

The Right to Freedom and Security in case of Detention on Remand and its Violation by Courts – Kosovo Case

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Abstract

The right to freedom and security is an important right that guarantees a fair criminal process for the defendants. The Republic of Kosovo has raised up this level to the constitutional level, with the aim of providing proper protection to the defendant and guaranteeing a fair criminal trial.

The right to freedom and security, apart from being a general procedural guarantee, appears at every stage of the criminal proceedings. This paper aims to analyse the compliance with this right, in the case of detention on remand, as a measure for ensuring the presence of the defendant in court hearings.

Moreover, this paper will analyse constitutional provisions, international acts on human rights, legal provisions of the Criminal Procedure Code and relevant judgements of the Constitutional Court of the Republic of Kosovo, in which the issue of detention on remand is handled, respectively the right to freedom and security as a procedural guarantee of the defendant.

Keywords: Constitutional of the Republic of Kosovo; Defendant; Criminal Procedure; Criminal Procedure Code of Kosovo; the right to freedom and security.

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