

## **Abstract**

This diploma thesis focuses on issues connected with conditional discontinuation of criminal prosecution. This concept enables to temporarily suspend criminal prosecution with the provision that if the accused complies with certain set conditions during a certain probation period, the criminal prosecution will be discontinued with final effect.

This paper chiefly aims to analyse in detail the conditions required by the Code of Criminal Procedure for the application of conditional discontinuation of criminal prosecution. The paper also presents a brief analysis of the conditions required for other diversions of criminal proceedings permitted under Czech laws.

This diploma thesis consists of the introduction, five individual chapters, of which the third and fourth are further divided into subchapters, and the conclusion.

The first chapter deals with the concept of restorative justice, which serves as the ideological basis for procedural diversions. An analysis of its individual values, principles and ideas is presented. The first chapter also includes an outline of the programmes under which restorative justice is being developed. The conclusion of this chapter contains the author's thoughts concerning the individual programmes and their implementation in the Czech legislation.

The second chapter contains a definition of the term "diversion of criminal proceedings" and its purpose. The author believes the purpose of such diversions lies especially in making criminal proceedings faster and more effective, as well as in achieving a settlement of relations between the accused and the aggrieved party.

The third chapter offers an analysis of the individual diversions laid down by the Czech legislation, with the exception of conditional discontinuation of criminal prosecution, which is discussed in a separate chapter. The third chapter focuses mainly on the concept of settlement, which includes most of the restorative elements. However, its application in practice is negligible. Within the context of this problem, the author draws attention to a possible solution consisting in specification of a range of criminal offences where the instrument of settlement would be applied.

The pivotal fourth chapter presents a comprehensive analysis of each of the conditions required for application of the concept of conditional discontinuation of criminal prosecution.

The fifth and final chapter introduces proposals *de lege ferenda* aiming to broaden the range of cases where the concept of conditional discontinuation of criminal prosecution could be used.