

The role of media in criminal proceeding

Abstract

The thesis deals, as the name implies, with the role of the media in criminal proceedings, both theoretically and practically. The work contains a lot of examples primarily through the case-law presented.

Chapter one is titled "Power of Media". It deals with the emergence of this concept and the history of the media in our country. It also focuses on the potential threat to media power, through purchasing of mass media, and murder of journalists and media workers.

The second chapter deals first with one of the basic principles of criminal proceedings, namely the principle of the public; the second part deals with the principle of the presumption of innocence.

The third chapter briefly focuses on the media's access to proceedings. The conclusion of the chapter is devoted to the controversy over online reports from the courtroom and their possible regulation by judges.

The fourth chapter deals with providing information on criminal proceedings. Apart from legislation, it also offers a view of the case law of the Supreme Administrative Court, the Constitutional Court and the principles of the European Court of Human Rights.

The fifth chapter deals with the editorial secret, with particular emphasis on the case law of the European Court of Human Rights.

The sixth chapter deals with the limits on freedom of expression with regard to the right to protection of personality. Again, the case law is presented. In particular it is the Constitutional Court's case law, which introduced the so-called ten point test. This test showed the proportionality between freedom of expression and the right to protection of personality. The judgments of the European Court of Human Rights are also described.

The seventh chapter deals with specific cases in order to point out the negative and positive aspects of their media coverage. The chapter analyzes the media's failure in the presumption of innocence through the case of nurse Věra Marešová, and then deals with the criminality of children and youth with the emphasis on the crime of murder. It finally concludes with the Kuřim case, which pointed to the shortcomings of the legal regulation on the protection for victims of criminal acts.

The eighth chapter describes some sub-areas, especially principles, of criminal law affecting the media. For comparison, Hungarian, Polish and Russian legislation were selected.

Key words: media, criminal proceeding, the public principle