

## Fair trial based on penal legislation of Kosovo

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### Abstract

Fair trial is the main principle or as is often said principle above principles on penal procedure. This principle is based on respecting basic human rights and freedom towards defendant in penal procedure. The presumption of innocence, publicity of trial, right to protection, trial in reasonable time are some of the rights that are guaranteed to defendant on penal procedure by European Convention on Human Rights and Fundamental Freedoms (ECHR) and by the applicable local legislation. Penal procedure legislation of Kosovo is harmonized with legislations of countries of the European Union but it has still many challenges. Since Kosovo is not part of European Council and not signatory of ECHR its citizens do not have possibility to appeal on European Court on Human Rights (ECHR) in case their rights are violated regarding fair trial by local courts. In Kosovo, there is a perception that these rights are respected based to the society range. Main objective of this manuscript is the analysis of fair trial on penal legislation in Kosovo in comparison to ECHR.

**Keywords:** fair trial, penal procedure, presuming of innocence, defendant, ECHR, Kosovo Penal Procedure Code.

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Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

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