



## CR Art. 5

# Presumption of Innocence and Rights of the Accused

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## TITLE 01 — GENERAL PROVISIONS · CHAPTER 02 — FUNDAMENTAL PRINCIPLES

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- 1 Every person charged with a criminal offence shall be presumed innocent until proven guilty according to law. The burden of proving guilt rests upon the prosecution, and the standard of proof required for conviction is proof beyond reasonable doubt.
  - 2 Every person charged with a criminal offence is entitled to the following rights, as guaranteed by [Article 35\(5\)](#) of the Fundamental Laws:
    - a. to be informed promptly, and in sufficient detail, of the nature and cause of the charge, in a language that the person understands;
    - b. to be tried without undue delay, and not to be subjected to prolonged uncertainty as to their criminal liability;
    - c. to be present at trial — whether by physical attendance or through secure digital means — and to defend themselves in person or through legal assistance of their own choosing;
    - d. to examine or have examined the witnesses against them, and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses called by the prosecution;
    - e. not to be compelled to testify against themselves or to confess guilt, and to have excluded from evidence any statement or material obtained in violation of the privilege against self-incrimination;
    - f. upon conviction, to appeal to a higher tribunal, which shall have the power to review findings of fact, questions of law, and the appropriateness of the sanction imposed;
    - g. to a fair and public hearing before a competent, independent, and impartial tribunal established by law.
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- 3 Where the interests of justice so require and the accused lacks the means to retain legal assistance, the State shall provide legal aid at its own expense, as guaranteed by [Article 35\(10\)](#) of the Fundamental Laws. The competent authority shall establish procedures to assess eligibility for legal aid and to ensure the quality and independence of legal assistance so provided.
- 4 Hearings may be conducted through secure digital means where appropriate, provided that the principles of fairness, transparency, and the rights of the accused are fully respected.
- 5 The rights enumerated in this Article correspond to the specific guarantees set out in [Article 35\(5\)](#) of the Fundamental Laws.

DOCUMENT INFORMATION	
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