

Line – up in criminal proceedings

Abstract

This rigorous thesis deals with the topic of a police line-up in the context of criminal law, which is closely specified in the Section 104, subsection b) of Act No. 141/1961 Coll., On Criminal Procedure (Criminal Procedure Code). This thesis looks at the police line-up from the perspective of the criminal law as well as the investigation perspective, plus it points out several psychological aspects of this procedural act, namely the memory tracks. The goal of this rigorous thesis is to provide critical analysis of the current status of the police line-up from the statutory provisions point of view, as well as from the perspective of the correctness and efficiency of the procedures in place. The aim is to answer the question whether the *de lege lata* regulation meets the requirements of modern criminal procedural law.

The first part of this thesis focuses on the police line-up as a special form of identification, including the issue of memory tracks including its unique features. Further, it covers understanding of the police line-up from the criminal law perspective, meaning it deals with the term “line-up” as such and with the historical development of this procedural act, including summary of several theoretical definitions that are the most often represented in the literary sources. In the following part of the thesis, the line-up procedure as such is analysed in further detail according to its phases; starting with the preparatory process, all the way to the successful identification, including documentation and the subsequent line-up evaluation. Special attention is given namely to the adequate information given to the line-up objects as well as the way the object to be identified is marked. One part also describes the methodology of the selected types of police line-ups and their most frequent deviations, including the hidden and the empty line-up method. It also briefly mentions the issue of line-up in course of the trial in court.

The following part of the thesis focuses on analysing the individual statutory provisions of the Criminal Procedure Code regulating the line-up procedure and on comparing this law to the selected foreign legal regulations. Apart from the statutory provisions and the elementary principles of forensic science, the whole thesis works also in context

of the relevant domestic, as well as international practice of the courts. This rigorous thesis also covers topics such as application of the *nemo tenetur se ipsum accusare* principle in relation to the police line-up or the permissibility of a repeated line-up.

The final part of the thesis describes important questions connected with the most frequent deficiencies of the police line-up procedure and their consequences, including an outline of the measures leading to improving the probative force of the line-up method. The final part of the rigorous thesis also includes some *de lege ferenda* proposals which are meant to serve as a basis for reflection for the purposes of potential alteration of the current law in view of the modernization of investigative methods and the development of the criminal procedural law.

Key words

specific methods of evidence, line-up, identification