

ABSTRACT

Conditional discontinuance of criminal prosecution is an institute that was introduced into Czech criminal procedure law more than twenty years ago. Over the years, this alternative way of handling criminal cases has become the most commonly used (in the last four years, the second most commonly used) means of all alternative ways called diversions. This diversion is used by both prosecutors and courts in cases of less serious criminal offenses. The point of conditional discontinuance of criminal prosecution is the decision of the prosecutor or the court not to initiate criminal court proceedings or cease them under certain conditions, the most important of them being the offender reimbursing the injured party for the damages caused by the crime.

The goal of the author of this thesis is to briefly write about the history of alternative ways of handling criminal cases and their introduction into Czech criminal law, then to move on to specifically discussing the institute of conditional discontinuance of criminal prosecution, the conditions that must be met for its use, the benefits it brings into Czech criminal law and criminal proceedings and to compare it with other types of diversions, as well as with the use of the same institute in Slovak criminal law under slightly different conditions. The thesis then shows some actual statistics of the practical use of conditional discontinuance of criminal prosecution by prosecutors and by courts and its success rates in terms of how often are the criminal proceedings reopened because of the offender's breach of conditions.

The thesis is comprised of eight chapters, the first talking about the concept and principles of restorative justice. The second chapter's topic is diversions in Czech criminal law in general, while the third chapter discussed the specific requirements for the use of conditional discontinuance of criminal prosecution. The contents of the fourth chapter are the procedural standards and requirements. The fifth one discusses the impact conditional discontinuance of criminal prosecution has on both the offender and the victim and the sixth compares it to other types of diversions present in Czech criminal procedure law. The seventh chapter compares the Czech law regarding both diversions in general and specifically conditional discontinuance of criminal prosecution to the way Slovak law handles these issues and the final, eighth chapter is comprised of statistics of the use of this diversion by prosecutors and courts and of some suggestions on the topic and possible legislative changes for the future.

from the author.

In the end of the thesis, the author concludes that conditional discontinuance of criminal prosecution is a useful tool of criminal procedure law that has proven its positive impacts on the offenders, the victims as well as on the society as a whole and therefore it should not only remain a part of Czech criminal law, but it should be used more frequently in practice, as its failure rate is low and the goals for which it was intended- reconciliation between victims and offenders, victims' reimbursements, corrective and preventive impacts on the offenders and unburdening the criminal justice system from lengthy court proceedings- seem to be achieved by this institute.