

Mr. G.J.M. Corstens

HET NEDERLANDS STRAFPROCESRECHT

Negende druk

bewerkt door

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Wolters Kluwer

Het Nederlands Strafprocesrecht

Marianne F.H. Hirsch Ballin



Het Nederlands Strafprocesrecht:

Het Nederlands strafprocesrecht Gerardus Josephus Maria Corstens, 2018 Dit brede overzicht van het Nederlands strafprocesrecht is alweer toe aan zijn negende druk De uitgave werpt een bijzonder complete blik op de algemene achtergronden de bronnen en de uitgangspunten van het strafprocesrecht evenals de verschillende fasen binnen dit rechtsgebied Bijgewerkt naar de laatste ontwikkelingen in wetgeving en rechtspraak Bent u op zoek naar een volwaardig overzicht van het Nederlands strafprocesrecht De negende druk van Het Nederlands strafprocesrecht biedt u een grondige verkenning van dit dynamische rechtsgebied U maakt kennis met de algemene achtergronden de bronnen en de uitgangspunten van het strafprocesrecht Daarnaast worden ook de verschillende fasen van dit recht onder de loep genomen Uiteraard besteedt de uitgave volop aandacht aan de actuele ontwikkelingen die zich op het terrein van het strafprocesrecht voltrekken Voor deze negende druk is rekening gehouden met de wetgeving die uiterlijk op 1 april 2018 in werking is getreden en met rechtspraak en literatuur die voor dezelfde datum zijn gepubliceerd Tal van actuele ontwikkelingen maken deze negende druk meer welkom In het oog springen vooral de zogenoemde Salduszwetgeving raadsman bij het politieverhoor de wetgeving aangaande de uitbreiding van de rechten van slachtoffers en nabestaanden de Wet digitale processtukken Strafvordering de wet tot uitbreiding van de gronden voor voorlopige hechtenis en de wetgeving betreffende het recht op informatie in strafprocedures De uitgave kijkt niet alleen terug op actuele wijzigingen maar werpt ook een bescheiden blik vooruit op een gemoderniseerd Wetboek van Strafvordering Op het vlak van rechtspraak buigt de titel zich over ontwikkelingen rondom het ondervragingsrecht bij getuigen de rechtmatigheid van de inzet van bepaalde opsporingsmethoden en de ontvankelijkheid van het openbaar ministerie in de vervolging *Het openbaar ministerie en de afhandeling van strafzaken in Nederland* Dirk Van Daele, 2003 *The Reform of the Dutch Code of Criminal Procedure in Comparative Perspective* M.S. Groenhuijsen, Tijs Kooijmans, 2012-09-28 During the last decades of the 20th century a consensus has emerged that the Dutch Code of Criminal Procedure CCP which had entered into force in 1926 had become dysfunctional in connection with both main objectives of criminal procedure The research project Strafvordering 2001 aimed at answering the question how a CCP would look which meets contemporary needs and corresponds to state of the art doctrinal views and is coherent in the sense that it offers a systematic criminal procedure approach The Dutch government responded to the research findings by means of the introduction of several legislative acts The contributions in this book discuss the question of whether the legislator has succeeded in improving the law of criminal procedure **Principles of Evidence in International Criminal Justice** Karim A. A. Khan, Caroline Buisman, Christopher Gosnell, 2010 Principles of Evidence in International Criminal Justice provides an overview of the procedure and practice concerning the admission and evaluation of evidence before the international criminal tribunals The book is both descriptive and critical and its emphasis is on day to day practice drawing on the experience of the Yugoslavia Rwanda and Sierra Leone Tribunals This book is an

attempt to define and explain the core principles and rules that have developed at those ad hoc Tribunals the rationale and origin of those rules and to assess the suitability of those rules in the particular context of the International Criminal Court which is still at its early stages The ICC differs in structure from the ad hoc Tribunals and approaches the legal issues it has to resolve differently from its predecessors The ICC is however confronted with many of the same questions The book examines the differences between the ad hoc Tribunals and the ICC and seeks to offer insights as to how and in which circumstances the principles established over years of practice at the ICTY ICTR and SCSL may serve as guidance to the ICC practitioners of today and the future The contributors represent a cross section of the practising international criminal bar drawn from the ranks of the Bench the Prosecution and the Defence and bringing with them different legal domestic cultures Their mixed background underlines the recurring theme in this book which is the manner in which a legal culture has gradually taken shape in the international Tribunals drawing on the various traditions and experiences of its participants

Schengen Investigated Chantal Joubert, Hans Bevers, 2023-08-28 Although the Schengen Convention has been in force since March 1995 no book has to date attempted an interpretation of the three authentic versions of the Convention in the light of a comparative study of applicable norms in the five original Schengen countries This book is the result of a five year study of the law applicable to the police in five countries Belgium The Netherlands Luxembourg France and Germany and the possible impact of the differences on the application of the Schengen Convention Moreover the European Convention on Human Rights is used as a standard minimum for the interpretation This book is an important tool for all practitioners in the field of cross border criminal procedure law

Anticipative Criminal Investigation Marianne F.H. Hirsch Ballin, 2012-03-06 This highly topical publication assesses the counterterrorism measures adopted in the USA and the Netherlands which aim to facilitate preventive criminal investigations It features an analysis of the legal principles that limit the scope of the methodology

Democracy in the Courts Marijke Malsch, 2016-05-13 Democracy in the Courts examines lay participation in the administration of justice and how it reflects certain democratic principles An international comparative perspective is taken for exploring how lay people are involved in the trial of criminal cases in European countries and how this impacts on their perspectives of the national legal systems Comparisons between countries are made regarding how and to what extent lay participation takes place and the relation between lay participation and the legal system's legitimacy is analyzed Presenting the results of interviews with both professional judges and lay participants in a number of European countries regarding their views on the involvement of lay people in the legal system this book explores the ways in which judges and lay people interact while trying cases examining the characteristics of both professional and lay judging of cases Providing an important analysis of practice this book will be of interest to academics legal scholars and practitioners alike

Netherlands Yearbook of International Law 1997 T. M. C. Asser Instituut, 1998-07-15 Contains an extensive review of Dutch state practice from the parliamentary year 1998 1999

The Execution of Strasbourg and Geneva Human

Rights Decisions in the National Legal Order M.L. van Emmerik,P.H.Ph.M.C. van Kempen,Tom Barkhuysen,2021-09-27

In practice and legal doctrine little attention has so far been paid to the position of the applicant who has taken the long road to the European Court of Human Rights Strasbourg or a UN Human Rights Committee Geneva and finally won his her case there Does he or she see any improvement in his her position Does the applicant obtain real reparation The purpose of this book is to demonstrate how individual case decisions from Strasbourg and Geneva are implemented in the national legal order Is there a need for improving this implementation and if so how can such an improvement be achieved In this volume several legal practitioners and scholars deal with the issue of the execution of human rights decisions in the national legal order from different perspectives Emphasis is laid on the execution of Strasbourg decisions in the Dutch legal order but solutions in other Council of Europe member states are also discussed The book is intended for lawyers having a special interest in human rights both at the national and international level Combatting Illicit Trade in Tobacco Products

Stanisław Tosza,John A. E. Vervaele,2022-02-17 This book focuses on the enforcement aspect of tobacco control policy and argues that the intense regulation of the tobacco market will never be successful as long as it can be circumvented by the availability of illicit tobacco products Yet current efforts to combat illicit tobacco trade are insufficient suffering from several flaws and gaps at the regulatory and operational levels The aim of this book is to provide an analysis of the legal framework and practice of enforcement with regard to illicit tobacco products Combining criminological and legal perspectives it presents and critically analyses the phenomenon of illicit tobacco trade as well as the policies legal frameworks and practices in six EU countries with regard to combatting this phenomenon assessing the strengths and weaknesses of their approaches Furthermore it studies the relationship between the EU and third countries e g Ukraine in terms of how the EU can influence policy and enforcement in these countries in order to counter illicit tobacco trafficking Not exclusively focusing on the EU the book also includes an analysis of enforcement against illicit tobacco products in the US The EU Member States analysed in the book Belgium Germany Italy Latvia the Netherlands and Poland reflect the range of currently available approaches Some of them have ratified the WHO Protocol against tobacco smuggling others have not They belong to different legal traditions and face different challenges due to their respective border situations While Belgium and the Netherlands are key entry ports to the EU Poland and Latvia represent the Eastern land border of the EU with various regional challenges Italy has a long maritime border where trafficking is possible from Northern Africa and from the Middle East It also has significant experience in fighting organised crime Lastly Germany is the largest market in Europe and situated in the middle of these trafficking routes **As political soldiers we face Moscow's hordes: Dutch volunteers in the Waffen-SS** Evertjan van

Roekel,2022-01-04 During the Second World War approximately 25 000 Dutchmen served within the ranks of the military branch of the German SS the Waffen SS They volunteered to fight to secure the victory of Nazi Germany These Dutch volunteers fought mainly on the Eastern Front and to a lesser extent within their own national borders After the war the

Allied victors regarded them as part of a criminal organization and jointly responsible for the atrocious transgressions of the Nazi regime In the Netherlands these men were reviled branded as traitors and became pariahs in their own country Those who had devoted themselves to the Nazi regime caused so much grief to the Netherlands that they had to be held accountable Despite their military achievements their reputation was damaged forever The Netherlands supplied the largest contingent of SS soldiers from the occupied North western European territories Who were these people What led them to enlist and what were the consequences of their choice An important part of this study involves the autobiographical texts of nineteen Dutch volunteers in the Waffen SS These ego documents recount their own immediate experiences and are mainly fragments from diaries but there are also letters individual notes and memoirs The ego documents are placed within the larger historical context to provide an answer to the question of whether these men were only ideologically motivated and unconditional Nazi sympathizers and for this their criminal records are also researched Among other topics the book discusses their choice to enlist their experiences at the front and their involvement in genocide providing a new perspective on the Eastern Front

European Perspectives on Pre-Trial Detention Christine Morgenstern, Walter Hammerschick, Mary Rogan, 2023-09-15 High levels of remand or pre trial detention PTD is a matter of growing concern in many countries and at a European level Despite being responsible for a significant part of the prison population PTD practice is rarely the focus of criminological and criminal justice research This book examines pre trial detention practices and different ways of reducing its use across Europe Offering a range of country specific studies this book also offers comparative studies of major issues across the continent In particular this book illustrates and examines how the actors judges public prosecutors defence lawyers work in pre trial proceedings and make decisions the common challenges in PTD decision making the factors which explain higher and lower rates of PTD across Europe similarities and differences in practice and the ways in which cross border cases in Europe influence policy and practice Offering suggestions and recommendations for how to bring down the use of PTD in Europe this book is essential reading for all those engaged with European penal research and practice

International Criminal Procedure Göran Sluiter, Håkan Friman, Suzannah Linton, Sergey Vasiliev, Salvatore Zappalà, 2013-03-21 International Criminal Procedure Principles and Rules is a comprehensive study of international criminal proceedings written by over forty leading experts in the field The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon Based on a major research project the study covers all procedural phases from the initiation of investigation to the appeals process It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence the defence issues the procedural role of victims and negotiated dismissal of international crime cases The book not only takes stock of

the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court but also reflects on the future directions of international criminal procedure Investigating the tribunals procedural law and practice through the prism of human rights law domestic legal traditions and tribunals special objectives the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met International Criminal Procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics *Het internationaal Straffprocesrecht* Göran Sluiter, 2007-09-17 **2012**, 2013-03-01 Particularly in the humanities and social sciences festschrifts are a popular forum for discussion The IJBF provides quick and easy general access to these important resources for scholars and students The festschrifts are located in state and regional libraries and their bibliographic details are recorded Since 1983 more than 659 000 articles from more than 30 500 festschrifts published between 1977 and 2011 have been catalogued **Netherlands Reports to the Seventeenth International Congress of Comparative Law, Utrecht 2006**, 2006 This book gives the reader an overview of current developments in Dutch Law The contributions are from leading academics from different universities in the Netherlands Amongst others the following topics are covered Dutch family law in the 21st Century Trend setting and straggling behind at the same time M Antonkolskaia and K Boele Woelki Mediation in the Netherlands past present future A de Roo and R Jagtenberg Mandatory and non mandatory rules in Dutch corporate law M Meinema Limits and control of competition with a view to international harmonisation P J Slot Rights of minority shareholders in the Netherlands L Timmerman and A Doorman Constitution international treaties contracts and torts M van Empel and M de Jong Human rights and private corporations A Dutch legal perspective S van Bijsterveld The rights of the embryo and the foetus under Dutch law V Derckx and E Hondius Regulating electronic commerce in the Netherlands C Prins **Van Pionier Naar Onmisbaar** Willy Bruggeman, 2009 Het voorliggende boek vormt het ambitieuze sluitstuk van het jubileumjaar 30 jaar Panopticon Deze uitgave is uiteraard verbonden met het tijdschrift wat duidelijk blijkt uit het feit dat de themas die hierin aan bod komen net dezelfde zijn als de deelredacties van Panopticon Dezelfde breedte die Panopticon bestrijkt en het tot een uniek tijdschrift maakt kan dus ook worden teruggevonden in dit boek Meer bepaald komen aan bod Opsporing en politie Vervolg berechting en magistratuur Deskundigenonderzoek Rechtshulp en advocatuur Strafvuiging en justiti le hulpverlening Recht en geestelijke gezondheidszorg Maatschappelijke dienstverlening Jeugdbescherming en bijzondere jeugdzorg Criminologie en strafrechtstheorie Internationaal en Europees strafrecht Vreemdelingen Criminografie en methodologie Mensenrechten **Criminal Law Principles and the Enforcement of EU and National Competition Law** Marc Veenbrink, 2019-11-20 Although Article 23 5 of EU Regulation 1 2003 provides that competition law fines shall not be of a criminal law nature this has not prevented certain criminal law principles from finding their way into European Union EU competition law procedures Even more significantly the deterrent effect of competition law fines has led courts in the

Netherlands and the United Kingdom UK as well as the European Court of Human Rights to conclude that competition law proceedings can lead to a criminal charge This book offers the first book length study of whether courts do indeed apply criminal law principles in competition law proceedings and if so how these principles are adapted to the needs and characteristics of competition law Focusing on competition law developments both legislative and judicial over a period of twenty years in three jurisdictions the Netherlands the UK and the EU the author compares how each of the following criminal law principles has emerged and been interpreted in each jurisdiction s proceedings freedom from self incrimination non bis in idem burden and standard of proof legality and legal certainty and proportionality of sanctions The author offers proposals involving both legislative and judicial actions with examples of judges invoking criminal law principles to develop an appropriate level of safeguards in competition law proceedings The book shows that criminal law can provide a rich source of inspiration for the judiciary on the appropriate level of legal safeguards in competition law proceedings As such it provides an important source of information and guidance for lawyers and judges dealing with competition law matters

Data Protection in EU and US Criminal Cooperation Els de Busser, 2009 The research in this doctoral thesis examines the protection of personal data in two relationships between judicial and law enforcement authorities of the EU Member States including Europol and Eurojust on the one hand and the US on the other hand The book provides answers to the central question as to whether the EU complies with her own standards of data protection in these internal relations as well as in the transatlantic cooperation in criminal matters The new framework decision on data protection in criminal matters that entered into force in early 2009 is a significant element in this study alongside the agreement concluded between the EU and the US on the mutual assistance in criminal matters of which the entry into force is equally planned for 2009 The book also reflects on the policy proposals of the EU on justice and home affairs for the period of 2010 2014 Siracusa Prizewinner This book was awarded the 2014 Siracusa Prize of the International Association of Penal Law AIDP IAPL Paris The 2014 Siracusa Prize is delivered on the occasion of the XIXth International Congress of Penal Law Rio de Janeiro Paris

Dulden of meewerken? Azad Zeeman, 2019-08-26 In een bestuursrechtelijk controleonderzoek zijn betrokkenen wettelijk gehouden tot het verlenen van medewerking Een dergelijk onderzoek kan evenwel aanleiding geven tot een verdenking van wetsovertreding en daarmee tot de start van een opsporings of boeteonderzoek Aan de hand van wetgeving literatuur en jurisprudentie wordt in dit boek onderzocht tot welke beperkingen het fenomeen van de sfeerovergang leidt in het bestuurs en strafrecht voor de rechtsbescherming die aan het nemo tenetur beginsel kan worden toegekend Controversieel is de verdachte die met een vordering tot uitlevering van documenten wordt geconfronteerd De auteur concludeert dat de rechtspraak van het Europees Hof voor de Rechten van de Mens EHRM meer ruimte biedt voor de toepassing van het nemo tenetur beginsel dan tot op heden is aangenomen in de Nederlandse rechtspraak Door de integrale theoretische behandeling van het bestuurs en strafrecht alsmede de concrete aanbevelingen beoogt het boek een

meerwaarde te zijn voor zowel de rechtspraak als de rechtswetenschap

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