

Anyone charged with a criminal offence has the right to be presumed innocent until their guilt is proven **according to law** and **beyond reasonable doubt**. The **burden of proving the charge** is on the **prosecution**, while the **accused** has the **benefit of the doubt**.¹

According to the ICCPR article 14 §2:

- **Defendants** should in principle NOT be presented to the court in a manner indicating that they are “*dangerous criminals*” e.g. being shackled or kept in cages during trials;
- **All public authorities** have the duty to NOT prejudge the outcome of a trial including e.g. making public statements affirming the guilt of the accused;
- The **media** should avoid news coverage that might undermine the presumption of innocence;
- The **length of pretrial detentions** should NOT be taken as an indication of guilt or its degree; and furthermore,
- **Denial of bail** or being found **liable in civil proceedings** does NOT affect the presumption of innocence.²

In practice – findings of the Human Rights Committee:

- **Denial of bail for those charged with capital offence: Uganda³**
The Committee expressed its concern about legislation that denied the right to bail for individuals charged with capital offences, as it undermined the right to presumption of innocence, and recommended to amend or repeal the legislation concerned.
- **Public accusation by the authority and media before establishment of guilt by court: Belarus⁴**
In its jurisprudence, the Committee found that the authorities and State-controlled media violated the right of the accused to be presumed of innocence by publicly accusing them of attempting to overthrow the President and of having committed crimes before their guilt had been duly established by the court; and the fact that the defendant was handcuffed and placed in a cage in the courtroom throughout the hearings relating to his case also constituted a violation of the ICCPR article 14 §2.

¹ Human Rights Committee, General Comment No.32 (CCPR/C/GC/32), §30

² Human Rights Committee, General Comment No.32 (CCPR/C/GC/32), §30

³ CCPR/C/UGA/CO/2, §34-35 (September 2023)

⁴ Human Rights Committee, Communication No. 2619/2015, [Adamovich v. Belarus](#) (CCPR/C/133/D/2619/2015)