

FULLY  
REVISED &  
UPDATED

# AMNESTY INTERNATIONAL FAIR TRIAL MANUAL



## OVERVIEW

Every criminal trial tests the state's commitment to justice and respect for human rights. Whatever the crime, if people are subjected to unfair trials, justice is not served for the accused, the victim of the crime or the public.

The justice system itself loses credibility when trials are unfair and people are unjustly convicted and punished. Unless human rights are upheld in the police station, the detention centre, the court and the prison cell, the state has failed in its duties and betrayed its responsibilities.

The *Amnesty International Fair Trial Manual* is a practical and authoritative guide to international and regional

standards for fair trial. These standards set out minimum guarantees designed to protect the right to a fair trial in criminal proceedings.

The *Manual* explains how fair trial rights have been interpreted by human rights bodies and by international courts. It covers rights before and during trial, and during appeals. It also covers special cases, including death penalty trials, cases brought against children, and fair trial rights during armed conflict. This is the second, updated and revised edition of the *Manual*.

## KEY FEATURES

- Peer-reviewed by many leading legal experts in the field
- Comprehensive and concise
- Non-technical language, combining legal accuracy with accessibility
- Much-lauded user-friendly format and easily navigable
- Cites the most relevant international and regional standards and jurisprudence of international human rights courts and bodies
- Provides clear explanations for terms used and human rights standards cited

## TITLE INFORMATION

<b>Title:</b>	Amnesty International Fair Trial Manual: Second Edition
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## BACKGROUND AND RATIONALE

Since 1998, the *Amnesty International Fair Trial Manual* has been the trusted guide to fair trial standards for legal professionals the world over. The *Amnesty International Fair Trial Manual: Second Edition* is the fully revised and updated text.

Drawing on Amnesty International's standing as an authoritative voice in interpreting international human rights law, the *Manual* provides a comprehensive, practical and accessible guide to international and regional fair trial standards.

Since its first publication in 1998, the *Manual* has enjoyed notable success in terms of global reach and impact. The first edition was translated into 14 languages and is used by a wide range of practitioners, including NGO staff, government officials, legislators, UN bodies, the OSCE, judges, lawyers and trial observers. The UN and others have found it to be a valuable and user-friendly resource for delivering training and facilitating international workshops worldwide. It is used in on-the-ground missions and in post-conflict situations, including by the UN. Bodies including the EU Commission have turned to the *Manual* for guidance in drafting international legal standards.

For many years, Amnesty International has received requests for an updated *Manual* from intergovernmental and non-governmental organizations, lawyers and other human rights defenders around the world. The second edition answers this call.

A number of changes in the global legal and political context have taken place since the first edition was published. New standards have been adopted, for example relating to women deprived of their liberty and the right to access legal aid. (The first edition cites 65 legal standards; the second edition cites more than 140.) There is growing recognition that many fair trial rights apply at all times and in all circumstances, even during states of emergency and armed conflicts. In the aftermath of the 9/11 attacks in the USA, human rights, including fair trial rights, faced particular challenges. There is now more clarity that a state's human rights obligations apply beyond its borders when it exercises control over a people or territory. Along with increased attention to discrimination within the criminal justice system, there is a growing consensus that fairness requires respect for the rights of victims in a manner consistent with the rights of the accused.

## ENDORSEMENTS

The first edition of the *Manual* was widely used by trial observers, human rights workers, lawyers, judges, NGO staff and international organizations including the UN.

*"When I found the Fair Trial Manual, I felt like I had struck gold. It explains the multitude of legal standards in a comprehensive, straightforward and accessible way."*

**Dr Vivienne O'Connor, US Institute of Peace**

*"I used the first edition of the Fair Trial Manual and benefited from it a lot in my work as a judge in Jordan at the Court of Cassation, the Supreme Court (Criminal Chamber). I have used it as a reference in different judgements. I also conducted a training program based on the guide for new judges and I am using this guide as part of the curriculum at the Judicial Institute of Jordan. This is an important reference guide for me and my fellow judges."*

**Mohamed Tarawneh, Supreme Court judge, Jordan**

*"The Manual has proved to be a very valuable source to have for checking issues 'on the go' within a short period of time, and as a reference in practical situations including trial observation."*

**Mervat Rishmawi, human rights consultant**

*"Amnesty's Fair Trial Manual was an essential guideline. It helped me to identify the political character of my trial by UNMIK and later by EULEX, as well as teaching me how to defend myself. The Fair Trial Manual helped me to reveal and resist the injustice of my trial."*

**Albin Kurti, NGO leader in Kosovo**

## MARKET

### RELATED TITLES

The first edition of the *Amnesty International Fair Trial Manual* (ISBN: 0-86210-277-4) was the first publication of its kind. Since then, other manuals have been produced, but these are either lengthy and expensive treatises, or do not include case examples or regional standards. The *Amnesty International Fair Trial Manual* is the most comprehensive and accessible to a general audience.

- Clayton & Tomlinson – *Fair Trial Rights* (2nd edition, OUP, 2010) £65.00, 330pp. Particular focus on UK, Canada, New Zealand and South Africa.

- Trechsel – *Human Rights in Criminal Proceedings* (OUP, 2005) £53.00, 736pp. A critical examination of case law.

- OSCE – *Legal Digest of International Fair Trial Rights* (2012) Free. Aimed at trial monitors.

Other titles focus on certain regions and/or jurisdictions, specific standards or treaties, rights in specific contexts such as counter-terrorism, or the rights of specific categories of people such as child detainees.

### READERSHIP

The target audiences are:

- Staff and volunteers of NGOs
- Lawyers, judges and other legal professionals
- Trial observers
- Government officials
- Legislators
- International and regional bodies, including the UN, African Union, Arab League, ASEAN, Organization of American States, Council of Europe, EU and OSCE (at headquarters and in-country mission staff)
- Law schools and their students
- Legal libraries
- Anybody assessing the fairness of an individual criminal case or criminal justice system

### PUBLICITY AND PROMOTION

Amnesty International will use its substantial and sophisticated global network of human rights professionals, lawyers, members, activists and press contacts to promote the book. Launch events in several international locations, with accompanying media coverage, will bring the book to a wide audience, on a par with global coverage harnessed for our annual publication the *Amnesty International Report*.

### TRANSLATIONS

Translations in Arabic, Chinese, French, Russian and Spanish will be produced in early 2014. Further translations are expected as a result of partnerships with local and regional organizations.

## OUTLINE OF CONTENT

A summary of chapters and topics covered is as follows:

### SECTION A: PRE-TRIAL RIGHTS

- Chapter 1** Right to liberty
- Chapter 2** Rights of people in custody to information
- Chapter 3** Right to legal counsel before trial
- Chapter 4** Right of detainees to have access to the outside world
- Chapter 5** Right to be brought promptly before a judge
- Chapter 6** Right to challenge the lawfulness of detention
- Chapter 7** Right to trial within a reasonable time or to release
- Chapter 8** Right to adequate time and facilities to prepare a defence
- Chapter 9** Rights and safeguards during questioning
- Chapter 10** Right to humane detention conditions and freedom from torture

### SECTION B: RIGHTS AT TRIAL

- Chapter 11** Right to equality before the law and courts
- Chapter 12** Right to trial by a competent, independent and impartial tribunal
- Chapter 13** Right to a fair hearing
- Chapter 14** Right to a public hearing
- Chapter 15** The presumption of innocence
- Chapter 16** Right not to be compelled to incriminate oneself
- Chapter 17** Exclusion of evidence obtained in violation of international standards
- Chapter 18** Prohibition of retroactive application of laws and double jeopardy
- Chapter 19** Right to be tried without undue delay
- Chapter 20** Right to defend oneself in person or through counsel
- Chapter 21** Right to be present at trial and appeal
- Chapter 22** Right to call and examine witnesses
- Chapter 23** Right to an interpreter and to translation
- Chapter 24** Judgments
- Chapter 25** Punishments (including conditions of imprisonment)
- Chapter 26** Right to appeal and retrials

### SECTION C: SPECIAL CASES

- Chapter 27** Children
- Chapter 28** Death penalty cases
- Chapter 29** Special, specialized and military courts
- Chapter 30** Right to compensation for miscarriages of justice
- Chapter 31** Fair trial rights during states of emergency
- Chapter 32** Fair trial rights in armed conflict

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