

The Conception of Witness and the Right of Confrontation—Use Judgments of European Court of Human Rights as Examples

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Abstract

In criminal proceedings, it is one of the basic international human rights that the accused has the right to confront the witness against him. In Taiwan, the accused is also entitled to such a right. However, the judicial realization of the right of confrontation still faces many problems. This article starts with a discussion about the confrontation clause of the European Convention on Human Rights, and analyses the judgments of the European Court of Human Rights. This paper then explains how the right of confrontation has developed into an international human right that crosses legal systems and surpasses Pan-European boundaries, and goes on to comment on its merits and defects.

Key Words: co-accused, witness, confrontation, hearsay, European Court of Human Rights