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**WEIGHT PRESUMPTION OF INNOCENCE AND FREEDOM OF INFORMATION**

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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.

We can say that this principle is a special right of each accused, who enjoys stability and stability throughout the criminal process.

The principle of the presumption of innocence is one of the most important principles of the due legal process, mainly during the criminal proceedings. This principle is foreseen in Article 4 of the Code of Criminal Procedure of the Republic of Albania. The European Convention on Human Rights, which is already part of the Albanian domestic legal system,<sup>431</sup> provides for this important principle in its Article 6/2, making it compulsory for the member states to apply this principle. The Republic of Albania thus implements a universal and legally binding standard in accordance with its international obligations.

Although most of the legal systems envisage *de jure* the principle of presumption of innocence, its concrete implementation faces several practices that *de facto* violate the essence of this principle. Holding a suspect for a long time in prison without a court sentence is a violation of the principle of the presumption of innocence<sup>432</sup>. The application of illegal methods and techniques for obtaining statements by the defendant by violating freedom from self-incrimination is another way that undermines the presumption of innocence, as it transfers the burden of proof from accusation to defense.

If we refer to another aspect of the right of presumption of innocence, it is necessary to talk about a right that is directly or indirectly linked to it, as appropriate and not always to achieve a good result as it is the right to information.

Freedom of expression is one of the cornerstones of a democratic society and the guarantees that need to be given to the press are of special importance.

For the presumption of innocence, public statements, for example, of pre-trial officials, the behavior of a judge in the course of trial and the treatment of a person following a decision of innocence or interruption of proceedings are of great importance.

Jurists believe that many modern practices applied to the healing of various social injuries may have far less favorable effects on respecting the principle of presumption of innocence, such as: tests for the use of narcotics before applying for a job shift the burden of evidence forcing the person himself to prove that he is not a narcotics user.

It is true that in every democratic and civilized state there should be an information freedom that is included in the domestic legislation and it is necessary for all citizens to be informed about the main events. However, this freedom of information can not be understood without borders. These limitations are in the public interest and in the veracity of the information provided, in such a way as to be necessary to conduct an investigation process to compare the information available. However, truth should not be confused with the truth, as it will be required that facts be investigated and contrasted so that this requirement of truthfulness is fulfilled<sup>433</sup>.

**Keywords:** criminal offense, information, human rights, innocence, ECHR, etc.

## **INTRODUCTION**

Guaranteeing the presumption of innocence extends beyond the judicial system. In general, this principle applies to criminal matters and to matters that by their very nature are almost criminal. This principle is closely related to the freedom of expression and information where the public has the right to be informed about the continuation of a particular matter. The European Court of Human Rights has interpreted this principle and has extended it beyond the criminal process, giving particular importance to guaranteeing the rights provided for in the Convention in a practical and effective manner, outside the theoretical and illusory context.

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<sup>431</sup> Article 116/2 of the Constitution of the Republic of Albania

<sup>432</sup> See quick judgment

<sup>433</sup> Sentencia del Tribunal Constitucional 29/2009, de 26 de enero, BOE, núm. 49, de 26 de febrero de 2009

The European Convention for the Protection of Human Rights and Fundamental Freedoms is an international mechanism for the protection of human rights. The provisions of the Convention are already part of our domestic law. The rules of the European Convention on Human Rights as well as those of the First Additional Protocol presented are not simply programmatic.

They, in fact, impose on the Contracting States (as well as country) true legal obligations that are immediately applicable to all parties.

The Convention should be successful in establishing a system of complaints, both from contracting states and individuals, capable of ensuring a sound control of compliance with the principles established by it himself. The ECHR is essentially an international tribunal established by the ECHR which may be brought about in violation of the rights and freedoms guaranteed by the Convention by the Contracting States and by their own citizens. Not only the articles of the Convention, but also the final judgments of the ECHR are mandatory for the contracting states. Thus, under Article 46 of the Convention, "the High Contracting Parties undertake to enforce the final decisions of the Court in the disputes in which they are party". On the other hand, Article 53 of the Convention provides that "None of the provisions of this Convention shall be construed to limit or impair human rights and fundamental freedoms which may be ensured under the laws of either Contracting State or on the basis of any other agreement with which the Contracting Party participates". Consequently, with binding value, the interpretation of the Convention is exclusively granted by the European Court of Strasbourg. It is no coincidence that the Council of Europe, in its recommendation R (2000) 7 on the protection of journalists' resources, wrote in a text: "Article 10 of the Convention, as interpreted by the European Court of Human Rights, is mandatory all Contracting States."

As other important documents that ensure and enforce the applicability of this principle, we can mention: Universal Declaration of Human Rights<sup>434</sup>, International Covenant on Civil and Political Rights<sup>435</sup>, American Constitution, Amendment 5<sup>436</sup> and Amendment 14, paragraph 1<sup>437</sup>, The European Convention on Human Rights<sup>438</sup>, etc.

Human rights are not always 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 left to enjoy them. Violation of fundamental rights can be claimed at any stage of the ordinary trial because the courts are obliged to observe and respect human rights<sup>439</sup>.

The ECHR has stated that the principle of presumption of innocence is considered violated if a judicial decision, which belongs to an individual charged criminally, it reflects an opinion that he is guilty before being proven guilty according to law<sup>440</sup>.

Thus, the dual nature of the presumption of innocence appears as an individual right and at the same time as an obligation to guarantee its prospects and as a fundamental element of the rule of law. Therefore, we can say that the rule of law is a cornerstone of the presumption of innocence in the context of respect for human dignity.

In the jurisprudence of the Constitutional Court of the Republic of Albania it has been emphasized that the principle of the presumption of innocence is one of the essential constitutional principles to be respected in establishing and exercising the activity of investigative commissions, as it relates to guaranteeing the right to a due legal process. This principle is acknowledged that it can be penalized not only in court proceedings by judges or courts, but also in administrative proceedings by public authorities.

<sup>434</sup> The Universal Declaration of Human Rights, which was promulgated on 10 December 1948, states in Article 11/1: "Whoever is charged with a criminal offense has the right to be considered innocent until proven guilty according to law and in a public process in which he had all the necessary safeguards for his own defense."

<sup>435</sup> Article 14/2: "Everyone charged with a criminal offense has the right to be considered innocent until proven guilty according to the law"

<sup>436</sup> "No one can be tried twice for the same violation of the law, nor can he be forced to testify against himself in a criminal case, nor to be deprived of life, liberty and property without a due process trial. No one can be taken for shared use private property without the appropriate remuneration."

<sup>437</sup> "None of the States can deprive any person of their lives, liberty or property without the development of a fair trial or deny to persons under their jurisdiction the right to be protected by laws"

<sup>438</sup> Article 6/2 "Everyone charged with a criminal offense is presumed innocent until his guilt is legally proven"

<sup>439</sup> Article 15.2 of the Constitution of the Republic of Albania

<sup>440</sup> Decisions in the case of John Murray v. The United Kingdom, 8 February 1996; Telfner v. Austria, 20 March 2001

We emphasize that the right to presumption of innocence, fair trial and respect for private and family life under Articles 6 and 8 of the Convention are fundamental requirements that must be respected in any democratic society.

The public should be able to obtain information about the activities of judicial authorities and police services through the media.

Therefore, the media should be able to report freely and comment on the functioning of the criminal justice system, subject only to the constraints laid down in Council of Europe principles<sup>441</sup>. The principle of the presumption of innocence is an integral part of the right to a trial right. Therefore, opinions and information on ongoing criminal proceedings should be communicated or disseminated only through the media, if this does not prejudice the presumption of innocence of the suspect or the accused<sup>442</sup>.

The media's prompting to make early conclusions about a person's guilt (using pompous titles, or getting public opinion) under investigation or trial is also a kind of court-related pressure that may be adversely affected by the reaction possible public opinion of its decision, thus making a case for an unfair decision. Thus, the ECHR has emphasized that television broadcasting of court hearings (so-called imitations) may also be a cause for a misunderstanding and misallocation of the public to the justice system<sup>443</sup>.

We note that the media have the right to inform the public due to the right of the public to obtain information, including information on matters of public interest, under Article 10 of the Convention and that they have a professional duty to do so<sup>444</sup>.

### **PRESUMPTION OF INNOCENCE AND INFORMATION ACTORS**

Although at first sight it seems that the presumption of innocence is not affected by the right to freedom of information, but it may happen that a journalist may violate or violate this principle with the information it provides. It should be borne in mind that this information has no legal effect in the sense that it will not be taken into account by a court when issuing a decision, but it is true that it serves to condition public opinion on a person, being able not only to harmed the same right to the presumption of innocence but also other fundamental rights.

In addition, in cases where there is a jury process, these people may be clearly affected by the information provided<sup>445</sup>.

Respect for this principle begins with the moment when it becomes known that a person is suspected of a particular offense. For this reason, a person is considered during the entire trial and trial as a suspect or defendant until convicted or convicted by a court decision. The principle of the presumption of innocence is observed in the criminal process not only by the court during the trial but also by other prosecution bodies (police and prosecution).

Mention here the decision of the Strasbourg Court over *Alenet De Ribenon v. France*. *Alenet De Ribonet* was publicly accused in a press release for the murder of the French-a former minister. He was named as the killer by senior police officer, who later was acquitted by a court decision. The ECHR has also reiterated in this case<sup>446</sup> and in the case of *Heaney and McGuinness v Ireland*<sup>447</sup> that the means of interpreting the content of Article 6/2 of the Convention should be "practical and effective and not theoretical and illusory".

For this reason, in the decision of 10 February 1995, *Ribemont v. France*, the ECHR noted that the scope of application of Article 6/2 is not limited to cases where the presumption of innocence is infringed by the judicial authority but also in cases where such offense is committed by other public authorities. So Article 6/2 can not stop informing the public about criminal investigations in the process, but according to him, this should be done with caution and within the scope of this principle, not to create the idea that the person implicated is guilty.<sup>448</sup>

<sup>441</sup> Recital Recommendation Rec (2003) 13, Principles concerning the provision of information through the media regarding criminal proceedings, Council of Europe, Commission of Ministers

<sup>442</sup> *ibidem*

<sup>443</sup> *Daci, Jordan. Human Rights, Publication IV, 2017*

<sup>444</sup> Recital Recommendation Rec (2003) 13, Principles concerning the provision of information through the media regarding criminal proceedings, Council of Europe, Commission of Ministers

<sup>445</sup> Judges may also be conditioned by what has been said in various media, but, unlike a legal jury, a judge has received training to exercise their position

<sup>446</sup> *Case Alenet de Ribemont v. France, 10 shkurt 1995*

<sup>447</sup> *Case Heaney dhe McGuinness v. Ireland, 21 december 2000*

<sup>448</sup> *D,Spilman, Procès équitable et présomption d'innocence,RTDH,1995*

In this case the problem is that it may ever happen that the press may damage justice by touching on the principle of the presumption of innocence and the impartiality of the court.

Thus, non-respect of this principle in the field of press could bring responsibility to the state if the authorities did not take any measures to prevent or end this position.

In this case, the court found a violation of the principle of the presumption of innocence since the statements of the police officers were a statement of guilty which on the one hand pushed the general public to prejudice the assessment of the facts by the competent judges of the matter in question. However, it should be stated that the realization of this issue is very difficult<sup>449</sup>.

This does not mean that the principle of the presumption of innocence can stop the authorities from notifying the public about the investigations that are being conducted, but it requires this information to be done in compliance with the principle of the presumption of innocence. The above affair is of fundamental importance for this element, the presumption of innocence. To emphasize in particular is the moment that the violation of this fundamental principle of the ECHR in the criminal proceedings, in this case, was not done by the judicial bodies or were competent to decide on the guilt of the applicant but not was made by executive structures. On the other hand, the decision is important to highlight the effect that such statements may have on the presumption of guilt or responsibility of a person in relation to the development of judicial, administrative, civil proceedings in relation to the matter in which he is a party.

Here we can assert that our practice has also acknowledged that the principle of presumption of innocence is one of the constitutional principles that is of fundamental importance and is related to guaranteeing the right to a fair legal process. It is acknowledged that the possibility of violating this principle can be manifested by both the court and the public authority.

The ECHR has emphasized that these principles relate to the judges' obligations to be impartial and to respect the rights of the defense, for example: the police could not give press photographs of individuals filed as an illegal organization even if they were not accompanied with names<sup>450</sup>. Even the judicial body during the criminal proceeding should not tolerate the accused presenting with specially penitentiary clothing for prisoners at a court hearing regarding detention<sup>451</sup>.

A clear devaluation of the presumption of innocence regarding the right to information occurs in situations where police officers themselves allow journalists to take photographs of pre-detainees, let us not forget that they are in prison awaiting the application of procedural guarantees, where and will be determined whether they are guilty or not. As noted in some cases, the image of a person who has been arrested or information about his private life and his identity should never be learned while he was in detention at this point, the presumption of innocence is endangered and the person's social status is endangered, a status that is extremely difficult to recover if a person becomes innocent by a decision.<sup>452</sup>

Thus we can say that the presentation of the pre-detainees in the media can appear as prejudicial through:

1. for violation of the rights of the person presented as guilty and
2. strengthening against judicial dependence

In the same way we can say that when these occur in the circumstances after the identification, prior to the end of the criminal process, for all detained persons, or to treat the pre-detainee as a criminal, even identify him as such without a trial it should be considered a violation of rights and this would weaken the administration of the criminal case of the concrete case.

These affect not only the violation of the presumption of innocence, but also the legal process, on the rights of the defendant, which:

- affect the credibility, reputation or criminal record of any of the parties, witnesses or potential witnesses, the acceptance of the facts, the accusers' prior statement or refusal of declaration, etc.

<sup>449</sup> Case *Alenet de Ribemont v. France*, 10 February 1995 and *J. Velu et R. Ergec* "La Convention européenne des droits de l'homme"

<sup>450</sup> ECHR, 28 October 2004, *Y. B et autres v. Turquie*

<sup>451</sup> ECHR, 4 March 2008, *Samoila et Ciarca v Roumanie*, for the two police officers who were prosecuted for corruption, who had demanded that they be dressed in court with their civilian outfits, while the mayor did not allow their request and therefore the sentence was also taken.

<sup>452</sup> BaraTa, Francesc, *la devaluación de la presunción de inocencia en el periodismo*. Anàlisi: Quaderns de comunicació i cultura, núm. 39 (2009), p. 231

It is important in this regard to determine that information with personal data that the authorities or institutions in the addressees must be accurate and up-to-date, therefore they are obliged under the applicable legislation to replace, correct or informally to supplement the information they publish, to avoid them being inaccurate or incomplete.

Because there are cases in which the given legal situation is distributed by means of a press release and then it is subject to change, such as the one who is rooted in the investigation of various wrong acts without exercising subsequent criminal offense against it, in which it is necessary to correct inaccurate, incomplete or obsolete data within the given measurement timeframe; otherwise, the information disclosed without being adapted to the reality constitutes a violation of the rights of while distributing partial information that exceeds the reputation, image, and goodwill of the affected individual.

The court can communicate information about the defendant's past<sup>453</sup>. Regarding the right to information on events of national interest in the exercise of the right to information, it may also lead to a violation of human rights by making the person arrested in the criminal process known as guilty and even show it in the media as such.

The European Court of Human Rights has stated that the press / journalists should also respect the presumption of innocence as defined in Article 6 of the European Convention on Human Rights ... (...) public figures are entitled<sup>454</sup> to enjoy one a fair trial set forth in Article 6, which in criminal proceedings includes the right to an impartial tribunal, on the same basis as any other person. This should be borne in mind when commenting on pending criminal proceedings since allowed comment margins can not be extended to statements that are likely to bias, whether deliberately or not, the chances of a person receiving a fair trial or "undermine "public confidence in the role of the judiciary in the administration of criminal justice.

The European Court has clearly ruled that the presumption of innocence constitutes one of the requirements for a fair trial and will be considered as a violated principle if the statements of a public official concerning a suspect indicate that he is guilty before<sup>455</sup> giving decision. For this reason we can say that a criminal process should not start a more prejudicial idea of the defendant, so that he is the concrete person who committed the criminal offense. And the burden of proof falls on the one who accuses and not of the one who denies and any doubt should be used in favor of the defendant<sup>456</sup>.

In the same way, the court recalls that the presumption of innocence set forth in Article 6/2 is one of the elements of a fair trial and will be violated if a statement by a public official concerning a person charged with a criminal offense reflects an opinion<sup>457</sup> as well in the absence of any formal finding, there are several reasons to suggest that the official accuses the defendant as guilty<sup>458</sup>.

Moreover, in 2003, the Council of Europe issued a recommendation on the distribution of criminal proceedings, stating that such information could only be disseminated if they did not prejudice the presumption of innocence, requiring police forces to provide only "verified "or" based on reasonable assumptions ".

The European Court of Human Rights (Section V)<sup>459</sup> has also intervened in the presumption of innocence by repeating the limits within which the information provided to the press on an ongoing investigation should be in compliance with this principle. The decision concerns the case of a Russian citizen arrested in 2000 as suspected of serious murders and robbery. As investigations were still ongoing, local public television had sent an interview with a Public Prosecutor's Office who stated that the applicant had committed several criminal offenses, including the murder offense related to the robbery. The regional court subsequently condemned the applicant for the abovementioned offenses and, referring to the alleged violation of the principle of the presumption of innocence advanced by him, he considered that the offense was not in existence since the date of the television broadcast, the person had already been officially charged for murder and robbery, which, according to the Criminal Procedure Code of Russia, would not have been possible without sufficient evidence.

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<sup>453</sup> European Commission on Human Rights. ECHR, Vol IX, April 1, 1966

<sup>454</sup> In the relevant judgment of 29 August 1997

<sup>455</sup> *Daktaras v. Lithuania*, Section III, 10 October 2000, registration number 42095/98, the case law of the ECHR is consistent with the view that a violation of a fair trial damages the presumption of innocence

<sup>456</sup> BaraTa, Francesc, *la devaluación de la presunción de inocencia en el periodismo*. Anàlisi: Quaderns de comunicació i cultura, núm. 39 (2009), p. 231

<sup>457</sup> See, *Shuvalov v. Estonia*

<sup>458</sup> *Alenet de Ribemont v. France*, nr. 15175/89, 10 february 1995

<sup>459</sup> See, *Mokhov C. Rusia*, Cass Cass, 2010, 6, 2455, 04 march 2010 is the verdict nr. 28245



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The applicant addressed the ECHR alleging a violation of Articles 6 and 8 for breaching the principle of the presumption of innocence, the Court re-qualified the complaint in accordance with Article 6/2 of the ECHR. The Court, in accordance with its case law, states that it is necessary to distinguish between an allegation that a person is simply suspected of having committed a crime and a statement of guilt in the absence of a final decision, emphasizing the importance of choosing the words used by public investigators. In the present case, the investigator undoubtedly claimed the guilt of the subject, pointing out that the crime of murder was committed during investigations into other offenses, thus making the applicant appear to be a criminal and failing to report that he had pleaded innocence<sup>460</sup>.

The Constitutional Court of the Republic of Albania stated that<sup>461</sup> "... *the High Council of Justice has prejudiced the case by violating the principle of the presumption of innocence. The administrative judgment was made in the absence of the subject of the proceedings, of his representative, even of a certain representative, mainly for no justified reasons. The High Council of Justice has not taken steps to secure the applicant protection or the possibility of exercising protection in a legal process. The final conclusion on the dismissal of a judge by the High Council of Justice was based on facts and circumstances related to other subjects on issues previously examined by this body rather than on the assessment of the concrete circumstances of resulting from the trial. The violation of the principle of the presumption of innocence or the prejudice of the claim results from the unilateral statements of some members of the High Council of Justice during the trial and before the decision making, which are reflected in the minutes.*

The extended interpretation of this principle during the criminal proceedings provided by the European Court of Human Rights is of particular importance also in terms of guaranteeing the rights provided for in the Convention in a practical and effective manner outside the theoretical or illusory context. Respect for the principle of the presumption of innocence constitutes one of the elements of the regularity of a legal process. According to this principle, public authority should not start the disciplinary process with the conviction that the person who is prosecuted has violated the law. Its duty is to give the defendant the opportunity to defend himself or herself through the defense counsel and to make a decision based on evidence that is administered in the file, which must be proven by the initiator of the proceeding in a due process of contradiction.

In the decision of the Constitutional Court it is determined that V-21/08). The applicant also alleges that during the investigation conducted by the Assembly's Inquiry Committee and until the Decree of the President of the Republic was promulgated, he was denied the constitutional right to be presumed innocent while at the same time violating the principle of judgment by an organ unmanageable. As an argument to substantiate this claim he argues that some of the MPs that have requested the establishment of the second investigative commission are those who are involved in the composition of this commission or the previous investigative commission, as well as the fact that the President of the Republic decreeing the dismissal had voted in the previous review by the Assembly for taking a decision on the proposal for his dismissal from office. The parliamentary committees in the cases of dismissal of the constitutional functionaries develop quorum procedures and observe the principles of due process law in so far as it allows the possibility of deliberation to make a decision that is of a political-administrative and non-judicial nature. However, even in cases of trial of senior constitutional officials, the principles of the presumption of innocence and of impartiality can not be applied as a classical principle of judicial proceedings, because parliament, both in its composition and organization, both in the activity and the function of he does not have to be a judicial body.

While the minority is of the opinion that "... From the data in the file it results that prior to the establishment of the investigative commission and then during its activity, the applicant for the dismissal procedure has been placed in the position of a person to whom they have been tried allegations of grave violation of the law, before reaching a final decision by the Assembly. Also, the requirement that the prosecuting body makes the defendant explain in the absence of direct evidence implies the transfer of the burden of proof from defense charges, thus violating the principle of the presumption of innocence.

So the violation of the presumption of innocence principle goes directly to the defense right. In this way we also showed the importance of media reporting on public information on criminal proceedings, making the criminal law deterrent visible and providing public scrutiny of the functioning of the criminal justice system.

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<sup>460</sup> See also Vassilios Stravropoulos in Greece, 27 September 2007, at the 2008 Criminal Court

<sup>461</sup> V – 17/04

Article 10/2 of the ECHR sets out the restrictions on press freedom. One's right to the presumption of innocence is lower than the freedom of the press<sup>462</sup>. On the other hand, in Article 38, the first paragraph of the French law of 29 July 1881 prohibits the publication of procedural criminal acts before they are read in a public hearing. According to the ECHR, they do not contradict 10 of the ECHR, as this prohibition applies only to the pre-trial period<sup>463</sup>.

## CONCLUSIONS

This principle was born as a guiding principle that under all circumstances, the accused should be considered innocent until there is no final decision of guilty plea.

Every old practice of guilty plea was abandoned, and along with the principle is considered not only as a procedural but democratic right to limit the legitimate force monopoly, where defense mechanisms that allow to prove the innocence of the indictment and the instruments of protection against the acts of justice administration bodies and system enforcement are guaranteed.

The presumption of innocence, as a human right, is not an idea, but a right governed by international legal instruments, which under the current dynamic force has obligations as a necessary guarantee for the developing countries of the criminal justice system. It can be emphasized that the right of presumption of innocence applies whenever the person becomes subject of declarations that reflect the feeling that he is guilty<sup>464</sup>.

Ensuring a fair legal process is the essential aspect of effective justice. The entirety of procedural principles is a guarantee to achieve the full effectiveness of criminal justice for the regular implementation of articles of the Penal Code and Criminal Procedure. The same applies to respecting and enforcing the principle of legality by the court by developing a due legal process using and verifying evidence, ensuring the equality of participants in the judicial process, the rights of the defendant and the defendant, granting a court decision based on law and fairness, thus secures the criminal offense of the offense and of its author.

The presumption of innocence is a principle that essentially relates to the person's personality. This principle is mostly violated in practice, not only by administrative and investigative bodies but also by judicial ones. Often times a suspected person is labeled as a criminal by the media and the public without a final court sentence even without completing the proceedings. From this right is also the obligation of government bodies not to make public statements about the guilty of a suspected person until a final decision is made.

In this respect, we should also recall the Council of Europe Recommendation for 2003 on the dissemination of information on criminal proceedings, which not only confirms that such news can be communicated or disseminated by the media only when they do not prejudice the presumption of innocence of suspects or accused, but also that judicial and police services provide only verified information or based on reasonable assumptions.

Finally, within the right of information, some problems may arise regarding the right to presumption of innocence. When improper media influences may impede the normal development of a process, it can also be violated the right to be considered innocent of people reporting incorrectly. Therefore, in safeguarding the rights in question with regard to the media, it should not only be addressed to the proper training by informants who respect the rights and guarantees of all people, but it is also necessary to make accurate actions by public personnel which interferes in some way, which should ensure maximum respect for the rights of untried detainees.

Recently, there is an improvement in the situation and this is not only due to the numerous criticism from international organizations but also to the increase of the professionalism of the state structures and media professionalism in the treatment of the news. It has already been understood that based on respect for this right, trial proceedings can not be used as public debates to imply the guilt of an innocent individual. Public opinion is also more aware of the person's right to be considered innocent until his guilt is finally tried solely by the court.

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