

Abstract

Title of the Thesis: Seizure of Proceeds of Crime

The diploma thesis focuses on a detailed description of property seizure institutes contained in the Czech Republic's Code of Criminal Procedure and the provisions of the Criminal Code allowing subsequent confiscation of the seized commodities.

The author of the thesis followed the logical hypothesis applied in enforcement of these provisions in practice which is based on the assumption that crime should not pay off to its perpetrators. Therefore, apart from imposing penalties on perpetrators, only the consistent efforts to seize assets of crime provide for achieving justice and duly penalizing the offenders.

Introductory parts of the text explain the reasons why seizing the commodities compliant with the conditions provided by law is necessary, and also the term "proceeds of crime" is explained to reflect its definition anchored in the international law which provides grounds for the Czech legal definition.

Description of individual institutes of the Code of Criminal Procedure is preceded by an overview of international legislation, particularly the European legislation which is binding on the Czech Republic in this area. Since the thesis was being written at the time the Act No. 140/1961 Coll., Criminal Code, was in effect and was later replaced entirely with Act No. 40/2009 Coll., Code of Criminal Procedure, the amendment was also included in the text with special attention to comparing the old and the new regulation covering this area. Chapter Five analyzes the impact of the new draft Code of Criminal Procedure which, however, has not yet entered into force.

The subject of the Czech law comparison also includes the tools of criminal assets seizure available in the Slovak criminal law, while it was established that despite parallels between both procedure codes, the Slovak law fails to provide for a number of seizure institutes that are commonly used in the Czech law practice – for example, seizure of immovable assets, other asset value or replacement value.

Conclusions of the thesis draw on practical experience in application of the individual provisions of the Code of Criminal Procedure and are based on the survey of 2007 undertaken by the Czech Republic's Ministry of Interior and on the author's own experience.