

Summary

The injured party in criminal procedure and his/her protection

The presented thesis addresses issues of the injured party position in Czech criminal procedure and the extent of his/her procedural rights. The purpose of this work is to analyze the legal regulation in force, whereas the aim is to provide comprehensive subject overview and suggest the changes in Criminal Procedure Code¹ that would strengthen procedural position of the injured party. The thesis is composed of five chapters, each of them dealing with different aspect of the injured party involvement in criminal procedure.

The first chapter briefly addresses the historical evolution of legal regulation of the injured party position in particular procedural statutes and it is therefore subdivided into five subheads. It is further focused on selected amendments of the Criminal Procedure Code in force in view of their impact on the injured party.

In the second chapter the statutory definition of the term “injured party” is explained and the principal legal expressions therein are clarified in accordance with the Czech courts' case-law and the last crucial amendment of the Criminal Procedure Code. The attention is also focused on distinguishing two categories/classes of the injured party and the differentiation of the term “injured party” from the statutory term “victim of crime”.

The third chapter deals with selected procedural rights of both categories of the injured party/injured persons and it is subdivided into four subheads. After the brief introductory classification of the procedural rights there is a detail analysis firstly of some of those rights belonging to all of the injured parties/injured persons and then of procedural rights only awarded to a party of adhesion proceedings.² Specific attention is herein paid to the legal institute of the injured party's consent to the criminal prosecution, selected issues related to its application and criticism of the current legal regulation. The important part of this chapter is represented/formed by its fourth subhead that addresses representation of the injured party in proceedings with stress on

¹ Act No. 141/1961 Sb., the Criminal Procedure Code.

² Part of criminal proceedings, in which the injured party seeks compensation for damage sustained from crime.

cases of extraordinarily high number of injured person appearing/participating in a criminal proceeding.

The fourth chapter covers the procedural position of the injured party in particular stages of criminal procedure. This chapter is composed of four subheads. The first one of them describes the position of the injured party in preparatory procedure, the second one during the stage before the court. The third subhead clarifies the participation of the injured party in relation to the decision-making about diversions from the standard procedure. The fourth subhead is focused on entitlements of the injured party regarding the remedies.³

The last chapter includes selected *de lege ferenda* proposals for improving the current legal regulation/legislation with regard to the injured party as a substantial subject of criminal procedure.

³ e.g. appeal against a judgment to a higher court, appeal on a point of law, reopening of a case.