

## Guide For Accused Persons In Criminal Trials Ontario

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with the acceptance of international criminal procedure as a self sustaining discipline and as the tribunals established to try the most serious crimes in the former yugoslavia sierra leone and rwanda have completed or are beginning to wind up their activities the time is ripe for a critical evaluation of these international criminal tribunals and their legacy by examining the due process standards embraced by the five contemporary international criminal tribunals the author draws conclusions about how the right to a fair trial should be interpreted in international criminal law this volume addresses key conceptual questions on fairness including should international criminal tribunals set the highest standards of fairness or is it sufficient for their practice to be just fair enough to whom does the right to a fair trial attach and can actors such as the prosecution and victims be accurately said to benefit from that right does fairness require the full realization of a number of guarantees owed to the accused under the statutory frameworks of international criminal tribunals or should we instead be concerned with the fairness of the trial as a whole what is the interplay between domestic and international courts on questions of procedural fairness what are the elements of fairness in international criminal proceedings and what remedies are available for breaches of fair trial rights through an in depth exploration of the right to a fair trial the author concludes that international criminal tribunals have a role in setting the highest standards of due process protection in their procedures and that in so doing they can have a positive impact on domestic justice systems

this manual has been revised to include cases decided during the supreme court s 2000 2001 term u s court of appeals cases reported through 212 f 3d 306 it is not meant to be a comprehensive treatise on criminal law but rather a basic guide to the law governing many of the procedural matters that arise frequently in criminal trials these materials were originally prepared for distribution at the seminars for newly appointed district judges at the federal judicial center comprise a collection of decisions of many of the procedural problems that plague trial judges chapters representation of the defendant jury disclosure issues enforcement of orders during trial evidence argument multiple defendants verdict

the court of law is the last hope of the common man and it is required that justice does not serve the purpose of the state alone but should be justice for the accused person justice for the victim and finally justice for the society at large in the adversarial system the criminal procedure does not allow the judge to descend into the arena unlike in the case of inquisitorial system where the judge is expected to talk and also walk i e he must inquest into the evidence and physically investigate matters as presented before him a well rounded judge will better serve the interest of justice than a judge that is subjected to jurisdictional approach of adjudication rather an open approach inclusive of best practices this study employed the use of doctrinal research methodology which will involve mostly a theoretical and pure

legal point of view this research discusses the concepts of law and justice according to the positivist and naturalist traditions and how it relates to the adversarial common law system and the inquisitorial civil law system the role of judges in criminal trials was compared looking at the Malaysian and the French criminal systems with the aim of proffering best practices the study also looked into the history of the jury system and how well a common law judge can function without a jury the study found that the following mechanisms if properly managed and utilized will be a good fusion of best practices in any given jurisdiction and these practices include the application of judicial precedent the re enactment of the jury system or the use of 2 or more judges in the court of first instance the merging of a civil and criminal matter that have the same parties disputing on the same matter in both instances oral submissions for inquisitorial proceedings the eradication of secret trials upholding the tenets of natural justice and a better attitude towards openness and integration for the betterment of justice

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