

A fundamental principle of the law of many modern societies is that justice should be done in public before an open court. This link between the fair trial and the public trial is made in many constitutional documents, and enshrined in contemporary human rights instruments, such as the European Convention of Human Rights (ECHR), suggesting a link between this principle and the ideas of democracy and respect for individual autonomy that animate these documents. In this paper I explore the implications of this principle of public, open, trials for defendants, victims and witnesses in the light of developments such as the possibility giving of evidence /testimony remotely, behind screens or, in the light of a recent UK case, whilst being fully veiled. While the paper does, therefore, focus on the adversarial trial I hope that the arguments will be relevant to inquisitorial forms.