

Contents

Part I The Vicissitudes of Court-Made Exclusionary Tests

- 1 **The United States: The Rise and Fall of the Constitutional Exclusionary Rule** 3
Mark E. Cammack
- 2 **Ireland: A Move to Categorical Exclusion?** 33
Arnaud Cras and Yvonne Marie Daly
- 3 **Scotland: A Plea for Consistency** 69
Findlay Stark and Fiona Leverick
- 4 **Israel: The Supreme Court's New, Cautious Exclusionary Rule** 93
Rinat Kitai Sangero and Yuval Merin
- 5 **Germany: Balancing Truth Against Protected Constitutional Interests** 113
Sabine Gless

Part II From Nullities to Statutory Exclusionary Rules in Continental Europe

- 6 **France: Procedural Nullities and Exclusion** 145
Jean Pradel
- 7 **Belgium: From Categorical Nullities to a Judicially Created Balancing Test** 161
Marie-Aude Bernaert and Philip Traest

8	The Netherlands: Statutory Balancing and a Choice of Remedies.....	183
	Matthias J. Borgers and Lonneke Stevens	
9	Spain: The Constitutional Court's Move from Categorical Exclusion to Limited Balancing.....	209
	Lorena Bachmaier Winter	
10	Italy: Statutory Nullities and Non-usability	235
	Giulio Illuminati	
11	Greece: From Statutory Nullities to a Categorical Statutory Exclusionary Rule.....	261
	Georgios Triantafyllou	
12	Turkey: The Move to Categorical Exclusion of Illegally Gathered Evidence.....	287
	Adem Sözüer and Öznur Sevdiren	
13	Serbia: Courts Struggle with a New Categorical Statutory Exclusionary Rule.....	309
	Snežana Brkić	
 Part III The Fair Trial Test for Exclusion		
14	England and Wales: Fair Trial Analysis and the Presumed Admissibility of Physical Evidence	331
	Andrew L.-T. Choo	
15	Taiwan: The Codification of a Judicially-Made Discretionary Exclusionary Rule.....	355
	Jaw-Perng Wang	
16	The European Court of Human Rights: The Fair Trial Analysis Under Article 6 of the European Convention of Human Rights	371
	F. Pınar Ölçer	
 Part IV A Comparison of Exclusionary Jurisprudence		
17	Balancing Truth Against Human Rights: A Theory of Modern Exclusionary Rules	403
	Stephen C. Thaman	
	Contributing Authors.....	447
	Index.....	451