

This thesis deals with protection of witnesses in Czech criminal law. Currently protection of witnesses is included in two Acts of Parliament – Act No. 141/1961 Coll., Code of Criminal Procedure and Act No. 137/2001 Coll, on the Special Protection of Witnesses and other persons.

Chapter one - introduction - deals with the fact that many witnesses are not willing to testify in cases of serious crimes because of threats and fear. Police success in solving a crime is dependent on the existence of the co-operation of a witness or witnesses. Without testimony of important witnesses the chance of convicting suspects of serious crimes is getting much smaller. One aspect that often hinders the state's ability to secure witnesses is the high level of intimidation of people who may be prepared to provide information related to a crime. It is one of the main reasons for the reluctance of witnesses to provide the information, which is needed. As the result of this intimidation, fear of reprisal has become a powerful tool in preventing people from supplying information about crime. This fear is not felt only by victims and bystanders, it often binds people to continued involvement with criminal elements and provides a powerful deterrent to such people from speaking to authorities about their own and fellow criminals' involvement in illegal operations. The more organised the criminal operations are, the greater is the danger posed in supplying information to the authorities.

Chapter two describes history of protection of witnesses in the Czech Code of Criminal Procedure from 1994 to the present. In 1994 the institute of anonymous witnesses was enacted, but shortly after the Czech Constitutional Court found this regulation unconstitutional, because it restricted the right of defendants to a fair trial guaranteed by the Bill of Rights. Czech legislators had to find a way to minimize the restriction of right to a fair trial. This chapter also deals with judicature of Czech Supreme and Constitutional Court. It also describes the current legislation, legal interpretation and application of relevant provisions of the Czech Code of Criminal Procedure.

Chapter three covers the Act on the Special Protection of Witnesses. For the protection of witnesses in the area of fighting organised crime, this Act is an important move forward. The fundamental goal of the Act is to secure complex legal regulations for the special protection of a witness against all forms of direct or indirect threat, pressure or blackmail in connection with the penal action. The previous legislation did not contain these measures. This Act includes an all-embracing protection of witnesses in the most serious cases of criminal activity, especially

organised crime following the example of Italy, Germany, other EU countries, Poland and Slovakia. A special programme of protection has been created for threatened witnesses under which they will be provided with personal protection, protection of dwelling, movement within the Czech Republic and abroad, help in finding work, social help and in the most serious cases disguised identity. The Government of the Czech Republic in its resolution No. 796 of 23 August 2000 approved this Act and entrusted the Prime Minister to submit it to the Parliament. The draft act was approved by the Chamber of Deputies of the Parliament of the Czech Republic on 27 February 2001 by the Resolution No. 1453 and by the Senate at the Parliament of the Czech Republic on 30 March 2001. The President signed the Act on 13 April 2001. Afterwards it was published on 24 April 2001 as Act No. 137/2001 Coll. The Act came into force on 1 July 2001.