

Doctoral School
at the Faculty of Law and Administration
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Summary of the doctoral dissertation:

"Trial based on circumstantial evidence under the regulations of the principle of appropriate criminal response,"

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The ongoing relevance of issues surrounding circumstantial evidence is clear in cases that often attract significant media and public attention, particularly in connection with serious crimes. The legal proceedings regarding circumstantial evidence present an area that is both fascinating and challenging, sparking considerable debate. This complexity arises from the use of various terms that lack a precisely defined scope, which is exemplified by the very notion of "evidence" itself. Moreover, within the doctrine of criminal procedural law, there remains no uniform or clear consensus on how to define the terms "circumstance" or "circumstantial evidence." Despite the evolution and development of numerous works addressing evidentiary proceedings in criminal trials, a widespread agreement on the terminological and conceptual framework surrounding these terms is still lacking.

While Polish literature on criminal procedural law has comprehensively addressed the issues surrounding direct evidence, the topic of circumstantial evidence and cases built on such evidence has not garnered equivalent scholarly attention. Consequently, it remains an area that is insufficiently explored within Polish academic discourse.

In cases that rely on circumstantial evidence, there is a continual challenge in applying procedural principles correctly, particularly regarding the principles of free appraisal of evidence and in *dubio pro reo*. Given the more intricate and indirect nature of circumstantial evidence, the likelihood of introducing doubts about the exclusivity of the prosecution's account arises more frequently in these instances compared to cases anchored in direct evidence regarding the central facts in dispute.

The primary objective of this doctoral dissertation is thus to examine whether a criminal trial based primarily on circumstantial evidence meets or can meet the standard of a fair and

just trial in terms of both substantive and procedural law. An additional research aspect is to answer the question of whether circumstantial evidence is capable of delivering genuine factual findings in a way that can satisfy all four postulates stemming from the principle of appropriate penal reaction, namely: 1) no innocent person should be held liable, 2) no guilty person should bear greater liability than deserved, 3) no guilty person should evade liability, and 4) no guilty person should bear lesser liability than deserved. The primary objective of this doctoral dissertation is to examine whether a criminal trial based predominantly on circumstantial evidence can meet the standards of a fair and just trial, considering both substantive and procedural law. An additional focus of this research is to explore whether circumstantial evidence can yield genuine factual findings that fulfill all four criteria derived from the principle of appropriate penal reaction: 1) no innocent individual should be held liable, 2) no guilty individual should face greater liability than warranted, 3) no guilty individual should escape liability, and 4) no guilty individual should incur lesser liability than deserved. The scientific goal is also to clarify whether Polish law allows for the valuation of evidence based on its relation to either a primary or secondary fact. This leads to the question of whether it is justified to treat circumstantial cases as a distinct type of criminal trial and to categorize evidence as either direct or indirect (circumstantial). The theoretical analysis is enriched by documentary research, which includes an examination of specific court files to assess the actions taken within them, particularly regarding evidentiary proceedings and the final judgment in the case.

The doctoral dissertation consists of seven chapters, preceded by an introduction. Each chapter starts with introductory remarks and ends with a summary.

Chapter One delves into the essential issues surrounding the law of evidence and evidentiary proceedings, with a primary emphasis on the concept of evidence and its various classifications. Following this, it examines the definition of a circumstance or circumstantial evidence as articulated in criminal procedure doctrine and case law, addressing its classification and evaluation. Additionally, the chapter characterizes the concept of circumstance in relation to specific procedural actions, particularly the initial steps taken during preparatory proceedings (pre-trial investigation).

Chapter Two focuses on the analysis of circumstantial evidence from both doctrinal and comparative perspectives, encompassing Polish law and international frameworks, along with relevant judicial precedents. It highlights the discrepancies in interpreting this term. Additionally, the chapter delves into the assessment of circumstantial evidence and explores the interdependencies in proof derived from circumstances. The framework of circumstantial

evidence is thoroughly examined, along with an analysis of the criteria that such evidence must satisfy in order to support credible factual conclusions.

Chapter Three offers a historical overview of the role of circumstance and circumstantial evidence within the Roman legal process, as well as in the criminal procedures of Continental Europe. This discussion includes insights from Canon Law, the Italian Middle Ages, and the period of the *Constitutio Criminalis Carolina*. Additionally, the chapter examines the attributes of circumstance and circumstantial evidence in other criminal justice systems, notably those of England and Germany.

Chapter Four delves into the essence and distinct characteristics of circumstantial cases. It examines how the concept operates within both legal doctrine and case law. Furthermore, the chapter conducts an analysis of the objective and subjective elements of crimes categorized as circumstantial. It also showcases the particular nature of inferences drawn during a circumstantial trial.

Chapter Five outlines the circumstantial case, taking into account the implementation of specific procedural principles. These principles include: the appropriate response to penal actions, substantive and procedural justice, the right to defense, the presumption of innocence, the doctrine of *in dubio pro reo*, the principle of truth, the principle of immediacy, the independent assessment of evidence, the burden of proof, and, ultimately, the principle of a fair trial.

Chapter Six delves into the specific counter-circumstance of an alibi. This section explores the concept and fundamental nature of an alibi, its various types, methods of formulation, evidentiary value, as well as the models and guidelines for verifying an alibi.

Chapter Seven is wholly dedicated to the analysis of empirical research, presenting five distinct circumstantial cases. This research was conducted on a sample of 240 court case files from proceedings held at the District Court in Tczew, the Regional Court in Gdańsk, the District Court for Warsaw-Śródmieście in Warsaw, and the Regional Court in Warsaw.

The doctoral dissertation concludes with final conclusions that encapsulate the most significant findings, linking them back to the research hypotheses articulated in the introduction.

The academic research undertaken for this dissertation, given the complexity of the issue at hand, primarily employed the dogmatic-legal method while incorporating elements of empirical research. Additionally, to trace the genesis and evolution of the concepts of circumstance and circumstantial evidence, the historical-legal method was utilized. The

comparative law method was also applied to examine the similarities and differences in legal solutions present in other criminal justice systems, particularly those of England and Germany.