

# **Issues of selected aspects of citizen's arrest in the light of the case-law of Czech courts**

## **Abstract**

This diploma thesis focuses on citizen's arrest which is a specific act of securing persons in criminal proceedings. Emphasis is placed upon clarifying the various pitfalls that occur in practice in connection with this institute. Since citizen's arrest under paragraph 76 (2) of Czech Criminal Procedure Code interferes with the fundamental right to personal liberty, the thesis aims to present a specification of selected aspects of citizen's arrest, in particular through the case-law of Czech courts, but also by reviewing literature. For the sake of completeness, an insight into the analogy of citizen's arrest in the German and British legal system is also provided. The result should thus be to provide answers to the contentious questions that arise when analyzing the statutory provisions.

The thesis is divided into an introduction, a conclusion and five separate chapters. The introductory part deals with the limits of the Constitution and Charter of Fundamental Rights set for the restriction of personal liberty, and also lists other articles of importance in terms of the consequences of interference with this fundamental right. It then discusses the form of protection of personal liberty under the European Convention on Human Rights. The second chapter deals with the arrest of persons in criminal proceedings by the police. It introduces and at the same time highlights the differences between the arrest of an accused person and the arrest of a suspect, as well as between an arrest warrant and detention warrant.

The third chapter thoroughly maps the current concept of citizen's arrest under paragraph 76 (2) of Czech Criminal Procedure Code, including the subsequent procedure of the law enforcement authorities and the rights of an arrested person. A subchapter on the recodification of Czech criminal procedural law is also included, which points out the possible impact of the proposed changes on this provision. The fourth chapter analyses the decision-making practice of Czech courts concerning citizen's arrest. Attention is paid to the issues of the concept of the offence, persons caught immediately afterwards and the excess of a circumstance precluding unlawfulness. The final chapter of the thesis compares the Czech legislation with the concept in Germany and in the United Kingdom.

**Key words: citizen's arrest, personal liberty, means of securing persons**