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Eye Movement Desensitisation and Reprocessing and Memory: A Dilemma for the Criminal Justice System – *Greg Walsh OAM*

The function of memory in the judicial system is a vital one and in recent years experts have sought to turn the science of memory “on its head”, causing it to become as malleable a concept as these experts seek to make it. This article draws specific attention to the role of Eye Movement Desensitisation and Reprocessing therapy (EMDR) in the justice system, its impact on the operation of memory and the potential problems this creates for the legal system. In doing so, reference will be made to the procedural manual of EMDR therapy, as well as scientific literature and legal commentary on the process and its effect on patients. In drawing this material together, it will be concluded that the occurrence of false memories in treatment settings has been wholly underestimated. This, it is argued, must be urgently addressed in order to prevent miscarriages of justice. 275

Bail in Extradition Proceedings – *Matthew Groves*

Bail has long been extremely difficult to obtain in extradition proceedings. It will only be granted when “special circumstances” are found to be present. Even then, further hurdles must be overcome and considerable discretion to refuse bail still remains. This article examines the origins of the “special circumstances” test for bail in extradition proceedings, the explanation of that test given in *Cabal v United Mexican States*, and the potential for law reform. 298

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