

The Right to Silence in Australia



SYDNEY CRIMINAL
LAWYERS



Right To Silence

Richard Lang, Claire-Michelle Smyth



Right To Silence:

The Case for the Right to Silence Susan M. Easton, 1998 10 Miscarriages of justice **Custodial Legal Advice and the Right to Silence** Michael McConville, Jacqueline Hodgson, 1993 **Criminal Justice** Association for Legal and Social Philosophy (Great Britain). Conference, 1995 Content Michael Zander The Austin Lecture Reform of the Criminal Justice System The Report of the Runciman Royal Commission T R S Allan The Concept of Fair Trial Gerry Maher Dialogue and the Criminal Process Richard H S Tur Lawyers Ethics and Criminal Justice John Jackson The Value of Jury Trial Mark Ockleton Rules of Evidence Susan Easton The Right to Silence and the Pursuit of Truth Celia Wells What Runciman Didn't Say Michael A Heather The Revival Arbitration as a Post modern Solution to Problems in the Criminal Justice System Franz Steiner 1995

Preempting Justice, The Cartel Evan Whitton, 1998 This critique of the Australian legal system argues that the present system often obstructs justice that common law does not seek the truth and that trials are not designed to achieve a just outcome Discusses topics such as the jury system civil litigation the right of silence the adversary system and the doctrine of precedent Includes references and an index The author is a journalist with The Australian He was five times winner of the Walkley Award for National Journalism and author of Can of Worms Amazing Scenes and Trial by Voodoo

Suspects' Rights in India Prejal Shah, 2021-09-30 This book examines the procedural cultural and institutional framework of custodial interrogation in India It explores theoretical and practical perspectives on custodial interrogation practices in India which have been in urgent need for reform and critiques the systemic failure on the part of the police in India to implement suspects rights uniformly This volume Analyses the Indian framework of custodial interrogation to identify its fundamental flaws and emphasises on the need for having a lawyer present during custodial interrogation Demonstrates significant evidence on state of suspects rights in India through comparative law methodologies with a focus on common law scholarship and jurisprudence more particularly England and Wales and supplemented by vital empirical research through key interviews with related institutional parties Discusses emerging seminal jurisprudence of the European Court of Human Rights on applications of the right to fair trial at the custodial interrogation stage especially shedding light on modern applications of the right to legal assistance in England and Wales and radical Strasbourg inspired reforms in other European jurisdictions Highlights the right to legal assistance as one of the viable solutions to break the culture of police lawlessness at this critical stage of the criminal process An invigorating study this book is aimed at enriching data and hypothesis for academics policy makers civil society organizations and students working in the area of law and legal studies police and policing citizenship and political science **The Exclusionary Rule of Evidence** Asst Prof Kuo-hsing Hsieh, 2014-11-28 This book argues the need for the establishment of an exclusionary rule of evidence in China as a means of protecting the people from police wrongdoing In support of the argument and as a means of developing a suitable process the author takes a comparative approach to the foundation and development of the exclusionary rule in the UK and the USA

whilst also exploring the issues that may arise in transferring the rule from one legal system to another Schengen Investigated Chantal Joubert, Hans Bevers, 1996-06-03 Knjiga je plod petletnega raziskovanja prava na podlagi katerega deluje policija petih držav Belgije, Nizozemske, Luksemburga, Francije in Nemije ter močnega vpliva medsebojnih razlik na uporabo Schengenske konvencije. Primerjalna predstavitev schengenskih predpisov o mednarodnem policijskem sodelovanju glede na Evropsko konvencijo o lovekovih pravicah namenja posebno pozornost policijskim pooblastilom, ki pomenijo eno od najbolj izpostavljenih in odmevnih področij policijskega ezmejnega sodelovanja. Opazovanje zasledovanje uporaba sile lisice oro je aretacija, telesna preiskava, policijsko zaslijanje, kontrola identitete, pravna pomoč itd. Back from the Dead He Jiahong, 2016-03-31 China's party-run courts have one of the highest conviction rates in the world with forced confessions remaining a central feature. Despite recent prohibitions on evidence obtained through coercion or torture, forced confessions continue to undermine the Chinese judicial system. Recounting some harrowing cases of wrongful conviction, acclaimed legal scholar and novelist He Jiahong analyzes many problems in China's justice system. In one such case, Teng Xingshan was convicted in 1988 and later executed for murdering his mistress, but almost six years later it was discovered that the supposed victim, Shi Xiaorong, was still alive. In 2005, Teng's children submitted a complaint to the Hunan High People's Court, which then issued a revised judgment. In another case, She Xianglin was convicted of murdering his wife in 1994 and was sentenced to death, but this sentence was later commuted to fifteen years imprisonment. In 2005, She's wife, presumed dead for over eleven years, returned to life. She was released from prison two weeks later, retried, and found not guilty. With riveting examples, the author surveys the organization and procedure of criminal investigation, the lawyering system for criminal defense, the public prosecution system, trial proceedings, as well as criminal punishments and appeals. In doing so, He highlights the frequent causes of wrongful convictions: investigators working from forced confessions to evidence, improperly tight deadlines for solving criminal cases, prejudicial collection of evidence, misinterpretation of scientific evidence, continued use of torture to extract confessions, bowing to public opinion, nominal checks among the police, prosecutors, and the courts, the dysfunction of courtroom trials, unlawfully extended custody with tunnel vision, and reduced sentencing in cases of doubt. The author also provides updated information about recent changes and reforms, as well as the many continuing challenges of the criminal justice system in China. **European Criminal Procedures** Mireille Delmas-Marty, J. R. Spencer, 2002-10-17 Revised by Elena Ricci **The Future of Human Rights in the UK** Richard Lang, Claire-Michelle Smyth, 2017-11-06 In November 2016, the University of Brighton hosted a one-day conference entitled 'The Future of Human Rights in the UK'. Legal academics and practitioners from across the UK and Ireland attended to discuss the various topical issues that arise under the title of the conference. Papers were presented on terrorism and counter-terrorism, the role of the European Court of Human Rights, surrogacy and parental rights, union rights, social and economic rights, and Brexit, to name but a few. This edited collection comprises a selection of the papers presented. It is a thought-provoking collection designed to make the

reader ask themselves what does the future of human rights in the UK look like

The Exclusionary Rule of Illegal Evidence in China Jingkun Liu, 2019-02-18 The book reviews the origin and development of the exclusionary rule in China and systematically explains the problems and challenges faced by criminal justice reformers The earlier version of the exclusionary rule in China pays more attention to confessions obtained by torture and other illegal methods reflecting that the orientation of the rule aims mainly to prevent wrongful convictions Since the important clause that human rights are respected and protected by the country was written in the Constitution in 2004 modern notions such as human rights protection and procedural justice have been widely accepted in China The book compares various theories of the exclusionary rule in many countries and proposes that the rationale of human rights protection and procedural justice should be embraced by the exclusionary rule At the same time the book elaborately demonstrates the thoughts and designs of the vital judicial reform strategy strict enforcement of the exclusionary rule including clarifying the content of illegal evidence and improving the procedure of excluding illegal evidence In addition the book discusses the influence of the exclusionary rule on the pretrial procedure and trial procedure respectively and puts forward pertinent suggestions for the trial centered procedural reform in the future In the appendix the book conducts case analysis of 20 selected cases concerning the application of the exclusionary rule This is the first book to give a comprehensive and systematic analysis of the exclusionary rule of illegally obtained evidence in China The author of the book senior judge of the Supreme People's Court in China with his special experience of direct participation in the design of the exclusionary rule will provide the readers with thought provoking explanation of the distinctive feature of judicial reform strategy and criminal justice policy in China

Australian Principles of Evidence Jeremy Gans, 1998-05-13 This book sets out the rules of evidence as they apply in Australian courts in a manner designed to be highly accessible and readily comprehensible Equal treatment is given to both the uniform evidence legislation now applicable in Federal Courts and in the courts of the Australian Capital Territory New South Wales and Tasmania and the common law that applies in the remaining Australian jurisdictions This edition has been completely rewritten to take account of major case law and statutory developments since the first edition It details the key divergences and convergences in the law of evidence across Australia and addresses a number of significant international comparisons Examples are used throughout the text to illustrate the practical application of the law while diagrams graphically summarise complex legal issues

Law, Justice and the State Michel Troper, Mikael M. Karlsson, 1995

Human rights and criminal procedure Jeremy McBride, 2018-06-18 A practical tool for legal professionals who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work This is the second and expanded edition of a handbook intended to assist judges lawyers and prosecutors in taking account of the requirements of the European Convention on Human Rights and its Protocols the European Convention and more particularly of the case law of the European Court of Human Rights when interpreting and applying codes of criminal procedure and

comparable or related legislation It does so by providing extracts from key rulings of the European Court and the former European Commission of Human Rights that have determined applications complaining about one or more violations of the European Convention in the course of the investigation prosecution and trial of alleged offences as well as in the course of appellate and various other proceedings linked to the criminal process Police Powers and Citizens' Rights Layla Skinns, 2019-01-31 Police detention is the place where suspects are taken whilst their case is investigated and a case disposal decision is reached It is also a largely hidden but vital part of police work and an under explored aspect of police studies This book provides a much needed comparative perspective on police detention It examines variations in the relationship between police powers and citizens rights inside police detention in cities in four jurisdictions in Australia England Ireland and the US exploring in particular the relative influence of discretion the law and other rule structures on police practices as well as seeking to explain why these variations arise and what they reveal about state citizen relations in neoliberal democracies This book draws on data collected in a multi method study in five cities in Australia England Ireland and the US This entailed 480 hours of observation as well as 71 semi structured interviews with police officers and detainees Aside from filling in the gaps in the existing research this book makes a significant contribution to debates about the links between police practices and neoliberalism In particular it examines the police not just the prison as a site of neoliberal governance By combining the empirical with the theoretical the main themes of the book are likely to be of utmost importance to contemporary discussions about police work in increasingly unequal societies As a result it will also have a wide appeal to scholars and students particularly in criminology and criminal justice *Children's Rights in Practice* Phil Jones, Gary Walker, 2011-04-19 Considering the rights of the child is now central to all fields involving children and to good multi agency working This book offers an explanation of the theoretical issues and the key policy developments that are crucial to all professions and helps the reader to understand children s rights in relation to their role in working with children and young people Looking at education health social care and welfare it bridges the gap between policy and practice for children from Birth to 19 years Chapters cover the child s right to play youth justice and children s rights the voice of the child ethical dilemmas in different contexts involvement participation and decision making safeguarding and child protection social justice and exclusion This book helps the reader understand what constitutes good practice whilst considering the advantages and tensions involved in working across disciplines to implement children s rights against a complex legislative and social policy backdrop Essential reading for undergraduate and graduate students on Early Years Early Childhood Studies Childhood and Youth Education Law Social Work Play and Psychology courses it is relevant to professionals working across education health and social work

Do Exclusionary Rules Ensure a Fair Trial? Sabine Gless, Thomas Richter, 2019-04-17 This open access publication discusses exclusionary rules in different criminal justice systems It is based on the findings of a research project in comparative law with a focus on the question of whether or not a fair trial can be secured through evidence exclusion Part I

explains the legal framework in which exclusionary rules function in six legal systems Germany Switzerland People's Republic of China Taiwan Singapore and the United States Part II is dedicated to selected issues identified as crucial for the assessment of exclusionary rules These chapters highlight the delicate balance of interests required in the exclusion of potentially relevant information from a criminal trial and discusses possible approaches to alleviate the legal hurdles involved

An Ethics of Interrogation Michael Skerker, 2024-05-31 The act of interrogation and the debate over its use pervades our culture whether through fictionalized depictions in movies and television or discussions of real life interrogations on the news But despite daily mentions of the practice in the media there is a lack of informed commentary on its moral implications Moving beyond the narrow focus on torture that has characterized most work on the subject *An Ethics of Interrogation* is the first book to fully address this complex issue In this important new examination of a controversial subject Michael Skerker confronts a host of philosophical and legal issues from the right to privacy and the privilege against compelled self incrimination to prisoner rights and the legal consequences of different modes of interrogation for both domestic criminal and foreign terror suspects These topics raise serious questions about the morality of keeping secrets as well as the rights of suspected terrorists and insurgents Thoughtful consideration of these subjects leads Skerker to specific policy recommendations for law enforcement military and intelligence professionals

Civil Liberties and Human Rights Helen Fenwick, 2009-06-02 This book is a detailed thought provoking and comprehensive text that is valuable not only for students but also for all those interested in the development of civil liberties in the Human Rights Act era

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