

mgr Irmina Janisławska
Department of Criminal Trial
Faculty of Law, Administration and Economics
At the University of Wrocław

Summary of the doctoral dissertation
on the subject of "The right to not self-incriminate in a Polish criminal trial"

The basic purpose of the dissertation is to reconstruct the meaning and to define the role of the right to not self-incriminate in the Polish criminal trial. The subject matter of the dissertation is to establish the normative character of the right to not self-incriminate, which is not treated uniformly and raises doubts in science and jurisprudence. In-depth analysis has been made of existing regulations ensuring the potential perpetrator of a crime protection against self-incrimination and an assessment of whether they are sufficient to implement this right in a real and effective dimension.

The dissertation also aims to determine the significance of the right to not self-incriminate on the legal situation of a potential perpetrator of a criminal offense in a criminal trial and to determine the impact of the right to not self-incriminate on obtaining personal and material evidence from a potential offender. The paper attempts to synthesize the current achievements of the criminal trial science in the scope of the discussed issues, as well as a comprehensive presentation of the applicable legal regulations and new solutions have been proposed to strengthen the protection of a potential offender against self-incrimination.

The content of the dissertation has been divided into six chapters, which are independent and logically connected parts. The subject of the right to not self-incriminate is the element joining the considerations contained in all the chapters, preceded by an introduction and topped with final conclusions.

The first chapter includes the presentation of the genesis and meaning of the right to not self-incriminate in Europe and the United States in order to present the models of legal solutions on the basis of which this right was developed. The chapter shows the differences and similarities in the recognition of the right to not self-incriminate occurring both in the legal systems of a continental nature (on the example of Germany), as well as in common law

legal systems (on the example of England and the United States). The chapter also discusses axiological and social determinants favorable to the development of the right to not self-incriminate in criminal processes.

The second chapter is devoted to the genesis and significance of the right to not self-incriminate in the Polish criminal trial. The analysis of the Polish jurisprudence and science has been performed in order to show the changes taking place in this area. An assessment was made of the current shape of the regulations regarding the right not to self-incriminate in the context of constitutional and statutory patterns and it was checked whether the procedural solutions existing in the Polish criminal trial ensure that the potential offender is sufficiently protected against self-incrimination or should they be a subject to change.

The third chapter analyzes the international standards in the area of the right not to self-incriminate, found in global and European legal acts concerning human and civil rights. The subject of the analysis were global legal acts on human and civil rights, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Attention was also paid to legal acts issued by European Union bodies, including guarantees providing protection against self-incrimination contained in the European Convention on the Protection of Human Rights. Self-incrimination protection solutions adopted in proceedings before international criminal tribunals were also presented. The above was aimed at compiling Polish solutions in the field of protection against self-incrimination with international standards and assessing whether the solutions contained in the Polish criminal process ensure a standard of protection against self-accusation in the same scope as international solutions, or whether the implementation of these standards is different.

The fourth chapter, which is crucial for this work, is devoted to the characteristics of the right to not self-incriminate. The considerations began with referring to the problem of the procedural principle and discussion of systematics and criteria for the separation of procedural rules. On the basis of the above, it was determined whether the right to not self-incriminate constitutes a procedural rule. Considerations have been made to identify the normative character of the right to not self-incriminate. The contents of the right to not self-incriminate were analyzed and goals and functions of the right to not self-incriminate were distinguished. The subjective, objective and temporal scope of the right to not self-incriminate was determined. At the end, the considerations regarding the significance of the right to not self-incriminate on the legal situation of a potential perpetrator of a crime were carried out.

The next two chapters - the fifth and the sixth - were devoted to a comprehensive analysis of the impact of the right to not self-incriminate on the process of obtaining evidence.

The fifth chapter was devoted to the issue of personal evidence. In this chapter, the right to not self-incriminate has been discussed in the context of the implementation by the potential perpetrator of an offense of the rights arising from the right to speak and its restrictions violating the right to not self-incriminate. An assessment was made as to whether in the light of the current provisions of the Polish Code of Criminal Procedure, procedural guarantees granted to a potential offender in connection with the acquisition of personal evidence provide him with a real and effective protection against self-incrimination. Proposals for changes in existing statutory solutions have been proposed.

The sixth chapter discusses the impact of the right to not self-incriminate on the collection of material evidence, taking into account the purpose and admissibility of actions taken against the potential perpetrator of a crime and their characteristics. Actions which require the activity of the accused and actions that are effective even if the accused assumes a passive attitude were distinguished. Article 192 a § 1 of the Polish Code of Criminal Procedure was also analyzed. Finally, the assessment of existing regulations ensuring the potential perpetrator of an offense has the right to not self-incriminate himself at the stage of obtaining material evidence was performed and appropriate proposals have been proposed *de lege ferenda*.

Each of the chapters contains a short introduction to the issues covered and is concluded with conclusions. The final conclusions of the dissertation were included at the end of the thesis.

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Jamir Kaurh