

## **Abstract and keywords**

### **Urgent and unrepeatable acts**

Urgent and unrepeatable acts are procedural acts of criminal proceedings in which there is a conflict between the rights of the defense with the purpose of criminal proceedings consisting in the lawful determination of the circumstances of the commission of a crime and in the fair punishment of its perpetrator. This conflict is tolerated because urgent and unrepeatable acts are used to secure and take evidence that risks being thwarted, destroyed or lost, or evidence that cannot be taken in court proceedings. The aim of this work is to describe and analyze the conditions under which these, by their nature exceptional, acts of criminal proceedings can be performed and to analyze the consequences of non-compliance with these conditions.

To this end, the first chapter described the structure of criminal proceedings with a focus on the structure of preparatory proceedings and analyzed the definition of urgent and unrepeatable acts, provided some typical examples and an analysis of the problematic definition of urgency.

In the second chapter, in addition to the general conditions of evidence, the formal and material conditions for performing urgent and unrepeatable acts were analyzed, including the question of whether some additional conditions imposed on specific acts sufficiently balance the interference with the rights of the defense. In particular, the condition of ensuring the presence of a judge in the performance of urgent and unrepeatable acts in the form of recognition or questioning of a witness in the first phase of preparatory proceedings was analyzed.

In the third chapter, the consequences of incorrect application of urgent or unrepeatable acts were analyzed, i.e. non-compliance with the conditions, which were analyzed in the second chapter, and the fruit of the poisonous tree doctrine was introduced. This doctrine is one of the ways in which the criminal doctrine of the state can approach evidence obtained indirectly through the illegal conduct of law enforcement authorities.

The performed analysis revealed an unclear and incomplete legal regulation, which must be compensated by the case law of the Supreme and Constitutional Court of the Czech Republic, especially in matters of non-compliance with the general definition of these acts. The law does not even stipulate a procedure for dealing with evidence obtained indirectly through illegal conduct by law enforcement authorities

**Key words: urgent and unrepeatable acts, ineffectiveness of evidence,  
fruit of the poisonous tree doctrine**