



Third Study Commission  
Criminal law and procedure

Meeting in Helsinki (Finland), 17-20 June 1990

Conclusions

PENAL PROCEDURES ON ABRIDGED FORM, EXISTING SYSTEMS AND FUTURE PROSPECTS

Abridged judicial procedures are those which, in certain circumstances, permit suspects to be dealt with more speedily than where the normal procedures are followed.

Such procedures exist under most systems of criminal law, although their forms and the circumstances in which they are employed vary.

They are normally employed either where the alleged offence is not sufficiently serious to warrant all the stages of the ordinary process or where the charge is not contested or where the material facts are clear beyond dispute.

Abridged judicial procedures are generally welcomed and widely applied because they produce the following advantages:

- 1) A speedy determination calculated to enhance both the efficacy and the reputation of Justice;
- 2) A reduction in the pressure on the judicial system;
- 3) A reduction in the length of time a suspect is detained before trial;
- 4) A reduction in legal costs and expenses.

It is essential that abridged judicial procedures are only used when they are in the public interest and do not inhibit the right of the defendant and the proper conduct of the defense.

They must never be used if the ordinary procedures are necessary.

The defendant must not be deprived of any of his normal entitlements in respect of the conduct of his defense, including legal representation. He should be entitled to decline the abridged procedure and insist upon normal procedure if he so wishes.