

Admissibility of evidence in criminal proceedings

Abstract

The thesis deals with the procedural applicability of evidence in criminal proceedings from the perspective of defects caused by violations of procedural rules of evidence. The aim of the thesis is to summarize the applicable legislation with a focus on procedural acts of law enforcement authorities in criminal proceedings and to analyse the defects that may arise in the process of evidence.

Can any substantial error in the acquisition or execution of evidence prevent its use in court proceedings? How do Czech courts view violations of procedural rules on evidence, or defects in the process? The author tries to find answers to these questions by analysing the institutes and principles related to the field of evidence and by analysing the decisions of the Constitutional Court and the Supreme Court.

The work is divided into six parts – four chapters, introduction and conclusion. The first chapter is devoted to evidence on the theoretical level. It defines important concepts related to evidence and characterizes the means of evidence listed in the Criminal Procedure Code. Last but not least, it also contains the basic principles governing evidence, also with regard to international regulation. The second chapter deals with theoretical approaches to the ineffectiveness of evidence including the American fruit of the poisonous tree doctrine and its conception into Czech law. Here the author defines the differences between absolutely and relatively ineffective evidence, as well as between illegally obtained evidence. The third chapter, as the core of the thesis, is devoted to selected means of evidence – the statement of the accused, witness testimony, interception and recording of telecommunication traffic, so-called spatial interception and house searches. In this chapter, the author seeks to summarise and describe the defects in the process of obtaining and conducting such evidence and the consequences of the defects caused in terms of applicability in the proceedings, the possibility of reacquiring the evidence or curing the defect. The last chapter contains an assessment of the changes that the forthcoming Criminal Procedure Code may bring, as well as suggestions for dealing with gaps in the legislation that even the new Criminal Procedure Code does not address.

Key words

criminal proceedings, admissibility of evidence, ineffectiveness of evidence, evidence, means of evidence, fruit of the poisonous tree doctrine