

Principle nemo tenetur se ipsum accusare

Abstract

This thesis is devoted to the principle of *nemo tenetur se ipsum accusare* (the right against self-incrimination), one of the most important rights of the defense in criminal proceedings. This thesis provides a comprehensive view of the principle of *nemo tenetur* and its application in the Czech legal system, where special attention is paid to the interrogation of the accused and the witness.

Thesis begins with an interpretation of the term "principle" in law and includes the principle of *nemo tenetur* as a basic principle of criminal proceedings, even though it is not explicitly listed in § 2 of the Criminal Code. The second chapter is devoted to the historical development of the *nemo tenetur* principle in ancient times and its subsequent development on the territory of the Czech state.

In the next part of the thesis, international human rights treaties to which the Czech Republic is bound and which contain the principle of *nemo tenetur* are examined. Furthermore, the legal embedding of the principle of *nemo tenetur* in Czech national law, both at the constitutional and statutory level, including the new draft of the Criminal code, is discussed in this chapter. This is followed by a chapter devoted to the interrogation of the accused, where the limits between legal and illegal coercion in the questioning of the accused are described. Furthermore, this chapter contains a description of the institution of warning on the right of the accused not to testify, including an international comparison of this warning. The last chapter is devoted to the questioning of the witness and their right to refuse to testify in the event that they could cause the danger of criminal prosecution for themselves or a person close to them. The thesis further examines the procedures of law enforcement authorities in determining whether this denial of testimony by the witness is justified.

Keywords: *nemo tenetur se ipsum accusare*, evidence, principle