ET composed of serving judges and tribunal members with extensive experience and expertise in the field of asylum law was selected under the auspices of a joint monitoring group JMG The JMG is composed of representatives of the contracting parties EASO and IARLJ Europe The ET reviewed drafts gave detailed instructions to the drafting team drafted amendments and was the final decision making body as to the

scope structure content and design of the work The work of the ET was undertaken through a combination of face to face meetings in Oslo in May 2016 Valletta in January 2017 and Amsterdam in April 2017 as well as regular electronic telephonic communication *Credibility Assessment in Asylum Procedures - a Multidisciplinary Training Manual* ,2013 *Credibility Assessment in Asylum Procedures - a Multidisciplinary Training Manual* ,2013 **Evidence and Credibility Assessment in the Context of the Common European Asylum System** ,2018 *Minimum Standards in Asylum Procedures* Great Britain. Parliament. House of Lords. Select Committee on the European Union,2001

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