

# **Expert evidence in criminal proceedings**

## **Abstract**

Rigorosum thesis addresses expert evidence in criminal proceedings. For more than a century, experts are being taken on the criminal proceedings to clarify technical facts to law enforcement or judicial authorities or to explain how the factual circumstances related to criminal acts took place. Their involvement into criminal proceedings helps discover the objective truth about past act and following conviction of perpetrator. Examination of experts is being secured by law enforcement and judicial authorities, but this option is also given to the defendant.

The aim of the author was to comprehensively evaluate crucial institutes of expert and criminal law in the process of taking of evidence. Expert report, technical advice and experts' subjects – experts and expert institutions are elaborately described. Author analyses expert report as an evidence starting from the securing of tracks at the place of the offense, taking on an expert, their legal possibilities during processing of the expert record up till its evaluation.

Author reflects historical development of expert evidence in criminal proceedings in the territory of the Czech Republic and its predecessors and also the development of expert institutions of Police of the Czech Republic, such as Forensic Institute, Pyrotechnical Service and expert laboratories subordinate to regional directorates of police.

Author briefly compares legislation of expert issues of European countries and inquires into Slovakian legislation of expert evidence in more detail.

In relation to expert activity, author describes the issues of victims' identification during mass disasters (e.g. terrorist attack) and the establishment and development of DVI team (Disaster Victim Identification) of the Czech Republic. Identification is carried out using several expert fields when the condition of body affected by the disaster does not allow its identification by simple recognition.

Rigorosum thesis is based on the legal situation applicable on the October 20, 2020. The law no. 30/1967 Sb. (Co.), on experts and interpreters, as amended, is in force until the end of year 2020. However, at the same time and after more than 50 years, the new law no. 254/2019 Sb. (Co.), on experts, expert offices and expert institution, has been adopted and it will be brought into force on the January 1, 2021. Author describes and compares existing rules with the new law and highlights problematic areas which are summarized in the conclusion of the thesis.

**Key words:**

Expert, expert evidence, criminal proceedings