

Parallel
Investigations

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Emanuel T. Prostano

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Marianne F.H. Hirsch Ballin

Parallel Investigations:

The Premises of International Criminal Procedure Megumi Ochi, 2024-11-22 How does international criminal procedure differ from any domestic legal principles and why? What premises of international criminal procedure do give rise to such differences? Can we provide any unified socio-legal explanation for the differences between the procedure of the International Criminal Court and the domestic legal principles? This boils down to the question: what are the premises inherent in international criminal procedure? Applying the premise theory of general principles of law, this book conducts a comparative analysis of various general principles of international criminal procedure with corresponding principles that are valid domestically and in general international law, and identifies special premises in the procedural law of the ICC. This book discloses the four points that have not been identified in previous studies: A) the fact that the value of international criminal procedure frequently mentioned in previous studies has not actually had much of an impact; i) the premise of seriousness of the core crime has little influence at the procedural level; and ii) the premise of deterring illegal investigations has little impact; B) the factors that have not been recognized as circumstances or values on which international criminal procedure is premised in previous research significantly influence international criminal procedure; iii) the entire procedure is based on the primitive premise of speed and first come first served; and iv) the impact of the premise of consideration for national sovereignty, which is associated with the fact that the ICC is an international organization based on a treaty, is critical. The ICC's institutional premises of the value of expeditiousness and lacking centralized control over its limbs have had a significant impact on the various aspects of international criminal procedure.

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.

Parallel Investigations Emanuel Prostano, 2004-11 Vince Longo, former member of the Miami P.D. and criminal attorney in a prestigious law firm in Chicago, is the intended target of a Mafia hit man who causes the death of two members of Vince's family. He takes a sabbatical from his law firm to find and bring to justice the perpetrator of this crime. Returning to Florida, Vince becomes involved in a parallel investigation working with the Miami P.D. to break the back of an organized crime ring whose activities are coordinated with crime families in Chicago and Boston. He renews old friendships developed in high school and college and as a member of the Miami P.D. He is also introduced to Laura Dubour. The parallel investigations converge in Boston when Vince and a former colleague and friend from Chicago become targets of an assassination attempt.

Conflicts of Criminal Jurisdiction and Transfer of Proceedings in the EU Alejandro Hernández López, 2022-11-21 Framework Decision 2009/948/JHA on the prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings established an ad hoc procedure for settling conflicts of criminal jurisdiction based on the mutual exchange of information and the establishment of direct consultations between the

competent authorities with a view to reaching consensus on an effective solution. However, neither common legally binding criteria for deciding the best jurisdiction nor specific rules for the transfer of proceedings which can occur after parallel proceedings have been identified were established in this instrument or in any other instrument adopted by the EU to date. This book analyses the current EU legal framework on conflicts of jurisdiction and transfer of criminal proceedings, paying special attention to its numerous shortcomings and loopholes from a fundamental rights and due process of law perspective. The book begins with an assessment of the various principles and grounds used by Member States for claiming criminal jurisdiction. Secondly, de lege lata EU procedure on the settlement of conflicts of criminal jurisdiction as well as its implementation in Spain and Italy are thoroughly examined. After discussing the main principles and fundamental rights at stake, the author proposes two alternative and original de lege ferenda models for the prevention and settlement of conflicts of criminal jurisdiction and transfer of criminal proceedings, exploring the different possibilities offered by the EU's primary law.

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Table of Contents Parallel Investigations

1. Understanding the eBook Parallel Investigations
 - The Rise of Digital Reading Parallel Investigations
 - Advantages of eBooks Over Traditional Books
2. Identifying Parallel Investigations
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Parallel Investigations
 - User-Friendly Interface
4. Exploring eBook Recommendations from Parallel Investigations
 - Personalized Recommendations
 - Parallel Investigations User Reviews and Ratings
 - Parallel Investigations and Bestseller Lists

5. Accessing Parallel Investigations Free and Paid eBooks
 - Parallel Investigations Public Domain eBooks
 - Parallel Investigations eBook Subscription Services
 - Parallel Investigations Budget-Friendly Options
6. Navigating Parallel Investigations eBook Formats
 - ePUB, PDF, MOBI, and More
 - Parallel Investigations Compatibility with Devices
 - Parallel Investigations Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Parallel Investigations
 - Highlighting and Note-Taking Parallel Investigations
 - Interactive Elements Parallel Investigations
8. Staying Engaged with Parallel Investigations
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Parallel Investigations
9. Balancing eBooks and Physical Books Parallel Investigations
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Parallel Investigations
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Parallel Investigations
 - Setting Reading Goals Parallel Investigations
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Parallel Investigations
 - Fact-Checking eBook Content of Parallel Investigations
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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