

## **The Right not to Incriminate Oneself as an Essential Aspect of the Right to a Fair Trial in the Application of Simplified Forms of Criminal Procedure**

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This paper analyses the right not to incriminate oneself as a constituent element of a fair trial in the application of simplified forms of criminal procedure. The right to a fair trial is not entirely ensured to persons against whom the simplified forms of criminal procedure which do not include adjudication of a case in a court or direct and oral examination of evidence in a court hearing are applied. To prevent miscarriage of justice, i.e., that innocent persons are convicted as a result of the application of simplified forms of criminal procedure it is essential to ensure the right not to incriminate oneself, which, *inter alia*, includes the right not to be compelled to admit guilt. The author argues that to ensure the right not to incriminate oneself the prerequisite for the application of the simplified forms of criminal procedure should be their acceptance and the admission of guilt by a person. The author also explores whether the system of Latvian criminal procedure provides effective procedural safeguards to ensure that the attitude of the person is expressed knowingly and freely.

**Keywords:** Right to a fair trial, right not to incriminate oneself, admission of guilt, simplified forms of criminal procedure, simplification of criminal procedure, right to a defence.