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Nota di contenuto	A constitutional revolution in South African criminal procedure? / P.J. Schwikkard -- Human rights in Hong Kong criminal trials / Simon N.M. Young -- Right to counsel during custodial interrogation in Canada : not keeping up with the common law Joneses / Christine Boyle and Emma Cunliffe -- Degrading searches and illegally obtained evidence in the Malaysian criminal justice system / Salim Farrar -- Human rights, constitutional law and exclusionary safeguards in Ireland / John Jackson -- The exclusion of evidence obtained by violating a fundamental right : pragmatism before principle in the Strasbourg jurisprudence / Andrew Ashworth -- Normative evolution in evidentiary exclusion : coercion, deception and the right to a fair trial / Paul Roberts -- Ozymandias on trial : wrongs and rights in DNA cases / Jeremy Gans -- Delayed complaint, lost evidence and fair trial : epistemic and non-epistemic concerns / David Hamer -- 'Give us what you have' : information, compulsion and the privilege against self-

incrimination as a human right / Andrew L.-T. Choo -- The presumption of innocence as a human right / Hock Lai Ho -- Confronting confrontation / Mike Redmayne -- Human deliberation in fact-finding and human rights in the law of evidence / Craig R. Callen -- Reliability, hearsay and the right to a fair trial in New Zealand / Chris Gallavin -- Finessing the fair trial for complainants and the accused : mansions of justice or castles in the air? / Terese Henning and Jill Hunter -- Human rights, cosmopolitanism and the Scottish 'rape shield' / Peter Duff

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Sommario/riassunto

Criminal procedure in the common law world is being recast in the image of human rights. The cumulative impact of human rights laws, both international and domestic, presages a revolution in common law procedural traditions. Comprising 16 essays plus the editors' thematic introduction, this volume explores various aspects of the 'human rights revolution' in criminal evidence and procedure in Australia, Canada, England and Wales, Hong Kong, Malaysia, New Zealand, Northern Ireland, the Republic of Ireland, Singapore, Scotland, South Africa and the USA. The contributors provide expert evaluations of their own domestic law and practice with frequent reference to comparative experiences in other jurisdictions. Some essays focus on specific topics, such as evidence obtained by torture, the presumption of innocence, hearsay, the privilege against self-incrimination, and 'rape shield' laws. Others seek to draw more general lessons about the context of law reform, the epistemic demands of the right to a fair trial, the domestic impact of supra-national legal standards (especially the ECHR), and the scope for reimagining common law procedures through the medium of human rights. This edited collection showcases the latest theoretically informed, methodologically astute and doctrinally rigorous scholarship in criminal procedure and evidence, human rights and comparative law, and will be a major addition to the literature in all of these fields
