

Joint Investigation Teams from the point of view of the Czech Republic

Abstract

The thesis focuses on the development and functioning of joint investigation teams (JITs) within the EU and international cooperation in criminal matters. The main objective is to describe how this institute has developed from the initial discussions that took place more than thirty years ago to its current legal anchoring and functioning within the EU, including the Czech legal environment, supplemented by practical experience from case law and statistical and specific data on the activities of JITs and the involvement of the Czech Republic. The thesis thus addresses both the theoretical framework of cross-border cooperation, including international conventions and European legal norms, and practical examples and statistical data on the involvement of the Czech Republic in JITs. In the context of international law, selected examples of Council of Europe and UN conventions are presented; from the perspective of EU law, it is a main assessment of the development of primary law and a description of the current valid legal regulation that affects JITs. Legal institutes of international cooperation that may be considered instead of using JITs are also presented, also from the perspective of the Czech legal framework. The work as well presents specific cases of cooperation where the Czech Republic has joined the JIT. The types of crimes investigated through the JIT, the course of cooperation and the result itself are defined. The role of agencies, especially the roles of Europol and Eurojust, whose involvement in the JIT can significantly affect the speed of concluding the JIT agreement and the subsequent success of the investigation, is also described. The main possible benefits of these agencies in the individual stages of the JIT are evaluated. The next part of the work focuses on the case law relating to the JIT, presenting selected legal cases that have so far been resolved within the European and Czech courts. In the EU context, these are the courts of Belgium and the Netherlands; it is also examined whether the Court of Justice of the EU has also addressed the JIT topic. From the perspective of Czech case law, various areas of law are also represented, namely private, administrative, constitutional and criminal law. Based on theoretical and practical knowledge, the conclusion evaluates how the JIT institute is used in practice and how it can contribute to the effective detection of cross-border crime. The main advantages and possible problems that this form of cooperation brings are summarized.