5. Right to liberty and right to fair trial

Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter focuses on the right to liberty and fair trial, which are not qualified rights but can be derogated from in times of war and emergency, and provides an overview of the European Convention on Human Rights’ (ECHR) Articles 5 and 6, the most commonly argued rights before the European Court of Human Rights (ECtHR). Article 5 on the right to liberty and security of person protects individuals from unlawful and arbitrary detention, whereas Article 6 protects the rights to fair trial in both criminal and civil cases (with added protection in criminal cases). The ECtHR has expanded protection of Article 6 through its interpretation of ‘fair’ hearing and ‘civil’ rights and obligations. The chapter examines due process rights as part of UK law, including the Human Rights Act 1998 (HRA).
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