

## « *Lawyers for Lawyers* »

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### TRAINING MANUEL ON HUMAN RIGHTS AND HUMAN RIGHTS PROTECTION FOR LAWYERS

#### FILE N° 21: FAIR TRIAL – AFTER THE TRIAL

➤ ***The right to appeal decisions before a higher judicial body***

*Texts:* art. 14 §5 of the ICCPR, art. 8 §2. h of the ACHR, point N. 4 of the Directives and Principles on the right to a fair trial and legal assistance in Africa.

➤ ***The right to execution of decisions***

*Case-law:* ECHR, 19 March 1997, *Hornsby v/ Greece* (1), ECHR, 17 June 2003, *Ruianu v/Romania* (2).

The execution of decisions is the essential corollary of their judgment (1).

The equitable nature of the trial is heard materially and temporally until the effective execution of the decision delivered following a procedure which is itself equitable (decisions which have become final and legally binding) (1).

The State therefore has an obligation to adopt appropriate and sufficient measures to execute the decision of the court (2).

➤ ***Non bis in idem.***

*Texts :* art. 14 §7 of the ICCPR, art. 3 of Protocol 7 of the ECHR, art. 8 §4 of the ACHR.

No person can be prosecuted or punished for an offence for which the person has been acquitted or sentenced by a final judgment in accordance with the law and the criminal procedure of each State.

➤ ***The right to reparation for judicial error through the awarding of compensation***

*Texts:* art. 14 §6 of the ICCPR, art. 4 of Protocol 7 of the ECHR, art. 10 of the ACHR.



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When a definitive criminal sentence is annulled at a later date or when a pardon is granted because new evidence or newly revealed evidence proves that a judicial error has occurred, the person who has served time owing to this sentence will be compensated, in accordance with the law, unless it has been proved that non-revelation of the evidence in due time is attributable in whole or in part.

*Sources:*

- Avocats Sans Frontières France. Recueil d'instruments juridiques internationaux relatifs au procès équitable.
- Amnesty International Section française, *Protéger les droits humains. Outils et mécanismes juridiques internationaux*, Litec, 2003.
- Frédéric SUDRE, *Droit européen et international des droits de l'homme*, Puf, 2008.

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