Sabine Gless

Thomas Richter

November 2016

**Referencing Guidelines:**

***Securing a Fair Trial through Exclusionary Rules pp.*1**

All chapters have a

1. Bibliography / List of references (see 1) that includes short titles which are used as
2. References in footnotes (see 2)

Generally, these guidelines apply equally to all reports. However, if you report about literature or case law originally written in an East Asian language (EAL, e.g. Chinese, Japanese, Korean) we kindly request you to follow specific instructions explained in red lettering in the guidelines.

# Bibliopraphy / List of References

### A bibliography, i.e. list of references, appears at the end of your chapter and gives the full citation information for the sources you have referred to in short form in the footnotes. Entries are ordered alphabetically by the last name of the author/s.

There is no need to include a list of legislation or cases, since you will include a full reference in the relevant footnote.

1. **Books**

Please include the following information in the following order:

author’s/editor’s surname [followed by a comma NOT for EAL; for EAL, additionally give common transliteration of authors’ surnames in brackets written in capitals]

author’s/editor’s first name [followed by a comma, in case of several authors use a slash: / ]
title of publication [for EAL give translation in English]

edition [followed by a comma]

place of publication [but not the name of the publishing house]

year of publication

### Example:

Ho, Hock Lai / Amaya, Amalia , *‘Law, Virtue and Justice?* Oxford 2012. [Short title for footnotes: Ho/Amaya 2012]

EAL: 马克昌 (*MA Kechang): 刑法通论* (General Overview on Criminal Law) 2nd edition, Wuhan 1999. [Short title for footnotes: MA Kechang 1999]

# Journal articles

Please include the following information in the following order:

author’s surname [followed by a comma NOT for EAL; for EAL, additionally give common transliteration of authors’ surnames in brackets written in capitals]

author’s first name or initials [followed by a comma, in case of several authors use a slash: / ]

title of article [within ‘single inverted commas’] [in case of EAL articles no single inverted commas, but give English translation in brackets]

date of publication [in brackets]

the journal volume number [if exist, in Arabic numeral]

title of journal [in *italics,* not abbreviated; followed by a comma] [in case of EAL journal give common transliteration in brackets]

the first page numbers of the article [omit ‘p.’ or ‘pp.’ before the page number]

### Examples:

Turner, Jenia / Weigend, Thomas, ‘The Constitutionality of Negotiated Criminal Judgments in Germany’, (2014) 15 *German Law Journal*, 81-84.

Ho, Hock Lai, 'The Criminal Trial, the Rule of Law and the Exclusion of Unlawfully Obtained Evidence' (2016) 10 *Criminal Law and Philosophy,* 109-131.

EAL:

陈瑞华 (CHEN Ruihua): 论被告人口供规则 (On the regulation of the accused’s confession), *法学杂志 (Faxue Zazhi)* 2012-6, 123-144.

# Contributions to edited volumes

Please include the following information in the following order:

author’s surname [followed by a comma NOT for EAL; for EAL, additionally give common transliteration of authors’ surnames in brackets written in capitals]

author’s first name or initials [followed by a comma, in case of several authors use a slash: / ]

title of article [within ‘single inverted commas’] [in case of EAL articles no single inverted commas, but give English translation in brackets]

in:

editor’s/editors’ initials and surnames [followed by (ed.) or (eds.)] for EAL, additionally give common transliteration of editor’s surnames in brackets written in capitals]

title of publication [in *italics*] [in case of EAL publication give English translation in brackets]

place of publication [but not the name of the publisher]

the first page numbers and the last page numbers of the contribution cited [no ‘p.’ or ‘pp.’ before the page number] OR if it is an open access internet publication give the site and date of last access.

date of publication

the first and last page numbers of the article [omit ‘p.’ or ‘pp.’ before the page number]

### Examples:

Gless, Sabine, ‘Gesetzliche Regelung von Beweisverwertungsverboten - die Schweiz als Vorreiter?‘, in: W. Gropp / B. Hecker / A. Kreuzer / C. Ringelmann / L. Witteck / G. Wolfslast (eds.), *Strafrecht als ultima ratio*, *Giessener Gedächtnisschrift für Günter Heine*, Tübingen 2016, 127-141. [Gless 2016]

Ho, Hock Lai, 'The Legal Concept of Evidence', in: [Edward N. Zalta](http://mally.stanford.edu/zalta.html) et al (eds.), *Stanford Encyclopedia of Philosophy*, (2015) available at <http://plato.stanford.edu/entries/evidence-legal/> [Ho 2015]

*EAL:* 赵秉志 (ZHAO Bingzhi), *犯罪客观方面 (*The objective side of a criminal offence). In: 高铭瑄(GAO Mingxuan (ed.)): *新编中国刑法学*(The newly edited Chinese Criminal Code). Beijing (2000), 104-137. [ZHAO 1998]

# Publications by the same author from the same year

### Examples:

Coffee, J.C. (1999), ‘Corporate Criminal Liability: An Introduction and Comparative Survey’, in: A. Eser,

G. Heine and B. Huber (eds.), *Criminal Responsibility of Legal and Collective Entities*, Freiburg i.Br., 9-35. [cited as Coffee 1999a]

Coffee, J.C. (1999), ‘The Future as History: The Prospects for Global Convergence in Corporate Governance and its Implications’, *Northwestern University Law Review* 93, 641. [cited as Coffee 1999b]

# Reports from international organizations

Please include the following information in the following order:

organizations’s name

title of publication [full name! within ‘single inverted commas’]

date of publication [in brackets]
source: preferably an open access internet site

### Example:

OECD 2003, ‘Germany: Phase 2 Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions’ (June 4, 2003).

1. **The Footnotes**

As authors’/editors’ names, titles date of publication etc. are included in the bibliography, the footnotes for all references to these listed material is quite easy

1. Books
As authors’/editors’ names, date of publication etc. are included in the bibliography, you need only the

short title for footnotes: Ho/Amaya 2012

followed by a pinpoint reference, e.g.

Ho/Amaya, 2012 at 4.

1. Journal articles
As authors’ names, name of journal, etc. are included in the bibliography, you need only the

short title for footnotes: Turner/Weigend 2016

followed by a pinpoint reference, e.g.

Turner/Weigend, 2016 at 86.

# Contributions to edited volumes

As authors’ names, editors’ names etc. are included in the bibliography, you need only the

short title for footnotes: Gless 2016

followed by a pinpoint reference, e.g.

[Gless 2016, at 131]

1. **Secondary sources, reports and recommendations (Author-Date)**

Secondary sources (including reports and recommendations from international organizations) are referred to in full form first time they are mentioned in the footnotes, see above

OECD, ‘Germany: Phase 2 Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions’ (June 4, 2003).

Following a short title suffices, e.g. OECD, ‘Germany: Phase 2 Report”, 2009

# Legislative instruments

### The first time you refer to a legislative instrument – national or international – please give the full official title as provided by the state or organization that made the instrument as well as an open access (preferably internet). Depending on the body and the instruments, this may include the:

document name

document number (e.g., act number)

report, series or journal entry information (e.g., treaty series number, ETS number, or ‘Official Journal’ entry)

date of enactment (national instruments) or date of signature, adoption, and entry into force (international instruments; as appropriate) in the month-day-year format (e.g., May 1, 1999)

After that, you may refer to an abbreviation or restate the instrument name in full. Examples (***national legislative instruments***):
Proceeds of Crime Act 2002 (c. 29)

Proceeds of Crime Act 2002 (Commonwealth) (Act No. 85 of 2002 as amended)

Schweizerisches Strafgesetzbuch vom 21. Dezember 1937 (Stand am 1. Januar 2010) (SR 311.0)

Examples (***international legislative instruments***):

OECD 1960, Convention on the Organization for Economic Co-operation and Development (December 14, 1960)

OECD 1992, Resolution of the Council concerning the Participation of Non-Member Economies in the Work of Subsidiary Bodies of the Organization (C(92)65/FINAL)

Vienna Convention on the Law of Treaties, May 23, 1969, in force January 27, 1980, 1155 UNTS 331

# Cases

### As a rule:

* + refer to the official report/s, where possible, and follow its recommendation about how to cite the particular case and report
	+ italicize all party names
	+ use the letter ‘v.’ instead of the word ‘versus’; do not italicize the abbreviation but do use a full-stop, e.g., Foss v. Harbottle
	+ use the abbreviation ‘R.’ to refer to the state (not Rex or Regina)
	+ do abbreviate names of reports but do not use full-stops in the abbreviation (cf. US case examples)

A note on cross-referencing: We encourage you to avoid cross-references by restating the case name and citation in subsequent footnotes. However, if you do cross-reference, please use the words ‘above’, ‘below’, and ‘ibid.’ (not ‘supra’, ‘infra’, ‘op. cit.’, ‘loc. cit.’ and ‘idem’).

Examples (***UK case law***)

*Moorgate Mercantile Co. Ltd.* v. *Twitchings* [1977] AC 890

*R* v. *Secretary of State for the Home Department ex parte Benwell* [1984] 3 WLR 843

*Trendtex Trading Corp.* v. *Central Bank of Nigeria* (1977) 121 SJ 85, CA

*Winston* v. *Patrick* 1980 SC 246

Examples (***US case law***)

*Chevron USA Inc.* v. *Natural Resources Defense Council*, 467 US 837 (1984) *Nations Bank* v. *Variable Annuity Life Insurance Co.*, 513 US 251 (1995) *Hecht* v. *Ludwig*, 868 F Supp. 3 (DDC 1994)

*Franklin Savings Association* v. *Office of Thrift Supervision*, 934 F 2d 1127 (10th Cir. 1991)

# Pinpoint citations

1. **Secondary sources, reports, recommendations, and cases**

### If you are referring to a page, do not include the letter ‘p.’ or ‘pp.’ before the number. Separate references to multiple pages from the same source with a comma, and signal a continuing citation in a source with the abbreviation ‘et seq.’.

1. **Legislative instruments**

Abbreviate parts of legal instruments as follows:

|  |  |  |
| --- | --- | --- |
| article | *Singular*art. | *Plural*arts. |
| Article | Art. | Arts.2 |
| clause | cl. | cll. |
| Order | Ord. | Ords. |
| paragraph | para. | paras. |
| Rule | r. | rr. |
| section | s. | ss. |
| subsection | subs. | subss. |

But please do not use these abbreviations to start a sentence – spell out the word.

Only use § if it is customary in your jurisdiction, and, if you do, include a space after the symbol (e.g. ‘§ 15’, ‘§§ 13–17’) unless this is not done in the official text.

1. The abbreviation for article/s is capitalized for international legal instruments