

Abstract

Crimes Against Wildlife

The subject matter of this diploma thesis is the protection of wildlife species by means of criminal law. It maps the current legal regulation in this area at the international level, on the EU level, as well as in the Czech national law, especially in terms of possible criminal sanctions that can be imposed under the law for illegal handling of these animals. On the global scale, it covers in particular the CITES Convention, but also other international conventions such as the Bonn Convention, the ICRW or the Bern Convention. As for the law of the European Union, it works with the CITES Regulation and other related regulations, as well as the Directive on the protection of the environment through criminal law.

As far as the Czech law is concerned, the thesis provides a detailed analysis of the crimes most closely related to the issue, i.e. the crime of unauthorized handling of protected wildlife species under s. 299 of the Criminal Code and s. 300 of the Criminal Code (in the negligent variant) and the crime of poaching under s. 304 of the Criminal Code. Here, it analyses the individual elements of these crimes, including the circumstances conditioning the application of higher penal rates, and also addresses the justification and difficulties with the application of certain formulations used in the text of the Criminal Code.

In addition to the analysis of the current wording of the law, it briefly discusses the historical development of related legislation in the Czech Republic, which led to its current state, and also addresses the issue of possible concurrence of the analysed crimes. In addition, it offers a number of statistics, obtained in particular from the Ministry of Justice, the Czech Ornithological Society and the Prague Ruzyně Customs Office, concerning the frequency of occurrence and the degree of clarification of acts classifiable as one of these crimes.

The thesis examines the procedures in criminal investigation of these crimes, especially the crime of poaching, for which it outlines a number of methods for obtaining traces depending on the facts and informs about the current issue of the use of poisonous substances such as carbofuran, in killing certain protected species, as well as the importance of the institute of home searches for the investigation. It also compares the Czech law with the legislation existing in this area in neighbouring countries, i.e. Germany, Slovakia, Austria and Poland.

Keywords: criminal liability, crimes against wildlife, unauthorized handling of protected wildlife, poaching, criminal investigation methods