

Limits of evidence in criminal proceedings

Abstract

The thesis deals with the issues of the limits of the applicability of individual means of evidence in criminal proceedings, especially with regard to the legality of their search and execution. These limits are closely linked to the basic principles of criminal procedure, as they are based on them and are measured by them in judicial practice. The work is based on the Czech statutory regulation of evidence in the Criminal Procedure Code, on the case law of the general courts and the Constitutional Court and, last but not least, on the case law of the European Court of Human Rights, which often assesses whether the evidence used in criminal proceedings does not violate the right of the accused to a fair trial under Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The thesis contains *de lege ferenda* issues, namely the legal regulation of the search and execution of particular means of evidence in the Criminal Procedure Code, and answers research questions related to evidence.

The first chapters of the thesis are focused on the theoretical basis of evidence and the most important case law related to the basic principles of evidence and the process of evidence according to the individual categories of issues that must be proved in criminal proceedings. In the following chapters, attention is paid to issues of practice. These include the acquisition of individual means of evidence by the parties to criminal proceedings, the scope of evidence at individual stages of criminal proceedings, and the process of implementation of the most important means of evidence regulated by the Criminal Procedure Code, in particular the limits imposed by the Criminal Procedure Code and case law. Special subsections are focused on the issues related to the accused's testimony, witness testimony, confrontation, recognition and expert evidence. The work not only addresses theoretical issues (e. g. the issue of the evidential burden of the prosecutor), but also comments on current issues of legal practice, with which the topic of evidence is inseparably linked (e. g. the procedural framework of obtaining evidence using modern technologies, especially the legitimacy of overcoming various types of smart device lock-ups). The thesis concludes with a discussion of the fruit of the poisonous tree doctrine, its comparison with the *common law* system and the procedural applicability of illegally derived evidence in continental law according to the case law of the European Court of Human Rights.

Key words: evidence, criminal proceedings, fair trial.