SIC ITUR AD ASTRA

VII

Collection of papers on Hungarian and Croatian legal history 2024

EDITORS
GERGELY GOSZTONYI
IMRE KÉPESSY
DUNJA MILOTIĆ

ISBN 978-963-489-672-2

SIC ITUR AD ASTRA

EDITORS
GERGELY GOSZTONYI
IMRE KÉPESSY
DUNJA MILOTIĆ

Collection of papers on Hungarian and Croatian legal history 2024

Eötvös Loránd University / Faculty of Law / Department of the History of Hungarian State and Law / 2024

Table of Contents

Zoe L. Žilović: The use and form of judicial torture in Croatian lands

University of Zagreb, Faculty of Law

DOI 10.21862/siaa.7.5

1. The meaning of judicial torture

Torture, "*the act of causing great physical or mental pain in order to persuade someone to do something or to give information, or to be cruel to a person or animal*"[22]is a word still used in everyday talk as an exaggeration or a joke to express the speaker's current state of mind or feeling. When doing so the speaker is rarely in any real physical or mental pain but rather some kind of minor inconvenience that sets him or her off, as such today's grasp of torture is very much widespread and simplistic compared to what the word actually represents.

The definition given in the Cambridge Dictionary is too broad because judicial torture was originally designed to produce confessions in cases of serious crime in which "full proof" in the form of confession or two eyewitnesses was needed to convict. Therefore, torture is only a means to find the truth in criminal procedure, not a mode of punishment. The use of judicial torture is predicated upon the assumption that when a person is subjected to physical pain during interrogation he will confess the truth. The use of judicial torture in the late medieval and early modern periods had ancient and early medieval precedents. This paper will present the beginnings of the use of judicial torture, as well as its application and forms in Croatian lands.

[22] Torture, Cambridge Dictionary, Cambridge University Press and Assessment, https://dictionary.cambridge.org/dictionary/english/torture [Access on March 24, 2024].

2. The beginnings of judicial torture

The earliest recorded forms of judicial torture date back to Athens and Rome. The interesting aspect about it being that among the Greeks and under the Roman Republic torture was almost entirely confined to slaves. According to the rule in force at the time, free persons could not be subjected to torture, and in Rome this exemption was one of the privileges of citizenship. This can be explained by the belief that the slave, being absolutely at the mercy of his master, would naturally testify in accordance with the master's wishes, unless some stronger incentive to speak the truth were brought to bear.[23]

After the creation of the Roman Empire a change in the law began to take place. The ordinary criminal procedure assumed the form of an inquest by magistrates, and the importance of protecting emperor as the head of state caused the high treason (*crimen laesae majestatis*) to be treated as one of peculiar atrocity. Therefore, the torture was permitted even in the case of free persons accused of it. This rule was afterwards applied to other grave offences, although with a number of exemptions in favor of men of high rank. Thus torture ceased to be used solely in consequence of a rule of evidence about the testimony of slaves, and grew to be also a means of convicting freemen charged with heinous crime.[24]

3. Early medieval period – compurgation and ordeals

After the Barbarians overthrew the Western Roman Empire, the decay of Roman law began and, with it torture for freemen disappeared. In many barbarian kingdoms torture continued to be used on slaves, but not on free men under any circumstances. Crime was regarded as a private wrong, and no clear distinction was drawn between civil and criminal proceeding. Before the 13th century European courts used

[23] LOWELL, A. Lawrence: The Judicial Use of Torture. Part I, *Harvard Law Review*, No. 4, 1897, p. 220. DOI: doi.org/10.2307/1321315
[24] *Ibid.*, p. 221.

accusatorial procedural system, according to which a criminal action was both initiated and prosecuted by a private person, who was usually the injured party or his relatives. If the accused admitted his guilt, or if the private accuser could provide certain proof, then the judge would convict the defendant. If there was any doubt, however, the court could resort to compurgation and judgment of God.[25]

Compurgation (*juramentum purgationis*) was a way of deciding that someone who was accused of committing a crime was not guilty if accused took an oath that the charge against him was false, and produced a fixed number of his relatives or neighbors who swore that his oath was true. Because oath making often had religious implications for those who served as oath helpers and because there was also a possibility of legal sanctions, individuals might refuse to give oaths for persons with bad reputations. The institute of compurgation was also present in the Vinodol Law of 1288, as well as in other collections of Croatian customary law. This institute could have been applied if the defendant was not caught in the act, and the number of necessary oath-helpers was determined by the court. The Vinodol Law determined 6, 12 or 25 oath-helpers for the criminal offence of theft, but as many as 50 for murder. These oath-helpers were not expected to know the facts related to perpetration of a crime, but they rather served as a moral guarantee that the defendant spoke the truth. The defendant had to find oath-helpers by himself, usually among the relatives, and if an oath-helper was lacking, he would take the oath as many times as was needed.[26]

Another common way of determining the facts was the judgment of God (*judicium Dei*). This was an irrational method used to determine guilt or innocence by submitting the accused to dangerous or painful tests believed to be under supernatural control. Those ordeals were as follows: "*the ordeal by water, where the victim on being thrown into the water sank if innocent, and floated if guilty; the ordeal*

[25] LEVACK, Brian P.: *The witch-hunt in early modern Europe*, 3rd edition, Pearson Longman, Harlow, 2006, pp. 75–76.
[26] ČEPULO, Dalibor: *Hrvatska pravna povijest u europskom kontekstu. Od srednjeg vijeka do suvremenog doba [Croatian legal history in the European context. From the Middle Ages to modern era]*, Pravni fakultet Sveučilišta u Zagrebu, Zagreb, 2023, p. 130.

of the corsnaed, reserved chiefly for priests, where a morsel of consecrated bread or cheese was used, which the innocent alone could swallow without choking; the ordeal of boiling water and hot iron, where the accused thrust his arm into a boiling caldron or carried in his hand a piece of hot iron, guilt being proved by the failure of the wound to heal in three days."[27] The court decision which ordeal the accused will suffer through was based on how much evidence they had against him and what type of reputation he possessed. Therefore, result of the test was in line with people's prior opinions about the accused's guilt.

One of the most popular ordeals had to be the trial by combat (*judicium pugnae*), whose origin can't be traced but its popularity grew rapidly with the dawn of feudalism. This was a judicially sanctioned duel used to settle accusations in the absence of witnesses or a confession in which two parties in dispute fought in single combat. Before the combat each contestant took a solemn oath to the justice of his cause, and therefore the defeated party was not only proved to be in the wrong, but was convicted of perjury, and was subjected to the appropriate punishment. "*Women, priests, children, old men and cripples, who were naturally unable to fight in person, appeared by champion, and this privilege, which was at times extended to able-bodied men, became a source of scandal, the champions being, of course, in the end mere hired ruffians*."[28] To summarize: the accused could challenge his accuser, judge or witness; take an oath and whoever lost was not only wrong but also convicted for lying under oath.

Compurgation and ordeals finally meet their end in 1215 with the Fourth Lateran Council prohibiting clerics from participating in unilateral ordeals. Since the ordeals, being appeals to divine guidance in judicial matters, required clerics to bless the entire operation, the action taken by the Council signaled their end. The trial by

[27] LOWELL, *op. cit.,* pp. 221–222.
[28] *Ibid.*, p. 222.

combat lasted somewhat longer, because the feudal nobility regarded it as a privilege of their class.[29]

In the Croatian-Hungarian Kingdom the ordeals of hot iron and boiling or cold water[30] were used as a supplementary evidence for more serious crimes until their abolition in 1309. The most important ordeal was the trial by combat and it was applied until the end of the Middle Ages. Despite the principled opposition of the Church, this custom spread unusually in the Middle Ages, especially in cases where neither party had sufficient evidence. Only the judiciary of the free royal cities was against this bilateral ordeal; the Golden Bull of 1242 issued by King Béla IV of Hungary to the inhabitants of Gradec (part of today's Zagreb) stipulates in Art. 9 that no one should be forced to fight to prove his right. Ilok statute of 1525, like most cities in Slavonia that had privileges, also explicitly forbids trail by combat due to the bad influence of that institute on the arrival of foreign merchants and new settlers in the cities. The application of this customary means of proof was abolished by King Matthias Corvinus in Art. 18:1486, detaining it only for military court.[31]

4. The use of judicial torture in the late medieval and early modern periods

The abolition of the unilateral ordeals at the Fourth Lateran Council meant not only a fundamental change in the rules of proof, but profound change in thinking about the nature of government and law. At the end of the 12th century the lawyer-pope Innocent III initiated comprehensive reforms of ecclesiastical criminal procedure by introducing inquisitorial procedure to prevent scandals among the clergy: "*It began by a secret*

[29] LOWELL, *op. cit.,* pp. 222–223.; LEVACK, *op. cit.,* pp. 76–77.

[30] It is necessary to mention that the trial by cold water remained in use in Croatia and Slavonia in proceedings against witches until the 18th century. MAŽURANIĆ, Vladimir: *Prinosi za hrvatski pravno-povijesni riječnik, Prvi dio A–O [Contributions to the Croatian legal-historical dictionary, First part A–O]*, Informator, Zagreb, 1975, p. 80.

[31] DABINOVIĆ, Antun: *Hrvatska državna i pravna povijest [History of Croatian state and law]*, Matica hrvatska, Zagreb, 1940, pp. 429-430; TOMIČIĆ, Zvonimir: *Iločki statut i njegova kaznenopravna regulacija [Ilok statute and its criminal law regulation]*, Hrvatsko udruženje za kaznene znanosti i praksu, Zagreb, 2006, p. 131.

inquiry on the part of the judge, followed by an interrogation of the accused, who was obliged to answer upon oath."[32] Beginning in the 13th century the ecclesiastical and secular courts of western Europe adopted new techniques that assigned a much greater role to human judgement in the criminal process.[33]

During the 13th century heresy became the reason this new inquisitorial procedure was widely accepted and torture being allowed (and borrowed from Roman law) on the principle that heresy was *crimen laesae majestatis divinae* or a crime against sovereignty. Therefore, the old Roman laws against treason became the basis of the new inquisitorial standard known as the Roman-canon law of proof. Because new inquisitorial procedure now relied on human rather than divine judgement the requirements for proving guilt were much stricter.[34] The Roman-canon law of proof governed judicial procedure in cases of serious crimes i.e. capital crimes where death penalty could be imposed. There were three fundamental rules: (1) the court had to have at least two reliable eyewitnesses who testified in order to condemn and convict the accused; (2) if there were not two eyewitnesses, the only way the court could convict and condemn the accused was on the basis of his own confession; and finally (3) circumstantial evidence, so-called *indicia*, was not on its own enough in order to convict and condemn the accused, no matter how compelling it seemed.[35]

Therefore, if a "full proof" (testimony of two reliable eyewitnesses or accused's confession) existed, torture could not be employed since conviction was already assured. Examination under torture was permitted only when there was a so-called "half proof" meaning either only one eyewitness, or circumstantial evidence of sufficient gravity existed. Torture was widely used to convict those accused of secret crimes such as heresy and witchcraft, since eyewitnesses could rarely be produced in

[32] LOWELL, *op. cit.,* p. 223.
[33] LEVACK, *op. cit*., pp. 76–77.
[34] LOWELL, *op. cit.,* p. 223–225.
[35] LANGBEIN, John H.: *Torture and the Law of Proof, Europe and England in the Ancien Régime*, The University of Chicago Press, Chicago and London, 1976, pp. 4–5. DOI: doi.org/10.7208/chicago/9780226922614.001.0001

such concealed crimes. The use of torture in witchcraft cases was the most important factor in increasing the number of convicted witches. Under the torture accused witches were forced to name their accomplices, which enabled new accusations and trials against those denounced women. The reliability of confessions extracted under torture was not considered problematic and there existed a conviction that God would protect the innocent and help them to withstand torture. The use of judicial torture was regulated by strict rules governing its application. One of the rules was that the confession given by the defendant under torture had to be voluntarily confirmed by the defendant himself within a period of 24 hours after the torture. All of the grades of torture were supposed to be performed on the same day; repetition of torture was forbidden – namely, for repetition of torture the judge had to have completely new *indicia* against the defendant. The accused who withstood examination under torture without confessing was said to have purged *indicia* against him, and was entitled to be acquitted and released unless new incriminating evidence was discovered thereafter. There were also rules that exempted certain classes of people, such as pregnant women and children, from torture. In practice, these rules were regularly disregarded and violated by secular courts, especially in witchcraft cases. Specific modes of torture varied regionally and according to custom.[36]

Despite all its defects, the judicial torture survived into the 18th century because European criminal procedure had no alternative: the law of "full proof" was absolutely dependent upon forced confessions. In 18th century Europe, famous writers of the Enlightenment, Cesare Beccaria and Voltaire were advancing arguments against torture and inspired the European monarchs to abolish torture. Prussia finally abolished judicial torture in 1752, Saxony in 1770, Poland and Habsburg Monarchy in 1776, France in 1780, Tuscany in 1786, Sicily in 1789 etc. Torture could be abolished in 18th century because law of proof no longer required it. The developments in penology in the 16th, 17th and 18th centuries that replaced capital punishment with various forms

[36] LANGBEIN, *op. cit*., pp. 12–16.; LEVACK, *op. cit*., pp. 82–84.

of imprisonment created an opportunity to restrict the use of torture to cases of capital crimes. The new standards of proofs for noncapital crimes were developed that did not require confession evidence. This new system of proof developed alongside the Roman-canon system, which finally lost its monopoly in 17th century. According to this new law of proof, judge could now sentence a defendant to punishment (*poena extraordinaria*) on the basis of circumstantial evidence. Under the doctrine of *poena extraordinaria* for less than "full proof", the subjective theory of proof found its way into European law.[37]

5. Torture in Croatia and Slavonia

In the 15th century Croatia and Slavonia there was a relative separation of civil and criminal proceedings. A mixed criminal procedure with inquisitorial and adversarial elements was gradually developed, and the official prosecutor (*fiscus* or *fiscalis*) had the sole power of indictment. Before drawing the indictment, public authorities in a town or a county had to conduct an investigation (*inqusitio*) by hearing witnesses who charged the defendant, so that a convincing indictment could be drawn by the prosecutor. The burden of proof was thereupon transferred to the prosecutor, while previously it was on the defendant.[38]

The first recorded use of torture to obtain confession from defendant in Croatia and Slavonia dates back to 14th century. In 1375, three perpetrators of a robbery murder were caught in Gradec. They were tortured "*in equuleo*" until they confessed to the crime. *Eculeus* was an instrument of torture used in Zagreb until 18th century. This was a wooden horse on which the defendant was placed and then stretched or racked with weights or pulleys. In the 18th century *eculeus* was the name for the most

[37] LANGBEIN, *op. cit*., pp. 8–12., 45–60.
[38] ČEPULO, *op. cit*., pp. 130–131.

severe type of torture, which was always based on stretching the body.[39] In the 17th century torture became a regular means of evidence. Judicial torture was frequently applied in practice, especially on peasants, while nobles could be tortured only if they were caught while committing the offence. Solid circumstantial evidence (*indicia*) with the lack of "full proof" i.e. the lack of two reliable eyewitnesses required for the conviction, was needed for determining torture. Additionally, the confession obtained through torture had to be substantiated by a repeated testimony of the defendant within 24 hours after the torture. Therefore, the torture system used by courts in Croatia and Slavonia was largely adopted from Western European countries.

The first rule which systematically regulated the criminal procedure in Croatia and Slavonia, including the application of torture, was *Praxis Criminalis* published by Ferdinand III for the territory of Lower Austria in 1656, which was accepted as a subsidiary source of law in Hungary, Croatia and Slavonia. Information on the rules governing application of judicial torture, which were in force in Croatia and Slavonia at the beginning of the 17th century, are contained in the Ivan Kitonić's book "*Directio methodica processus iudicarii*" from 1619. In this book Kitonić explains how torture is not actually mentioned in any written law or rule, yet it was widely used before courts. He specifically states how torture should only be used when such strong *indicia* exist against a defendant but there isn't any direct proof. Another curious note of his was how torture should be permitted in cases where the accused's partner in crime confesses against him. Despite all this Kitonić strongly valued how if the accused manages to withstand all torture, he should be set free, unless new *indicia* formed. He had even gone so far as warning the judges about how they will suffer serious consequences (their conscience will condemn them before the judgement of God) if they chose not obey that rule. However, in practice this warning was in vain because

[39] MAŽURANIĆ, *op. cit*., pp. 298, 690; BAYER, Vladimir: *Ugovor s đavlom, Procesi protiv čarobnjaka u Evropi a napose u Hrvatskoj [A contract with the devil, Trials against sorcerers in Europe, and especially in Croatia]*, 3rd edition, Informator, Zagreb, 1982, pp. 264–265.

Croatian judges also greatly abused their powers and arbitrarily applied torture – they justified the repetition of torture as a "continuation" of the previous one.[40]

Torture methods which were used by Croatian judges are most similar to torture methods which were used by Austrian courts. Methods of torture prescribed in the *Constitutio Criminalis Theresiana* of 1768, the Penal Code of Maria Theresa, correspond to the descriptions of torture in torture records of Croatian courts. The torturing was done by an executioner (*carnifex*) with his helpers, who would start off by simply frightening the accused with the instruments that will be used in order to gain his confession (*territio*). Judicial torture used to be classified in categories, phases or gradations regarding its intensity and severity. The mildest degree of torture was thumbscrew (*compressio pollicum*). The defendant's thumbs were placed between two metal plates, which were then tightened with a screw, causing him severe pain. To increase the pain, executioner would hit the plates with a hammer. The second degree of torture was torture by rope, which consisted in tying the hands of defendant tightly with a rope (*ligatura manuum*). The third degree of torture was leg screw or so-called Spanish boot. The Spanish boot consisted often of two heavy iron plates which were adjusted to the lower leg. These were fastened around the shin and the calf and then gradually screwed up. The leg screw usually had sharp nails inside that stuck into the defendant's flesh during the tightening. The most severe method of torture was stretching on the rack (*scalae*). Rack is a torture device consisting of a rectangular, usually wooden frame, slightly raised from the ground, with a roller at one or both ends. The defendant's ankles were fastened to one roller, and wrists were chained to the other. During the interrogation, a handle and ratchet attached to the top roller were used to gradually stepwise increase the tension on the chains, inducing great pain. It was designed to stretch the victim's body, eventually dislocating the limbs and ripping them from their sockets.[41]

[40] BAYER, *op. cit*., pp. 260–262.
[41] *Ibid*., pp. 262–264.

Queen Maria Theresa abolished torture in Croatia and Slavonia in 1776. Maria Theresa explained the abolition by the fact that in practice it was applied arbitrarily, and not in the spirit of the rules that demanded the existence of sufficient circumstantial evidence (*indicia*) for such a way of extortion of the confession of guilt, as well as an adequate level of physical endurance. The consequence was that those who had been subjected to torture suffered severe physical injuries and confessed their guilt without any grounds for it. It was determined that in cases where "full proof" is missing and there are only strong *indicia* based on which the defendant could have been earlier subjected to torture, the judge could sentence the defendant to *poena extraordinaria*. These extraordinary punishments that were supposed to replace torture were: sentencing the defendant to a correctional facility, dragging a ship against river currents, public works that would otherwise had to be performed by hired workers. The judge should have imposed an extraordinary punishment in accordance with the guilt of the defendant, which arose from the evidence, as well as according to the strength and physique of the delinquent himself. In order to increase the extraordinary punishment and to deter others from committing crimes, convicts could be publicly exhibited at fairs or other places where a large number of people gathered, as well as publicly beaten with whips or sticks. It is important to point out that the Croatian courts opposed the abolition of torture stating that the matter should be decided by the Diet of the kingdom, as the only legal place where the laws of the kingdom are enacted and abolished. They also stated that there is a danger that without torture they will no longer be able to convict the most serious criminals, which will ultimately lead to an increase in crime and a threat to public safety. Finally, in 1790, the Hungarian-Croatian Diet passed the Art. 42:1790/1791 prohibiting torture, which confirmed Maria Theresa's decision from 1776.[42]

[42] BAYER, Vladimir: Dokumenti o ukinuću torture i o ukinuću smrtne kazne u onim jugoslavenskim zemljama koje su u XVIII. stoljeću bile u sklopu Habsburške monarhije [Documents on the abolition of torture and on the abolition of the death penalty in those Yugoslav countries, which in the 18th century were part of the Habsburg Monarchy], *Starine*, *Jugoslavenska akademija znanosti i umjetnosti [Antiquities of the Yugoslav Academy of Arts and Sciences]*, bk. 60, 1987, pp. 53–70.

6. Torture in Dalmatia and Istria

The situation regarding criminal procedure in Dalmatian and Istrian cities was different because only the inquisitorial type of procedure existed, with the active role of the judge. In case of a violation of a personal interest, the procedure was initiated by a private lawsuit, while in the case of an offence which violated public interest, it began by the initiative of a judge i.e. the duke (*per inquisitionem*). Citizens and the community officials were encouraged to report criminal offences by a monetary reward received by the person who reported the offence (usually half of the sentenced punishment), with maintenance of anonymity. This compensated the lack of organs in charge of uncovering criminal offences and their perpetrators. The duke usually had a monopoly over the trial of criminal cases. The means of evidence in criminal procedure included the testimonies of the defendant, prosecutor and witnesses, as well as "the general knowledge". Judicial torture was allowed for the purpose of extorting the confession of the defendant. The confession of the defendant was regarded as a crucial evidence (*confessio est regina probationum*). Judicial torture had been used rarely and was reserved for the most serious of crimes. Dalmatian and Istrian courts strictly adhered to the provisions of the statutes on the use of torture. Torture was usually used as a last resort. Therefore, the use of torture in Dalmatian cities was significantly different from the use of torture in Croatia and Slavonia, as well as in Western Europe.[43]

In Dalmatia torture could be applied only if there was serious circumstantial evidence about the defendant's guilt (an eye-witness) and with a later confirmation of the testimony. The 14th century can be taken as the period in which provisions on torture were developed in the Dalmatian statutes. The following is a description of the provisions on torture contained in several Dalmatian statutes. The Korčula statute

[43] TOMAŠEVIĆ, Goran – KRSTULOVIĆ DRAGIČEVIĆ, Antonija – PLEIĆ, Marija: Pravni položaj okrivljenika u kaznenom postupku dalmatinskih statuta [The legal position of the accused in the criminal procedure of Dalmatian statutes], *Hrvatski ljetopis za kazneno pravo i praksu [Croatian annual of criminal law and practice]*, No. 1, 2014, p. 88., 97., 103.; ČEPULO, *op. cit*., pp. 131–132.

limited the use of torture to the most serious crimes: murder, rape, treason, conspiracy, attempting magic, wounding, arson, adulteration, stealing, piracy and ambushes at night. However, since interpretation by analogy was accepted in criminal law of that time, this enumeration of crimes should not be taken exhaustive. The Hvar statute allowed torture "at the discretion of the duke and his judges" in cases of theft and robberies. The Split statute did not limit the application of torture to certain crimes; torture could be used in the proceedings for any crime, provided that other prerequisites were met. The Senj statute determines that in thefts of values up to 20 libar, if there is only one witness (and not the prescribed two) and in for thefts over 100 libar, if there are only two witnesses (and not the prescribed four), the defendant should be put to torture.

The *indicia* required by Dalmatian statutes for the use of torture included a very wide range of suspicions that a particular person had committed a crime: a testimony of only one eyewitness, a public opinion or a rumor that somebody committed a crime, escaping from the scene of the crime, bad reputation of the accused, bragging about a crime, if the defendant made an extrajudicial confession that he does not want to confirm, giving uncertain and unclear answers to the questions asked etc. The usual method of torture was pulley torture (*strappado*) – a defendant's hands were tied behind the back, attached to a rope which swung over a pulley. When the defendant was lifted off the ground, his arms were stretched out behind him; when he was given a sharp drop and caught before he landed, his shoulders dislocated. Sometimes weights were attached to the legs to increase the pain. Torture could also be used against members of higher social classes. Women and men were both treated the same in regard to torture except for pregnant women, who couldn't be tortured.[44]

[44] TOMAŠEVIĆ – KRSTULOVIĆ DRAGIČEVIĆ – PLEIĆ, *op. cit*., pp. 103–106.

7. Conclusion

In the Roman-canon theory of proof, judicial torture was originally designed to produce confessions in cases of serious crime in which "full proof" in the form of confession or two eyewitnesses was needed to convict. This system of evidence was created in 13th century and it lasted until the abolition of judicial torture in 18th century. By the late 18th century, most scholars and lawyers thought of the forced confession not only as a relic of past times and morally wrong but also ineffective as the victim of torture may confess to anything just to ease their suffering.

Contemporary international law determines universal ban on torture in terms of human rights. However, after the terrorist attacks on the United States of America in 2001, the use of torture was again actualized. The most common objection against the absolute ban on torture is that torture is sometimes warranted as a means of preventing and combating terrorism (e.g. ticking bomb scenario). I think that torture is always wrong and cannot be justified by any hypothetical situations. Allowing its application in some exceptional situations opens up a great danger of its abuse and represents a big step backwards in the history of mankind. The journey torture had gone through with humanity says a lot about how each generation of humans thought and perceived. Of course, not everything is, or ever was perfect but it is possible to reflect upon the past and hope for a better future.