

INTERNATIONAL ASSOCIATION OF JUDGES

40th Meeting : 1997

THIRD STUDY COMMISSION

THE ROLE OF THE ACCUSED IN THE PROOF OF GUILT : CONFESSIONS AND THE RIGHT OF SILENCE

QUESTIONNAIRE

1. What protection does the suspect have when questioned by:
 - a) The Police
 - b) The Public Prosecutor
 - c) The Examining Magistrate

e.g. – right to have access to a lawyer
– right to have a lawyer present
– advice of the right to remain silent
2. What protection does the accused have in theory and in practice against pressure to answer questions at the trial?
3. What weight, if any, do the following have in proving guilt?
 - a) a confession
 - b) refusal to answer questions during the investigation
 - c) refusal to answer questions at the trial
4. Does the accused have
 - a) too little, or
 - b) too much, or
 - c) the appropriate protection?