

## **Developments in the Law in 2012: Criminal Procedure Law**

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### **Abstract**

The primary purposes of this article are to emphasize the domestic legal justifications toward international human rights treaties. In order to clearly demonstrate its developments, a numbers of Supreme Court criminal judgments regarding to fundamental human rights were taken as study sources.

In addition to criminal procedure law, according to Article 2, 3 of Act to Implement the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which ratified in 2009, the provisions of two Covenants should also be applied by judicial branches. And the general comments published by Human Rights Committee that interprets the scope and meaning of the provisions of ICCPR forms one of the most important guidelines for the understanding of the Covenant. Therefore, this article pays attention to the statutes of ICCPR which closely related to criminal procedures and the general comments thereof so as to examine the judicial practice on its implementations.

Based on above, the article, aiming at examining domestication of international human rights instruments, focuses on three topics: 1. Prohibition against torture and the continuing effect of forced confession. 2. The impartiality of tribunal and the disqualification of judges. 3. Reasonable trial period and the commutation of sentence. Each of the three topics will be analyzed in the light of its theoretical and practical aspect and finishes with a separate conclusion.

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**Keywords: ICCPR and ICESCR, forced confession, continuing effect, impartiality of tribunal, disqualification of judges, reasonable trial period**