

## **The position of the public prosecutor in the preparatory criminal proceeding**

The submitted rigorous thesis contains an analysis of competencies of the public prosecutor within the execution of the supervision over maintaining the legality in the preparatory criminal proceeding in accordance with the current legislation specified in the Criminal Procedure Code.

The preparatory criminal proceeding is the first, pre-trial, stage of criminal proceeding. The objective of this stage is to reensure that the suspicion of the commitment of a crime by a certain person is sufficiently sustained and that the evidence proving the guilt of the accused person has been obtained in order to file an indictment or agreement on the guilt to court.

The position of the public prosecutor in the preparatory criminal proceeding is crucial, because it is he, who bears the full responsibility for results of this criminal stage. Active performance on the supervision of the preparatory proceeding by the public prosecutor ensures that the police authorities act in accordance with the Criminal Procedure Code, follow the basic principles of criminal procedure and that the fundamental rights of suspects are protected in order to avoid excess of the police.

The thesis consists of four parts. In the first part I describe the concept of the preparatory criminal proceeding, its legislation and characteristics, forms and stages of the preparatory criminal proceeding. Second part is focused on the conditions that need to be met in order to have the preliminary hearing, ways of its initiation and types of conclusion of this stage.

The third part is devoted to the Public Prosecutor's Office and the public prosecutor and consists of several chapters. It describes legislation and characteristics of the Public Prosecutor's Office, its jurisdiction and administration. The view of German legislation of the Public Prosecutor's Office is also processed. This part also covers the job of the public prosecutor.

The most important part of this thesis is part four which deals with the position of the public prosecutor in the preparatory criminal proceeding. This part is divided into four chapters. In the first chapter I focus on the term supervision and particular

competencies of the public prosecutor within the execution of the supervision. The other chapters describe activities of the public prosecutor within the particular periods of the preparatory criminal proceeding, firstly in the pre-prosecution and then the initiation of criminal prosecution. The last chapter describes the public prosecutor's execution of the supervision in the preliminary hearing which became more significant in recent years.