# 示例（中英文版）

# “证据科学研究”暑期学校

**一、主办单位**

证据科学研究院

**二、暑期学校负责人**

张保生

**三、暑期学校特点**

邀请来自美国、瑞士、意大利、澳大利亚的国际知名学者、国内学术权威和来自联合国国际法庭的法官共同为法大学子讲授各国经典证据法、法庭科学及相关交叉学科知识，探讨国际前沿问题。与此同时，海内外师生之间的直接交流将提升学生的外语能力，丰富学生的视野，开阔学生的思维，增强中国学生对外部世界的了解，为日后走出国门继续深造准备和创造条件。

**四、招生对象与规模**

每门课程招生30名。

**五、课程安排**

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| 课程名称 | 学时 | 授课教师 | 课程简介 |
| 美国证据法专题及中美证据制度比较研讨 | 36 | Ronald Allen | 本课程涉及美国证据法中的经典部分，结合中国的相关法律现状，并比较分析中美相关现状的异同。 |
| 普通法程序和法庭科学证据 | 36 | Andrew Ligertwood 和  David Caruso | 本课程主要涉及审视普通法中用以确保证据可靠性的程序和刑事案件中专家法庭科学证据的本质、范围和由此引发的种种问题，以及审视刑事案件中适用于澳大利亚庭审的专家法庭科学证据程序基本规则。 |
| 评价法庭科学证据的逻辑框架：未来法律执业者亟须掌握的一门课 | 36 | Christophe Champod | 本课程涉及对鉴定结论进行评估的基本原理和一些关键法庭科学学科中的国际通行做法，领域包括：DNA、指纹、鞋印以及踪迹物质（纤维、玻璃、枪击残留物等等）。 |
| 比较法视野下的证据法和事实真相 | 36 | Michele Taruffo | 本课程内容主要集中于普通法系和大陆法系的程序规则，研究两大法系中最重要的一些证据制度，尤其是关注美国联邦证据规则和德国、法国、西班牙及意大利的证据规则。 |
| 美国律师职业与实务 | 36 | Thomas Man | 本课程主要涉及美国律师职业的历史发展、现状，美国法学教育，以及律师执业的关键问题。 |
| 国际刑法强化课程 | 36 | 刘大群 | 本课程内容主要包括：国际刑法的基本概念、国际犯罪、国际刑法的渊源、国际刑法的实际应用。 |
| 证据法学基础与法庭科学原理 | 36 | 张保生、常林 | 证据法学部分：旨在为学生提供一些预备性，引导性的证据法学基础知识。  法庭科学部分：旨在掌握和了解法庭科学与司法鉴定，科学证据等基础知识。 |

**六、课程简介**

1. 美国证据法专题及中美证据制度比较研讨

本课程由罗纳德•艾伦（Ronald Allen）教授以美国法学院传统授课方式讲授美国证据法中的经典部分，结合本校教员对中国的相关法律现状进行讲解，并比较分析中美相关现状的异同。课后都会留以充足的时间，结合相关案例供学生对主题进行讨论及探究，使学生更好地掌握有关中美证据法的原理，提升专业知识能力。

1. 普通法程序和法庭科学证据

近年来，专家证据的可靠性和使用在普通法系得到了广泛关注，尤其是刑事审判中对法庭科学证据的使用。为了充分理解上述问题，本课程将集中于以下三个方面。首先，重点审视普通法中用以确保证据可靠性的程序。其次，我们将考虑刑事案件中专家法庭科学证据的本质、范围以及由此引发的种种问题（证据提供方式、单独证据是否可以满足普通法的证明能力及哪些法庭科学专家问题可以交由专家单独决定）。最后，我们将审视刑事案件中适用于澳大利亚庭审的专家法庭科学证据程序基本规则。本课程鼓励课堂讨论。除了理论探讨之外，也会让学生们（通过角色扮演的形式）参与到简易法庭庭审程序中，以加深其对普通法审判本质的理解。

1. 评价法庭科学证据的逻辑框架：未来法律执业者亟须掌握的一门课

本课程将探讨对鉴定结论进行评估的基本原理。授课对象是未来的法律执业者（律师）。通过对多门法庭科学学科举例的交叉讲授，本课程将培养学生的如下基本能力：1）能够开展预评估，2）进行鉴定个案管理，3）对主张的层级进行管控，4）了解对鉴定结果进行评估的原则。本课程将帮助法律执业者形成对鉴定结果报告内容以及庭审中专家证言本质和形式的明确期望值和要求。贝叶斯定理的使用、其优点和缺陷将会在本课程中予以讨论，包括对贝叶斯网络平台进行试用。本课程还将讲授一些关键法庭科学学科中的国际通行做法，领域包括：DNA、指纹、鞋印以及踪迹物质（纤维、玻璃、枪击残留物等等）。

1. 比较法视野下的证据法和事实真相

本课程内容主要集中于普通法系和大陆法系的程序规则，研究两大法系中最重要的一些证据制度，尤其是关注美国联邦证据规则和德国、法国、西班牙及意大利的证据规则。研究各种不同证据制度设定的主要目的之不同，特别考察在争议事实中是否对真相穷追不舍，并比较在其他目的上的一致与冲突。

1. 美国律师职业与实务

本课程以美国律师职业的历史发展、现状，美国法学教育，以及律师执业的关键问题为讲授和讨论对象。通过本课程的研习，帮助学生了解美国律师职业特点、从学生成长为律师的路径、执业行为规则、以及实务操作中的技术要点、注意事项。集中探讨如下问题：美国律师在美国社会、政治、经济、文化生活中的位置、作用；如何成为美国律师；律师执业管理和行为规则；律师实务：做什么，如何做？ 本课程以主讲教师专题讲授为主，以课堂讨论与专题研讨为辅；另有不定期的名家（包括执业律师和学者）讲座、影视材料观摩。授课语言为中文、英文；阅读材料为中文和英文；因此要求选课学生具有相应的英文听、读能力。

1. 国际刑法强化课程

本课程涉及范围广，浓缩性高，主要包括：国际刑法的基本概念、国际犯罪、国际刑法的渊源、国际刑法的实际应用。要求学生理解种族灭绝罪、反人类罪、战争罪、侵略罪的构成要素和责任形式以及被告的人权。本课程以培养国家急需的国际一流人才为目标，采用最先进的案例式教学方式，以全英文授课为主。让学生在掌握知识的同时，更好地磨练如何做研究、如何阅读、如何思考、如何写作以及如何做演讲的能力。

7. 证据法学基础与法庭科学原理

证据法学部分：本课程旨在为证据科学暑期学校的外国专家全英文课程的开设做一些知识铺垫，为学生提供一些预备性、引导性的证据法学基础知识。包括四讲：证据法学的认识论和价值论基础，证据属性和证据法的理论体系，法律推理与经验推论，英美证据法学引论。

法庭科学部分：重点介绍法庭科学学科特点及其研究领域；国外司法鉴定制度及其发展状况；法庭科学基本理论；科学证据与专家证人制度。旨在掌握和了解法庭科学与司法鉴定、科学证据等基础知识，为学习国外证据科学相关专题进行衔接性铺垫。

**七、名师简介**

1.罗纳德•J.艾伦（Ronald J. Allen）

司法文明协同创新中心教授，美国西北大学法学院约翰·亨利·威格莫尔（John Henry Wigmore）特座教授，中国教育部“长江学者”讲座教授，中国政法大学证据科学研究院外国专家咨询委员会主席，国际证据科学协会主席。先后毕业于马歇尔大学和密歇根大学，先后任教于美国纽约州立大学、依阿华大学和杜克大学。美国法律协会会员，曾任美国法学院协会证据法部主席，美国律师协会刑事司法部程序和证据规则委员会副主席。艾伦教授是国际公认的证据法、刑事诉讼法和宪法专家，主要讲授《证据法》、《宪法与刑事诉讼》、《民事诉讼程序》等课程，主要著作有《宪法背景下的刑事程序》（Constitutional Criminal Procedure: An Examination of the Fourth, Fifths and Sixth Amendments and Related Areas）、《综合刑事诉讼法》（Comprehensive Criminal Procedure）、《证据法的分析路径》（An Analytical Approach to Evidence: Text, Problems, and Cases）、《证据法》（Evidence: Text, Cases, and Problems，已被翻译成中文出版）等，发表论文130 余篇,其中多篇被译为中文。

2. 安德鲁·里格特伍德（Andrew Ligertwood)

司法文明协同创新中心教授，中国政法大学证据科学教育部重点实验室外国专家咨询委员会委员，国际证据科学协会副主席，澳大利亚阿德莱德大学法学院，先后毕业于阿德莱德大学、牛津大学法律系，并于1970 年在宾夕法尼亚大学学习一年后任教于阿德莱德大学法学院。其教学和研究方向主要集中于法律裁判中决定性的事实的发现过程及其性质。他出版过多部主流和权威的证据法专著，主要代表作如《澳大利亚证据法》(Australian Evidence)（与加里·埃德蒙（Gary Edmond）教授合著）（此书于1988 年首次出版，现在已修订至第五版）、《通往普通法和统一法案的基本路径》（A Principled Approach to the Common Law and the Uniform Acts）（2010 年第五版，律商联讯，悉尼，共899 页）。里格特伍德教授也参与了旨在对澳大利亚法律提供一个全面理解的重大项目“澳大利亚的法律”（The Laws of Australia），并且担任澳大利亚法律改革委员会和澳大利亚律师协会有关证据法项目的顾问。

3. 克里斯托弗·山普（Christophe Champod）

司法文明协同创新中心教授，中国政法大学证据科学教育部重点实验室外国专家咨询委员会委员，瑞士洛桑大学犯罪科学学院（ESC）副院长，全职教授，法庭科学学院(IPS)负责人。主要从事指纹、足迹、DNA 及生物特征识别系统等个体识别方面的教学及科研工作。1999 年10 月至2003 年5 月期间，担任英国法庭科学服务部高级法庭科学学家（A2 级）、证据解析研究组负责人。他带领由9 名研究人员组成的科研团队进行“DNA、微量物证以及痕迹等证据的解析”方面的科研工作。此外，还需要开展内部及外部的法庭科学技能培训，并作为专家证人出席在英国境内及境外的法庭审判。1996 年3 月至1999 年9 月期间，担任法庭科学及犯罪学学院（IPSC） 副教授。主要从事指纹显现及识别技术、足迹显现及识别技术方面的教学及科研工作。此外，还需要作为个体识别、指纹显现、玻璃分析、涂料及纤维分析、可疑文件检验方面的专家证人，从事相关方面的鉴定及庭审工作。

4. 米歇尔•塔鲁夫（Michele Taruffo）

司法文明协同创新中心教授，法学博士，意大利帕维亚大学法学院教授，中国政法大学证据科学研究院外国专家咨询委员会委员，国际证据科学协会副主席，国际诉讼法协会理事长。其主要研究领域包括：民事诉讼、争议解决、跨国诉讼与仲裁、比较证据法、比较民事司法、认识论、法制史。自1976年至今，塔鲁夫教授一直任教于意大利帕维亚大学，主讲民事诉讼法，以及比较诉讼法和争议解决。作为访问教授，塔鲁夫教授于1994年至1996年期间在美国康奈尔大学讲授比较民事诉讼法和证据理论，并2003年在美国加州大学哈斯廷斯分校讲授上述两门课程。塔鲁夫教授还是以下著名机构的成员：意大利国家科学院、美国法律研究院（American Law Institute）、意大利及其他国家诸多法律和哲学期刊的学术委员会成员。主要学术成果有：《美国民事诉讼规则介绍》、《诉讼权利的滥用》、《民事审判解析》（意大利语）、《证据的相关性研究》（意大利语）、《美国民事诉讼中的对抗制》（意大利语）等。

Evidence Law and Forensic Science Summer School

1. Organizer

* 2011 Plan – China Collaborative Innovation Center of Judicial Civilization (“CICJC”)
* Institute of Evidence Law and Forensic Science

1. Program Director

* Baosheng Zhang, professor of law, co-chair of CICJC and vice president of CUPL

1. Qualification and Enrollment

* All registered full-time students of CUPL, as well as other students from domestic and foreign law schools are welcomed to apply.

1. Features of the Program

* By learning and communicating with a world-class faculty, our students will broaden their vision, improve language skill and deepen understandings to overseas culture. In this globalizing world, communication in an international background has become a skill our law students of a new generation should master. This summer school program is designed to provide not only a three-week study of foreign laws, but more importantly a platform for international communications. On this platform, different cultures, thoughts and customs will interact and fuse together.

1. Curriculum

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| --- | --- | --- | --- | --- |
| Course Name | Lecturer Name | Nationality | Hours/Credits | Students/Class Capacity/Teaching Site |
| Introduction to the American Legal System and the Law of Evidence (U.S.-China comparison perspective) | Ronald J. Allen | United States | 36/2 | Undergraduates, master and phd law students, 30 – 50 students, Changping Campus |
| Common Law Process and Forensic Science Evidence | Andrew Ligertwood, assisted by David Caruso | Australia | 36/2 | Undergraduates and master law students, 30 – 50 students, Changping Campus |
| Towards a logical framework for the evaluation of forensic findings: an emergency course for future legal practitioners | Christophe Champod | Switzerland | 36/2 | Undergraduates and master law students, 30 – 50 students, Changping Campus |
| Evidence Law and Truth in Comparative Perspective | Michele Taruffo | Italy | 36/2 | Undergraduates and master law students, 30 – 50 students, Changping Campus |
| American Legal Profession and Practices | Thomas Man | United States | 36/2 | Undergraduates and master law students, 20 students, Changping Campus |
| Intensive Course of International Criminal Law | Daqun Liu | China | 36/2 | Undergraduates and master law students, 30 – 50 students, Changping Campus |
| Basics of Evidence Law and Fundamentals of Forensic Sciences | Baosheng Zhang, and Lin Chang | China | 36/2 | All students attending this summer school (150 – 200 students expected)/Changping Campus |

1. Course Details
2. Introduction to the American Legal System and the Law of Evidence (U.S.-China comparison perspective)

This course will first introduce the students to the American legal system, and the nature of trials in that system. Chinese lecturers will compare the American legal system and trials to the Chinese legal system and how trials are conducted in China. The course will next focus on the conceptual foundations of the field of evidence, and discuss how the law of evidence is derived from those conceptual foundations, and again the Chinese experience will be compared. Last, three areas that are distinctive of American law will be discussed and compared to their Chinese counterparts: the Foundation of Proof, Character Evidence, and Hearsay.

1. Common Law Process and Forensic Science Evidence

In recent years concerns have been raised in common law jurisdictions about the reliability and use of expert evidence, particularly the use of forensic science evidence in criminal trials. To understand these concerns this course will, first, critically examine the common law evidentiary process insofar as it seeks to ensure the reliability of evidence generally. It will then consider the nature and scope of expert forensic science evidence in criminal cases and the problems that arise from it, the form in which such evidence should be tendered, whether such evidence alone is capable of constituting common law proof, and the extent to which forensic expert issues can be left to experts alone to determine. This examination of expert forensic science evidence in criminal cases will demonstrate the fundamental principles that lie behind the evidentiary process of the common law accusatory trial applying in Australia.

1. Towards a logical framework for the evaluation of forensic findings: an emergency course for future legal practitioners

This course will develop the basic principles that should prevail in the evaluation of forensic findings. The course is primarily aimed at future legal practitioners. Using examples from various forensic disciplines, the course will aim at developing the following generic competencies: being able to carry out case pre-assessment, carrying forensic case management, managing the hierarchy of propositions, knowing the principles of forensic evaluation. The course should help legal practitioners to develop clear expectations and requirements regarding the content of forensic reports as well as the nature and format of expert’s testimonies in courts. The use of Bayes’ theorem, its strengths and limitations, will be covered including the potential use of Bayesian networks. The course will draw from international practices in some key forensic disciplines, including areas such as DNA, fingerprint, footwear marks and trace material (fibres, glass, gunshot residues, etc…).

1. Evidence Law and Truth in Comparative Perspective

This course analyzes the most important evidentiary systems, focusing mainly upon the common law and the civil law procedural regulations. Special attention will pay to the American Federal Rules of Evidence and the German, French, Spanish and Italian Rules. Main topics include: 1) analysis of the main purposes of the various evidentary systems. In particular: whether they pursue the search of truth on the facts in issue, and which other concurring or conflicting purposes. 2) The problem of truth in a judicial context. 3) Theories of truth. 4) Scientific evidence and the search of truth: different models of expert evidence. 5) Structure and logic of the judicial decision on the facts in issue.

1. American Legal Profession and Practices

This course focuses on the historical development, current status, American legal education and some key issues of legal practices with a view to guiding students to gain a better understanding of the seminal characteristics of the American legal profession, including the route to become a lawyer, legal ethics and code of conduct, and some key technical points in legal practices. It will touch upon the following topics: the role of lawyers in the American social, economic, cultural and political life; how to become a lawyer in America; management of law practice and code of conduct; basic concepts and issues of law practice as to what lawyers do and how to do in their professional life.

This course will be conducted by lectures given by the professor, combined by extensive class discussions and student presentations. From time to time it will also invite guest lecturers, mainly well-known lawyers and legal scholars, to give lectures on selected topics, aided by viewing movies and TV episodes and other audio-video materials. Both English and Chinese will be used in lectures and reading materials, therefore students are required to have adequate level of English proficiency to participate in this class.

1. Intensive Course of International Criminal Law

This course is for participants to have a basic knowledge of international criminal law by discussing each of the key elements of the law. Clinic teaching method will be explored so the class sessions will be interactive. Full involvement and active participation are critical and will contribute to the students’s evaluation. Pre-class reading is essential since there are no formal lectures in the class, but only the questions and answers. In a word, the students will be required to be pro-active, even talking more than the teacher. In the afternoon session, the participants will be invited to give presentations following a debate or discussion.

1. Basics of Evidence Law and Fundamentals of Forensic Sciences

This course is divided into two parts respectively discussing the basics of evidence law as well as fundamentals of forensic science.

Evidence Law: this part aims to provide a warm-up and knowledge base for the following summer school courses taught by foreign experts in English. Students will learn certain well-selected basics of evidence law, including: a) epistemology and valuation basis of evidence law, b) attributes of evidence and theoretical system of evidence law, c) legal reasoning and empirical reasoning, and d) introduction to U.S. and U.K. evidence law.

Forensic Science: this part aims to provide norms of forensic science and basics of forensic appraisal and to help students get ready for taking the following summer school courses taught by foreign experts regarding forensic science. Students are expected to learn: a) discipline features of forensic science and its key research areas, b) foreign forensic principles and trends; c) basics of forensic science theory, and d) scientific evidence and expert witness.

1. Lecturer Bios
2. Professor Ronald J. Allen

Professor Ronald J. Allen is the John Henry Wigmore Professor of Law at Northwestern University, in Chicago, IL. He did his undergraduate work in mathematics at Marshall University and studied law at the University of Michigan. He is an internationally recognized expert in the fields of evidence, criminal procedure, and constitutional law. He has published seven books and over 100 articles in major law reviews. He has been quoted in national news outlets hundreds of times, and appears regularly on national broadcast media on matters ranging from constitutional law to criminal justice. The New York Times referred to him as one of U.S. leading experts on constitutional law and criminal procedure. He has worked with various groups in China to help formulate proposals for legal reform, and he was recently retained by the Tanzanian Government to assist in the reform of their evidence law.

1. Professor Andrew Ligertwood



Professor Andrew Ligertwood graduated in Law from Adelaide and Oxford Universities and after a year at the University of Pennsylvania in 1970 took up an academic position with the Faculty of Law at The University of Adelaide. There his teaching and research interests have focused on the nature and processes for the finding of facts determinative of legal decisions. The principal manifestation of his work is a major and authoritative treatise on the laws of evidence, first published in 1988 and now in a 5th Edition (with Professor Gary Edmond as co-author) entitled Australian Evidence, A Principled Approach to the Common Law and the Uniform Acts, 5th Edition, LexisNexis, Sydney, 2010, pp 1-899. Andrew Ligertwood was also involved in a major project to provide a comprehensive account of Australian law (The Laws of Australia) and has served as a consultant to the Australian Law Reform Commission and to the Law Council of Australia on projects related to evidence law.

1. Professor Christophe Champod

Professor Christophe Champod belongs to the School of Criminal Sciences, Institute of Forensic Science, University of Lausanne, Switzerland. Christophe Champod received his M.Sc. and Ph.D. (summa cum laude) in Forensic Science from the University of Lausanne, in 1990 and 1995 respectively. He then remained in academia, reaching the position of assistant professor in forensic science. From 1999 to 2003, he led the Interpretation Research Group of the Forensic Science Service (UK), before taking a professorship position at the School of Criminal Sciences (ESC) / Institute of Forensic Science (IPS) of the University of Lausanne. He is in charge of education and research on identification methods (detection and identification), and is member of the International Association for Identification. In 2004 he was elected a member of the FBI-sponsored SWGFAST. Christophe Champod's research is devoted to the statistical evaluation of forensic identification techniques, the value of fingerprint evidence being his core interest.

1. Professor Michele Taruffo

Professor Michele Taruffo has been full professor of Civil Procedure in the University of Pavia (Italy) since 1976 to 2013. Currently he is a member of the Chair of Legal Culture in the University of Girona (Spain). He published twelve books in several languages, and dozens of essays in Italy and abroad. He is a member of several scientific associations in Italy and in various countries. He has been visiting professor in various universities in the US and in other countries. He got six honorary doctorates in several countries. His main fiels of interest are: legal theory, evidence law, procedural law, epistemology, legal histoiry, sociology of law.