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| Nota di contenuto       | Acknowledgement -- Preface -- Abbreviations -- Table of Cases -- Part I Introductory -- Chapter -- 1 Scope of the Work, Methodology, The Basic Principle -- Chapter 2 Sources of the Law and Areas of Application of General Principles -- Chapter 3 Basic Elements of an International Judicial Proceeding -- Chapter 4 Proof: Fact and Law -- Part II General Principles -- Chapter 5 The Principle Actori Incumbit Onus Probandi -- Chapter 6 Obligation of Parties to Co-Operate -- Chapter 7 Measures Taken by Tribunals to Effect Co-Operation -- Chapter 8 Mechanics of Proof: Powers of Tribunals -- Chapter 9 Admissibility of Evidence: Powers of Tribunals -- Chapter 10 Evaluation of Evidence -- Chapter 11 Presumptions and Inferences -- Chapter 12 Standard of Proof -- Part III Special Issues in Specific Tribunals -- Chapter 13 Proof and Evidence before the ICJ: A Special Problem -- Chapter 14 Special Problems Before International Administrative Tribunals -- Chapter 15 Special Aspects of Evidence Before the ICTY -- Chapter 16 Special Aspects of Evidence Before the Iran-US Claims Tribunal -- Appendix Provisions Relating to Evidence -- I. Provisions |

Pertaining to the ICJ -- II. Rules of the UNAT, 1998 -- III. Rules of Procedure of the CJEC, 1991 -- IV. Rules of Court of the ECHR, 2002 -- V. Rules Pertaining to Arbitration -- VI. Provisions Pertaining to the ICTY -- Index.

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Sommario/riassunto

This book presents a well-defined analysis of the basic principles of evidence deriving them from the general rule of procedure requiring a "fair trial", which is a fundamental human right. The basic principles relating to the burden of proof, cooperation in the production of evidence as well as the standard of proof, among others, are examined by reference to worldwide international jurisprudence and policies. Specific practice in special situations of certain tribunals such as the ICJ and the ICTY, as well as other issues, such as the flexibility shown in dealing with differences in tribunal practice in relation to the applicable principles are discussed in considerable detail in the second section. This work will be of interest to practitioners involved in the current practice of these courts and tribunals as well as academics studying comparative and international law.

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