

Procedural Admissibility of Evidence in Criminal Proceedings in the Light of the Courts' Decision-Making Practice

Abstract

In the absence of a comprehensive statutory regulation of the admissibility of evidence in criminal proceedings, various problems arise in application practice. In order to properly grasp the issue at hand, I first analyse the principle of due process of law, then the statutory regulation of the procedural admissibility of evidence, and finally the opinions of scholarship. The result of my analysis is a categorization of the various causes of the inadmissibility of evidence and a distinction of the terminology used. I deal with the terms “zákonost důkazu”, “přípustnost důkazu”, “účinnost důkazu”, and “použitelnost důkazu” and discuss their relationships.

I apply the acquired knowledge to the decision-making practice of courts. On the basis of the analysis of the decision-making practice, I classify the various causes of the resulting inadmissibility into the categories of “absolutně neúčinný důkaz”, “relativně neúčinný důkaz”, “zákonný poznatek, který je nepřipustným důkazem“ and „zákonem neupravený poznatek, který je nepřipustným důkazem“. This leads to one of the main conclusions of my thesis, namely the categorization of the causes of the inadmissibility of evidence in terms of doctrine and the subsequent application of the findings in question to decision-making practice.

In the next part of the thesis I examine the impact of the inadmissibility of evidence on criminal proceedings. First, I analyse the decisional practice of the European Court of Human Rights in the areas of the inadmissibility of evidence that I have chosen. My analysis shows that the European Court of Human Rights never determines what evidence is inadmissible, but only whether the fairness of the criminal proceedings has been respected. It therefore looks at the issue of the admissibility of evidence through the lens of a fair trial.

Next, I examine the decision-making practice of the Constitutional Court and the Supreme Court and the influence of the European Court of Human Rights on their decisions. My work shows that, like the European Court of Human Rights, the national courts of the Czech Republic approach the issue of the inadmissibility of evidence primarily from the perspective of the fairness of the proceedings. In my opinion, the

consistency of the content and the chronology of the individual decisions shows that the Constitutional Court and the Supreme Court follow the decision-making practice of the European Court of Human Rights. Thus, the second main conclusion of the thesis is the observation that the decision-making practice approaches the procedural admissibility of evidence primarily through the issue of fair trial. I also apply the obtained knowledge in critique of the concept of the new criminal procedure regulation.

Keywords:

Admissibility of Evidence in Criminal Proceedings

The Right to a Fair Criminal Trial

Approach of Decision-making Practice