

Summary

CULPABLE HOMICIDE

Selected aspects of investigation and legal qualification of culpable homicides in the Czech Republic and Slovakia

The presented Master's degree thesis deals with the topic of culpable homicide, as defined in the newly re-codified Czech and Slovak Penal Codes, and interpreted by the Czech and Slovak criminal law doctrine. Selected aspects of homicide investigation are also discussed, with the aim at the significant impact of the immediate crime scene and deceased victim's body inspections on the legal qualification of an act of homicide. Theoretical discussion is furthered with case analyses.

Chapter One examines the newly adopted Czech and Slovak legislation concerning the classification of crimes punishing homicide. Both doctrines divide the act of culpable homicide in the two possible groups according to the offender's state of mind affecting the criminal conduct: wilful and negligent homicide. The new Czech Penal Code recognizes the crime of murder as wilful homicide, with more severely punishable sub-category of premeditated murder, and privileged sub-category of infanticide; and the crime of manslaughter, which is also wilful homicide, but committed under certain mitigating circumstances. Negligent homicide can be considered as the qualified crime of battery resulting in death, when the offender's intent was to cause bodily harm, or as the crime of negligent killing, when the death of victim was caused merely by the offender's negligent conduct without any malice aforethought. When qualifying an act of wilful homicide, the new Slovak Penal Code draws distinction between premeditated murder (assassination) and murder on the basis of premeditation of the offender's motive. Infanticide is also considered as privileged wilful homicide with lighter punishment. Unlike the Czech Penal Code, Slovak legislation understands the crime of manslaughter as intentional bodily harm negligently resulting in death; and negligent homicide without malice aforethought is qualified as the crime of killing.

Chapter Two concentrates on problems the homicide investigators usually face during establishing investigative versions and qualifying homicide into the correct legal category, as

described above. This assumption is crucial for successful resolution of every homicide case, and lead to righteous decision of the criminal court and fair punishment of the offender. The chapter also discusses selected investigative processes, such as crime scene inspection and body inspection and autopsy, from the legal and forensic science perspectives. The practical impacts of this discourse are highlighted in the enclosed real-life case “The killing of a neighbour with a scythe”.

Chapter Three consists of in-depth analyses of two real-life cases, which were dealt with by the Office of Judicial Police in Košice County, Slovakia. Firstly, the background of investigation is thoroughly described, in order to show all the aspects that might have played role in qualification of the investigated crimes. The first case “The assassination in a mental hospital” demonstrates how the aspect of premeditation of motive is assessed by the judicial authorities, as this has been a new task in the wilful homicide qualification required by the re-codified Slovak Penal Code. The second case “The rape attempt resulting in death of a little girl” describes the difficulties of legal qualification of a complicated criminal conduct, where the offender firstly sexually attacked an eleven-year-old girl, but abandoned her after causing her severe injuries, which consequently led to her unavoidable death. Furthermore, the both cases show how the qualification of aggravating circumstances in the new form introduced by the Slovak Penal Code is, or at least should be, applied in practice.

The main aim of the thesis was to show the complexity of the issue of culpable homicides in our legal environment by selecting and analysing certain aspects, which the author has found interesting during his studies and an internship with the Office of Judicial Police in Košice. The thesis provides a comparative study of the new Czech and Slovak legislation, discusses certain matters in homicide investigation, and supports the theoretical discourse with analysis of interesting cases from the police files.