

PRESUMPTION OF INNOCENCE

The presumption of innocence is the legal principle that the prosecution must prove guilt. The accused does not have to prove innocence and is considered to be innocent until proven guilty.



KEY PRINCIPLES

All people are considered **innocent**. This means all people, no matter their race, gender, religion or association are considered good, honest and free from blame.

It is a **presumption** and imposes on the accuser the burden of proving an assertion as correct.

Excluding or modifying the presumption should **never be okay**.

Where one's freedom and livelihood are at stake, society should be very careful to protect a person's presumption of innocence.

Whilst it is included in the Universal Declaration of Human Rights it is not an enforceable legal right. It can (and often is) excluded or modified at any time by an Act of Parliament.

IMPLICATIONS

1 It is better for a crime to go **unpunished** than an innocent person be condemned- even if the crime is heinous.

2 The **onus of proof** is on the accuser to prove guilt.

This protects the accused and ensures they are:

- informed of the charge and any relevant evidence
- provided the right to defence in an open court
- protected from coercion (or torture) where their testimony might incriminate them (right to silence)
- not disadvantaged where the accuser has greater financial resources and power, and
- tried for a specific crime that is against the law and not for their race, religion, association or crime of another person

This also provides checks and balances on the accuser to stop them from misusing their power.

3 A person cannot be convicted unless there is **satisfactory legal evidence** that relates to the accusation and not merely vague, unsubstantiated stories or evidence.



Presumption Of Innocence

**Thomas Johnson Michie,Beirne
Stedman,Addinell Hewson
Michie,Charles William Sublett**

Presumption Of Innocence:

Taming the Presumption of Innocence Richard L. Lippke, 2016 Taming the Presumption of Innocence provides a comprehensive account of the presumption of innocence in criminal law and procedure It maintains that the presumption is a vital component of the proof structure of criminal trials

The Presumption of Innocence Before the International Criminal Court Theodore Ngoy Ilunga Wa Nsenga, 2012 This book first underlines the actual meaning and effects of the presumption of innocence and subsequently considers its interpretation and application by the International Criminal Court in four key respects 1 Standards of proof 2 Statements of public officials and media reports 3 Pre conviction detention 4 Rights of Victims It is argued that the presumption of innocence means the right of persons to be treated as innocent until proven guilty by the Prosecutor who solely bears the burden of proof Consequently unless it is applied and interpreted as such it is most unlikely that the International Criminal Court and thus any other criminal court will secure a fair trial for the accused

The Presumption of Innocence in International Human Rights and Criminal Law Michelle Coleman, 2021-03-03 This book provides a comprehensive analysis of the presumption of innocence from both a practical and theoretical point of view Throughout the book a framework for the presumption of innocence is developed The book approaches the right to presumption of innocence from an international human rights perspective using specific examples drawn from international criminal law The result is a framework for understanding the right that is grounded in human rights law This framework can then be applied across different national and international systems When applied it can help determine when the presumption of innocence is being infringed upon eroded violated and ensure that the presumption of innocence is protected The book is an essential resource for students academics and practitioners working in the areas of human rights criminal law international criminal law and evidence The themes also have a more general application to national jurisdictions and legal theory

Presumption of Innocence Pamela-Jane Schwikkard, 1999 The presumption of innocence is widely accepted as a fundamental principle of criminal justice This work is an attempt to secure consensus and to present some constructive solutions to the various theoretical and practical problems which exist in respect of the presumption of innocence

The Presumption of Innocence Andrew Stumer, 2010-06-14 This book investigates the supposed justifications for limitation of the presumption of innocence by analysing its history rationale and scope

The Judicial System and Reform in Post-Mao China Yuwen Li, 2016-03-03 This comprehensive study examines the development and changing characteristics of the judicial system and reform process over the past three decades in China As the role of courts in society has increased so too has the amount of public complaints about the judiciary At the same time political control over the judiciary has retained its tight grip The shortcomings of the contemporary system such as institutional deficiencies shocking cases of injustice and cases of serious judicial corruption are deemed quite appalling by an international audience Using a combination of traditional modes of legal analysis case studies and empirical research this study reflects upon the

complex progress that China has made and continues to make towards the modernisation of its judicial system Li offers a better understanding on how the judicial system has transformed and what challenges lay ahead for further enhancement This book is unique in providing both the breadth of coverage and yet the substantive details of the most fundamental as well as controversial subjects concerning the operation of the courts in China *Decennial Edition of the American Digest*, 1908

The International Criminal Tribunal for the Former Yugoslavia 2001-2002 André Klip, 2005 **Judicial and Statutory Definitions of Words and Phrases**, 1914 [Principles of Polish Criminal Procedure](#) Jaroslaw Zagrodnik, Kazimierz Zgryzek, 2023-12-14 Little is available in English on the procedural aspects of the Polish criminal justice system and the tenets of its criminal process This authoritative new work addresses this gap It sets out an analysis of the founding principles its main phases and of those systemic and structural components which inform it Taking an applied practical approach it surveys the process from beginning to end Pre trial trial post trial questions of evidence and remedies are all clearly addressed The authors two acknowledged experts in the field also explore the role of more general rule of law standards of law questions that are currently impacting on the law and its interpretation Comparative criminal lawyers will welcome this important new work *The Supreme Court Reporter* United States. Supreme Court, 1895 **American Digest**, 1928 [Presumption of Innocence in Peril](#) Anthony Gray, 2017-11-08 This book explains the historical significance and introduction of the presumption of innocence into common law legal systems It explains that the presumption should be seen as reflecting notions of moral comfort around judgment of others Specifically when one is asked to make a judgment about the guilt or otherwise of a person accused of wrongdoing the default position should be to do nothing This reflects the very serious consequences of what we do when we decide someone is guilty of wrongdoing and is not a step to be taken lightly Traditionally decision makers have only taken it when they are morally comfortable with that decision It then documents how legislators in a range of common law jurisdictions have undermined the presumption of innocence through measures such as reverse onus provisions allowing or requiring inferences to be made against an accused redefining offenses and defenses in novel ways to minimize the burden on the prosecutor and by dressing proceedings as civil when they are in substance criminal Courts have too easily acceded to such measures in the process permitting accused persons to be convicted although there is reasonable doubt as to their guilt and where they are not guilty of sufficiently blameworthy conduct to attract criminal sanction It finds that the courts must be prepared to re assert the prime importance of the presumption of innocence only permitting criminal sanctions to be imposed where they are morally certain that the accused did that of which they have been accused and morally comfortable that the conduct being addressed is worthy of the kind of criminal sanction which prosecutors seek to impose Courts must be morally comfortable about the finding of guilt and the imposition of the criminal penalty in a given case They have lost sight of this moral underpinning to criminal law process and substance and it must be regained **Supreme Court Reporter**, 1895 **A Treatise on the Law of Evidence** Simon

Greenleaf, Simon Greenleaf Crosswell, 1883 *The Encyclopedia of United States Supreme Court Reports* Thomas Johnson
Michie, Beirne Stedman, Addinell Hewson Michie, Charles William Sublett, 1910 *Second Decennial Edition of the American
Digest*, 1919 **Third Decennial Edition of the American Digest**, 1928 *United States Supreme Court Reports* United
States. Supreme Court, 1895 First series books 1-43 includes Notes on U S reports by Walter Malins Rose *Corpus Juris*
William Mack, William Benjamin Hale, 1918

The Enigmatic Realm of **Presumption Of Innocence**: Unleashing the Language is Inner Magic

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