

Excessive Use of Force in Self-defence and Necessity – the term and legal implications This work is submitted as a Master thesis on the Charles University in Prague, Faculty of Law. It deals with the use of excessive force in self-defence and necessity, the terms used to evaluate such excess and the implications that it has in the Czech law and in some common law jurisdictions, namely in the Irish republic. In the introductory chapters I have described the general meaning and the use of self-defence and necessity in the Czech legal doctrine. What follows are the limitations placed on these defences under the Czech Criminal Code. Then I went on to explain the specifics of excessive use of force in situations where there was some necessity to use force, but the force actually used did not fit within the relatively broad boundaries of the Czech reasonableness test. The terms used in this context are also defined and the legal implications of such an excess are further elaborated on. I have briefly referred to the changes proposed by the new Criminal Law Bill. The following part deals with the pleas of necessity and selfdefence under the Irish law, specifically addressing the recognition of excessive self-defence as a partial defence to a murder charge. Where appropriate, the relevant cases from around the common law jurisdictions have been cited to complete the issues that have not been raised in the Irish context. References to the similarities and 74 differences in comparison to the Czech doctrine have been strived throughout the chapter. Before concluding, I have suggested some issues which I deemed suitable for potential revision and reform of the law as it stands today. These include the available means of preferential treatment of excess in contrast to general rules of criminal responsibility, namely in the area of sentencing.