

Résumé

This thesis entitled "Right to a Fair Criminal Trial" inquires into the substance of a right to a fair criminal trial and basic guarantees related thereto. When analysing the above-mentioned issue, the author JUDr. Václav Průcha started from the normative delimitation of a right to a fair trial pursuant to Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the practice of the European Court of Human Rights when making decisions, however, in general this treatise is focused above all on a specific conception of this institute according to the Czech national rule of law.

In the introductory part the author defines the term "right to a fair criminal trial", analyses in great detail the basic attributes of this term (such as a criminal trial, justice, subjective right, etc.) and specifies some of the conceptions of a right to a fair criminal trial applied in Czech national law. In this connection, a particular attention is paid to the delimitation of the entities of a right to a fair criminal trial depending on the individual sources of law from which this right is derived by the recent Czech national practice, the practice of the Constitutional Court of the Czech Republic in particular.

In the next parts of the work, a relatively great space is dedicated to the basic guarantees of a fair criminal trial, especially from the point of view of a defendant as the most typical representative of the entities of a right to a fair criminal trial. With a view to making the text clear and comprehensible, the author divides the individual guarantees of a fair criminal trial into a group of institutional guarantees, a group of process guarantees and a group of material guarantees. In the author's opinion, the contents of the *institutional guarantees* of a fair criminal trial are created by general legal regulations, which primarily stand out of the scope of the actual criminal trial and as such form the fundamental basis for defining the process guarantees of a fair criminal trial. The author believes that this group of guarantees serves for securing a *right to a certain minimum standard of criminal proceedings*, namely proceedings which follow the elementary principles of a modern legal state. On the other hand, as *process guarantees* of a fair criminal trial the author terms such general legal principles as directly define a specific form and contents of a criminal trial in its dynamic form; these principles thus immediately aim to meet the requirements of so-called "process justice". In the author's view, this group of guarantees secures a *right to an effective participation in criminal proceedings*. Process guarantees are followed up with general legal principles that the author calls *material guarantees* of a fair criminal trial. The material guarantees and the process guarantees, subject to the institutional guarantees, aim to attain material justice, that means the fulfilment of the requirements of the justice maximum at its level of decision making. According to the author, this group of guarantees serves for securing a *right to the just result of a criminal trial*.

At the end of his thesis, the author briefly evaluates the importance of a right to a fair criminal trial. The author not only accentuates the importance of a right to a fair criminal trial as a means of the legal protection of an individual, but also the importance of this right as an important indicator of overall inner balance between the conception and the structure of a criminal trial. In this connection the author also gives some general recommendations for the future legislative practice.