

# **Current issues of custody within Czech criminal proceedings**

## **Abstract**

This submitted thesis describes custody's current issues within Czech criminal proceedings. The custody is an established and irreplaceable institute that has been for a long time a traditional part of criminal proceedings. Due to the nature of this institute, representing a major interference with personal freedom of the individual, it is still widely discussed not only by experts but also attracts the attention of the general public.

The thesis itself consists of five consecutive chapters. The first chapter defines the concept and purpose of the custody, considering its basic principles. The following second chapter includes a brief description of custody's historical development in the Czech Republic, but the chapter also serves as an introduction to understanding the current legislation. In addition, the valid regulation is the one of 1961, which has undergone several changes since its adoption. The third chapter deals with the material concept of custody law, i.e. the legal conditions for the custody imposition and the analysis of individual reasons for it, trying to capture the bottlenecks of the related law. The fourth chapter describes some aspects of formal custody law, which characterizes the processes of authorized bodies in regards of custody decisions. This chapter also includes the issue of the custody duration or the process rights of the accused person, such as the right to a defense, to a personal hearing or the right to inspect the file. The last separate chapter is devoted to the custody alternatives, being the most current topics with regards to the latest amendments of the Criminal Procedure Code (the last amendment introduced the possibility of using electronic control for example). The goal of this thesis is therefore to provide a comprehensive view on custody within the Czech legislation and at the same time to identify and evaluate its controversial aspects.

**Key words: custody, substitution of custody, ultima ratio**