

## PREFACE

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With the advent and refinement of forensic sciences in the last two decades, miscarriages of justice as societal and legal phenomena, as well as facts of judicial life, have become more visible and prominent. Although this is especially true in capital cases in the United States, numerous miscarriages of justice have also occurred in Europe. Analysis of such erroneous convictions provides a window through which one can observe the (in)fallibility and inherent deficiencies of criminal justice systems. “Convicting the innocent shows the fallibility of every other decision made by politicians and criminal justice personnel. It shows they make godlike decisions without godlike skills.”<sup>1</sup>

This book aims at providing an insight into both the procedural and substantive legal aspects of the prevention, as well as the redressing of miscarriages of justice. Such analysis is inextricably connected with delving deeper into contemporary developments within forensic science. The complexity of the forensic sciences and their transposition onto international criminal procedure is still an underdeveloped area. This issue is extensively dealt with below in Chapter 8.

The promulgation of legal and practical standards for the review of criminal cases is of perennial concern. Defense lawyers, facing potential miscarriages of justice, are often confronted with ambiguous legal review standards in criminal law codes. Building on analysis of standards in various criminal law systems, as well as those within the statutes of international and internationalized criminal tribunals, this book provides an overview of the subject and is intended to serve as a textbook for practitioners, while simultaneously formulating guidelines on how to proceed in these type of cases and adjudicate them.

Practitioners specializing in the complex area of redressing miscarriages of justice by way of review procedures are rare. Doughty Street

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<sup>1</sup> See Michael L. Radelet, *Foreword*, in *WRONGLY CONVICTED: PERSPECTIVES ON FAILED JUSTICE* xi (Saundra D. Westervelt & John A. Humphrey eds., 2001).

Chambers, London, is one of the prominent offices in common law that prides itself on this expertise. Knoops & Partners Lawyers, Amsterdam, the firm to which I belong, has dealt with a number of landmark cases in this area within the civil law jurisdictions. However, an important task and responsibility for advocacy lies ahead—to grow in knowledge and familiarity with the procedural complexity of review procedures. The acquisition of such knowledge is sure to be beneficial in seeking prevention of miscarriages of justice.

In thanking those who have assisted in the preparation of this study, I recall those who have contributed to the development of my academic career and, in particular, my legal partner and wife, Carry Juliette Hamburger, for her substantive contribution to this study as well as her moral support. In addition, I am grateful to the members of my law office, Knoops & Partners Lawyers, for their trust in me. In particular, I am indebted to Janneke Boumans, who assisted me in researching materials for this book, and to Frederique Wessel for her extensive work on the manuscript. I am indebted to my loyal friend Wayne Jordash, barrister at Doughty Street Chambers, London, for his intellectual inspiration and trust.

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