The Presumption Of Innocence

The principle of presumption of innocence holds that a suspect or the accused is innocent until proven guilty by a court of law. This principle has its roots in *Viscount Sankey LC in Woolmington v D.P.P. 1935* that in English common law, it is upon the prosecution to prove that the accused person is guilty[[1]](#footnote-1). The importance of the presumption of innocence is that the burden of proof is on the prosecution or accuser rather than the respondent[[2]](#footnote-2). The presumption of innocence is vital in protecting the accused person from stigmatization by the justice system and society over an alleged crime he or she committed[[3]](#footnote-3). The innocence of the accused as the case proceeds helps prevent premature condemnation, which would breed biased court decisions in handling the trial. In essence, whoever accuses another person of a crime must have evidence beyond reasonable doubt to support the accusation.

However, despite the existence of the principle of presumption of innocence, in special circumstances, the respondent is relatively presumed guilty and required to prove that he or she is innocent. In this case, the burden of proof shifts to the accused[[4]](#footnote-4)*.*

**Question**

Does presumption of innocence in criminal law promote justice and fairness for victims of crime?

Bibliography

**Primary sources**

Viscount Sankey LC in Woolmington v D.P.P. 1935 AC 462, 481.

R v Lambert [2001] UKHL 37.

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The Presumption of Innocence in English Criminal Law, 1996 Crim. L.R. 306.

1. Viscount Sankey LC in Woolmington v D.P.P. 1935 AC 462, 481. [↑](#footnote-ref-1)
2. R v Lambert [2001] UKHL 37. [↑](#footnote-ref-2)
3. The Presumption of Innocence in English Criminal Law, 1996 Crim. L.R. 306. [↑](#footnote-ref-3)
4. Eleventh Report, Evidence (General) Cmnd 4991 of 1972, para 140. [↑](#footnote-ref-4)