

# **Defence of the accused in pre-trial procedure**

## **Abstract**

The aim of this thesis is to highlight problematic aspects, arising mainly from legal practice, which occur in the defence of the accused in pre-trial proceedings. Within the framework of the thesis, the basic institutes concerning the defence of the accused in pre-trial proceedings are described, together with a more in-depth description of the figure of the accused, the defence counsel and his/her activities. In addition to the de lege lata interpretation itself, de lege lata considerations are given in places, supplemented by examples from practice and court case law.

In the first chapter, two basic institutes that permeate the thesis are described, namely the concept of the accused and the defence counsel. Only a basic interpretation is given, as later in the thesis the various contexts that correlate with the concepts are described in more detail. The second chapter deals with the enumeration and description of the legal regulations that apply to the thesis. The third chapter deals with a basic description of the preparatory proceedings, which is one of the basic phases of Czech criminal proceedings.

The first three chapters are intended to facilitate and aid the understanding of the more complex theses, which are further developed throughout the thesis.

In the fourth chapter, the characterisation of the defence lawyer as one of the key figures in criminal proceedings is already made. The situations in which an advocate can become a defence counsel in criminal proceedings are also described.

The fifth chapter focuses on the character of the accused. It outlines three basic situations in which the accused may appear and in which the defense counsel takes over the defense of the accused. Among other things, the chapter also points out the possible reduction of the rights of the accused who is in custody and whose situation is therefore already very difficult in terms of his defence options.

The sixth chapter discusses the various rights available to the defence in pre-trial proceedings. In addition to their basic description, the problematic aspects of their application in practice are also presented.

**Key words: Right to defence, Defence, Accused, Defence counsel, Pre-trial proceedings**