

# THE ISSUES OF EXCEPTIONAL PUNISHMENT

## Abstract

This diploma thesis deals with comprehensive assessment of the issues of exceptional punishment. The introductory part focuses on the historical development of the form of exceptional punishment in the Czech Republic, from the death penalty, which was for a long time a universal punishment, through its transformation into an exceptional punishment, to its abolition and replacement by life imprisonment.

The thesis follows the definition of the concept and purpose of punishment with a detailed description and evaluation of the current legal regulation of exceptional punishment, including the conditions for imposing both forms of this sentence, which are imprisonment for over 20 to 30 years and life imprisonment. The case-law of the Supreme Court, which has explained further the conditions for imposing it, is discussed. Also related criminal law institutions, such as parole or appeals, are explained and how they specifically relate to life sentence.

Furthermore, the thesis focuses on the execution of exceptional sentence. Statistics on convicted prisoners, the legal regulation of the execution of exceptional punishment and treatment programmes in prisons are presented. The thesis puts emphasis on the psychological and social effects that imprisonment has on long-term prisoners, such as social isolation, loss of relationships with close people, psychological disruption, or states of depression and apathy. Beside the negative factors of incarceration the role of parole as a hope and motivation for long-term prisoners is emphasised.

The thesis then examines the international aspects of punishment and imposition of exceptional punishment and compares the legislation of other European countries with the Czech legislation. It is noted that in the compared countries, only life imprisonment is considered to be an exceptional punishment, so from this point of view the Czech legal regulation with two forms of it is unusual.

In the conclusion the obtained findings are evaluated and possible changes of the legislation are proposed, which would appropriately develop the correctional and resocialisation functions of exceptional punishment in addition to its protective function.

**Key words:** exceptional punishment, life imprisonment, imprisonment for over 20 to 30 years