

THE LEVEL OF CERTAINTY: EVIDENCE AND REASONS FOR DECISIONS IN HUMAN TRAFFICKING CRIMES

Elek BALÁZS*

ABSTRACT: *In the course of criminal proceedings, all means of evidence specified by law and all evidentiary procedures may be used without restriction in Hungary. However there are two general features in the area of evidence in Human Trafficking crimes. There is a shortage of evidence, and there is no perfect evidence that is to be accepted unconditionally.*

Trafficking means much more than the organised movement of persons for profit, and we must distinguish trafficking from migrant smuggling. In the criminal procedure this cause difficulties in the demonstration.

The criminal procedure can be interpreted as a procedure from evidence minimum to evidence maximum. Means of evidence are the testimony of the witness –who may be the victim of the crime-, the expert opinion, physical evidence, documents and pleadings of the defendant. Evidence provided through international or European Union legal aid also can be used as evidence. The evidence obtained in legal cooperation with the European Union is often only indirect pieces of evidence. Alone these evidence are not necessarily conclusive, but can be a crucial link between other evidence to create a whole. We also must deal with the question of secret evidence, and the opportunity of video and telephone conference in the criminal cases of human trafficking. Finally in a human trafficking case, several problems of international legal aid and assistance emerged, so it is worthy to conclude the moral of this criminal investigation and procedure.

KEYWORDS: *evidence, criminal procedure, secret evidence, Human Trafficking, means of evidence*

JEL CLASSIFICATION: *K 14, K 40*