

ABSENT RIGHTS?

Fair

Trials

Are you working on a case involving a trial in absentia?

Through Absent Rights, we are examining how the right to be present at trial is protected in law and practice across Europe and whether existing safeguards work effectively, including:

- Notification and knowledge of proceedings
- Waiver of the right to be present
- Access to a retrial or other remedy
- Video as an alternative to physical presence
- Implications for cross-border judicial cooperation



WE WANT TO HEAR ABOUT YOUR CASES

We would particularly like to hear from lawyers who have encountered cases involving:



EXTRADITION / SURRENDER & RETRIAL

People extradited or surrendered on the expectation of a retrial – did they actually get one?



QUESTIONABLE WAIVER

Waiver imputed to a defendant on a basis you find problematic, e.g. forms signed early in the process.



NON-ATTENDANCE BEYOND THE DEFENDANT'S CONTROL

Cases where defendants were aware of the proceedings, but non-attendance was not their decision.



RETRIAL REFUSED

Courts not applying waiver principles when deciding whether there should be a retrial.



VIDEOCONFERENCING

Use of videoconferencing at trial, particularly where this was not the defendant's own choice.

Find more information by scanning the QR code:



Cases do not need to be ongoing.

We are interested in relevant experiences and examples from across Europe.



HAVE YOU ENCOUNTERED A RELEVANT CASE? GET IN TOUCH.

Chryssa Mela
Director, Fair Trials
chryssa.mela@fairtrials.net



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