

The Contribution of Statements by Principal Procedural Subjects to Establishing the Truth in Criminal Proceedings

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Abstract: Establishing the truth in criminal proceedings is a constant concern for judicial bodies, principal procedural subjects, parties, and other categories of participants in the criminal process. Each participant acts solely from the perspective of the procedural position conferred upon them by law. Treating statements as means of proof and effectively using their content are objectives of both criminal investigation bodies and courts of law. Obtaining these statements is sometimes arduous and subject to doubt; only by corroborating their content with other means of proof can the judicial truth be established. Both the suspect and the injured person have a direct interest in the case, and their inherent subjectivity may influence the content of their statements. However, corroborating these statements with any other evidence in the file can assist in establishing judicial truth.

Keywords: Means of Proof, Statements, Principal Procedural Subjects, Suspect, Injured Party, Probative Value, Principle of Free Assessment of Evidence

1. Introduction

Legal literature has shown that statements made by a suspect—and, by extension, those of the injured party—cannot always be regarded as truthful, as they often contain a significant degree of subjectivity; consequently, judicial authorities must evaluate them with caution. Regardless of the content of the suspect's statement—whether they admit to the act or deny it—the law does not assign superior evidentiary weight to this type of evidence; instead, the principle of the free assessment of evidence applies. As is well established, the law, specifically Article 77 of the Criminal Procedure Code, defines a suspect as “the person regarding whom, based on the data and evidence in the case, there is a reasonable suspicion of having committed an act punishable under criminal law.” Based on this provision, it can be concluded that while the suspect is often the source of the most information regarding the commission of the offense, their procedural position also allows them to distort the truth.

The legislature does not assign a privileged status to this form of evidence; its importance in establishing the truth varies from case to case, depending on the extent to which it is corroborated by the facts and circumstances subject to proof—elements which are, in turn, subject to evaluation by the judicial authorities. Unlike the previous regulation, the current criminal procedural regulation no longer requires the corroboration of the statement made by the suspect (who becomes the defendant once criminal proceedings are formally initiated) with facts or circumstances arising from the body of evidence in the case; however, when analyzing the entire evidentiary record, it is necessary for these statements to be consistent with the other evidence adduced. As previously mentioned, due to advancements in forensic psychology, procedural legislation views the probative value of statements made by the suspect (later the defendant) with some reservation; it has been demonstrated that excessive weight should not be given to such statements, as the suspect may distort the account - either voluntarily or involuntarily.

The current Criminal Procedure Code (Article 79) stipulates that “a person who has suffered physical, material, or moral harm as a result of a criminal act is designated as the injured party”. Alongside the suspect, the injured party is a principal procedural subject in criminal proceedings and holds the same rights and obligations as the parties to the case, with the exception of those rights granted by law exclusively to the parties.

Statements made by the injured party constitute a means of evidence comprising their account of the criminal case; such statements are obtained either through questioning or via confrontation with other persons. Typically, statements from the injured party serve as the initial source of information for criminal investigation authorities; initially, they often take the form of a formal notification to judicial bodies, with the data provided aiding in the collection of further evidence in the case. The injured party can, in most cases, provide information regarding both the *modus operandi* and the identity of the perpetrator.

If the data and information are complete and accurate, they can assist in clarifying the case. The statements made by these key procedural participants also serve as a means to protect their legitimate interests and to identify evidence substantiating the recounted circumstances; consequently, during criminal proceedings—at both the investigation and trial stages—the questioning of these individuals must be handled with a high degree of responsibility.

2. General considerations regarding the concept and importance of the statement made by the suspect (or defendant)

According to Art. 77 of the New Criminal Procedure Code (NCPP), “A person regarding whom, based on existing data and evidence in the case, there is a reasonable suspicion of having committed an act provided for by criminal law is designated as a suspect”. According to Art. 82 of the NCPP, “A person against whom criminal proceedings have been initiated becomes a party to the criminal trial and is designated as a defendant”. Given that the suspect or defendant is the person most familiar with the facts concerning the offense of which they are accused, the law [Art. 97 (1) a) of the NCPP] has included their statements among the means of evidence. The statement of the suspect or defendant constitutes a means of evidence consisting of the accounts given by the defendant regarding the act and the accusation brought against them in connection with it; such statements are obtained either through questioning or through confrontation with other persons.

Statements made by the suspect or defendant may be classified as:

A) Judicial;

A judicial statement is one made before judicial authorities during the criminal trial, in compliance with legal procedure, and constitutes a means of evidence in itself.

B) Extrajudicial;

A statement is extrajudicial when made outside the criminal trial; in such cases, its content comes to the attention of the judicial authority through other means of evidence (such as a letter, the testimony of a witness to whom the suspect or defendant confided, or a document recording a statement given by the suspect or defendant during an administrative inquiry) (Lorincz, 2008, p. 160).

According to this classification, only a judicial statement can serve as a means of proof in criminal proceedings. Judicial statements by a suspect or defendant admitting to the commission of the offense constitute a significant means of proof in criminal proceedings; this is because sincere, complete, and accurate accounts provided by the perpetrator regarding the circumstances preceding, accompanying, and following the act make it possible to reconstruct in detail everything necessary and important for establishing the truth of the case. Furthermore, such statements are valuable even when the suspect or defendant does not admit to committing the act; if they did not participate in the offense, their accounts can lead to the establishment of their innocence, even in the presence of evidence suggesting guilt (Theodoru, 2008, p. 378). In cases where the individual participated in the commission of the act but denies it, verifying their statements and identifying any inconsistencies therein may lead to the conclusion that the perpetrator acted in bad faith, thereby reinforcing the evidence supporting the accusation.

This means of proof serves a dual function: on the one hand, it constitutes a genuine evidentiary tool providing information essential to establishing the truth; on the other, it represents the primary means by which the person facing potential criminal liability exercises their right to a

defense (Neagu & Damaschin, 2014, p. 441), by bringing to the attention of the judicial authority facts and circumstances that could exonerate them or mitigate their culpability.

2.1. The right to remain silent, the presumption of innocence, and the privilege against self-incrimination

A. The right to remain silent

Making a statement is not an obligation for the suspect or the defendant, but rather a right, as they may invoke the right to remain silent and refuse to provide statements (Lorincz, 2008, p. 160). The right to remain silent is intended to protect the individual against abusive coercion by the authorities and is exercised within the sphere of social interaction in accordance with other fundamental human rights and freedoms. The right to remain silent entails an obligation on the part of judicial bodies to administer evidence in compliance with the principles of legality and fairness in the administration of evidence, without subjecting the suspect or defendant to any form of coercion, pressure, or inhumane or degrading treatment.

By virtue of their active role, criminal investigation bodies and courts are obliged not only to inform the person concerned (the holder of the right to remain silent) of the content of the relevant legal provisions but also to explain their practical implications. The legal nature and content of the right to remain silent require an analysis of the applicable legal regulations (including their international context). Broadly speaking, the constituent elements include:

- The right not to make any statement regarding an act attributed to the individual or an accusation brought against them, without a lack of candor being subsequently held against them as an aggravating circumstance;
- The freedom to choose whether or not to answer—on an informed basis—all questions (the right to total silence) or only some questions (the right to partial silence);
- The right not to contribute to one's own incrimination (“*nemo tenetur se ipsum accusare*”).

Based on the interpretation of Art. 6(1) of the European Convention, the right to remain silent constitutes an implicit procedural guarantee of the right to a fair trial, given that judicial authorities cannot compel a suspect or an accused person to make statements, while also having limited power to draw inferences adverse to that person from a refusal to make statements (Udroiu, 2010, p. 105). This guarantee of the right to remain silent is accompanied by an obligation on the part of judicial authorities to inform the suspect or defendant of their right not to make any statement during the criminal proceedings, while also advising them that a refusal to make a statement will entail no adverse consequences, whereas any statement made may be used as evidence against them [Art. 83 letter a) of the New Code of Criminal Procedure]. Pursuant to Art. 102 (2) of the New Code of Criminal Procedure, the sanction for failing to inform a person of the right to remain silent is the exclusion of the unlawfully or unfairly obtained evidence, applicable both to questioning during the criminal investigation phase and to questioning during the judicial proceedings phase.

Regarding preventive measures, prior to questioning, judicial authorities are required to inform the suspect or defendant of their right to be assisted by a retained or court-appointed lawyer and their right not to make statements - except for providing information regarding their identity - while also advising them that any statement made may be used as evidence against them. During the trial, the presiding judge explains the charge brought against the defendant and informs him of his right not to make a statement - warning him that anything he says may be used against him—as well as his right to question co-defendants, the injured party, other parties, witnesses, and experts, and to provide explanations throughout the judicial proceedings whenever he deems it necessary [Art. 374 (2) of the New Criminal Procedure Code]. If, during the judicial proceedings, the defendant refuses to make a statement by invoking the right to remain silent, the court may order that his previous statements be read out; the defendant's right to remain silent is not violated thereby, provided those statements were obtained without any form of coercion.

B. The presumption of innocence

The right to remain silent is closely linked to the presumption of innocence. In principle, courts cannot draw conclusions adverse to the accused solely because he chose to exercise his right to remain silent. Where the prosecution evidence “calls for” an explanation that the accused is in a position to provide, the absence of such a justification may lead to the conclusion, based on common sense, that there is no other possible explanation and that the accused is guilty. However, where the prosecution lacks sufficient evidence of guilt and the evidence does not require a response, the absence of any explanation from the accused cannot justify the conclusion that he is guilty (Udroiu, 2014).

In this regard, the High Court of Cassation and Justice has established:

“Any person is presumed innocent until their guilt is established by a final criminal judgment. Where the evidence regarding guilt is not certain, reliable, or complete, but rather gives rise to doubt concerning the defendant's guilt, the “in dubio pro reo” rule applies; under this rule, any doubt operates in the defendant's favor, and consequently, the required outcome is the defendant's acquittal by the court” (ICCJ, Criminal Section, Decision No.346/27.06.2007).

The presumption of innocence is guaranteed by the Constitution of Romania. Article 23, paragraph (11) establishes that “until a final conviction is pronounced by the court, the person is considered innocent”. In the new Code of Criminal Procedure, the presumption of innocence is regulated by Article 4, paragraphs (1) and (2)—which state that “any person is considered innocent until their guilt is established by a final criminal judgment; after the administration of all evidence, any doubt regarding the formation of the judicial authorities’ conviction shall be interpreted in favor of the suspect or defendant”—as well as by Article 99, paragraph (2), which provides that “the suspect or defendant benefits from the presumption of innocence, is not obliged to prove their innocence, and has the right not to contribute to their own incrimination”.

A violation of the presumption of innocence may stem from a judge or a court, or from another public authority - such as police officers or prosecutors - particularly given that the latter exercise quasi-judicial functions and oversee the conduct of the investigation. Such an infringement may occur through statements or actions that convey the impression that a person is guilty, incite the public to believe in that person's guilt, or anticipate the assessment of the facts by the competent judge (Udroiu, 2014, p. 11).

The presumption of innocence is justified not only by the need to combat abusive arrests but also by considerations regarding the balance of the relationship between the state and the individual, the protection of procedural fairness, and the safeguarding of fundamental values compromised by unlawful convictions.

At the international level, Article 11(1) of the Universal Declaration of Human Rights establishes the presumption of innocence. Although it was not adopted as a binding legal treaty as an act of the UN General Assembly, it was, pursuant to Article 13, Paragraph 1 of the UN Charter, recommendatory in nature (Miga-Besteliu, 1998, p. 174). Article 11(1) provides: “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence” (United Nations General Assembly, 1948, Article 11[1]).

The following rules derive directly from the European principles of the presumption of innocence and the right to remain silent:

- The burden of proof lies with the prosecuting party;
- Any doubt benefits the accused;
- The accused has the right to adopt a passive stance;
- The prohibition against using pre-trial detention as a means of immediate punitive action.

C. The privilege against self-incrimination

In addition to its close link to the presumption of innocence, the right of a suspect or defendant to remain silent entails the right not to contribute to their own incrimination and not to cooperate

with judicial authorities in the production of evidence during criminal proceedings; furthermore, they cannot be penalized for failing to provide specific documents or other evidentiary material.

By virtue of the privilege against self-incrimination, a suspect or defendant may refuse to provide statements or information—other than details regarding their identity—to answer questions, or to hand over documents or objects that could incriminate them (“*nemo debet prodere se ipsum*”) (Udroiu, 2014, p. 247).

The privilege against self-incrimination—or the right not to contribute to one's own incrimination, as it is also known—constitutes a guarantee of the right to a fair trial. This derives from the case law of the European Court, according to which an interpretation of Article 6, paragraph 1 of the European Convention establishes that judicial authorities cannot compel a defendant to cooperate in criminal proceedings by providing evidence that could incriminate them or serve as the basis for a new charge.

If a suspect or defendant exercises their right to remain silent - thereby intending to avoid self-incrimination - they cannot be held liable for the offense of aiding an offender. However, should their guilt be proven in the criminal proceedings, they will no longer be eligible for the application of mitigating circumstances. In this regard, a higher court outlined the following case:

In acquitting defendant P.Z. of the offense of leaving the scene of an accident, the appellate court held that remaining at the scene would have amounted to self-reporting or self-incrimination by the defendant regarding the other two charges brought against him - driving without a license and robbery - which would contravene Article 6, paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The provisions of the Convention concerning a defendant's right not to incriminate themselves through their own statements are not applicable in the present case. The defendant left the scene of the accident deliberately to avoid identification; given his admission of the facts in their entirety, this implies that his action cannot be interpreted - as the appellate court reasoned - to mean that remaining at the scene would have amounted to self-reporting or self-incrimination regarding the offenses of driving without a license and robbery. All these offenses were committed objectively, based on distinct criminal intents; therefore, the trial court's conviction of the defendant for all the acts was correct, and the legal classification of these offenses was lawfully established by the court of first instance. Consequently, the prosecutor's appeal was granted, and the conviction of the defendant P.Z. was ordered (ICCJ, Criminal Section, Decision No.1877/2003).

2.2. Procedure for obtaining statements from the suspect (or defendant)

The legislator employs various terms within the Code of Criminal Procedure to regulate the evidentiary procedure for obtaining a statement from the suspect or defendant, noting that this means of proof may be secured either through the “hearing” (“*audiere*”) or the “questioning” (“*ascutare*”) of the person. There are no procedural differences between these evidentiary activities—“hearing” and “questioning”—as both encompass the defendant’s voluntary disclosure of factual details to judicial authorities, as well as the posing of questions by judicial authorities, principal subjects, or parties present at the hearing (during the trial phase).

The procedure for obtaining a statement from the suspect or defendant involves a combination of procedural and tactical rules. The tactical rules governing the questioning of the suspect or defendant are studied within the fields of criminalistics or forensic psychology (Stancu, 1983, pp. 92-109. See also Stancu, 2010; Ursu & Cristescu, 1993). Among these rules is the requirement to create an atmosphere conducive to establishing psychological rapport with the subject under investigation. Regarding procedural rules, these can be divided into general rules, applicable to both the criminal investigation authority and the court, and rules specific to each judicial body.

Statements from the suspect or defendant may be obtained through two evidentiary procedures:

- A) Questioning (hearing)
- B) Confrontation

A) Questioning

Unlike the previous regulation—which stipulated that, prior to taking a statement, the accused or defendant was to be instructed to declare everything they knew regarding the act and the charge brought against them—this provision has been eliminated in the New Code of Criminal Procedure. This is because providing a statement is not an obligation but a right of the suspect or defendant, which they may choose to exercise or not.

The actual questioning procedure for the suspect or defendant comprises, in turn, two stages:

- Free narrative;
- Questioning involving the posing of questions to which the suspect or defendant may respond directly or after prior consultation with their lawyer, or regarding which they have the discretion not to respond;

Under these circumstances, the procedure of informing the individual of an “obligation” to declare everything known about the act and the charge brought against them conflicts with the right to provide a statement or the right to remain silent, as enshrined in criminal procedural law (Neagu & Damaschin, 2014, p. 447). According to Art. 109 (3), “during the hearing, the suspect or defendant may exercise the right to remain silent regarding any of the facts or circumstances about which they are questioned.” It can thus be observed that this right entails, on the one hand, a refusal to provide any statement whatsoever and, on the other, a refusal to provide statements regarding specific matters about which they are questioned.

Free narrative

The suspect or defendant is allowed to state everything they know regarding the act defined by criminal law of which they have been notified, freely recounting the circumstances under which the act was committed; they are not to be interrupted unless they clearly stray from the subject, and then only to draw their attention to the need to return to it.

The rationale behind the free narrative procedure lies in the fact that it implies a certain degree of spontaneity and candor - qualities that would be lost if recourse to prior statements were permitted (Paraschiv & Damaschin, 2004, p. 251). The individual cannot appear at the hearing with a pre-written statement merely to present or read it to the criminal investigation authority.

Questioning a suspect or defendant carries a certain emotional impact that may help counteract any tendency to conceal the truth. When deemed necessary, the judicial authority may permit the suspect or defendant to use their own notes and memoranda. The free account may be given orally or embodied in a handwritten statement in which the suspect or defendant sets out their own version of the events regarding the alleged offense (Neagu & Damaschin, 2014, p. 447).

The evidentiary value of the suspect's (or defendant's) statements

Legal literature has noted that the statements of a suspect or defendant cannot always be considered truthful, necessitating their assessment with circumspection by judicial authorities (Paraschiv & Damaschin, 2004, p. 254). Regardless of the content of the statement made by the suspect or the defendant—whether they admit to the act or deny it—the law does not assign superior evidentiary weight to this means of proof; instead, the principle of the free assessment of evidence applies [Art. 103 (1)]. Although the suspect or defendant may provide the most information regarding the commission of the offense, their procedural position allows them to distort the truth. Under the previous legal framework, the statements of the accused or the defendant were deemed to have only relative evidentiary value, contingent upon their confirmation by other administered evidence. Specifically, the provisions of Art. 69 of the former Code of Criminal Procedure stipulated that statements made by the accused or the defendant during criminal proceedings could serve to establish the truth only insofar as they were corroborated by facts and circumstances emerging from the body of evidence in the case. The legislator did not assign a special role to this means of proof; its importance in establishing the

truth varied from case to case based on the criterion of corroboration, that is, confirmation by the facts and circumstances forming the subject matter of the proof, which were themselves subject to assessment by the judicial authorities. Current regulations no longer explicitly require the corroboration of the suspect's or defendant's statement with facts or circumstances derived from the overall evidence in the case; however, when analyzing the entire body of evidence, it remains necessary for such statements to be consistent with the other evidence administered. In light of advances in forensic psychology, particularly in the psychology of offenders, procedural law has adopted a cautious approach to the probative value of statements made by suspects or defendants. Such statements should not be given excessive weight because suspects or defendants may distort their accounts, whether voluntarily or involuntarily. In modern law, the statement of a suspect or defendant is no longer regarded as the “queen of proofs,” as it was under the system of formal evidence. Nevertheless, certain vestiges of evidentiary formalism regarding this type of evidence persist in Anglo-Saxon legal systems, where the trial procedure differs depending on whether the defendant admits or denies guilt. For instance, if the defendant pleads guilty at the outset, the procedure is simplified; this highlights the importance of establishing from the start whether the defense intends to plead guilty or not guilty (Volonciu, 1996, p. 362).

B) Confrontation

Confrontation (an auxiliary evidentiary procedure) is a specific or auxiliary evidentiary method employed by judicial authorities when contradictions, inconsistencies, or ambiguities arise between statements previously made by two or more persons regarding the same case at different stages of the criminal proceedings. This evidentiary procedure is used only when necessary to clarify the case. Its execution requires the physical presence of two individuals, although no provision prohibits the participation of more than two persons in the confrontation.

Confrontation may be ordered by either the criminal investigation body or the court; both authorities may authorize the individuals being confronted to ask each other questions. Unlike the previously discussed procedure (the hearing itself), confrontation is less permissive regarding the subject's ability to freely recount facts; instead, the procedure is structured by the judicial authority through a specific set of questions to which the participants must respond.

All activities carried out during this procedure are recorded in an official report signed by the criminal investigation officer—or the presiding judge (if conducted during the trial phase)—and the court clerk; this report constitutes a form of evidence. By virtue of the principle of the free assessment of evidence, this item of evidence must be corroborated with the other evidence in the case.

3. General considerations regarding the concept and importance of the injured person's statement

3.1. The concept of “injured person”

According to Art. 79 of the New Criminal Procedure Code (NCPP), “A person who has suffered physical, material, or moral injury as a result of a criminal act is designated as the injured person”. The injured person is a principal procedural subject in criminal proceedings and holds the same rights and obligations as the parties, with the exception of those rights and obligations that the law grants exclusively to the parties. It should be noted that the NCPP no longer provides for the possibility of the injured person constituting themselves as an “injured party” within the criminal proceedings. Under the new regulations, they hold only the status of a principal procedural subject, rather than that of a procedural party. “An injured person who pursues a civil claim within the criminal proceedings is a party to the criminal proceedings and is designated as the civil party” (Art. 84 NCPP). Furthermore, according to Art. 86 NCPP, “A person who, under civil law, has a legal or contractual obligation to make full or partial reparation - either individually or jointly and severally - for damage caused by the offense, and who is summoned to answer in the proceedings, is a party to the criminal proceedings and is designated as the civilly liable party”.

The law stipulates that other persons may also be heard during criminal proceedings. Thus, in addition to the suspect or the defendant, hearings may also involve those who have suffered material or moral damage, as well as those who may be held liable, under the conditions of the law, for making reparation for such damage. Statements made by the injured party, the civil party, and the party civilly liable constitute means of evidence comprising the accounts given by these individuals regarding the criminal case, obtained either through questioning or via confrontation with other persons.

These statements have been included as means of evidence because the individuals in question either possess knowledge of how the offense was committed based on direct physical perception or are aware of specific circumstances relevant to the resolution of the criminal case.

As a rule, statements from the injured party and the civil party serve as the initial source of information for criminal investigation authorities; initially, these statements take the form of documents notifying the judicial bodies (Paraschiv & Damaschin, 2004, p. 255), and the data provided therein facilitates the gathering of further evidence in the case. The injured party can often provide information regarding both the *modus operandi* and the identity of the perpetrator. Although the party civilly liable may lack direct knowledge of the commission of the offense, they can nonetheless provide information concerning the perpetrator and the circumstances that facilitated the violation of criminal law.

Before being heard, the injured party must be informed that they may participate in the criminal proceedings as a civil party if they pursue a civil claim, with the clarification that they may join the proceedings as a civil party at any time prior to the commencement of the judicial inquiry. If the injured party does not participate in the proceedings as a civil party, they may be heard as a witness.

To ensure the effectiveness of these means of proof, the provisions governing the conduct of criminal investigations and the trial of criminal cases allow for the hearing of the injured party, the civil party, and the party civilly liable, both during the criminal investigation phase and during the judicial inquiry (Neagu & Damaschin, 2014, p. 452).

If the reported data and information are complete and accurate, they can serve to clarify the case. The statements made by these individuals also constitute a means of defending their legitimate interests and identifying evidence to substantiate the recounted circumstances; for this reason, both the criminal investigation and the judicial proceedings must include a detailed hearing of these persons involved in the case.

3.2. Evidentiary value of the injured party's statements

The statements of the injured party, the civil party, and the party civilly liable were included in the category of evidentiary means based on the premise that these individuals provide judicial authorities with factual elements capable of serving as evidence to prove aspects necessary for the resolution of the criminal case.

The injured party, the civil party, and the party civilly liable—much like the suspect or the defendant—act within the criminal proceedings in pursuit of their own interests, whether regarding the criminal aspect or the civil aspect of the case. Thus, the injured party has an interest in ensuring the defendant is held criminally liable; the civil party has an interest in obtaining reparation for the damage caused by the commission of the offense; and the party civilly liable seeks, through their participation in the proceedings, to reduce or extinguish the obligation to pay for damages caused by the defendant's actions (Paraschiv & Damaschin, 2004, p. 257).

Consequently, the statements made by the injured party, the civil party, and the party civilly liable may not correspond to the truth; this results in them being accorded the same probative value as the statements of the suspect or defendant, with the rule of the free assessment of evidence applying (Theodoru, 2008, p. 386).

The statements made by these individuals also serve as a means to defend their legitimate interests and to point out evidence substantiating the recounted circumstances; consequently, both the criminal investigation and the judicial proceedings must include a detailed hearing of these parties to the case.

4. Conclusions

Under current criminal procedural regulations, statements constitute a significant category of evidence within the evidentiary process. The necessity of these two types of statements—those of the suspect and the injured party—is justified by the role they play in the criminal process in establishing the truth. Whether considered in isolation or corroborated with other forms of evidence, they contribute to determining the existence or non-existence of the offense, identifying the perpetrator, and establishing all circumstances necessary for a just resolution of the case, thereby aiding in the discovery of the truth.

As previously noted, while statements made by the suspect are helpful, they do not fully resolve the case on their own; the judicial authority is required to corroborate them with other administered evidence, in accordance with the principle of the free assessment of evidence. This does not imply that statements made by the injured party should be treated any differently; like the suspect's statements, they provide factual elements that can serve as evidence to prove aspects essential to resolving the case.

Like the suspect's statements, these accounts often stand alone—sometimes reflecting a deeply personal perspective—leading to a distinct perception of reality and, by extension, of the act committed against the individual. This is the primary reason why the judicial authority is professionally obligated to apply the principle of the free assessment of evidence to these statements as well. I conclude that statements, as a means of evidence, whether made by the suspect (defendant), the injured party, or other participants in the criminal proceedings - when corroborated with one another, lead to the discovery of the judicial truth, thereby fulfilling the purpose of the criminal process and upholding public order.

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