

The response provides some analysis of the issue. It makes appropriate use of legislation and cites a case to support the arguments. A more detailed analysis of the issue and a broader range of examples supported by cases and/or legislation would improve the response.

- 1 -

Start here.

There are various and differing community interests and individual rights and freedoms within the criminal justice system that can cause much tension or conflict. The main community interest is that it operates within a safe environment free from crime that ~~can~~ will ~~enlarge~~ society where as the individual rights and freedoms may hinder this, such as rights given to those accused or are perpetrators. Whilst both interests and rights are desirable they cannot always be mutually exclusive.

The community or society in which we live in has a main interest in operating within a safe environment, which can be achieved by a reduction in the levels of crimes committed. There is never going to be a society free from crime, however legislation put in place such as the Crimes Act 1900, aims to prevent or reduce the number of crimes and enforce ~~the~~ and punish under the Criminal Justice System. There is tension and conflict in protecting the rights of the community or society and the perpetrator.

The perpetrators too, have rights and freedoms that conflict with this. An individual's right to freedom of speech for example can conflict with interests of the community in the way that some may use this right to directly or indirectly discriminate others causing tension between the two, making it difficult for the criminal justice system to resolve.

The community interest of being free from crimes such as terrorism can also conflict with ~~the~~<sup>an</sup> individual's rights and freedoms.

This can be shown in the case where an Egyptian doctor was accused of being a terrorist, with no substantial amount of evidence. This can be seen as the criminal justice system wanting to appease the community, however, it breached the individual's rights and freedoms. Under the Anti-Terrorism Act 2005, the accused can be questioned for a longer period of time, compared to the usual four hours. However the doctor was held in remand and questioned for weeks, seen as a breach of his human rights and freedoms. He was later acquitted.

This shows that it is hard to both satisfy the

Additional writing space on back page.

community interests and an individual's rights and freedoms at the same time.

The issue of some perpetrators gaining the right to bail also causes tension between an individual's rights and freedoms and community interests. It's "society's best interest" to keep perpetrators behind bars where they cannot offend again. However, the Bail Act allows an accused to gain bail, ~~and~~ if a sum of money is paid and if they are believed not to cause damage to the community. However, this cannot always be proved and therefore it is difficult in siding with the individual's rights and freedoms over the best interest of the community.

In conclusion, it is evident that many factors including those ~~of~~ <sup>dealing with</sup> terrorism and bail, can have an effect on community interests and an individual's rights and freedoms, causing conflict and tension. It can be said that it is difficult in satisfying one without hindering the other and therefore the criminal justice system finds it difficult in dealing with these issues.

You may ask for an extra Writing Booklet if you need more space.