

An injured party in criminal proceedings and his/her protection

Abstract

This Master's thesis is devoted to the analysis of the procedural rights and protection afforded to the injured party in criminal proceedings. This Master's thesis is divided into six chapters.

The first chapter focuses on the analysis of the historical developments of the status of the injured party in criminal proceedings in the Czech law. The analysis commences with the Austro-Hungarian criminal procedural code no. 119/1873 Coll., the Czech Criminal code of 1950, its subsequent novelization in 1956 and the current Czech criminal code no. 141/1961 Coll., all the cited laws had a significant impact on the status of the injured party in criminal proceedings.

The second chapter is dedicated to defining the term injured party, both via a negative and positive definition. Furthermore emphasis is placed on the distinction between the definition of the injured party from the perspective of Article 43 of the criminal procedural code, as such an injured party has the right to claim damages against the accused defendant and thus such an injured party might concurrently have the status of a subject in adhesion proceedings, and the injured party which does not have a right to claim damages.

The third chapter is focused on defining the term "victim" of a criminal act and its distinction from the term injured party in criminal proceedings. Emphasis is placed on the specific rights that the victim of a crime is entitled to and the definition of so called particularly vulnerable victims and their specific rights.

The fourth chapter introduces the rights of the injured party, which are further subdivided into those rights that are possessed by every injured party and those rights that are possessed only by the injured party which meets the definition in accordance with Article 43 sec. 3 of the criminal procedural code. Part of the chapter is dedicated to the situation when there are multiple injured parties that are represented by a joint proxy.

Chapter five discusses the adhesion proceedings and further elaborates on the conditions that are necessary in order to properly and timely register a claim for damages, moreover elaborations are further focused on the decision making of the courts in adhesion proceedings and on scenarios when the injured party is due to various reasons unable to register a claim.

The sixth and last chapter is focused on the legal comparative analysis of the status of the injured person in criminal proceedings under Czech and Russian legislation. Compared is the definition of the injured party, as well as his rights, which are divided into those rights which the

injured party is entitled both under Czech and Russian law, and those rights which the injured party is entitled to under Czech or Russian law respectively. Separately discussed are the institutes of a private prosecution, private-public prosecution and a civil action.