

Cooperating defendant

Abstract

The cooperating defendant represents a relatively new instrument of Czech criminal law, it was introduced into the Czech legal system with effect from 1 January 2010. The main purpose of this legal instrument is to fight organized crime, which is characterized by its high social danger and is extremely difficult to combat for law enforcement agencies due to the considerable sophistication of the internal hierarchy of organized criminal groups. The legal instrument consists of the cooperation of the defendant with a public prosecutor, who designates them as a cooperating defendant in the indictment in exchange for information capable of making a significant contribution to the uncovering of organized criminal groups. The cooperating defendant is rewarded for their cooperation with a mitigation of their sentence and the sentence may even be dropped altogether.

The first chapter of this thesis analyzes the terms of cooperating defendant and crown witness, describes the process of introducing the legal instrument of cooperating defendant into the Czech legal system and also mentions some similar legal instruments. The second chapter deals with the current legislation, some of its shortcomings and their possible solutions. The third chapter lists some of the most important benefits and risks of the practical application of the legal instrument. The fourth chapter briefly describes the legal instrument of cooperating defendant, or the legal instrument most similar to it, in selected foreign legal systems, namely the legal systems of Slovakia, the United States of America and the United Kingdom.

Key words: cooperating defendant, crown witness, organized crime