

COOPERATING DEFENDANT

Abstract

The aim of the thesis is to present and analyse the current legislation of the cooperating defendant in the Czech Republic. The thesis is divided into 6 chapters. The first part is focused on defining the terms crown witness and cooperating defendant. In the second chapter, the author deals with organized crime, because the main purpose of the institute of a cooperating defendant is to combat this phenomenon. The third chapter describes the current legal regulation of the institute of a cooperating defendant. The changes made by Act No. 333/2020 Sb. with effect from 1st October 2020 are also mentioned. The last part of this chapter is devoted to the issue of protection of a cooperating defendant in the Czech legal system. In the fourth chapter, the problematic points of the current legislation are highlighted and are followed by the *de lege ferenda* considerations. The fifth chapter deals with available data regarding the use of the institute of cooperating defendant in practice, i.e. specifically the frequency of use of this institute, in which crimes it occurs the most and what punishments are imposed on cooperating defendants. In the last chapter, the author deals with the institute of a cooperating defendant in the Italian legal system. It describes the legislation of the *collaboratore di giustizia* and what protection can be granted to him. Furthermore, the phenomenon of *Pentito* and its role in the fight against the mafia is described. In the end, the author compares the Czech and Italian legislation.

Key words: cooperating defendant, crown witness, pentito