

ABSTRACT

This rigorous theme focuses on the position of defence counsel in the preliminary proceeding because the participation of the defence counsel on the criminal procedure is a contemporary topic, both from the theoretical and practical point of view. The theme of this thesis describes the development and strengthening of the position of the defence counsel from the historical perspective as well as based on the evolution of jurisprudence. The core of the presentation theme is to define the position of the defence counsel as well as his / her rights and obligations in the preliminary proceeding.

The defence counsel has guaranteed "defending" rights for all phases of the criminal proceeding due to the fact that the accused person has the right to be defended. This theme brings added value (especially from the perspective of its potential use) to everyone due to the fact that the role of the defence counsel and his presence already in the pre-judicial phase of the criminal proceeding is of vital importance not only for the proper enforcement of the right to be defended granted to the accused but also for the other phases of the criminal proceeding. Preliminary proceeding serves to verify the initial information concerning the committing of crime and the reliability of such information, to detect a person reasonably suspected of such a crime and to gather evidence usable in the court proceeding in order to support the side of prosecution. Due to the importance of this phase of the proceeding, the role of the defence counsel in it is crucial.