

Criminal Procedure And Sentencing

This monograph addresses a contested but under-discussed question in the field of criminal sentencing: should an offender's remorse affect the sentence he or she receives? Answering this question involves tackling a series of others: is it possible to justify mitigation for remorse within a retributive sentencing framework? Precisely how should remorse enter into the sentencing equation? How should the mitigating weight of remorse interact with other aggravating and mitigating factors? Are there some offence or offender characteristics that preclude remorse-based mitigation? Remorse is recognised as a legitimate mitigating factor in many sentencing regimes around the world, with powerful effects on sentence severity. Although there has been some discussion of whether this practice can be justified within the literature on sentencing and penal theory, this monograph provides the first comprehensive and in-depth study of possible theoretical justifications. Whilst the emphasis here is on theoretical justification, the monograph also offers analysis of how normative conclusions would play out in the broader context of sentencing decisions and the guidance intended to structure them. The conclusions reached have relevance for sentencing systems around the world.

A comparative and collaborative study of the foundational principles and concepts that underpin different domestic systems of criminal law. Beginning with an explanation of procedure prior to the accused appearing in court, this straightforward and practical guide works through the way in which prosecutions are commenced and the process around funding by the criminal defence service and bail. It then moves on to describe proceedings in the magistrates' court, including summary trial and committal for sentence, as well as the way in which the youth court operates. Finally, the process by which serious offences are sent direct to the Crown Court; trial on indictment; and sentencing and appeals are all examined in detail. Fully updated to incorporate recent developments in the field, this new edition examines the impact of legislative developments, such as the repeal of the Criminal Courts Charge, changes to the funding system, and amendments to the Criminal Procedure Rules. Recent judicial initiatives and important new case law are also covered. Very much a practical guide, this title makes frequent use of examples, flowcharts, and tables, and is specifically designed to assist the busy professional and student. A Practical Approach to Criminal Procedure is an indispensable resource for those working in this field. The A Practical Approach series is the perfect partner for practice work. Each title focuses on one field of the law and provides a comprehensive overview of the subject together with clear, practical advice and tips on issues likely to arise in practice. The books are also an excellent resource for those new to the law, where the expert overview and clear layout promote ease of understanding.

This book serves as a course companion and revision guide to the BPTC Criminal Litigation, Evidence and Sentencing course and examination. It sets out the course material in a simple, stripped-down form suitable for a first overview and for revision. Students can both consult this guide when first introduced to a topic, to provide a quick and comprehensible overview, and can rely on it during revision. This manual looks at how the lawyer conducts a criminal case in practice. It covers the relevant statutory rules and case law and provides guidance on how the actual tasks are carried out.

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.

Criminal Litigation and Sentencing 2006-07 Blackstone Press

Criminal Procedure and Punishment provides a holistic overview of the English and Welsh system of criminal justice, from the earliest stages of investigation and arrest through to the punishment and release of offenders. Aimed at students, it examines not only the law and procedure of criminal justice and punishment, but underpinning theories and surrounding issues. The book is designed as the set text for a new undergraduate law module entitled Criminal Procedure and Punishment, but is suitable for courses on criminal justice, penology and criminology. The book is divided into two linked parts. The first focuses on criminal procedure, including: the influence of adversarial and inquisitorial theory; the use (and misuse) of police powers; the trial process and fundamental fair trial rights; and sentencing. The second part focuses on punishment, including: discussion of its history; theoretical and philosophical arguments from scholars including Kant, Bentham, and Rawls; punishment in the modern era; and the prison crisis. Both parts link to common themes and issues, with connections drawn between the different stages of the process and their impact on each other. The book thus offers, through doctrinal and socio-legal methods, a contemporary and rounded approach to two constantly evolving and overlapping topics. [Subject: Criminal Law, Criminology, Penology]

Andrew Ashworth expertly examines the key issues in English sentencing policy and practice including the mechanisms for producing sentencing guidelines. He considers the most high-profile stages in the criminal justice process such as the Court of Appeal's approach to the custody threshold, the framework for the sentencing of young offenders and the abiding problems of previous convictions in sentencing. Taking into account the Criminal Justice and Immigration Act 2008 and the Coroners and Justice Act 2009, the book's inter-disciplinary approach places the legislation and guidelines on sentencing in the context of criminological research, statistical trends and theories of punishment. By examining the law in relation to elements of the wider criminal justice system, including the prison and probation services, students gain a rounded perspective on the relevant principles and problems of sentencing and criminal justice.

A practical tool for legal professionals who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work This is the second and expanded edition of a handbook intended to assist judges, lawyers and prosecutors in taking account of the requirements of the European Convention on Human Rights and its Protocols ("the European Convention") – and more particularly of the case law of the European Court of Human Rights – when interpreting and applying codes of criminal procedure and comparable or related legislation. It does so by providing extracts from key rulings of the European Court and the former European Commission of Human Rights that have determined applications complaining about one or more violations of

the European Convention in the course of the investigation, prosecution and trial of alleged offences, as well as in the course of appellate and various other proceedings linked to the criminal process.

Well-selected and authoritative, Macmillan Core Statutes provide the key materials needed by students in a format that is clear, compact and very easy to use. They are ideal for use in exams. New to this edition: - Sentencing Act 2020 (the 'Sentencing Code') - Criminal Procedure Rules 2020 - Domestic Abuse Act 2021

Providing over 130 challenging multiple-choice questions, together with note-form answers, this book is the ideal revision aid for students on the Bar Vocational Course. Test Yourself allows students to quickly and easily reinforce their knowledge of key principles, procedures, and leading cases in the areas of evidence, civil procedure, criminal procedure, and sentencing. Offering students the opportunity to practise undertaking multiple-choice questions, which may be similar to those met in assessments, Test Yourself can be used as a tool by students to not only test their knowledge and comprehension of key legal principles, but can also be used to identify any weaknesses in knowledge, indicating areas where further study is required. Answers to all questions are provided at the end of the tests, along with accompanying feedback sections which fully explain the answer to each question, and which also provide useful tips on how to approach such questions in an exam, providing an excellent starting point for further revision.

Criminal Litigation and Sentencing gives the reader a detailed understanding of the key laws, rules, and procedures underpinning the criminal justice system from arrest and charge of a suspect, to trial, sentencing, and appeal.

Prosecution cases in the magistrates', Crown, youth, and appellant courts are each fully covered.

A leading text in criminal law, co-authored by leading scholars in the field, Sentencing Law and Policy draws from extensive sources to present a comprehensive overview of all aspects of criminal sentencing. Online integration with sentencing commissions, thorough treatment of current case law, and provocative notes and questions, stimulate students to consider connections between disparate institutions and examine the purposes and politics of the criminal justice system. The Third Edition has been updated to include recent developments in sentencing case law and provocative discussions of policy debates across a wide range of topics, including discretion in sentencing, race, death penalty abolition, state sentencing guidelines, second-look policies, the impact of new technologies, drug courts and much more. Features: Authors are among the leading sentencing scholars in the United States. Demleitner and Berman are editors of the leading sentencing journal, Federal Sentencing Reporter. Berman is the blog master of the leading sentencing blog, with huge readership. Intuitive organization tracks the process that occurs in every criminal sentencing. Each chapter draws on the most relevant examples from three distinct sentencing worlds: guideline-determinate, indeterminate, and capital. Wide-ranging source materials, including: U.S. Supreme Court decisions. Cases from state high courts, federal appellate courts, and foreign jurisdictions. Statutes and guidelines provisions. Reports and data from sentencing commissions and other agencies. Problems and questions in text are integrated with websites of sentencing commissions, such as the site for the U.S. Sentencing Commissions (www.ussc.gov). Challenging questions ask students to compare institutions and consider the connections between specific sentencing rules and the purposes and politics of criminal justice, emphasizing the effects of sentencing. Notes tell students directly what are the most common practices in U.S. jurisdictions. Instructors' website (www.sentencingbook.net) provides the Teacher's Manual—available only electronically on the site—with additional teaching materials to be posted as needed. Students' website (www.sentencingbook.com) features longer collections of rules and guidelines, statutes, case studies, recent articles, practice problems, sample exams, and a virtual library. Thoroughly updated, the revised Third Edition includes: New Supreme Court cases, including Gall, Kimbrough, Padilla (6th Amendment), and Kennedy (child rape sentencing limits). Policy debates over mass incarceration, the relevance of the budget crisis, and the state-level variation in deincarceration. Shifting authority among key actors in the crack penalty/crack reform debate, including the Fair Sentencing Act (FSA). Expanded core study of discretion in sentencing and attention to race in sentencing, with a close study of the North Carolina Racial Justice Act and the emergence of “racial impact statements” about existing systems and proposed legislation in a number of states. Death penalty abolition. Developments in state sentencing guidelines, noting stand-still in new states, and the relevance of the ALI MPC project. Emergence of “second look” policy discussions, the troubled debate over the theory, operation and impact of parole systems, and the “supervised release” that has come to replace traditional parole. Discussion of new technologies, developm

Criminal Litigation and Sentencing provides details of the relevant law and rules which apply to criminal cases and deals with the elements of procedure and sentencing at various stages of the criminal process from the commencement of the prosecution to hearings in the magistrates' court or youth court, the Crown Court, and the Court of Appeal. It provides students with an overview of the legal framework which underlies all criminal proceedings, thoroughly preparing them for further experience in this field. This manual shows clearly and concisely the stages of the criminal process to ensure that students gain an excellent working knowledge of how litigation theory applies in practice. Appeals against conviction (or acquittal) and sentence are considered as is the practice and law of sentencing, familiarizing the student with all the important procedure they may encounter. This new edition looks at recent developments in the criminal justice system originating in the continued implementation of the Criminal Justice Act 2003. It also includes additions to the Criminal Procedure Rules 2005, recent legislation, such as the Serious Organised Crime and Police Act 2005, and the continuing evolution of sentencing principles and practice under the supervision of the Sentencing Guidelines Council. Significant cases where the Court of Appeal sometimes made dramatic changes to established principles are also featured, including Goodyear, Miles, and Lang. This guarantees that students are using the most up-to-date information, something which is crucial when studying this ever-changing area of the law. Finally, there is recognition of the increasing use and importance of anti-social behavior orders within the criminal justice system, with full consideration of relevant law and practice in this developing area.

How do judges sentence? In particular, how important is judicial discretion in sentencing? Sentencing guidelines are often said to promote consistency, but is consistency in sentencing achievable or even desirable? Whilst the passing of a sentence is arguably the most public stage of the criminal justice process, there have been few attempts to examine judicial perceptions of, and attitudes towards, the sentencing process. Through interviews with Scottish judges and by presenting a comprehensive review and analysis of recent scholarship on

sentencing – including a comparative study of UK, Irish and Commonwealth sentencing jurisprudence – this book explores these issues to present a systematic theory of sentencing. Through an integration of the concept of equity as particularised justice, the Aristotelian concept of phronesis (or 'practical wisdom'), the concept of value pluralism, and the focus of appellate courts throughout the Commonwealth on sentencing by way of 'instinctive synthesis', it is argued that judicial sentencing methodology is best viewed in terms of a phronetic synthesis of the relevant facts and circumstances of the particular case. The author concludes that sentencing is best conceptualised as a form of case-orientated, concrete and intuitive decision making; one that seeks individualisation through judicial recognition of the profoundly contextualised nature of the process.

It is no secret that America's sentencing and corrections systems are in crisis, and neither system can be understood or repaired fully without careful consideration of the other. This handbook examines the intertwined and multi-layered fields of American sentencing and corrections from global and historical viewpoints, from theoretical and policy perspectives, and with close attention to many problem-specific arenas. Editors Joan Petersilia and Kevin R. Reitz, both leaders in their respective fields, bring together a group of preeminent scholars to present state-of-the-art research, investigate current practices, and explore the implications of new and varied approaches wherever possible. The handbook's contributors bridge the gap between research and policy across a range of topics including an overview of mass incarceration and its collateral effects, explorations of sentencing theories and their applications, analyses of the full spectrum of correctional options, and first-hand accounts of life inside of and outside of prison. Individual chapters reflect expertise and source materials from multiple fields including criminology, law, sociology, psychology, public policy, economics, political science, and history. Proving that the problems of sentencing and corrections, writ large, cannot be addressed effectively or comprehensively within the confines of any one discipline, *The Oxford Handbook of Sentencing and Corrections* is a vital reference volume on these two related and central components of America's ongoing experiment in mass incarceration.

This book provides a holistic overview of the English and Welsh system of criminal justice, from the earliest stages of investigation and arrest through to the punishment and release of offenders. Aimed at students, it examines not only the law and procedure of criminal justice and punishment, but underpinning theories and surrounding issues.

This book provides an accessible and systematic restatement of the desert model for criminal sentencing by one of its leading academic exponents. The desert model emphasises the degree of seriousness of the offender's crime in deciding the severity of his punishment, and has become increasingly influential in recent penal practice and scholarly debate. It explains why sentences should be based principally on crime-seriousness, and addresses, among other topics, how a desert-based penalty scheme can be constructed; how to gauge punishments' seriousness and penalties' severity; what weight should be given to an offender's previous convictions; how non-custodial sentences should be scaled; and what leeway there might be for taking other factors into account, such as an offender's need for treatment. The volume will be of interest to all those working in penal theory and practice, criminal sentencing and the criminal law more generally.

This book provides a comprehensive exposition of criminal procedure. The book includes the changes made to the Court of Appeal by the Criminal Act 1995 and the provisions relating to criminal proceedings, pre-trial hearings and disclosure of evidence contained in the full statute.

The full statute.

The Handbook on Criminal Litigation offers a comprehensive and practical guide to the areas of criminal litigation covered on the Legal Practice Course. Making effective use of realistic case studies which are backed up by documentation online, the text combines theory with practical considerations and encourages students to focus on putting their knowledge into a practical context. Written in an informal style, the text covers all procedural and evidential issues that arise in criminal cases. The more complex areas of criminal litigation are examined using numerous diagrams, flowcharts, and examples while potential changes in the law are highlighted by specially designed 'Looking Ahead' boxes. Each chapter ends with a key point summary and self-test questions, enabling students to quickly sum up what they have read and test their own knowledge. Online Resource Centre The comprehensive Online Resource Centre offers vital support to students throughout their course. Updates are freely accessible to enable students to keep up to date with developments in the field, while links to other useful websites and legislation encourage students to explore the subject area fully. Additionally, two chapters covering regulatory crime and fraud are freely accessible online for those students whose course emphasizes corporate crime. Lecturers are able to access video clips of fictional but realistic court proceedings which follow the case studies included in the text; documentation supporting these case studies is also provided via the site. Additional videos cover the procedure at the police station and sentencing in the Crown Court. Lecturers are also able to access a test bank of questions which provide an innovative way to assess students' understanding.

Now in its fourteenth edition, *A Practical Approach to Criminal Procedure* provides a complete guide to the criminal process in England and Wales. It explains what happens before the accused appears in court, the way in which prosecutions are commenced, funding by the criminal defence service, and bail. It describes proceedings in the magistrates' court, including summary trial and committal for sentence, as well as the way in which the youth court operates. Committal and transfer for trial are clearly explained and the process by which serious offences are sent direct to the Crown Court is also studied. Trial on indictment is discussed in detail, as are sentencing and appeals. This new edition has been fully updated to incorporate recent developments in the field. In particular, attention is paid to the changes resulting from the Legal Aid, Sentencing and Punishment of Offenders Act, as well as to recent Sentencing Guidelines. Changes to the PACE codes are also considered in detail. Very much a practical guide, this title makes frequent use of examples, flowcharts, and tables, and is specifically designed to assist the busy professional and student. *A Practical Approach to Criminal Procedure* is an indispensable resource for those working in this field. The *A Practical Approach* series is the perfect partner for practice work. Each title focuses on one field of the law and provides a comprehensive overview of the subject together with clear, practical advice and tips on issues likely to arise in practice. The books are also an excellent resource for those new to the law, where the expert overview and clear layout promote ease of understanding.

Providing over 130 challenging multiple-choice questions, together with note-form answers, this book is the ideal revision aid for students on the Bar Professional Training Course. *Test Yourself* allows students to quickly and easily reinforce their knowledge of key principles, procedures, and leading cases in the areas of evidence, civil procedure, criminal procedure, and sentencing. Offering students the opportunity to practice undertaking multiple-choice questions, which may be similar to those met in assessments, *Test Yourself* can be used as a tool by students to not only test their knowledge and comprehension of key legal principles, but can also be used to identify any weaknesses in knowledge, indicating areas where further study is required. Answers to all questions are provided at the end of the tests, along with accompanying feedback sections which fully explain the answer to each question, and which also provide useful tips on how to approach such questions in an exam, providing an excellent starting point for further revision.

Criminal Litigation and Sentencing offers an excellent introduction to the criminal justice system and the rules and procedures which govern the role of the criminal advocate. The manual provides practical guidance on all aspects of a criminal case, from arrest and charge, to trial, appeals, and sentence. Full consideration is given to criminal proceedings in magistrates', youth, and Crown courts, so that the pupil barrister is fully prepared for practice.

Criminal Litigation: Practice and Procedure provides a thorough and practical guide to all areas of the law and practice with which the aspiring criminal litigator needs to be familiar. Written with the LPC in mind, this book is suitable for both the core module of Criminal Litigation and the Advanced Criminal Practice option.

Providing 140 challenging multiple-choice questions, together with note-form answers, this book is the ideal revision aid for students taking

the Bar Vocational Course. Test Yourself follows you to quickly and easily reinforce your knowledge in the key areas of Evidence, Civil Procedure, Criminal Procedure and Sentencing. With multiple choice assessments becoming more widespread, it is increasingly important for students to prepare using practice questions in the relevant format. As well as providing preparation for assessments, these questions highlight any areas of weakness in your learning. Feedback sections fully explain each answer and are an excellent starting point for further revision; they also provide tips on how to approach this type of question in an exam. Published in conjunction with the Inns of Court School of Law, Test Yourself is part of the popular bar manuals series, and it helpfully cross-references the relevant manuals. It is the product of many years' teaching experience and its questions, devised by senior teaching staff, are prepared to the same standard as those used for assessment purposes at the School.

The new edition of this seminal text outlines the fundamental aspects of the German approach to criminal procedure. It explores a wide range of issues from setting out the basic procedural principles to presenting the main players in the criminal justice system, pre-trial investigations, the path from indictment to trial judgment, rules of evidence, sentencing, and appeals and post-conviction review. As far as it is useful for an introductory text, the differences between proceedings against adults and juveniles are highlighted. The theoretical discussion of decision-making and style of judgment writing is supported by practical insights through specimen translations of an indictment, a trial judgment and an appellate judgment by the Federal Court of Justice.

Walsh on Criminal Procedure is a comprehensive treatment of all aspects of criminal procedure from police powers of investigation right through to post-sentencing processes. The second edition responds to recent developments by offering a comprehensive, expert and accessible analysis of all aspects of Irish criminal procedure. A consistent theme throughout is an emphasis on comprehensive detail and clarity with the needs of both prosecution and defence in mind. New to this Edition * Nine new chapters, including: Basic principles and values; Criminal justice institutions; Jurisdiction; Surveillance; Initiation of criminal proceedings; District Court proceedings and trial; European judicial cooperation in criminal matters; European arrest warrant * Major expansion of the chapter on Sentencing to incorporate the increase in range of: direct sentencing options and requirements; ancillary sentencing options; post-sentencing orders; and forfeiture and confiscation * Major expansion of the chapter on 'Appeals' to include the range of options for the DPP to challenge acquittals * Major expansion of chapters on Garda powers and procedures to include increase in range and substance of Garda powers on: detention; encroaching on right to silence; accessing evidence; retaining print and DNA evidence; and stop and search * Expansion of bail chapter to include: further restrictions; disclosure obligations, and monitoring * Expansion of trial evidence chapter to include developments on: admissibility of witness statements; admissibility of Garda opinion evidence; presumptions; admissibility of electronically recorded evidence; advance disclosure of expert evidence; and disposal of property to be used as evidence * Coverage of investigative and law enforcement powers of a wider range of agencies, including: Revenue Commissioners, Immigration officers, social welfare officers and fisheries officers. * More substantive treatment of relevant jurisprudence from the European Court of Human Rights About the Author Professor Dermot Walsh LLB, PhD, MRIA, Barrister-at-Law is a lecturer at Kent Law School at the University of Kent. He specialises in Policing and Criminal Justice; Criminal Procedure; Human Rights; European Criminal Law and Procedure. He is also the author of *Juvenile Justice* (Thomson Reuters Round Hall, 2005)

Blackstone's Statutes have a 25-year tradition of trust and quality unrivalled by other statute books, and a rock-solid reputation for accuracy, reliability, and authority. Content is extensively reviewed to ensure a close map to courses. Blackstone's Statutes lead the market: consistently recommended by lecturers and relied on by students for exam and course use. Blackstone's Statutes are the original and best; setting the standard by which other statute books are measured. Each title is: * Trusted: Ideal for exam use * Practical: Find what you need instantly * Reliable: Current, comprehensive coverage * Relevant: Content based on detailed market feedback Visit <http://global.oup.com/uk/orc/law/statutes/www.oxfordtextbooks.co.uk/orc/statutes//a> for accompanying online resources created with the assistance of the Statute Law Society including videos on how to interpret statutes and how legislation is made. The Online Resource Centre for this book also provides web links.

Criminal Procedure and Sentencing provides a comprehensive, engaging and up-to-date guide to each step of criminal procedure, from the arrest of the suspect through to trial, sentencing and appeals. Taking a strong practical focus throughout, it covers all aspects of the process of the criminal courts. The ninth edition has been fully revised and significantly expanded to include more information about the workings of the criminal courts of England and Wales. The supporting website offers readers access to regular updates to the law and also a comprehensive set of web links and advice on additional reading and research for those seeking to engage in critical evaluation of the criminal justice system. This is an ideal text for anyone studying the criminal justice system at a professional or academic level. The author's authoritative yet engaging writing style brings the subject to life and helps to explain complex issues in an easy-to-understand way.

This book offers a set of essays, old and new, examining the positive obligations of individuals and the state in matters of criminal law. The centrepiece is a new, extended essay on the criminalisation of omissions-examining the duties to act imposed on individuals and organisations by the criminal law, and assessing their moral and social foundations. Alongside this is another new essay on the state's positive obligations to put in place criminal laws to protect certain individual rights. Introducing the volume is the author's much-cited essay on criminalisation, 'Is the Criminal Law a Lost Cause?'. The book sets out to shed new light on contemporary arguments about the proper boundaries of the criminal law, not least by exploring the justifications for imposing positive duties (reinforced by the criminal law) on individuals and their relation to the positive obligations of the state.

This monograph considers the correlation between the relative success of retributive penal policies in English-speaking liberal democracies since the 1970s, and the practical evidence of increasingly excessive reliance on the penal State in those jurisdictions. It sets out three key arguments. First, that increasingly excessive conditions in England and Wales over the last three decades represent a failure of retributive theory. Second, that the penal minimalist cause cannot do without retributive proportionality, at least in comparison to the limiting principles espoused by rehabilitation, restorative justice and penal abolitionism. Third, that another retributivism is therefore necessary if we are to confront penal excess. The monograph offers a sketch of this new approach, 'late retributivism', as both a theory of punishment and of minimalist political action, within a democratic society. Centrally, criminal punishment is approached as both a political act and a policy choice. Consequently, penal theorists must take account of contemporary political contexts in designing and advocating for their theories. Although this inquiry focuses primarily on England and Wales, its models of retributivism and of academic contribution to democratic penal policy-making are relevant to other jurisdictions, too.

This new, third edition of *Principled Sentencing* offers students of law, legal philosophy, criminology and criminal justice a wide-ranging selection of the leading scholarship on contemporary sentencing. The volume offers readers critical readings relating to

the key moral, philosophical and policy issues in sentencing today. It contains many new readings on subjects that have recently emerged and which have consequences for sentencing in many jurisdictions. The contents of each chapter consists of a selection of readings, some very recent, some more timeless - but each in its own way important to the field. As before, each chapter begins with an introduction by one of the editors accompanied by a selection of further readings. All the chapters have been substantially revised, as have the editorial introductions.

This book deals with sentencing in international criminal law, focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). In contrast to sentencing in domestic jurisdictions, and in spite of its growing importance, sentencing law is a part of international criminal law that is still 'under construction' and is unregulated in many aspects.

International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence, notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles. Moreover international judges receive very little guidance in sentencing matters: this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways. One purpose of this book is to investigate and evaluate the process of international sentencing, especially as interpreted by the ICTY and the ICTR, and to suggest a more comprehensive and coherent system of guiding principles, which will foster the development of a law of sentencing for international criminal justice. The book discusses the law and jurisprudence of the ad hoc Tribunals, and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice, thus offering quantitative support for the doctrinal analysis. This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice. The book will thus be of great interest to practitioners, academics and students of the subject.

[Copyright: de3faecf1eaa78fc8a4f206b1e85c050](#)