

Cooperating defendant

Abstract

This thesis on Cooperating defendant is focused on the development of this institute, its connection to organized crime and relevant international and Czech legislation. The thesis consists of the introduction, five chapters, that each presents individual topics in detail, and the conclusion.

The first chapter analyses historical development of the institute of crown witness and its connection to the institute of cooperating defendant, the context of adoption of this institute into the Czech legislation and the subsequent amendment of the relevant provisions. At the same time, it summarizes the planned changes concerning the institute of cooperating defendant within the framework of recodification of criminal procedure.

The second chapter analyses organized crime in connection to the institute of cooperating defendant. It focuses on the occurrence of organized crime in the Czech Republic, its specific features and legislation, the purpose of which is to fight organized crime.

The third chapter is focused on the international legislation of the institute of cooperating defendant, which is mainly defined by international organizations, such as the UN, the European Union and the Council of Europe.

The current legal regulation of the institute of cooperating defendant is analysed in detail from the substantive and procedural point of view in the fourth chapter. It contains the analysis of each section of the provision 178a of the Criminal Code, the issue of optionality of the public prosecutor's decision to designate the defendant as cooperating, motivation of the cooperating defendant to cooperate with law enforcement agencies and imposing punishment on such a defendant. At the same time, part of this chapter deals with the frequency of use of the institute of cooperating defendant in the Czech legal system and its comparison with regard to the amount of crimes committed within the context of organized crime.

The fifth chapter deals with the criminal proceedings of the so-called Methanol Affair, analysing the procedure of individual courts, with emphasis on the defendant, that was designated as cooperating in this case, pointing out the fundamental difficulties of the institute of cooperating defendant.