

Criminal protection of an unbiased and impartial court

Abstract

This thesis deals with the criminal protection of an unbiased and impartial court. Although the thesis deals mainly with issues in criminal law, I consider it necessary to address the independence and impartiality of the court under constitutional law. I also focus, at least briefly, on guarantees of independence and impartiality in our legal order, and how this intersects with selection of new judges, the financial security of judges, non-depositability and non-translatibility of the judge, and so forth.

A judge may have two roles in criminal law: a perpetrator and a subject the attack. The first role is the judge who commits the crime in connection with the performance of their office. I analyse the offences of Accepting Bribes, Abuse of Competence of Public Official and Negligent Obstruction of Duty of Public Official.

On the other hand, the legislator tries to punish crimes affecting the independence and impartiality of the judiciary when the attack is directed at the judge. There are several crimes, where the judge is the subject of the attack, whether it is Bribery, Indirect Corruption, or Interfering with Independence of Courts, Violence against Public Official etc. However, protection of the judiciary can also be found in other provisions of the Criminal Code, such as Murder or Grievous Bodily Harm. If the mother of the accused murders the judge, she would be punished with a higher penalty rate, because the primary object of such an offence would be the life of the judge, but the secondary object would be the exercise of the authority of a particular judge.

I also address the guarantees of the judge's independence and impartiality in the Code of Criminal Procedure of the Czech Republic, focusing specifically on the institute of the Exclusion of Authorities Involved in Criminal Proceedings. The judges decide on the rights and obligations of persons and it is therefore necessary to provide some form of control over the exercise of justice. I describe the models of possible institutional control of the judiciary, the judge's responsibility for decisions and disciplinary responsibility and the related disciplinary proceedings with judges.

The judge is obliged to maintain the dignity of the judiciary, even if he is not wearing a gown. The law and the case-law impose restrictions on judges even in the private sphere. This

imposes restrictions on judges even in the private sphere. This could include for example a judge's contact with lawyers outside of working hours.

My work also reflects the fact that I spent my academic year studying law at Durham University in the UK. In the last chapter I try to make an excursion into the above-mentioned issues in British law. If the work serves as a comprehensive view of the role of the judge not only in criminal law, the author of this work will be pleased.

Keywords: independence, impartiality, criminal protection of justice

