

## **Abstract**

This thesis deals with impacts on the applicability of evidence which results from violation of directives modifying the process of proofs of trial proceedings. The significance of proofs is crucial as by its means the reconstruction of the event of significance from the criminal law perspective is done. The condition for fulfillment of criminal trial proceedings purpose is a complete and proper determination of fact whereof there is just suspicion in the extent necessary for issue of decision. At the same time it is necessary that the set rules were followed for purveyance, locking, implementation and evaluation of evidence as these rules represents guarantee of just law trial proceedings as the one of fundamental attribute of democratic legally consistent state.

This thesis is divided into four main parts and preface and conclusion. First part deals with definition of the term proofs in trial proceedings, its meaning and purpose. Moreover it deals with legal form of proofs including constitutional and international law way out. It contains also listing of fundamental terms and principles controlling process of proofs and division of evidence from different perspectives.

In second part of this thesis, the issue of admissibility of evidence is processed with which acquisition and application was burdened by some fault. At the same time it, the topic of so called leave out evidence is also mentioned and more space is devoted to effectivity of evidence obtained on the basis of ineffective evidence with consideration to American “fruit of the poisonous tree doctrine” and Czech legal form and practice of the courts.

The third part reflects international reach of implementation and evaluation of evidence by national courts. It defines the role of European Court of Human Rights in relation to evaluation of evidence where article 6 of The Convention for the Protection of Human Rights and Fundamental Freedoms is emphasized based on which indirectly the legality of evidence is reassessed. In relation to requirement of abidance by the overall legality of trial proceedings against the defendant the process of proofs cannot be in conflict with another regulations of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The fourth part of this thesis is focused closely on selected proper evidence and the procedure of its application including its consequences to which the disrespect of process procedure leads. Whereas the statements of defendant and witness were analyzed in detail as these in many cases represents crucial or only evidence. Considering the topic up-to-dateness of using tapping as means used to prove criminal activity, the last chapter deals with them

where together with theoretical determination of this institute the newest practice of courts which deals with legality of enforced tapping is taken into account.