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PERIODIC REPORTS ON HUMAN RIGHTS

Summary prepared by the Secretary-General

In article 11 on page 15 the following text should be inserted between paragraphs 70 and 71:

70a. France refers to court decisions restricting the right of the examining magistrate, who is an independent judge, to delegate his power to conduct the preliminary examination of criminal cases (Cour de cassation, chambre criminelle, 22 January 1953, bulletin des arrêts de la cour de cassation 1953, p. 36; and 19 January 1956, Bulletin, 1956, p. 145). The Bill on Criminal Procedure, recently submitted to Parliament, would strengthen the independence of the examining magistrates and also provide for a stricter control of the judiciary police ("police judiciaire") by the courts. An Act of 28 November 1955 gives to the ordinary criminal courts jurisdiction in the matter of offences against economic legislation.

70b. Morocco states that the regional courts, which deal in the last instance with major offences, comprise, in addition to the judge, three assessors with the right to vote, selected at random from the lists provided for by the law (dahir of 14 November 1956).

70c. The United Kingdom refers to the essay contained in the Yearbook on Human Rights for 1951, which deals, inter alia, with the right of trial by jury.

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3. Law of evidence in criminal procedure

70d. Australia mentions a decision in which the High Court held that the guilt of the accused should not be regarded as proven beyond reasonable doubt solely because the prosecution made out a "prima facie" case and the accused made no answer (May v. O'Sullivan (1955), High Court of Australia, Argus Law Reports 671).

70e. In Cambodia under article 5 of the Constitution and article 342 (2) of the Code of Criminal Procedure every accused person is presumed to be innocent until his guilt is established beyond doubt.

70f. Czechoslovakia refers to Act No.64/1956, Collection, of 19 December 1956, on Rules of Penal Procedure, which provides that the accused should be presumed to be innocent until his guilt is duly established on the basis of the evidence produced **before the courts**. Confessions made by the accused do not relieve the competent organs of their duty to examine all the circumstances of the case.
