

Abstract

This diploma thesis deals with the ineffective evidence in the context of criminal procedure in the Czech Republic. The aim of this thesis is to provide a coherent interpretation on this topic, analyse current legal framework including its shortcomings and supplement the thesis with a sufficient number of applicable case law.

The thesis is systematically divided into three main chapters. The first chapter is a short interpretation of key terms, principles of the law of evidence and fundamental sources of law related to the evidence. The second chapter is crucial for understanding this issue. This chapter is devoted to the evaluation of evidence from the point of view of their legality as well as the possibility of using such as evidence in criminal proceedings subject to the statutory rules on evidence. After a theoretical introduction on absolute and relative inefficiency of evidence, the legality of evidence is described in detail according to five different aspects, which determine legal boundaries of evidence. These five aspects are means of evidence, the subject of evidence, stage of proceedings, the subject-matter of evidence and taking of evidence. Part of this chapter is also dedicated to the issue of whether the inefficiency of evidence has an impact on evidence obtained as a result of ineffective evidence. In that regard the development of the “fruit of the poisonous tree” doctrine, first described in the United States, is explained and readers can also take a look into the way of ruling before the European Court of Justice. However, this part is mostly focused on the application of this doctrine within the Czech legal system. The third chapter analyses the conditions of using the selected means of evidence in criminal proceedings, including the consequences in case of breaching these conditions. This chapter specifically focuses on audio, video and other recordings. It discusses the recordings taped by law enforcement authorities that include wiretapping and interception of telecommunication and surveillance on persons and objects, both regulated in Criminal Procedure Act. The chapter also deals with recording obtained by individuals.

The last part of this thesis concludes acquired knowledge about ineffective evidence, reminds disputed passages and provides *de lege ferenda* reflections.