
Resumé

The speed of the criminal proceedings has a substantial influence on its effectiveness. The criminologists assume the high chances of the early catching and punishing have much more preventive effect than a hypothetical threat of a higher punishment. If the criminal proceedings are underway too long, the evidences are more difficult to bring, they are less effective, and the reformatory and preventive effects of the criminal proceedings are weakened.

As part of Article 6 the European convention on human rights is the right to trial within a reasonable time. Article 38, paragraph 2 of the Charter of fundamental rights and freedoms of the Czech republic guarantees the right to discuss his case without undue delay.

The Criminal Procedure Code of the Czech republic also regulates the speed of the criminal proceedings by certain special types of proceedings. The 2001 amendment introduced shortened preliminary proceedings on which simplified proceedings before a single judge are based.

These summary proceedings are held for offences under the jurisdiction of a district court for which the law imposes a prison sentence with the maximum term of three years if the suspect was caught red-handed or immediately after committing the offence, or if the facts are established justifying initiation of prosecution and it may be expected that the suspect may be brought before a court within two weeks at the latest. The summary preliminary proceedings must be completed within this two-week time-limit (the state prosecutor may extend them but by no more than ten days) and the suspect has the same rights in these proceedings as the accused. If the state prosecutor arrives at the conclusion that the results of the summary preliminary proceedings warrant committal of the suspect for trial, punishment is recommended.

The single judge conducts proceedings on crimes for which the law stipulates a prison sentence with a maximum term of five years. The single judge at the trial in the simplified proceedings will hear the accused and he may decide to refrain from evidence of those facts which the parties describe as indisputable. Apart from the already mentioned simplified proceedings, the specific features of the proceedings before a single judge also consist in the fact that the single judge may, without a trial, issue a criminal court order if the facts of the case are

reliably substantiated by the evidence adduced. A criminal court order may impose only certain types of punishment and a level of punishment only up to certain limits - for example, a suspended sentence of up to one year. It may not be issued in proceedings involving a juvenile who at the time of its issue has not reached the age of eighteen. A criminal court order has the same weight as a conviction.

If the legislature will accept other changes that will lead to acceleration of criminal proceedings, it will be certainly the right way.

Klíčová slova:

Rychlost trestního řízení

Zkrácené přípravné řízení

Zjednodušené řízení před samosoudcem

Keywords:

The speed of the criminal proceedings

The shortened preliminary proceedings

The simplified proceedings before a single judge