

Summary

The initiation of criminal prosecution

The reason for my thesis, is to analyse the procedure of initiation of criminal prosecution and acts of preliminary hearing that are connected to it. The stress will be put on problematic details of current legislation and conceptions created during the procedure of recodification of criminal procedure in the Czech republic. The thesis is divided into seven chapters, which analyse the initiation of criminal prosecution from different points of view and as a result describe the initiation of criminal prosecution as one of the most important proceduralal acts of whole criminal procedure.

The firs chapter is focused on historical development of the initiation of criminal prosecution between years 1962 – 20116, especially its form, organization and systematical position.

Following chapter describes and analyses preceeding of urgent and non reproducible tasks placed in section 158a of criminal code as an exception from usual procedure of collecting pieces of evidence in criminal procedure and its relationship to the initiation of criminal prosecution with using the case-law of the European Court of Human Rights

Chapter three describes general principles of the initiation of criminal prosecution in relation to definition of legal term act which the person is accused of and also as an expression of right of defence charged person.

Chapter four analyses conditions under which is forbidden to initiate criminal prosecution. Individual parts of thist chapter deals with the proceeding of consent of victim in section 163 of criminal code that is supposed to protect victims of crime from secondary victimization and helps them to procect their invidual rights.

Chapter five is focused on usnesení the initiation of criminal prosecution placed in section 160 of criminal code. It is a general way of the initiation of criminal prosecution. It is analysed in connection with its position in czech criminal procedure, its necessary parts and its influencies on criminal procedure.

Chapter six is bounded to chapter five and it deals with the proceeding of review of the initiation of criminal prosecution that could be done ex officio by prosecutor or from the tittle of legal remedy used by charged person.

Last chapter deals with specific versions of the initiation of criminal prosecution that are quite different from general initiation of criminal prosecution according to section 160 of criminal code, because of specific group of charged person and it also presents initiation of criminal prosecutions in Summary preliminary hearing.