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INTERROGATIONS AND THE RIGHT TO REMAIN SILENT - A COMPARATIVE APPROACH

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ABSTRACT

Interrogations are a very specific component of any criminal investigation. The answers gained through interrogative process provides information that are considered as direct evidences. In contemporary criminal procedure, the court is not absolved from gaining other evidences, even in cases when the defendant confesses his/her guiltiness. This is a mechanism for excluding the inquisitorial approach for extracting compulsory confessions. The modern procedure uses a variety of mechanisms to guarantee that the defendant will not be compelled to confess guilt.

Those mechanisms are part of most important international conventions as International Convention for Civil and Political Rights, the European Convention on Human Rights, the American Convention on Human Rights, the Statutes of International Tribunals (i.e. International Tribunal for ex-Yugoslavia, International Tribunal for Rwanda) and part of different constitutional and legal acts of modern states.

A very interesting "highlight" remains the right to silence which guarantees that the defendant might remain silent and it will not be interpreted against him. The defendant, even in cases with direct evidences, can remain silent and cannot be forced to answer given questions.

Another "highlight" is that one that appears from the privilege against self-incrimination that allows the defendant to not answer a question, if by answering, he/she may confess guilt or incriminate him/herself. How deep is this privilege? Are there, maybe questions, that he/she are obliged to answer (i.e. disclosure of identity?)

The article will focus in interrogations and the right to silence by most important international acts and domestic acts of different countries (USA, France, Germany, Albania, Kosovo, Macedonia) and upcoming specifics in the relation *interrogations vs. remaining silent.*

INTRODUCTION

Interrogations have always been the main method of ascertaining the truth in inquisitorial systems, which even allowed torture into 19th Century to obtain admissions of guilt. In this area "the principle of material truth" collides with the right to due process or fair procedures in which the suspect is treated as a human being with inherent human dignity. (Thaman, 2000: 86). Thus, by contemporary literature and standards, interrogation must be considered much more as a way to inform the suspect on his basic

rights in a criminal procedure, i.e. the criminal act against him, the evidences that exists against him, the right to get e defender, the right to remain silent, the privilege against self-incrimination, etc. then as a way to get the confession of guilt from the suspect. International and domestic acts tempt to "clean up" the interrogative process from its inquisitorial features (inhuman and cruel) and to find ways to ensure that the process of answering of the suspect will depend only on his own will. One of the ways is by guaranteeing the right to remain silent that guarantees that no one, in a criminal process, is obliged to talk and his/her silence will not be considered as an aggravating circumstance against him in the procedure. Another close situation is the one that is offered by the privilege against self-incrimination, that guarantees that no one is obliged to confess his guilt or to put himself or his/her relatives in a incriminatory position by answering certain questions.

1. INTERROGATION AND THE RIGHT TO SILENCE

Interrogations are a critical component of any criminal investigation. The information gleaned from successful interrogations, often in the form of confessions, provides the most tangible and direct evidences of a suspect`s guilt. However, in most criminal justice systems, the value of confession evidence must be balances against the investigative process used to obtain that evidence. Historically, the inquisitorial system was synonymous with brutality and ruthlessness and inquisitors often utilized a variety of torture devices to extract confessions. Similarly, the early history of the adversarial system in the United States revealed a tendency toward using oppressive measures to force suspects to confess guilt. Against this historical background, most modern criminal justice systems have instituted a variety of constitutional and legal protections designed to balance the need for effective criminal investigation against a suspect`s right to be free from circumstances that compel him to speak about his own guilt. (Mack, 2009: 297). One of them is the right to remain silent. In a way, the right to silence is a very obvious and fundamental guarantee. In fact, provided that a person is determined not to answer a question, there is no method which could reliably extract the truth. And there is certainly no method which would be compatible with the most elementary human-rights standards. (Trechsel, 2005: 350).

The right to remain silent is a guarantee for the accused, but is also a limitation for using force, threat, intimidation by the state authorities that proceeds in a criminal case. Therefore, the right to remain silent isn`t a simple or a narrow right for the accused but we must see it as a mechanism to reduce as much as possible the use of force or similar elements in the criminal procedure, that according to the contemporary standards must be a "fair trial" or a "due process"! In my view, there cannot exist a "fair trial" or a "due process" if there is a minimum kind of force or compulsory activities in it. The focus must be put to the limitation of force much more than to the fact of answering or non-answering of the accused!

2. AN INTERNATIONAL AND COMPARATIVE APPROACH

2.1. INTERNATIONAL APPROACH

The right to remain silent is a part of almost all international acts that regulates the human rights in judicial procedures.

International Covenant on Civil and Political Rights (hereinafter: ICCPR) in Article 14, al.3, (g) contains this right with other provisions that constitutes the minimum of rights of a person against whom is being carried out an ongoing criminal process. Having determined that "no one is to be compelled to testify against himself or to confess guilt", ICCPR, the application of the privilege against self-incrimination does not restrict only to non-answering a specific question but also in his non-compelling to plead guilty. The same provisions is provided in the Statute of the Tribunal for ex- Yugoslavia (art.21,

subart.4 (g)) and in the Statute of the International Tribunal for Rwanda (art. 20, subart.4 (g)). The statutes of both tribunals puts this right in the wake of the rights of the defendant.

The Statute of International Criminal Court (Rome Statute of the International Criminal Court) in its article 55 has foreseen the rights of person during investigation. Pursuant to Art.55, subart.1, a person: (a) shall not be compelled to incriminate himself or herself or to confess guilt; (b). shall not be subjected to any form of coercion, duress or threat, to torture or to any other form of cruel, inhuman or degrading treatment or punishment. The article contains two more sentences, about: (c) the right to an interpreter and (d) the right to detention or deprivation of liberty only on the ground that are foreseen on the Statute. Article 55 in its sub-article 2 contains the rights of a person during his interrogation. Thus, any person that is being questioned, has the following rights of which he or she shall be informed prior to being questioned: (a). to be informed, prior to being questioned, that there are grounds to believe that he or she has committed a crime within the jurisdiction of the court; (b). to remain silent, without such silence being a consideration in the determination of guilt or innocence; (c). to have legal assistance of the person`s choosing, or, if the person does not have legal assistance assigned to him or her, in any case where the interest of justice so require, and without payment by the person in any such case if the person does not have sufficient means to pay for it and (d). to be questioned in the presence of counsel unless the person has voluntarily waived his or her right to counsel.

American Convention on Human Rights (hereinafter: ACHR) provides the same text (art.8, sub-article 2, (g)) but also contains a special section (sub-article 3.) which explicitly provides that "A confession of guilt by the accused shall be valid only if it is made without coercion of any kind".

The right to remain silent is not present in an explicit way in the text of European Convention on Human Rights (hereinafter: ECHR), but is considered as a part of the fair trial principal of the ECHR (Art.6-Right to a fair trial)!

2.2. UNITED STATES

The Fifth Amendment to the U.S. Constitution provides, in pertinent part, that no person "shall be compelled in any criminal case to be a witness against himself." (Mack, 2009: 297). The Framers of the Bill of Rights saw their injunction, that no man should be a witness against himself in a criminal case, as a central feature of the accusatory system of criminal justice. While deeply committed to perpetuating a system that minimized the possibilities of convicting the innocent, they were no less concerned about the humanity that the fundamental law should show to the offender. Above all, the Fifth Amendment reflected their judgment that in a free society, based on respect for the individual, the determination of guilt or innocence by just procedures, in which the accused made no unwilling contribution to this conviction, was more important than punishing the guilty. (Leonard W. Levy, 1988: 260).

However, because the dictates of the Fifth Amendment were not applicable to the states until 1964, a separate line of constitutional jurisprudence developed at the state level to address interrogations and involuntary confessions. In a series of opinions, the U.S. Supreme Court carved out a "totality of circumstances" standard to examine whether confessions were indeed involuntary. This standard was derived from the due process clause of the Fourteenth Amendment. Relevant factors to be considered in the analysis included: the length of the interrogation, the age and the intelligence of the suspect, whether the suspect had been physically abused, threatened or intimidated, whether there was a deprivation of food, water or restroom breaks, and the suspect`s previous experience with the criminal justice system. (Mack, 2009: 298).

2.3. FRANCE

In France, a person taken into police custody (investigatory or *garde á vue*) may be interrogated. Once detained, the suspect must be informed in a language that he understands of the length of the detention (24 hours with the possibility of an extensions to 48 hours), the nature of the offence being investigated, and other rights that govern the investigatory detention (CPP, Art.63-1). The fact that the suspect has been notified of these rights is then entered on the official report and signed by the suspect (or a special note is made if the suspect refuses to sign). Other rights that govern the investigatory detention include the right to have a relative or an employer notified of the investigatory detention and the right to be examined by a physician appointed by the district prosecutor or a judicial police officer (CPP, Art. 62-3 and 63-3). At the beginning of the detention, the suspect may request to speak with an advocate of his choosing or to have one appointed for him. The suspect may confer in private with his advocate for up to thirty minutes. The advocate may not mention the substance of his conversation with the suspect to anyone during the length of the investigatory detention (Art. 63-4).

Judicial police officers must also comply with specific rules when conducting an interrogation during the investigatory detention. For example, police officers must complete an official report documenting the length of the interrogation, the amount of rest taken by the suspect between interrogations, the times during which the suspect was allowed to eat, the day and time that the suspect was placed under police custody, and the day and time he was either released or brought before a competent judge or prosecutor (Art. 64). This official report must be signed by the suspect or his refusal to sign must be specifically noted. Prior to an interrogation, the accused person is advised of the choice to remain silent, to make a statement or to be interrogated (Art.116).

Unlike interrogations in the U.S., a variety of parties may be present when a suspect under judicial investigation is interrogated in France. (Mack, 2009: 301). The district prosecutor may request to be present as well as civil parties (Art. 117). The investigating judge is competent to control the interrogative process and decides which questions may be asked and he can terminate any questioning if it is deemed disruptive to the proceedings (Art. 120).

In summary, pursuant to the Criminal Procedure Code in France, suspects may be interrogated by the judicial police prior to being charged and without the benefit of having counsel in the interrogation room (although they may consult with counsel privately for a limited period of time). Notably, this Code does not provide for a "right to silence" during the interrogation by the judicial police. Once the initial charges are preferred, however, the interrogation is typically conducted by the investigating judge, and the defendant is advised for the right to silence. Several parties may take part in an interrogation during a judicial investigation, and in addition to direct questioning of the accused, a process known as confrontation may occur during which the defendant is literally confronted with the testimony or statements of other witnesses and asked to explain and clarify any discrepancies. (Mack, 2009: 302).

2.4. GERMANY

When an accused person is brought in for first examination in Germany, he must be informed of the offense against him, advised that he has a right to respond (or to choose not to respond) and a right to consult with defense counsel (although counsel may not be present during a police interrogation). The judge should also give the accused an opportunity to dispel the suspicion against him and to assert a defense. At this time, the court must also endeavor to determine the suspect`s personal situation. (Mack, 2009: 302). According to Section 136(a) of German Code on Criminal Procedure, during the interrogative process must be respected the will of the accused. Namely, the accused`s freedom to make up his mind and to manifest his will shall not be impaired by ill-treatment, induced fatigue, physical interference, administration of drugs, torment, deception or hypnosis. Coercion may be used only as far

as this is permitted by criminal procedure law. Threatening the accused with measures not permitted under its provisions or holding out the prospect of an advantage not envisaged by statute shall be prohibited.

2.5. ALBANIA

The Code of Criminal Procedure of the Republic of Albania, in its article 38, subart. 2 and 3, (General rules on interrogation) provides that during the interrogation, it is forbidden to use (even if the accused accepts so) methods and techniques that influences the vulnerability of the accused or his memory on relevant facts. Before interrogation`s start, the accused is informed that he has the right to not respond or answer and that the procedure will continue even if he does not answer. The article 40 regulates the situation of disclosure of accused`s identity. The proceeding authority, requires from the accused his or her identity and informs him or her about the possible sequences if he/she does not disclose the identity or gives false information.

2.6. KOSOVO

The Code on Criminal Procedure of Kosovo, in its articles 152, 167 and 323 regulates the right to remain silent. In prejudicial procedure, the suspect is informed on the criminal offence that is charged, his right to produce evidences in his defense and the right to remain silent and to not answer in any question, except the one on his/her identity. The art.167 regulates the rights of the arrested person. Among others (to be informed in the language that he understands for the reasons of his arrest, to get an interpreter if he does not understand the language, to get a counsel, to inform a member of his family for his arrest, to get medical control and treatment, including psychiatric treatment) is the right to silence: "the arrested person is informed on his right to not answer in any question, beside the one on his identity".

During the trial, the judge informs the accused that he has the right to not declare or to not answer in any question, if he declares something, he is not obliged to incriminate himself or his relatives nor to confess guiltiness and he has the right to defend himself personally or with a professional defender by his choice (Art.323).

2.7. MACEDONIA

Pursuant to the dispositions of the Law on Criminal Procedure (hereinafter: LCP) of the Republic of Macedonia (Official Gazette no. 150/10), the right to silence is a guarantee for the suspected, accused and arrested person (Art.69, sub-article 1). The LCP of Macedonia, also provides that that person have to be informed in a clear way that he has the right to remain silent. Further, the LCP of the Republic of Macedonia, provides that that person cannot be forced to declare against himself or his/her relatives nor to confess guilt (sub-article 2).

The right to silence is also part of the dispositions that regulates the interrogative process. Due to the text, the accused is not obliged to defend himself nor to answer to given questions, but if he answers, his answers can be used against him during the procedure (Article 206, sub-article 1, p.2). This means that the right to silence will be more often used by the accused persons. After being informed that his answers can be used against him, the accused will not risk to answer! This, specially bearing in mind, that due to the previous Law on Criminal Procedure of the Republic of Macedonia (Official Gazette nr. 15/05), accused only was informed that he has the right to silence and to not answer to given questions, without being informed that his answers or statement can be used against him (article 239, sub-article 2 of previous Law on criminal procedure).

Here comes up a question: "Which possibility is better for the accused? The one given by the new Law on criminal procedure or that one that was recognized by the older Law on criminal procedure? In my

view, new text is better and offers a better situation for the accused, because by informing him that his statement can be used against him, the accused will remain silent and will not get negative consequences from his statement or answers during the procedure. Pursuant to older Law on criminal procedure, which does not exclude such a situation, accused may come in a situation to declare something while he does not have any guarantee that that statement will not be used against him. (Bilalli, 2011: 102).

3. THE RIGHT TO SILENCE AND THE PRIVILEGE AGAINST SELF-INCRIMINATION

One might be tempted, perhaps even seduced, by the rather loose terminology into assuming that the "right to silence" and the "privilege against self-incrimination" are one and the same thing. However, the two guarantees must be seen as being represented two partly overlapping circles. The right to silence is narrower in that it refers to acoustic communication alone, the right not to speak. The privilege clearly goes further in that it is not limited to verbal expression and it also protects against pressure to produce documents (Trechsel, 2005: 342). By the interpretation of European Court for Human Rights, the right to silence and the privilege against self-incrimination are internationally recognized guarantees that "stays at the heart" of the idea for fair trial like it is provided in the article six of the ECHR (Haris, O`Bojl, Varbrik, 2009: 259).

The tight co-relation between the right to remain silent and the privilege against self-incrimination has been subject of many cases from the practice of the courts. A specific case is the case *K v. Austria.* In this case, the applicant was accused before the District Court in Linz in having bought three grams of heroin from a couple M and Ch W, who were being prosecuted in separate proceedings before the Regional Court in Linz. The applicant was charged with having bought and possessing drugs, *inter alia,* from this couple. M and Ch W were charged with drug dealing. The applicant pleaded not guilty and was then summoned to give evidence at the trial of M and Ch W. It can be assumed that in the witness stand he would have had two choices: either to lie or to say that he had in fact bought drugs from the defendants, and thus at the same time, necessarily admit that he had committed an offence. This would certainly have amounted to a confession and would have been incompatible with his right not to incriminate himself and to remain silent. The Commission, however, found that in the proceedings against M and Ch W, K. could not be considered to be an accused and thus could not claim any rights under Article 6. (Trechsel, 2005: 343). Interpreting this right in the light of Article 6 it was found that while there were situations in which a person could be compelled to make a statement, i.e. when there was a basis in law, a legitimate aim in conformity with Article 10 $ 2, and a pressing social need for a compulsion- such as the duty to testify as a witness- a person, even outside the scope of criminal proceedings or in a different role than that of the accused, could not be compelled to make statements which were self-incriminatory. In particular, the Commission noted that the principle of protection against self-incrimination is, like the principle of presumption of innocence, one of the most fundamental aspects of the right to a fair trial (Trecshel, 2005: 343).

The defendant is not interrogated for getting his confess about the criminal act (even he can do it) but for informing him about the accusation and for giving him the opportunity to defend himself. Even, the state authorities have the right to interrogate the defendant, he is not obliged to declare anything. He has the right to silence (Sahiti E., 2005: 88). If the defendant remains silent, his silent cannot be considered as aggravating circumstance and consequently, there must not be negative consequences for the defendant as a result of his remaining silent (Matovski N., 2003: 203).

The Supreme Court of U.S. considered that, according to Fifth Amendment of the Constitution that provides the privilege against self-incrimination, it is the duty of the police to warn every suspected person on his Miranda Rights (*Miranda v. Arizona, 348 US 436 (1966))* before starting the interrogative process and after his arrest (*custodial interrogation).* Miranda Rights consists of: a). the warning that every suspected person has the right to silent and every thing that he will say, can be used against him

during the criminal proceeding and b). the right to counsel by his choice, and if he does not have enough material sources to pay him- the counsel will be pointed ex officio (Lazhetiq-Buzharovska, Kalajxhiev, Misoski, Iliq, 2011: 45). There is only one exception of the need for warning the suspect for his Miranda Rights. That is the case when it is a threat for the public interest (if the person who must be arrested posses a gun or similar destructive tools that may threat the life of police officers or other present people in the nearby (Lazhetiq-Buzharovska, et. al., 2011: 45). A confession obtained by actual compulsion in violation of the Fifth and Fourteenth Amendment is not admissible as evidence in the trial of the suspect. However, if a confession is allowed in as evidence and is subsequently determined to have been the product of coercion, the Supreme Court has determined that such an error is subject to harmless-error analysis. That is, an appellate court will examine the strength of the remainder of the evidence to determine if the erroneous admission of the remainder of the evidence was harmless beyond a reasonable doubt. By contrast, if an incriminating statement is obtained by violating Miranda rights, that statement may nevertheless be used to impeach the defendant if he takes the stand during his criminal trial (Mack, 2009: 305).

4. THE RIGHT TO SILENCE AND THE BURDEN OF PROOF

When the accused decides to use the right to remain silent till the end of the judicial procedure, in one side, he risks to not use the right to defend himself, but at the other side, he is free from the burden of evidences. The accused that remains silent is not obliged to bring evidences before the court. In such a situation, the only one who proves the guiltiness, is the prosecutor who has the prosecution act based upon certain facts and only he is obliged to prove these facts which means that the whole burden of evidences lies on the prosecutor. But, the silence of the accused does not influence or decrease the standard of proof that must be achieved in a criminal procedure. The prosecutor must prove in the level of proving beyond a reasonable doubt standard, that is a standard featuring modern criminal procedure. If that standard is not achieved, the court will absolve the accused!

5. THE RIGHT TO SILENCE AND THE PRESUMPTION OF INNOCENCE

The presumption of innocence as a principal of criminal procedure co-relates with his or her right to remain silent and also reflects on the burden of proof in criminal proceedings. Since every accused is presumed innocent till his guilt is not proved with judicial final decision, it remains the duty of the prosecutor to prove the guilt of the accused. Since he is presumed innocent, he is not obliged to say anything nor to bring any evidences before the court. The criminal procedures is carried out for proving the guiltiness of the accused and not for proving his or her innocence! Otherwise, every individual would be in situation to prove that he has not committed any crime- and- that is not in line with democracy and liberalism!

6. THE SCOPE OF THE RIGHT TO REMAIN SILENT

A very mere question is does the right to remain silent applies in all fields of law? A very specific situation is the one that derives from taxation law. Indeed, the state organs may require different information from individuals or companies for calculating the tax returns. The question is: Do they have the right to remain silent in such a situation and not to respond to the state requirement- and- thus to not pay taxes? There can be no doubt that the privilege does not apply out from the criminal law.

According to the interpretation of the European Court of Human Rights in Strasbourg, the obligation to submit income and capital in order to calculate the tax is "overall quality of modern states tax system that would not be able to function efficiently without the existence of these tax systems ". Therefore, is noted that the correct presentation of income or capital (which is required for tax purposes under threat

of criminal sanction) who discovers earlier tax evasion is not considered a violation of the privilege against self-incrimination (Harris, O`Bojl & Varbrik 2009: 264).

Another dilemma that arises from the right to remain silent as a guarantee for a fair trial or due process is if it refers only to the accused or both to the accused person and to the state organs? The right to remain silent is a guarantee for the accused in criminal proceedings but it has also to play the role of limiting the state organs and authorities from using force, threat or any kind of coercion for getting certain questions or statements from the accused for the purposes of the on-going criminal procedure. Individuals have the right to remain silent but the essence of this right is not to get a passive accused but to get trials in which will be respected the will of the accused on giving or non-giving any kind of answers or statements about the criminal act that are being charged. Also, state organs must be very careful and not use force toward the accused! Both forms of force are to be taken into consideration: the physical force as well as the psychological one. While it is not difficult to define the physical force, dilemmas comes up when we talk about psychological force. What is considered as psychological force?

It is clear that the application of physical violence against an individual in order to obtain his confession for an offense or for obtaining any other kind of evidences related to the crime, the threat with criminal sanction for not-disclosing information about the crime means violation of the privilege against self-incrimination, regardless if that person, later on, will be indicted and convicted or not. Even the application of the rule of extracting conclusions with negative effect for the defendant because of his remaining silent, also represents a form of violence that is expressed through narrow repression to answer the questions. Similarly, the use and inclusion of agent-provocateur in order to gather information about the offense, may entails certain degree of violence (Harris, O`Bojl, Verbrik 2009: 260). Practical experience shows that sometimes interrogations even on seemingly unimportant questions are particularly risky for an accused. If he or she does not pay particular attention, the risk of unwise admissions or contradictory statements increases. These, in turn, will serve to weaken the position of the suspect and may well affect the credibility of his or her declarations on important points (Treschel, 2005: 342).

Third dilemma that deserves consideration is if usage of blood, urine or other similar elements for the purposes of criminal procedure means threat or disrespect of the right to remain silent? According to the interpretations of the European Court of Human Rights, this does not mean situations where from the defendant are obtained the substances that exists independently of his will as: blood, urine or other materials used for DNA analysis (Treshcel, 2005: 354).

Another exception is the situation of disclosure of one`s identity. No one who is accused in criminal proceedings is obliged to say anything. To this, however, there is a generally accepted exception: there is no right to remain anonymous and therefore a person can legitimately be compelled to reveal his or her identity. This is not set out in international human-rights treaties, but is expressly stated in the Third Geneva Convention on prisoners of war: “Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information”. This fundamental rule also applies outside the context of war. There can be no right to conceal one`s identity, no right to anonymity. Man, as an *mens sociale*, a social being, needs relations with others and such relations cannot be meaningful if a person refuses to reveal his or her identity. However, the importance of this issue must not be overstated. In practice, a general duty to disclose one`s identity to the authorities simply means that certain types of coercion can be applied in order to motivate the person concerned. According to Geneva Convention III “prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind (Art.17,sub-article. 4, 2nd sentence). However if the prisoner withholds that elementary information, “he may render himself liable to a restriction of the privileges accorded to his rank or status (Art.17, sub-article 2). It is not easy to extrapolate potential equivalent sanction in peacetime. The importance of this issue lies less with the administration of criminal law

than with controlling immigration. Alleged refugees sometimes destroy their identity papers and make no or false statements as to their nationality which can make their expulsion almost impossible (Treshcel, 2005: 355).

CONCLUSIONS

The position of the accused in the criminal procedure reflects the position of human beings in the society. Therefore, contemporary legal (international and domestic) acts tempts to improve the position of the accused by guaranteeing him/her a range of rights during the proceedings. Among them is the right to remain silent which, initially belongs to the defendant but it must also function and play the role of the mechanism for "power limitation" of competent authorities during the criminal procedure.

During the paper preparation were analyzed many international and comparative acts and their relation toward the right to remain silent. Almost all of them contain this right! Most of them (specially international and European) have been adopted during the 20th Century. An open dilemma is: How shall be proceeded with contemporary forms of terrorism? Shall this guarantee maybe "shift", due to cruel and brutal forms of nowadays terrorist acts? Shall the increase of criminal potential throughout the world will reflect in decrease of recognized guarantees as human rights and standards? It is a question which answer will be given during the 21st Century!

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