Abstract

This PhD thesis focuses on the admissibility of evidence in criminal proceedings. Appropriate setting of limits of admissibility of illegally obtained evidence in the criminal proceedings is not only regarded as one of the main guarantees of fair justice system, but also represents topical and vital issue which raises number of legal dilemmas. The importance of the topic has been increasing recently as gathering of evidence in criminal proceedings often conflicts with the fundamental rights of individuals that are subject to severe limitation on constitutional and especially international level and that are broadly endangered during the process of collecting evidence.

The core of the thesis lies in the in-depth analysis of current legislation, jurisprudence and case law dealing with the issue. Within the framework of that analysis, all of the important and disputed questions relating to the general aspects of admissibility of evidence are examined from the perspective of jurisprudence and case law; the knowledge is enriched with real practical impacts on domestic judicial practice. Special attention is paid to the issues related to the exclusion of illegally obtained evidence from the process of evaluating evidence and forming final decision on the case. The thesis does not overlook the problems arising out of the issue of admissibility of tainted evidence and sets the limits of applicability of “The Poisonous Tree Doctrine” in the Czech law. The thesis also offers a comparative view to foreign legislation and examines the issue of admissibility of evidence particularly in German and French law.

Second part of the thesis is based on detailed case law analysis and deals with limits of the procedural admissibility of selected types of evidence. In the view of the objective of this thesis which should also serve as an useful guideline for judges, prosecutors, police and attorneys in practice, the second part of the thesis is written in the spirit of examination particular, most commonly used types of evidence, that causes ambiguities in current legal practice. From the broad spectrum of possible types of evidence, the traditional means of evidence are inspected. In this respect the thesis offers a detailed analysis of admissibility of evidence gained during both suspect and witness interrogations. Apart from that, the thesis focuses on procedural aspects of admissibility of electronic evidence such as wiretapping, surveillance of e-mails and other types of electronic communication including these obtained by breaching the right to privacy by private persons.
Based on detailed and critical analysis of the contemporary doctrine of admissibility of evidence from the perspective of both law, jurisprudence and case law, including the case law of European Court of Human Rights, the thesis suggests numerous proposal for amending current legislation.