

ABSTRACT

The aim of this diploma thesis is to provide a comprehensive idea of the institute of the cooperating accused in our legal environment, from its initial development to its current form, and at the same time it tries to point out the shortcomings that occur in this legal regulation. In the very beginning of the thesis, I deal more closely with the concepts of crown witness and cooperating accused, including their development. The second chapter discusses organized crime in more detail, as the institution of the cooperating accused is one of the effective tools in the fight against this type of crime. The third chapter deals with the current legal regulation of the institute of the cooperating accused in the Czech legal system, both from a procedural and substantive point of view. The fourth chapter deals with the relationship of the given institute to some selected basic principles of criminal procedure, which could be affected by the given institute, due to the origin of this institute in the Anglo-American legal system. The fifth chapter discusses in detail the issue of the lack of legal regulation of the protection of the cooperating accused and provides an analysis of the legal regulation of witness protection and its possible applicability to the person of the cooperating accused. The final chapter contains reflections on the factors that, in connection with the current legislation, motivate or demotivate the accused to decide to cooperate with law enforcement authorities, in other words, to decide to become a cooperating accused.

Key Words – cooperating defendant, organized crime, the protection of the cooperating accused