

Special Methods of Evidence in Criminal Proceedings – Confrontation, Recognition, Investigative Experiment

Abstract

The thesis deals with special methods of evidence in criminal proceedings, which are confrontation, line-up, investigative experiment, investigative reconstruction and on-site clearance. These all methods are anchored in Czech Criminal Procedure Code. Introductory part of the thesis describes evolution of special methods of evidence in criminal proceedings and in criminology too. The author discusses differences between procedural action and forensic practice. The thesis also describes legal regulation of the issue in historical context. It focus on face to face confrontation, line-up and investigative experiment. Each part of the thesis contains introduction with definition, then particularities of subject matter, practical use and the most frequent problems in investigation. The parts named line-up and investigative experiment also include a selected case report of these methods of evidence in criminal proceedings.

Part called Confrontation among the other things deals with principles of confrontation and participants of confrontation. This part also describes previous interrogation of confronted persons, documentation of confrontation, application of some provisions of the Criminal Procedure Code to confrontation, legal limitations of confrontation, re-interviewing of the confronted persons and application of confrontation in preliminary proceedings in general.

The Recognition Chapter deals with line up as an unrepeatable procedural act, it also deals with the preparation of a line up, interrogation before line-up, the participation of persons in line ups and how to ensure it. The thesis also describes the so-called nemo tenetur principle as a principle of criminal proceedings. This chapter describes the process of identification itself. The Recognition Chapter also contains documentation of line up, forms of recognizing and the most frequent problems in practice. As already mentioned, the author also included a selected case report in the recognition chapter.

One of the other main parts of the thesis, Part Four, focus to the investigative experiment and deals in particular with types of investigative experiments, it's practical application, support usage, preparation and tactical performance of investigative experiment. The thesis also specifies the participation of individual persons in the investigative experiment, especially the participation of an expert. Similar to the Part Recognition, Part Four describes the documentation of the investigative experiment as a procedural act and,

selected case reports are also included.

The Part Reconstruction specifies the differences of reconstruction and other special methods of evidence in criminal proceedings. Among the other things, it also deals with the provision of a house search order of court as a condition for the feasibility of some reconstructions. The thesis also describes the reconstruction from a criminalistic point of view. It deals with the differences between the reconstruction and investigative experiment too.

The On-site Clearance Chapter focuses primarily on the practical usage of the on-site clearance, the procedure and the tactics of its realization. Similarly to the previous chapters, it also deals with the main principles, procedural documentation, and differences from other procedural acts.

The thesis especially deals with the criminalistic documentation of special methods of evidence, the classified witnesses matters and the comparison of the subject matter with selected foreign legal regulations.

The final part among the other things deals with upcoming changes of czech preliminary criminal proceedings.

Keywords: criminal proceedings, confrontation, line-up, investigative experiment