

Restraint of an accused person with focus on the institution of custody

Abstract

Doctoral thesis concentrates on the topic of placing an accused person in custody as a security measure in the course of criminal proceedings, considered to be an *ultima ratio* measure within criminal procedure. The thesis consists of an introduction, nine separate chapters and the conclusion.

The first chapter is dedicated to the historical background of the criminal custody institute in the Czech Republic, providing an introduction into the topic. The historical development is in itself an interesting chapter that would provide for an entire new thesis, but this thesis shall rather reflect the constitutional aspects of the criminal custody law, which are of an utmost importance, as persons taken into custody under the presumption of innocence and need to be treated accordingly. The third, fourth and fifth part all regard the main topic of this thesis, referring to ways by which the accused party can be secured in the course of criminal proceedings. The following chapter describes the material aspects of the criminal custody law. A significant part of the thesis is further dedicated to the procedural aspects of criminal custody, in particular the taking into custody, duration of custody, custody hearing, complaint against a decision on custody, substitution of custody by a different measure, counting of time spent in custody towards the time of imprisonment, compensation of damage arisen as a result of wrongful custody or the ever so important defence of the person in custody. The following chapters further regard the custody institute in relation to minors, the serving of custody time, as well as the comparison with key segments of legal regulations of the criminal custody institute in the Slovak Republic. The last chapter then aims to provide a brief outlook, as to what can be expected from the upcoming amendment of the Czech Criminal Procedure with respect to recent challenges, i.e. the worsening of security situation in Europe, threat of terrorism or even opportunities, i.e. advances in the field of technology that allow for a more effective functioning of criminal proceedings as a whole.

The aim of my thesis is to provide the reader with a comprehensive and yet easy to read overview of the institute, describe in detail the effective legal regulation of criminal custody in the context of most important amendments and to show both pros and cons of the custody procedure as well as to address the most important aspects of criminal custody law.

Keywords:

custody, defendant, accused party, detention