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Conclusion; 3: Evidential traditions in continental European jurisdictions; 3.1 Introduction; 3.2 The development of criminal evidence law and the movement towards 'freedom of proof'; 3.3 The importance of the nineteenth-century procedural reforms; 3.4 Freedom of proof and restrictions on the doctrine in modern evidence law; 3.5 Excluding or prohibiting the use of evidence

3.6 Recent developments in evidence law

3.7 Conclusion; 4: The international human rights context; 4.1 Introduction; 4.2 The evolution of evidentiary human rights norms; 4.2.1 The right to a fair trial; 4.2.2 The equality of arms principle; 4.2.3 The right to an adversarial trial; 4.3 The process of proof and the regulation of the investigation/pre-trial phase; 4.3.1 Defence rights and the importance of the procedural environment; 4.3.2 Potential for pre-trial activities to impinge on defence rights; 4.4 Towards convergence or realignment?; 4.5 Conclusion

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Sommario/riassunto

Although there are many texts on the law of evidence, surprisingly few are devoted specifically to the comparative and international aspects of the subject. The traditional view that the law of evidence belongs within the common law tradition has obscured the reality that a genuinely cosmopolitan law of evidence is being developed in criminal cases across the common law and civil law traditions. By considering the extent to which a coherent body of common evidentiary standards is being developed in both domestic and international jurisprudence, John Jackson and Sarah Summers chart this development with particular reference to the jurisprudence on the right to a fair trial that has emerged from the European Court of Human Rights and to the attempts in the new international criminal tribunals to fashion agreed approaches towards the regulation of evidence.