

PRESUMPTION OF INNOCENCE, A FUNDAMENTAL HUMAN RIGHT

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Abstract

The presumption of innocence in a fair legal process today is the most important right, the most discussed, and the most implemented by subjects facing the state and the right. It is one of those rights that are widely debated and treated by both the doctrine and the practice, but due to its dynamic character it continues to arouse interest and discussion among lawyers and beyond. The clause of the regular legal process is what American jurisprudence considers also as a "The Cruel Charter at the table of the High Court". The right to the presumption of innocence to a fair legal process is a guarantee for citizens against unjust actions of the organs of state authorities, on the other hand an obligation for the state authorities not to violate the rights and freedoms of citizens without ensuring the respect of legal procedures. The fair legal process imposes standards that are necessary for a free society or included in the concept of a freedom which respects the rules. Given that Albania is a member of a number of international organizations and conventions that focus on the sanctioning and respect for human rights, there is the need of the implementation of these rights in practice, in accordance with all the international commitments of the Albanian state and its aspirations for the establishment of democratic order and rule of law. In this respect the determining role belongs to the jurisprudence of the European Court, the Constitutional Court and the Supreme Court, for the fundamental principles of the presumption of innocence in the fair legal process, and in particular for the elaboration of the principles of trial procedure. The summary of this jurisprudence is of theoretical and practical importance for judges and prosecutors, to recognize and put into practice these principles in their investigative and judicial activity.

Key words: *presumption, law, prosecutors, judicial activity*