

## Resumé

The presented thesis focuses on the role of a counsel in criminal proceedings. The author deals with the theme from the position of an attorney's clerk and strives for the integration of theoretical knowledge and practical experience.

The chosen theme is quite extensive. The author focuses on the issues important for the performance of defence in criminal proceedings. The author emphasises theoretical fundamentals and necessary prerequisites for the performance of defence by the counsel according to our valid legal order. The content of the thesis is divided into seven chapters which are further divided into individual parts.

At the beginning, the author briefly deals with the status of counsels who have according to the valid legal regulations a monopoly for the provision of defence in criminal proceedings. The content of the succeeding chapter is an analysis of the constitutional principle of the right for defence including the set of rights which are guaranteed to the accused in criminal proceedings by the law. Then follows the chapter where the author deals with the person of a counsel, his/her rights and obligations in criminal proceedings with the emphasis on the obligation of confidentiality. The thesis further describes the procedure of choosing a counsel, the appointment of the counsel, the institute of the necessary defence, the plurality of counsels and the exclusion of counsels. The central part of the thesis deals with the role of the counsel in individual stages of criminal proceedings, their activities during the preparatory procedure, the trial and the proceedings on remedies.

The integral part of the thesis is also the part dealing with the material intention of the new criminal code. The author describes the principles and some new institutes which are brought by this new regulation into criminal proceedings in connection with the reform of the Czech justice. The conclusion consists of a brief excursion concerning the legal regulation of the status of counsels in Slovakia. This part outlines the development of this regulation after the division

of the Czechoslovak Republic and also compares some institutes of defence in Slovak and Czech regulations.

The thesis provides a compact description of the role of a counsel in criminal proceedings focusing on some practical problems and limits of criminal defence. The author is aware of the fact that defence is a necessary part of the fair proceedings, to fulfilling of which every modern and democratic state is heading to.

The author expresses the opinion that defence in criminal proceedings ranks among the most demanding activities of lawyers as regards the expertise and morale. The performance of defence is accompanied by a great amount of responsibility, because the counsels do not stand for themselves in criminal proceedings, but defend the rights of the accused person. The counsel secures the protection of justified interests of the accused and tries, using all legal instruments, to prove their innocence or to mitigate their guilt. The counsel should contribute with his/her active defence to a correct clarification and decision in the matter in order the accused would not be made responsible for an act they did not commit or whose committing was not sufficiently proven to them. In the case the accused committed the act, the counsel should ensure the accused is not punished more than the law requires for their guilt.

*klíčová slova:* obhájce (a counsel), obhajoba (a defence)