PRELIMINARY CHAMBER – EVOLUTION OR INVOLUTION IN THE ROMANIAN CRIMINAL PROCEDURE

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ABSTRACT: This paper deals with two aspects referring to the procedure of the preliminary chamber, which could raise questions about the right to a fair trial guaranteed by Article 6 of the European Convention on Human Rights: is the judge of the preliminary chamber compatible to judge the case on the merits, does the exclusively written and non-contradictory procedure respect the guarantee of the fair trial? The analysis of the two issues was made by comparing it with the Italian system, where our legislator inspired from.

KEYWORDS: preliminary chamber, fair trial, incompatibility, non-contradiction

JEL CLASSIFICATION: K14, K40

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