

The presumption of innocence across national borders

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Abstract

The principle of the presumption of innocence is already an important principle in modern democracies, which have included the principle in their legal systems. Many international instruments also sanction this important principle. The presumption of innocence protects not only the defendant but also the suspect before filing charges against him.¹

Human rights are never fully and completely protected. The obligation that state institutions have to respect them does not necessarily mean and in any case guarantee them. For this reason, the material and procedural means envisaged in the legislation of a country are intended to protect the rights of the fundamental rights when the individual has no other way to enjoy them. Violation of fundamental rights can be claimed at every stage of ordinary trial because courts are also obliged to enforce and respect human rights.²

The practice of the Court in conjunction with Article 6 of the ECHR is basically stated that it has consistently been in the line of the fact that the right to a fair trial occupies an important place in a democratic society in the sense of the European Convention on Human Rights.

The right to a fair trial³ is a very broad right and in any case should be carefully scrutinized by the national courts, analyzing in detail all the facts that, in one form or another, would affect the material or procedural rights of the accused." (Nowicki, 2003). The right to a fair trial is implemented from the moment of the court's investment and until the execution of its final decision.⁴

The ECHR has emphasized that the principle of the presumption of innocence is considered to be overturned if a judicial decision belonging to a person charged with a criminal offense reflects an opinion that he is guilty before his guilt has been proven by law.

Keywords: ECHR, UDHR, ECHR, presumption of innocence, fundamental rights, "green paper".

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