

Abstract

The aim of this Diploma thesis is to analyse in the most comprehensive way the status, authority and operation of the Public Prosecutor in Preparatory Criminal Proceedings as well as related disputable issues. The investigation of all criminal offenses, the prosecution of persons who have committed them and the supervision over the compliance with the law in the pre-trial proceedings are the core competencies of the prosecutor throughout the criminal proceedings. A public prosecutor, also known as *dominus litis* or "master of preliminary criminal proceedings", is responsible for the results of the preparatory criminal proceedings, and it is he who puts forward the accusation to court or decides to terminate the prosecution in the preliminary criminal proceedings.

The thesis is divided into five main parts which logically follow and are interconnected. The first part is dedicated to the history of the institute of public prosecution, whose current form has been shaped by years of evolution.

In the second part, the reader is broadly acquainted with the Public Prosecutor's office. The main points of this part are the disputable constitutional delimitation, the transformation of the Public Prosecutor's office after the dissolution of Czechoslovakia, the current structure, its administration and internal relations, including the position of the Head Public Prosecutor and Supreme Public Prosecutor's office. Moreover, the comparison of independency of the Public Prosecutor's office and Judicial independence is presented.

The third part is looks on the preparatory criminal proceedings as a term of art as well as on its role. Furthermore, the genesis of the great novelisation of the Criminal Procedure Code is discussed alongside the problem of strong and weak conception of preliminary criminal proceedings. In addition to the second part, forms, phases, basic principles together with an outline of the role of the court and police are an important basis for the upcoming part, where the previous topics come together in the role of public prosecutor in the preparatory criminal proceedings.

The part four is the main part of the thesis and is divided into five chapters – Public Prosecutor as *dominus litis*, Authority of the Public Prosecutor's Supervision, Operation of the Public Prosecutor, Investigation led by the Public Prosecutor and Supervision by

the Public Prosecutor in the Shortened Preparatory Criminal Proceedings. These chapters aim to analyse and evaluate current legislation and point out its issues.

The final fifth part deals with the upcoming recodification of the Criminal Procedure Code and strives to introduce the most significant changes in the field of preparatory criminal proceedings with special focus on the role of the public prosecutor and issues related.