



Dottorato di ricerca in Ordine internazionale e diritti umani, Sapienza, Università di Roma - Intercenter, Università di Messina

Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre juridique international et Droits de l'Homme

THE RIGHT OF THE ACCUSED TO BE PRESENT AT TRIAL, THE RIGHT TO CONFRONTATION AND THE OVERALL FAIRNESS TEST IN STRASBOURG CASE-LAW

Although the European Convention of Human Rights does not expressly provide for the right of the accused to be present at trial, European Court of Human Rights case-law has long dealt with the delicate issue of participatory rights in criminal proceedings.

This study examines the relationship between the right of the accused to personally participate in criminal proceedings and the right to confrontation, in the light of the evolution of ECtHR case-law. It stresses the deficiencies of European jurisprudence, with the primary aim of understanding how the ECtHR has reinterpreted the participatory safeguards over the last few years. This allows us to propose a review of the solutions adopted hitherto on this matter.