

## **ABSTRACT**

### WIRETAPPING AND RECORDING OF TELECOMMUNICATION TRAFFIC

The author of this thesis analyzes the legal institutes related to secret surveillance of communication or the correspondent data. Those institutes are not only wiretapping and recording of telecommunication traffic according to section 88 TrŘ and capture of data on telecommunication traffic according to section 88a TrŘ, but also acoustic surveillance of private premises and capture of e-mail communication, which are according to the current legal framework realized via section § 158d paragraph 3 TrŘ – surveillance of persons and items.

The core of this thesis is the analysis of the aforementioned institutes and the corresponding case law, both Czech and the ECHR case law. The thesis also evaluates the practices of the Czech law enforcement authorities based on the case law of the Supreme court in the special proceeding to evaluate the legality of some of the aforementioned institutes, which is also described in this thesis. The thesis also analyzes the legal framework for the international cooperation in criminal matters, which (due to the globalization and its effect on telecommunications) grows in importance. One chapter is dedicated to the analysis of the most prominent case law regarding the institutes mentioned above.

Furthermore this thesis analyses the legal framework regarding the aforementioned institutes in Germany and Slovakia, as those are historically and culturally tied to the Czech legal culture. These legal frameworks also contain certain elements that may be inspirational and could provide a solution for some of the deficiencies identified in the Czech legal framework by the author of this thesis.

An important part of this thesis is also the analysis of the proposed Czech criminal procedure code and its crucial changes. It therefore evaluates these changes in

context of the foreign legal frameworks and the ECHR case law. The thesis also reflects the criticism of the relevant public regarding the current legal framework.