

Abstract: The Issue of Pre-trial Detention in Criminal Procedure

This thesis deals with the topic of the institute of pre-trial Detention. Personal freedom is a fundamental human right, but it is not unlimited. It is the detention that significantly affects this right. Both in the case of legislative process and in the application of legal instruments, it is necessary to insist on the greatest possible emphasis on the rights of persons against whom criminal procedure is being conducted.

The thesis is divided into eight chapters. The first chapter describes the general features of detention, especially the concept of detention, the conditions under which detention can be applied and the principles influencing the detention. The second chapter deals with the international and constitutional legal framework of detention. Topics of presumption of innocence and limits of restriction of personal freedom. The third part is devoted to a summary of the historical development of the detention in the Czech lands from the 19th century to the present day. Chapter four is focused on material aspect of law concerning detention. The individual reasons for detention are discussed, as well as the institutes alternative to detention. Special mention is given to electronic control in cases where the detention was replaced by other measures. The next chapter, on the other hand, deals with formal law. Its content includes individual decisions on detention, the duration of detention and also the regulation of detention sessions. Chapter six deals with the issue of compensation for detention. Chapter seven deals with the alternatives to detention with the aspect of European law. Chapter eight focuses on the current problems of detention and proposes solutions to mentioned problems. Critique is offered in case of conditions of detainees in detention centers and how their fundamental rights could be violated and how the situation could be remedied.