

## **Abstract: The right of defense in the Czech criminal proceedings**

The right for a defence is a right of the defendant guaranteed by the Constitution and by its means represents one of the conditions for a fair-minded trial. The fair-minded decision can be achieved when the defendant is guaranteed a proper application of the right of defence over the whole trial. The goal of my diploma thesis is to expound the constituent rights of the defendant which together create the right of defence. In the whole diploma thesis I am trying to present the current legal alterations, pointing out their imperfections, which appear at the carrying out of defence in the practice and describe the mutual relationship of the defendant and the defence counsel.

In the first part of the thesis I am focusing on the general definition of the right of defence the way it is regulated on the legal and constitutional level in the Czech Republic and I also state how it is enshrined in the international agreements within whose meanings the Czech Republic is bounded according to the 10th article of the Constitution.

In the second chapter I am describing the position of the defence counsel and the defendant in the criminal proceedings and persons, which can in the criminal proceeding act (appear) on the side of the defence.

The third chapter forms the meritum of the diploma thesis and focuses on three segments of the right for a defence. Those are the material defence, formal defence and the duties of the authorities participating in the criminal proceeding.

The fourth chapter describes the status of the defence counsel in the criminal proceeding, describes the position of chosen, appointed and given defence counsel and focuses on the problem of plurality of defence counsels or the matter of an exclusion of the defence counsel from the defence.

The fifth chapter is dedicated to the reasons of compulsory defence and the right of the defendant to yield the defence counsel in some cases of the compulsory defence.

In the sixth chapter I mention the tactics of the defence and its boundaries, distinguish between active and passive carrying out of the defence and assume few ethical problems, which appear at the carrying out of defence in the practice.

The ending of the thesis is devoted to a contemplation about the meaning of the defence in the practice and I am trying to present few proposals *de lege ferenda*, which became clear to me after a detailed study of the problem and which I perceive as the imperfections of the current legal alternations.