



WEST'S CRIMINAL JUSTICE SERIES

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4TH EDITION

THOMAS J. GARFONKEL

Principles Of Criminal Law Cases Comments And Questions Criminal Justice Series

Edward J. Imwinkelried



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Series Authors and Titles *Accountability for International Humanitarian Law Violations: The Case of Rwanda and East Timor* Mohamed Othman, 2005-12-10 The main objective of this book is to make available to an informed audience a legal and policy oriented study on accountability for serious human rights and international humanitarian law violations It is an attempt to share the lessons learnt in accountability for atrocity crimes as conducted by the International Criminal Tribunal for Rwanda ICTR and the United Nations Transitional Administration in East Timor UNTAET The former established subsequent to egregious atrocities that took place in 1994 and the latter following the massive outburst of violence in 1999 The book is based on two cases Rwanda and East Timor It is expected that it will serve as reference literature to both the legal community and policy makers on accountability for heinous international crimes As the international community and States following serious human rights and international humanitarian law violations have painfully come to terms with their obligations to bring to justice persons in high offices or leadership positions de jure or de facto alleged to have committed such crimes it has also become imperative that beginners mistakes be avoided When the International Criminal Tribunal for the Former Yugoslavia ICTY was established in 1993 and the ICTR in 1994 and commenced their pioneering mandates there was no template on which the prosecution of individuals most responsible or with the greatest responsibility could be cast Accountability had to be experimental

Intuitions of Justice and the Utility of Desert Paul H. Robinson, 2013-03-26 Research suggests that people of all demographics have nuanced and sophisticated notions of justice The core of those judgments is often intuition rather than reason Should the criminal law heed what principles are embodied in those deep seated judgments In *Intuitions of Justice and the Utility of Desert* Paul H Robinson demonstrates that criminal law rules that deviate from public conceptions of justice and desert can seriously undermine the American criminal justice system s integrity and credibility by failing to recognize or meet the needs of the communities it serves Professor Robinson sketches the contours of a wide range of lay conceptions of what criminals justly deserve touching upon many issues that penal code drafters or policy makers must face including normative crime control culpability grading sentencing justification and excuse defenses principles of adjudication and judicial discretion He warns that compromising the American criminal justice system to satisfy other interests can uncover the hidden costs incurred when a community s notions about justice are not reflected in its criminal laws *Intuitions of Justice and the Utility of Desert* shows that by ignoring the views of justice held by the communities they serve legislators policymakers and judges undermine the relevance of the criminal justice system and reduce its strength and credibility creating a gap between what justice a community needs and what justice a court or law prescribes

Powers of the Prosecutor in Criminal Investigation Karolina Kremens, 2021-03-26 This comparative analysis examines the scope of prosecutorial powers at different phases of criminal investigation in four countries the United

States Italy Poland and Germany Since in all four the number of criminal cases decided without trial is constantly increasing criminal investigation has become central in the criminal process The work asks who should be in charge of this stage of the process Prosecutors have gained tremendous powers to influence the outcome of the criminal cases including powers once reserved for judges In a system in which the role of the trial is diminishing and the significance of criminal investigation is growing this book questions whether the prosecutor s powers at the early stage of the process should be enhanced Using a problem oriented approach the book provides a parallel analysis of each country along five possible spheres of prosecutorial engagement commencing criminal investigation conducting criminal investigation undertaking initial charging decisions imposing coercive measures and discontinuing criminal investigation Using the competing adversarial inquisitorial models as a framework the focus is on the prosecutor as a crucial figure in the criminal process and investigation The insights of this book will be of interest and relevance to students and academics in criminal justice criminology law and public policy as well as policymakers government officials and others interested in legal reform

The Constitutional Dimension of European Criminal Law Ester Herlin-Karnell, 2012-05-31 Criminal law is one of the most rapidly changing areas of contemporary EU law and integration The Treaty of Lisbon has elevated it to a central place in the constitution of the EU within the dynamic area of freedom security and justice The phenomenon of EU criminal law as such is however far from new but has developed on an ad hoc basis not least as a result of the case law of the European Court of Justice Central to the Court s reasoning in this area has been the principle of effectiveness A main theme running through the book is therefore the role of the axiom of effectiveness which is critically examined with particular attention to its use by the European Court of Justice in recent leading cases This book explores the constitutional principles underlying it both those determining the substantive values it embodies and those determining its scope and extent Other chapters consider the phenomenon of preventative criminalisation at EU level and the protection of subsidiarity and proportionality in EU criminal law The balance between effective EU action proper control of competence and adequate protection of individual rights is of growing importance as EU criminal law expands but as this book suggests has not yet been fully articulated or entrenched by the institutions of the EU

Prosecution of Politicide in Ethiopia Marshet Tadesse Tessema, 2018-09-26 This book investigates the road map or the transitional justice mechanisms that the Ethiopian government chose to confront the gross human rights violations perpetrated under the 17 years rule of the Derg the dictatorial regime that controlled state power from 1974 to 1991 Furthermore the author extensively examines the prosecution of politicide or genocide against political groups in Ethiopia Dealing with the violent conflict massacres repressions and other mass atrocities of the past is necessary not for its own sake but to clear the way for a new beginning In other words ignoring gross human rights violations and attempting to close the chapter on an oppressive dictatorial past by choosing to let bygones be bygones is no longer a viable option when starting on the road to a democratic future For unaddressed atrocities and a sense of injustice would not only continue to

haunt a nation but could also ignite similar conflicts in the future So the question is what choices are available to the newly installed government when confronting the evils of the past There are a wide array of transitional mechanisms to choose from but there is no one size fits all mechanism Of all the transitional justice mechanisms namely truth commissions lustration amnesty prosecution and reparation the Ethiopian government chose prosecution as the main means for dealing with the horrendous crimes committed by the Derg regime One of the formidable challenges for transitioning states in dealing with the crimes of former regimes is an inadequate legal framework by which to criminalize and punish egregious human rights violations With the aim of examining whether or not Ethiopia has confronted this challenge the book assesses Ethiopia's legal framework regarding both crimes under international law and individual criminal responsibility This book will be of great relevance to academics and practitioners in the areas of genocide studies international criminal law and transitional justice Students in the fields of international criminal law transitional justice and human rights will also find relevant information on the national prosecution of politicide in particular and the question of confronting the past in general

Marshet Tadesse Tessema is Assistant Professor of the Law School College of Law and Governance at Jimma University in Ethiopia and Postdoctoral Fellow of the South African German Centre University of the Western Cape in South Africa

Criminal Evidence Edward J. Imwinkelried, 1979 **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

The 'Contextual Elements' of the Crime of Genocide Nasour Coursami, 2018-02-10 This book examines the position of contextual elements as a constitutive element of the legal definition of the crime of genocide and determines the extent to which an individual genocidaire is required to act within a particular genocidal context Unlike other books in the field of the study of the crime of genocide this book captures the nuance and the complex issues of the debate by providing book length comprehensive examination of the position of contextual elements in light of the evolution of genocide as a concept and the literal legal definition of the crime of genocide which expressly characterized the crime with only the existence of an individualistic intent to destroy a group With scholars of international criminal law students researchers practitioners in the field and international criminal tribunals in mind the author tackles many of the issues raised on the position of contextual elements in both academic literature and judicial decisions Nasour Coursami is the Director of Applied Research and a Lecturer at the National School of Administration in Chad He studied law at Cardiff and Bristol Universities and holds a Ph D in International Law from the University of Edinburgh

Criminal Law Josie Kemeys, 2019 *The Oxford Handbook of Criminology* Mike Maguire, Rodney Morgan, Robert Reiner, 2007 teachers and students of criminology and is a sourcebook for professionals

Fundamental Rights and Mutual Trust in the Area of Freedom, Security and Justice Ermioni Xanthopoulou, 2020-04-30 This book explores the relationship of mutual trust and fundamental rights in the Area of Freedom Security and Justice (AFSJ) of the European Union and asks whether there is any

role for proportionality Mutual trust among Member States has long been presumed by the Court in a manner that mutual recognition was prioritised in regard to but to the detriment of the protection of fundamental rights After thoroughly reviewing this relationship this book offers a comprehensive framework of proportionality and explores its impact on the protection of fundamental rights in a mutual trust environment It applies a theoretical and a normative framework of proportionality to two case studies EU criminal and asylum law by reference to several fundamental rights enabling a carefully constructed analysis with useful parallels The book argues that such analysis based on proportionality is not always desirable and helpful for the protection of fundamental rights in this area and thoroughly explores its impact on the protection of fundamental rights vis vis mutual trust

The Legitimacy of EU Criminal Law Irene Wiecezorek, 2020-07-09

This book traces the history of the EU competence EU policy discourse and EU legislation in the field of criminalisation from Maastricht until the present day It asks Why EU Criminal Law looking at what rationales the Treaty policy document and legislation put forth when deciding whether a certain behaviour should be a criminal offence To interpret the EU approach to criminalisation it relies on both modern and post modern theoretical frameworks on the legitimacy of criminal law read jointly with the theories on the functions of EU harmonisation of national law The book demonstrates that while EU constitutional law leans towards an effectiveness based enforcement driven understanding of criminal law the EU has in fact in more than one instance adopted symbolic EU criminal law ie criminal law aimed at highlighting what values are important to the EU but which is not fit to actually deter individuals from harming such values The book then questions whether this approach is consistent or in contradiction with the values based constitutional identity the EU has set for itself

Sentencing Rape Graeme Brown, 2020-05-14 This book presents an in depth comparative study of sentencing practice for rape in six common law jurisdictions England and Wales Scotland Ireland Canada New Zealand and South Africa It provides a thorough review of the medical literature on the physical and psychological effects of rape the legal and philosophical literature on the seriousness of the offence and the victim s role in sentencing Given the increasingly common practice of perpetrators using mobile and online technologies to film or photograph the commission of sexual offences the book examines recent socio legal research on technology facilitated sexual violence and considers the implications for sentencing By building on recent scholarship on judicial decision making in sentencing and case law comprising over 250 decisions of the relevant appellate courts the book explores and critically analyses judicial approaches to rape sentencing The analysis is undertaken with a view to suggesting possible reforms to rape sentencing in non guideline jurisdictions In so doing this book seeks to establish general principles for sentencing rape assisting in the imposition of proportionate sentences This book will be of interest to judges and practising lawyers to those researching criminal law criminal justice criminology and gender studies and to policy makers including sentencing councils and commissions in common law jurisdictions worldwide

Subject Catalog Library of Congress, 1980-07 [Key Cases, Comments, and Questions on Substantive Criminal Law](#)

Henry F. Fradella, Professor and Chair of Criminal Justice Henry F Fradella, 1999-07 Written by Henry F Fradella California State University Long Beach this book examines cases with comments analyses and discussion questions to help students grasp challenging material and test their knowledge Problems of Communism ,1977 Columbia Law Review ,1979

Criminal Liability for Non-Aggressive Death Sally Cunningham, 2016-05-13 The crime of manslaughter exists as a catch all offence to punish those who are blameworthy in causing the death of another but whose culpability falls short of that required for murder Manslaughter is an extremely broad offence and it has a difficult task in ensuring that all those who warrant punishment for non aggressive deaths are convicted Simultaneously it should not be too broad in covering those who do not warrant punishment for such deaths There is little consistency in whether a particular dangerous activity leads to liability for a specific offence or for the generic offence of manslaughter when death is caused This book examines the current law and includes a variety of perspectives on the subject with chapters on specific modes of killing as well as issues that permeate all areas The first half of the book deals with issues such as how any special offences for non aggressive death should relate to a hierarchy of homicide offences The second half deals with issues specific to different activities which may or may not justify the creation of specific homicide offences The book includes a comparative chapter on Australian law

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