

A Major Contribution to Post-Conviction Review? The Lessons of the Criminal Cases Review Commissions in England, Wales, and Northern Ireland

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Abstract

The establishment of the UK Criminal Cases Review Commission in 1997 ushered in a new era of the system of post-conviction review. This new model of post-conviction review makes three major contributions in terms of comparative law. First of all, under this institution, an independent institution, the Criminal Cases Review Commission, is responsible for initiating the procedure of post-conviction review. In the traditional model, it is either the defendants or prosecutors to handle with the launching of the procedure. Secondly, looked as a whole, this new model provides new perspectives on some substantial old issues, such as the function of procedural irregularities and the meaning of new evidences in the post-conviction review, as well as offer people in Taiwan new topics for thoughts, such as the investigative powers of the CCRC. Thirdly, probably most importantly, the new model reminds us the possible way to deal with the paramount issue of actual innocence, which is the core concern of remedying wrongful convictions in any legal system.

Keywords: Post-Conviction Review, retrial, extraordinary appeal, the Criminal Cases Review Commission, actual innocence, procedural irregularity, fresh evidence

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