



## Right to a fair trial in criminal and some solutions to ensure the right to a fair proceedings trial in Vietnam today

Nguyen Van Dung

Lecturer at Faculty of Law, Vinh University, Vietnam

### Abstract

Overview of the content of the right to a fair trial in criminal proceedings. Clarifying the provisions of Vietnamese law (Constitution and criminal procedure law) on the right to a fair trial and its compatibility with a number of international legal documents. The analysis clarifies the limitations and inadequacies of Vietnamese law in ensuring the right to a fair trial in criminal proceedings. List some reasons why the right to a fair trial is not guaranteed in Vietnam. Make recommendations to better ensure the right to a fair trial in criminal proceedings in Vietnam today.

**Keywords:** right to fair trial; international law; law of Vietnam; criminal procedure

### Introduction

The “right to a fair trial” is a fundamental and universal human right that exists in both criminal and non-criminal cases. The law of many countries provides for this right with the view that it is an essential right in all countries with the rule of law. The treatment of a person when they are accused of a crime clearly reflects how much the state respects human rights, so the right to a fair trial has been seen as a cornerstone of democratic societies. Just as all human rights are characterized by interdependence, the right to a fair trial with other rights is bidirectional. A fair trial is essential to ensure other basic human rights such as the right to life, the right to physical security, freedom of speech, etc. In contrast, in a non-democratic society, the If basic human rights are not respected, it is unlikely that everyone will receive a fair trial.<sup>[1]</sup>

The right to a fair trial is enshrined in many international and regional treaties. First of all, there is the International Covenant on Civil and Political Rights (ICCPR), which was adopted by the United Nations General Assembly on December 16, 1966. However, according to many points of view, the right to a trial is fairness includes not only the provisions related to the trial stage, which are provided for in Article 14 but also in many other laws (Articles 7, 9, 15...) of the ICCPR. Regarding the time of arising, many jurists believe that from the moment an individual is arrested, they already have this right. Because the rights before, during and after the trial are closely related. However, in this article, the author mainly focuses on the adjudication phase of the Court, which is also the scope where the provisions of international law focus on regulating and are widely mentioned when researching about this right. From the above analysis, the legal scientific concept of the right to a fair trial can be stated as follows: The right to a fair trial is a fundamental human right, existing in all criminal cases and non-criminal, is a set of procedural guarantees to ensure a fair trial process, which includes aspects such as: The right to equality before the courts and to an independent trial, not bias and publicity; right to be presumed innocent. The juvenile's right to defence, not to be retroactively applied, to the juvenile's

right to a due process trial; right to appeal, to be compensated when wrongly convicted.

The right to a fair trial, as mentioned, is enshrined in many international and regional treaties. The right to a fair trial was first mentioned in articles 10 and 11 of the 1948 Universal Declaration of Human Rights. Article 10 states: “Everyone is equal in the right to a fair and public trial by an independent and objective court to determine their rights and obligations and of any charges against them”. Article 11 of the UDHR is more specific in several respects: Everyone, if charged with a crime, has the right to be presumed innocent until proven guilty according to law at a trial. publicity where he is guaranteed the necessary conditions to defend himself. The International Covenant on Civil and Political Rights (ICCPR), which Vietnam has acceded to since 1982, is a valuable international instrument in the international legal system on human rights. In this Convention, the right to a fair trial is solemnly enshrined in Article 14 and several other articles of law. Although Article 14 does not directly refer to the name “right to a fair trial,” it has been used by the Commission on Human Rights, the body set up to oversee the implementation of the ICCPR, when analyzing its contents. laws. At the same time, the content of Article 14 also coincides with the provisions on “the right to a fair trial” in many international treaties on human rights.

Comparing this right provision in the ICCPR with the Convention on Human Rights of some regions (Europe, America, Africa) also see many similarities. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950 in Article 6, as well as the American Convention on Human Rights (1969) in Article 8, both stipulate the title “right to trial”. fair”, affirming the right to a trial by an “independent and impartial tribunal established by law” in civil or criminal cases, the right to the presumption of innocence and the minimum rights relating to regarding the charge. In the treaties of some other regions, this right may not be named directly, such as Article 7 of the African Charter on human rights and the rights of peoples, but also provides for certain rights such as the right to appeal. accused, presumed

innocent, defended, adjudicated by “an impartial Court”. It should also be noted that Africa has its own document on the right to a fair trial, the Dakar Declaration on the Right to a Fair Trial in Africa (2000), as mentioned above. The Arab Charter of Human Rights (1994), although nothing specifically mentions the Court, does provide for the right to presumption of innocence (Article 7), the right not to be tried twice, to compensation if they are unjustly detained (Article 16). Regional treaties are obviously only binding on treaty states, but it is clear that the right to a fair trial is highly universal and is protected around the world.

### Method of Research

**The article uses the following research methods: Analytical method; method of synthesis and systematization; comparative method; historical method; interpretive method**

Analytical and synthetic methods are used throughout the article to clarify a number of theoretical issues about human rights, ensuring human rights, including the right to a fair trial in criminal proceedings. Analyze the basic contents of the right to a fair trial in criminal proceedings in the international legal system and the Vietnamese legal system; Analysis of the current situation of ensuring the right to a fair trial in criminal proceedings in Vietnam; Analyze a number of causes affecting ensuring the right to a fair trial in criminal proceedings in Vietnam in order to propose and recommend a number of solutions to ensure compliance with international standards.

The method of synthesis and systematization is used to list a number of views, comments, assessments, explanations and comments on the right to a fair trial in criminal proceedings in international and legal Vietnam. The method of synthesis and systematization is used to list a number of views, comments, assessments, explanations and comments on the right to a fair trial in criminal proceedings in international and legal Vietnam. The comparative method is used to compare a number of provisions of international law and Vietnamese law on the right to an equal trial in criminal proceedings and to clarify the compatibility and differences in human rights and ensuring human rights in the international and Vietnamese legal system. Compare the provisions of Vietnamese law with the practice of ensuring the right to a fair trial in criminal proceedings. The inductive method of interpretation is used in the article to interpret relevant data and quotations on human rights assurance.

### Results and Discussion

#### Basic content of the right to a fair trial in criminal proceedings in Vietnam

##### Some rights in the pre-trial period

Although the right to a fair trial is most related to the court's adjudication, the pre-trial stage is closely related, serving as a premise for the trial stage. Basic rights, if violated at this early stage, will affect the rights at a later stage. For example, the right not to be tortured, forced or tortured, if violated, can easily lead to unbiased testimonies, thereby distorting the content of the case. On the other hand, the Court in this period had a role in considering the legality of arresting people

The 2013 Constitution of Vietnam in Article 20 stipulates: Everyone has the right to inviolability of their body, to be protected by law in terms of health, honor and dignity; shall not be subjected to torture, violence, coercion, corporal

punishment or any other form of treatment that infringes upon body, health, honor or dignity. No one shall be arrested without a decision of the People's Court, a decision or approval of the People's Procuracy, except in the case of a crime in the act. The arrest, detention and detention of people are prescribed by law.

Concretizing the above provisions, the 2015 Vietnam Criminal Procedure Code has detailed the rights of the Defendant in Article 60. Accordingly, the Defendant has basic rights such as: To know the reason for being prosecuted; To be informed and explained about the rights and obligations specified in this Article; Receive the decision to prosecute the accused; decide to change or supplement the decision to prosecute the accused, the decision to approve the decision to prosecute the accused, the decision to approve the decision to change or supplement the decision to prosecute the accused; decide to apply, change or cancel preventive and coercive measures; investigation conclusion; decide to suspend or temporarily suspend the investigation; decide to suspend or temporarily suspend the case; indictments, prosecution decisions and other procedural decisions as prescribed by this Code; Present statements, express opinions, not be forced to testify against yourself or be forced to admit guilt; Present evidences, documents, objects or requests; Presenting opinions on relevant evidences, documents and objects and requesting competent procedure-conducting persons to examine and evaluate them; Request for assessment and valuation of assets; to propose the change of persons competent to conduct proceedings, experts, property appraisers, interpreters, translators; Defend yourself, ask an advocate; Read and record a copy of a document or digitized document relating to the charge, exoneration or other copy of a document related to the defense since the end of the investigation upon request; Complaints about procedural decisions and acts of agencies or persons competent to conduct procedures.

#### The right to equality before the Court and to a trial by an independent, impartial and open Court

First of all, equality is reflected in the equality of rights between the parties in criminal proceedings. The accusing parties and the denunciation party have the same right to present evidence, opinions and requests are the first requirements of fairness in the trial. It is also a requirement of Article 7 of the Declaration that everyone is equal before the law and has an equal right to the protection of the law.

Secondly, the Court needs to be independent and unbiased, which is also an important content to ensure fairness. A court is a body that has the authority to make a judgment on whether a person is guilty or not and the criminal responsibility that person has to bear.

The 2013 Constitution of Vietnam in Article 16 stipulates: Everyone is equal before the law. No one shall be discriminated against in political, civil, economic, cultural or social life. Equal rights are also recognized in Article 26 of the 2013 Constitution, according to which: Men and women citizens are equal in all aspects. The State has policies to ensure equal rights and opportunities for gender. The State, society and family create conditions for women to develop comprehensively and promote their roles in society. Prohibition of gender discrimination. The content of equal rights recognized in the 2013 Constitution has been concretized in important Vietnamese laws, especially the

## 2015 Criminal Procedure Code.

Criminal Procedure Code 2015 in Article 9 on ensuring the principle of equality before the law has affirmed: Criminal proceedings are conducted on the principle that everyone is equal before the law, regardless of ethnicity, gender, creed, religion, caste and social status. Anyone who commits a crime will be dealt with according to the law. In criminal procedure activities, Article 26 stipulates: In the course of prosecution, investigation, prosecution, trial, investigators, procurators, other persons competent to conduct proceedings, accused persons, defense counsels and other procedure participants all have equal rights in giving evidence, evaluating evidence, The right to a trial by an independent, impartial court in international treaties on human rights is reflected in Article 23 of the Criminal Procedure Code of Vietnam: Judges, independent trial jurors and only obey the law. This right is also recognized in the Vietnam Civil Code in Article 12: Judges and people's jurors hear civil cases, judges settle civil matters independently and only obey the law. Article 16 stipulates: Chief Justices of Courts, Judges, People's Assessors, Verifiers, Court Clerks, Procurators, Procurators, Inspectors, Interpreters, Experts, Members Members of the Valuation Council may not conduct or participate in legal proceedings if there is a valid reason to believe that they may not be impartial and objective while performing their duties and powers.

### Right to be presumed innocent

The principle of presumption of innocence was formed relatively early in many judicial systems around the world. The French Declaration of the Rights of Man and of the Citizen (1789) affirms that everyone is presumed innocent until declared guilty (Article 9). In the US Constitution, although not directly mentioned, can be inferred from the 4th, 5th and 14th amendments. Universal Declaration of Human Rights (1948) in Article 11 and ECHR in paragraph 2 of Article 6 also affirms. This right.

The Constitution and previous legal documents of Vietnam also stipulate one or several contents of the principle of presumption of innocence. In the 2001 revised and supplemented Constitution, the content of the principle of presumption of innocence provided for in Article 72, Chapter V of the Constitution with the title of the chapter is "Basic rights and obligations of citizens": "No one shall be considered guilty and subject to punishment before the court's judgment of conviction has taken legal effect. Persons who are unlawfully arrested, detained, prosecuted or tried shall have the right to compensation for material damage and restoration of honor. Those who violate the law in arresting, detaining, prosecuting or adjudicating causing damage to others must be dealt with severely. The Criminal Procedure Code 2003 also stipulates: "The responsibility to prove the crime rests with the procedure-conducting agencies. Defendants and defendants have the right but are not required to prove their innocence.

By the 2013 Constitution, the spirit of the principle of presumption of innocence was clearly expressed in Clause 1, Article 31, "the accused person is considered not guilty until proven according to the statutory procedures and the The judgment of the Court has taken legal effect". Concretizing the spirit of the 2013 Constitution, Article 13 of the 2015 Criminal Procedure Code for the first time stipulates the principle of presumption of innocence: The

accused person is considered not guilty until proven according to the law. the order and procedures prescribed by this Code and the legally effective judgment of the Court. When it is not enough and it is not possible to clarify the grounds for accusation or conviction according to the order and procedures prescribed by this Code, the agency or person competent to conduct procedures must conclude that the accused person is not guilty. sin.

Thus, the 2015 Criminal Procedure Code is the first legal document that officially recognizes the principle of presumption of innocence. The above provisions are intended to ensure compliance with the 1966 United Nations Convention on Civil and Political Rights to which Vietnam is a member.

### Right of defense

The right to defense has a special role as the right to protect other rights. Article 14/3 of the ICCPR affirms that, in the criminal trial process, everyone must be provided with minimum guarantees regarding the right to defence. Such rights include the right to know the reasons for the accusation, the right to defence, to receive legal aid, to a speedy trial, to confront witnesses, etc.

Article 67 of the 1946 Constitution, the first Constitution of the Democratic Republic of Vietnam, stipulates the right of defense: "The defendant has the right to defend himself or to borrow a lawyer". Subsequent Constitutions stipulate the defendant's right to defence. Inheriting the previous Constitutions, the 2013 Constitution more clearly stipulates the right of citizens to defend. Clause 4, Article 31 of the 2013 Constitution stipulates: "A person who is arrested, detained, detained, prosecuted, investigated, prosecuted or tried has the right to defend himself or ask a lawyer or other person to defend him. ". Thus, the new Constitution has expanded the scope of subjects guaranteed the right to defend, not only the defendant has the right to defend as in the previous Constitutions, but right from the time of arrest, the right to self-defence has arisen. Defense, ask a defense attorney or another person to defend them.

On the basis of concretizing the principles specified in Article 31 of the 2013 Constitution, Article 16 of the 2015 Criminal Procedure Code provides for guaranteeing the right to defense of the accused as follows: "The accused person has the right to defend themselves, to have a lawyer or other person defend. Agencies and persons competent to conduct legal proceedings shall have to notify, explain and ensure to the accused, victims and involved parties to fully exercise their defense rights, lawful rights and interests in accordance with law. Provisions of this Code".

Thus, the right to defense of the accused in criminal proceedings is the right of the arrested, detained, accused and defendants to exercise on the basis of conformity with the provisions of law in order to deny part of the claim. or the entire accusation of the procedure-conducting agency, to reduce or eliminate criminal liability in a criminal case or to protect their legitimate rights and interests. The content expressed in Vietnam's law on the right to defense is fully consistent with the provisions of the international conventions on human rights. Even in the Criminal Procedure Code of Vietnam, there are many broader and more detailed provisions than in international conventions (the right to participate in some work in the investigation process such as forensic examination of the crime scene). , participate in autopsies, receive trial decisions.)

### Juvenile's right to due process

Due to the characteristics of juveniles with many physical and psychological limitations, the international community has paid much attention to the legal protection of minors. Article 14/4 of the ICCPR provides that the procedure applicable to minors must take into account the child's age and encourage rehabilitation. The Convention on the Rights of the Child (1989) in Article 40/2/b also affirms the rights of children to be guaranteed when prosecuted for criminal responsibility. The United Nations Standard Minimum Rules for Juvenile Justice (Beijing Rules) (1985) gave many special privileges to juveniles. In addition, the United Nations Rules for the Protection of Juveniles deprived of their liberty (1990), in addition to providing numerous guarantees for juveniles, also emphasize the right to have a defense attorney are asked for free legal aid during their pending trial (clause 18, Part III) [2]

In the criminal law of Vietnam, the trial procedure for juvenile offenders has been separately recorded in Chapter XI of the Criminal Procedure Code 2015: General provisions for offenders under 18 years of age, Chapter XXVIII: Proceedings against offenders under the age of 18. Chapter XXVIII of the 2015 Criminal Procedure Code fully stipulates the procedures for juvenile offenders from the stage of investigation, prosecution and trial, including procedures for criminal record remission after execution. Finished the sentence. Accordingly, when conducting investigation, prosecution and trial, the procedural authorities need to clearly verify the age, level of physical and mental development, level of awareness of criminal acts of juveniles. age, living and education conditions, causes and conditions of crime, etc. At the same time, it stipulates that the conditions and qualities of procedure-conducting persons when conducting proceedings against juvenile offenders must be people with necessary knowledge in psychology, educational science, the composition of the Trial Panel shall have a juror who is a teacher or an cadre of the Communist Youth Union.

### Right of appeal

Article 14/5 ICCPR provides for the right to appeal and the right to an appellate trial. Any person who is convicted has the right to request a higher court to review the sentence and punishment imposed against them by the lower court. This right is intended to limit the mistakes of the lower procedural authorities that may cause damage to the legitimate interests of the litigants. In paragraph 7 of General Comment No. 13 on the right to appeal it is emphasized that, in criminal cases, this right applies not only to serious crimes but also to all types of crimes. Offense. The Criminal Procedure Code 2015 in Article 3 stipulates the subjects having the right to appeal as follows: The defendant, the victim and their representatives have the right to appeal against the first-instance judgment or decision; The defense has the right to appeal to protect the interests of the person under the age of 18, the person with mental or physical weakness that he or she defends; The civil plaintiff, the civil defendant, and their representatives have the right to appeal the part of the judgment or decision related to the compensation for damage; Persons with interests and obligations related to the case and their representatives have the right to appeal the part of the judgment or decision related to their interests and obligations; The defender of the legitimate rights and

interests of the victim, the litigant being a person under 18 years of age or a person with mental or physical defects has the right to appeal the part of the judgment or decision related to the rights and obligations of the person they protect; Persons who are found not guilty by the Court have the right to appeal on the grounds that the first-instance judgment has determined that they are not guilty.

The right to a fair trial is a composite right. The international norms on this right are very diverse, and at the same time they are also relatively strict and detailed. The Constitution and criminal procedure law of Vietnam have relatively fully recognized the contents of the right to a fair trial recognized by the international community. Vietnam determines that respecting and well implementing those norms is of great significance in protecting the right to a fair trial, thereby protecting other fundamental rights, as well as making an important contribution to creating a foundation for a democratic society.

### Evaluate and propose solutions to ensure the right to a fair trial in criminal proceedings in Vietnam

Firstly, it is necessary to redefine the purpose of criminal proceedings in Vietnam. This is the most important issue of a country's criminal procedure system because the purpose of the criminal procedure will govern the principles of criminal procedure, the model of criminal procedure, the function of the procedure. and other provisions of the Criminal Procedure Law. As mentioned above, there are two procedural models: crime control and fair procedure. Corresponding to it are two different purposes: Emphasizing crime control in the direction of emphasizing the purpose of not leaving criminals and the purpose of preferring to leave criminals behind than to wrong innocent people. Currently, the Criminal Procedure Code of the Russian Federation - the Code in which the Criminal Procedure Law of Vietnam is strongly influenced - has been reformed in the direction of meeting practical requirements, giving up less feasible goals, ostentatious display of will (such as discovering all criminals and offenders)[3]. At the same time, balance the two purposes of ensuring fairness and limiting crime. Article 6 of the Criminal Procedure Code of Russia stipulates: The purpose of criminal proceedings is: To protect the legitimate rights and interests of individuals and organizations damaged by crimes and to protect individuals from forced unlawful and unfounded crimes, infringing upon or restricting their fundamental rights and freedoms[4]

According to Article 2 as well as the entire Vietnamese criminal procedure model, Vietnamese criminal proceedings show two direct purposes and indirect purposes: The direct purpose is to detect and handle crimes. The indirect purpose is to protect human rights, to protect the regime, to protect interests and to protect justice... The purpose of human rights protection is very general, while criminal proceedings (such as the Russian Federation) specify the protection of rights. Person of the accused. It is clear that any criminal procedure is set out to detect and handle crimes, from the perspective of law application, it is to apply the provisions of the law on the content of the crime and the punishment to the cases of crime. In reality. Protecting the human rights of the accused in criminal proceedings is not the goal but the supreme requirement of the criminal procedure. It does not allow the State to detect crimes at any cost, but must in principle not infringe on the human rights of the accused. To achieve that purpose, a series of tasks are posed for the

proceedings, in which the most overarching task is finding the truth of the case on the basis of which to handle the crime. Therefore, criminal procedure law reform needs to identify the purpose of detecting and handling crimes of criminal proceedings and strongly affirm the need to protect the human rights of the accused in criminal proceedings. to ensure that requirement is to acknowledge and respect the principle of fair procedure. From that purpose and requirement, it will serve as the basis for the criminal procedure function, in which clearly the function of charging, exonerating and adjudicating, perfecting the principles of criminal procedure, the problem of proof, evidence in criminal proceedings.

Second, about the procedural model. As mentioned above, the procedural model has a great impact on the implementation of the principle of fair procedure. Vietnam's current procedural model is an interrogation procedure with litigation elements installed. By putting the entire burden of proof on the State, it is shown that the agencies conducting the proceedings. The current Vietnamese criminal procedure model has many positive points, which are most clearly shown in the ability to detect crimes (criminal control) at a very high level. However, it still shows the faintness and passivity of subjects other than the criminal procedure agency in finding the truth of the case, thereby leading to "the monopoly on determining the truth". ] that truth cannot monopolize. That is the first limitation of the current Vietnamese procedural model. This limitation shows that it not only limits the ability to determine the truth of the case, but also affects other principles of criminal procedure, such as ensuring human rights in criminal proceedings.

In addition, the current procedural model also shows that it does not have a clear and clear distinction between the functions of the proceedings, namely the accusing function, the defense function and the adjudication function. The Criminal Procedure Code does not follow this function but according to the competence of each agency in the criminal procedure, which is divided into stages. Because of the lack of clarity on functions, it leads to overlap in functions, for example, the Court has the function of making accusations such as returning files for additional investigation and prosecuting criminal cases. The Criminal Procedure Code 2015 has shown important amendments and supplements but in general has not shown a change in the procedural model. Our procedure is still an interrogation procedure with a litigation element installed by stipulating the principles of litigation and adding provisions to enhance litigation. However, many provisions, especially provisions on the procedural rights of subjects included in the litigation model, are added, but the reality shows that this implementation is not smooth. Procedural rights such as the right to defend are highly effective only if and only if they are placed in a substantive litigation environment.

Third, On the principle of criminal procedure T. Criminal procedure in Vietnam clearly shows the requirement to comply with the formality of the proceedings, which is the legal principle. The legal principle requires the legitimacy of procedural activities to be reflected in the fact that procedural activities aimed at determining the truth of the case in particular and solving criminal cases in general must strictly comply with the provisions of law. First of all, the provisions of the law are those of the Criminal Procedure Code. However, the criminal case resolution process is governed not only by the formal law but also by the

substantive law, which is criminal law. Therefore, complying with the law and ensuring the rule of law here need to be understood as complying with the provisions of the criminal law. [6] There is a theory that the reason why Vietnamese criminal proceedings have not paid attention to the procedure is because it recognizes the principle of determining the truth of the case. The truth here is the objective truth. Also known as material truth. It is the total reflection of the crime on the objective world, which has been determined by the prosecution agency by evidence based on legal measures and evaluated from a criminal legal perspective. ] Criminal procedure in Vietnam does not require finding the truth, but requires the procedure-conducting agencies to use all legal measures to find the truth of the case. The principle is the same, the problem still lies in the concretization of this principle in criminal proceedings and compliance in criminal procedure practice.

The Criminal Procedure Code 2015 recently has a very good provision that shows the spirit of the principle of fair procedure in relation to evidence by affirming: "What is real but is not collected in sequence, the procedures prescribed by this Code have no legal validity and cannot be used as a basis for settling criminal cases". This provision approaches the due process of law by emphasizing the legitimacy of evidence or the principle of exclusion of evidence. The principle of exclusion of evidence was applied in *Weeks v.* If an evidence presented by the state to convict is illegally obtained in violation of the constitutional rights of the accused, that evidence shall be excluded from the trial and shall not be used as evidence against the accused. can. However, the evidence collection process and attributes that are consistent with the principle of fair procedure have not been clearly demonstrated in Vietnamese criminal proceedings. The procedure-conducting agency is still the subject that has the right to take full initiative in the entire legal process in general and in the collection and evaluation of evidence and case files as the sole and legal basis for the proceedings. law to decide whether a person is guilty or not guilty.

Criminal procedure in Vietnam needs to improve the legal principle in the direction of not only emphasizing the legality of the procedural activities of judgments and decisions, but also affirming the legal consequences of legal violations by Additional content: All proceedings and evidence will not be recognized if they are not carried out in a lawful manner. With this content, it not only achieves the purpose of protecting human rights in criminal proceedings in the rule of law in general, but also ensures that criminal proceedings determine the truth of the case, as a basis. In addition, it is necessary to concretize the institution of evidence in the criminal procedure law by a separate Act of Evidence and Evidence. In particular, specifically regulate principles such as equality including equality in the collection of evidence by the subjects conducting and participating in the proceedings, equality in the value of evidence provided by the parties; recognize the principle of free assessment of evidence; affirming the role of the Court's final conclusion on the evidence provided by the parties...

### **Kết luận**

The right to a fair trial is a composite right. The international norms on this right are very diverse, and at the same time they are also relatively strict and detailed.

Respecting and well implementing those norms is of great significance in protecting the right to a fair trial, thereby protecting other fundamental rights, as well as making an important contribution to creating the foundation for a society. democratic association.

In Vietnam, the principle of ensuring the right to a fair trial has been enshrined in the Constitution and concretized in other specialized legal documents. This is considered as a breakthrough to improve the quality of trial activities of the court. Ensuring the right to a fair trial makes a very important contribution to the Court's judgment of the right person, the right crime, and the law, limiting the situation of injustice, ensuring that the justice system of Vietnam is truly a typical expression of the law. image of fairness and justice.

Although remarkable results have been achieved in ensuring the right to a fair trial, to further ensure it, Vietnam needs to continue to amend and perfect its legal system to suit the requirements of the law. standards of international law. In addition, Vietnam also needs to develop appropriate institutions to protect the right to a fair trial for accused persons.

### References

1. Dakar Declaration on the Right to a Fair Trial in Africa.
2. Human rights in judicial management, Vu Ngoc Binh (Selection), National Political Publishing House, 2000.
3. <https://tks.edu.vn/thong-tin-khoa-hoc/chi-tiet/79/145>
4. Willian Burham, Model of Criminal Procedures of the Russian Federation, in the book: Typical Models of Criminal Procedure in the World, Ministry of Justice of Vietnam and European Union Aauu, Hong Duc Publishing House, Hanoi, 2012, p.145
5. Dao Tri Uc, In which direction should Vietnam's criminal procedure be reformed and perfected?, Journal of Legislative Research, No. 15 (200), 2011.
6. Nguyen Quoc Hung, Criminal Procedure, Publishing House. Opening Saigon, 1967, 48.
7. Weeks v. United States, 232 U.S. 383 (1914) Weeks v. United States No. 461 Argued December 2, 3, 1913 Decided February 24, 1914 232 U.S. 383.
8. Dinh The Hung, Principles of determining the truth of a case in Vietnam's criminal justice system, PhD thesis in jurisprudence, defense, 2017, 33.
9. Weeks v. United States, 232 U.S. 383 (1914) Weeks v. United States No. 461 Argued December 2, 3, 1913 Decided February 24, 1914 232 U.S. 383.