

The Admissibility of Evidence in Criminal Proceedings

Abstract

This thesis dedicated to the issue of legality and admissibility of evidence in the comparison of criminal proceedings in the Czech Republic, the Federal Republic of Germany and the United States of America, and in the case law of the European Court of Human Rights. In this field, the public interest in effective crime suppression conflicts with other legally protected values, in particular the rights and freedoms of an individual. The solution of this collision is attempted not only by legislation itself, but mainly by the decision-making practice of courts in specific cases.

Following the introductory explanation of theoretical background, the thesis focuses on specific areas in which questions related to the legality and procedural applicability of evidence regularly arise. Firstly, attention is drawn to the limits in which law enforcement authorities may use coercion or threats of coercion against an individual to provide evidence clarifying the facts of the case, the consequences that can be inferred from refusing such co-operation, and the effects of unlawful coercion on further use of such evidence.

The next section deals with the material and formal presumptions of the admissibility of interference with the privacy of an individual, including the possibility of procedural use of the evidence thus obtained. Police provocation of crime is the subject of study both in terms of its merits and with regard to its substantive and procedural consequences. The following chapter is dedicated to the right of the accused to interrogate witnesses, as well as to situations where the accused was denied full exercise of his right in the proceeding. Attention is also paid to the so-called *fruit of the poisonous tree* doctrine, i.e. evidence obtained in a broader context of the unlawful conduct of law enforcement authorities, and evidence obtained illegally by private individuals.

The final reflections are focused mainly on the summary of problematic aspects of judicial norm-making in the field of the admissibility of evidence in criminal proceedings.

Key words:

criminal proceedings, admissibility of evidence, fair trial