

Abstract – The Issue of Pre-trial Detention in Criminal Procedure

This diploma thesis deals with the problems of pre-trial detention. The issue of pre-trial detention is a current and widely discussed topic due to two main reasons. First is the very nature of pre-trial detention as a means of procedural criminal law, with which the law most intensely interferes with the personal freedom of the individual. The second reason is its development and anchoring in the Czech legal system. Pre-trial detention has very specific characteristics because it interferes with personal freedom of an individual whose guilt has not been determined by the court. Consequently, there is a conflict between the human right to personal freedom and the need for the state to ensure the proper conduct of criminal proceedings and investigation.

The thesis is divided into seven chapters. The first chapter deals with the concept of criminal detention itself and its role in criminal proceedings. The next chapter is dedicated to the development of the law of detention from 1873 to the present. The historical overview of the legal regulation of pre-trial detention is important for the understanding and interpretation of its perception today, and shows a gradual increase in the level of protection of human rights. The third chapter briefly describes the different categories present within the legal frame of criminal detention. The fourth chapter is devoted to the material law of detention, where the aim was not to give a mere description of the theoretical background, but to point out in particular the problematic areas of the current legal frame from the point of view of jurisprudence. The fifth chapter deals with the selected issue of formal detention law, and looks specifically at current legal difficulties, and on the development of case law in relation to the selected problems. The sixth chapter deals with the topic of compensation in the case of unlawful detention. The last part presents the issues related to the actual carrying out of detention, where attention is paid to the conditions in the detention centre in practice. The individual problems of pre-trial detention are described across chapters, where we can find solutions *de lege ferenda* and the evaluation of selected problems by the author.

Key words: pre-trial detention, criminal procedure law, conditions in the detention centre