

Abstract

This diploma thesis discusses the topic of the basic principles of offence proceedings, whereas attention is primarily focused on the principle of *ne bis in idem* (not twice against the same thing). The purpose of this work is to present the key principles that should be applied during an offence proceeding, or during the process of punishment in general. For this purpose I chose the method of analysis, during which I compared a list of individual principles of offence (criminal) proceedings and their content according to individual authors.

After establishing that no accord has been reached in this doctrine in regard to which principles should be applied during an offence proceeding, I endeavoured to synthesise these differing opinions by selecting the individual principles on which most authors agree and add additional principles, which should be applied during an offence proceeding in my opinion. On the basis of these selected principles I subsequently created a unique list of the key principles of an offence proceeding, e.g. principles that should certainly be applied during an offence proceeding. I added a brief commentary to the individual principles in order to explain the issue to the reader.

On the basis of this list of key principles applicable to offence proceedings I chose the principle *ne bis in idem*, which I focused on, because the aforementioned principles can be considered the most problematical.

It can be considered problematical particularly because its theoretical concept differs considerably in legal codes, which is a distinctive specific of this principle in particular. In practice this problematic nature can be attributed to interpretation of this principle by the European Court for Human Rights, which is conflicting in individual cases. In my diploma thesis I present the theoretical possibilities of the *ne bis in idem* principle, its development in various sources and also its development in the legal practice of the European Court for Human Rights, which is evidence of the many rulings by this court.