

REVUE INTERNATIONALE DE DROIT PÉNAL

LE JURY DANS LE PROCÈS PÉNAL AU XXI^e SIÈCLE

Conférence internationale,
Syracuse, Italie, 26-29 mai 1999

THE LAY PARTICIPATION IN THE CRIMINAL TRIAL IN THE XXIST CENTURY

International Conference
Syracuse, Italy, 26-29 May 1999

ASSOCIATION INTERNATIONALE DE DROIT PÉNAL



72^e année
nouvelle série

1^{er} et 2^e
trimestres 2001

INTERNATIONAL REVIEW OF PENAL LAW

REVUE INTERNATIONALE DE DROIT PÉNAL

INTERNATIONAL REVIEW OF PENAL LAW

72^e année - nouvelle série

1^o et 2^o trimestres 2001

SOMMAIRE / CONTENTS / ÍNDICE

LE JURY DANS LE PROCÈS PÉNAL AU XXI^e SIÈCLE Syracuse, Italie, 26-29 mai 1999

LAY PARTICIPATION IN THE CRIMINAL TRIAL IN THE 21ST CENTURY
Siracusa, Italy, 26-29 May 1999

SÉANCE D'OUVERTURE / OPENING SESSION

H.E. Prof. Giovanni Conso	15
The Idea of a Conference on Lay Participation, <i>Prof. Stephen C. Thaman</i>	19

I RAPPORTS NATIONAUX / COUNTRY REPORTS

Belgium - The Jury in Belgium, <i>Philip Traest</i>	27
China - The Lay Assessor System in China, <i>Liling Yue</i>	51
Croatia - Mixed Tribunal in Croatia, <i>Sanja Kutnjak Ivkovi</i>	57
Denmark - The Danish Jury, <i>Peter Garde</i>	87
England and Wales - England and Wales Report, <i>Michael Zander Qc</i>	121
Finland - From Compurgators to Mixed Courts: Reflections on The Historical Development of Finnish Evidence Law and Court Structure, <i>Heikki Pihlajamäki</i>	159
France - Le jury en France, Une histoire jamais terminée, <i>Jean Pradel</i>	175
Germany Lay Participation in Germany, <i>Walter Perron</i>	181
Ireland - Jury Trial in Republic of Ireland, <i>Katie Quinn</i>	197
Japan - The Criminal Jury System in Imperial Japan and the Contemporary Argument for Its Reintroduction, <i>Takashi Maruta</i>	215

Norway – Jury Trial in Norway, <i>Asbjørn Strandbakken</i>	225
Russia - The Reasons for Reintroducing Trial by Jury in Russia, <i>Sergey A. Pashin</i>	253
Scotland - The Scottish Jury, <i>Christopher Gane</i>	259
South Africa - Lay Participation in South Africa from Apartheid to Majority Rule, <i>Milton Seligson, S.C.</i>	273
Spain - El Jurado Español: Ley y Practica, <i>Juan-Luis Gómez Colomer</i>	285
Sweden - Lay Judges in Sweden. A Short Introduction, <i>Christian Diesen</i>	313
Switzerland – Le jury genevois, <i>Bernhard Sträuli</i>	317

II

RAPPORTS PARTICULIERS / SPECIAL REPORTS

C.J.A. Mittermaier and the 19th Century Debate About Juries and Mixed Courts, <i>Arnd Koch</i>	347
The Advantages and Disadvantages of Lay Judges from a Swedish Perspective, <i>Christian Diesen</i>	355
Trial by Jury: A Western or a Peculiarly Russian Model?, <i>Marina Nemytina</i>	365
"Suppression of Evidence and the Use of the Investigative File in Russian Trials: The View of a Lawyer.", <i>Yelena Yu. Lvova</i>	371
Narrative Relevance, Imagined Juries, and a Supreme Court Inspired Agenda for Jury Research, <i>Richard O. Lempert</i>	405
Questions of Fact and Law in Russian Jury Trials: The Practice of The Cassational Courts Under The Jury Laws of 1864 and 1993, <i>Stephen C. Thaman</i>	415
Interaction between Lay Assessors and Professional Judges in German Mixed Courts, <i>Stefan Machura</i>	451
Influence of Lay Assessors and Giving Reasons for The Judgement in German Mixed Courts, <i>Christoph Rennig</i>	481
Community Participation, and the Integration within Legal Formalism in the South Pacific, <i>Mark Findlay</i>	495
Social Integration and Lay Participation: The Situation in Argentina, <i>Edmundo s. Hendler</i>	515
The International Development of The Jury : The Role of The British Empire, <i>Richard Vogler</i>	525
Philosophical and Social View of The Jury: Could it have a Renaissance in Germany, <i>Felix Herzog</i>	553
The Presumption of Innocence and The Cour d'assises: Is France Ready for Adversarial Procedure?, <i>Michel Bonnieu</i>	559

Paradoxes of Lay and Professional Decision Making in Common Law Criminal Systems, <i>John D Jackson</i>	579
Lay Participation and Consensual Disposition Mechanisms, <i>Thomas Weigend</i>	595
The Limitations on Trial by Jury, <i>Peter Duff</i>	603

III

CHRONIQUE / CHRONICLE

Activités du Conseil de l'Europe dans le domaine des problèmes criminels, <i>Aglaïa Tsitsoura</i>	613
---	-----