

Abstract

The history of the body of public prosecution on the Czech territory has its roots in the late middle age. First prosecutor was named by the king Zikmund in 1437 and his main task was to help the king to regain the property he had lost during the religious wars. As the time was passing by, the king's prosecutor's agenda was slowly expanding. Soon he became authorized to pursue the perpetrators who committed crimes such as manslaughter, murder, heresy, offence of the king or counterfeiting. However with the succession of Habsburg dynasty his role has weakened since the crime proceeding got back to the principle of inquisitorial process which accumulates the role of judge, advocate and prosecutor in one person.

In the revolution year of 1848 the Habsburg monarchy was forced to reorganize the justice system due to massive political protests. At the very same year the first public prosecution offices were founded in order to pursue crimes committed in relation with press. In 1850 the competence of state prosecutor expanded – from now on he was authorized by the law to prosecute all crimes that were to be tried in front of the court of justice and to represent the indictment in front of it. The strict hierarchy was given and it copied the judicial system. The exception was at the district courts – there were no district prosecutors, only the clerks with usually no law education. But not only had the state prosecutor powers within the criminal procedure. He was as well authorized to intervene into civil procedure e.g. in the matter of adoptions.

With the disintegration of Habsburg monarchy the independent Czechoslovakia adopted the system of the body of public prosecution as it was established in the monarchy. The crucial problem the new republic wasn't able to handle for the whole 20 years of its existence was the dualism of the legislation, since the territory of Slovakia and Carpathian Ruthenia adopted the Hungarian judicial and prosecution system.

With the arrival of Nazis shortly before the beginning of World War II, everything including the justice system changed in newly established Protectorate. Germans gained the main role in public life therefore the powers of Czech institutions and courts were suppressed, so as the ones of the Czech state prosecutors.

After expulsion of Germans and the end of WW II, there was a strong urge to punish those who cooperated with the oppressors. According to the presidential decrees, the office of

public prosecutor was instituted in order to investigate those who collaborated with Nazis. In the meantime the everyday life was slowly getting back to the condition before the war so as the state institutions.

The biggest changes so far were to come after 1948 hence the communist were slowly making moves to change the principles the prosecution had rest on. The set of statutes released between years 1948-1952 smashed former legislature regulating the criminal procedure and the position of the body of public prosecution. Since then the public prosecution organ was appointed the „guardian of the socialist legality“ and was not only intended to be an organ entitled to bring the action against offender but also to intervene in civil and administrative procedure and it lost its role of an unbiased element of criminal proceeding.