

Nemo tenetur se ipsum accusare principle

Abstract

This thesis deals with the concept and selected aspects of the *nemo tenetur se ipsum accusare* principle. This principle is one of the fundamental pillars of defence in criminal proceedings and is closely related to the right to a fair trial. The thesis focuses on the principle's theoretical starting points and attempts to outline problematic issues related to the interpretation of its content when applied in practice, particularly with regard to the permissible degree of coercion.

The first chapter of the thesis deals with the historical development of the principle in both the continental and anglo-american legal systems. The second chapter contains an overview of how the principle is enshrined in international and national sources of law. The third chapter deals with the relationship between the privilege against self-incrimination and the right to remain silent based on the case law of the European Court of Human Rights and the US Supreme Court. The fourth chapter is devoted to the evidence, in particular the procedural consequences of an infringement in the proceedings, focusing on lawful and unlawful methods of coercion and the individual defects resulting therefrom. The chapter also includes treatise on the doctrine of fruit from a poisoned tree, which addresses the question of the effectiveness of evidence in criminal proceedings. The fifth chapter discusses how the principle *nemo tenetur* manifests itself in acts of identification, confrontation and recognition. A more detailed focus is on recognition, particularly with regard to the enforcement of the defendant's involvement, including the psychological aspects that are inextricably linked to the act of recognition. The sixth chapter provides an insight into recent US case law of the principle against self-incrimination, embodied in the Fifth Amendment of the US Constitution, in relation to new technologies, with a particular focus on the enforcement of mobile phone passwords. The chapter also includes an outline of Czech legislation in this direction.

Klíčová slova: nemo tenetur se ipsum accusare, fair trial, evidence