

Collaborator of justice

ABSTRACT

The diploma thesis deals with the topic of the collaborator of justice with a closer focus on the Czech legislation. However, the author's aim is to present a critical picture of this legal institute in all its complexity. The beginning of the thesis is therefore devoted to the historical development of the given concept both globally and subsequently also within the Czech Republic. At the same time, the author attempts to define the relationship between "crown witness" and "accomplice witness" ("collaborator of justice") as these are closely related terms. A brief comparison of the most relevant foreign legislations of both types of legal culture is also included.

Furthermore, the thesis superficially touches the criminological aspects of organized crime and the characteristics of its members. It summarizes the capture of the mentioned issue in the Czech legal system and describes the role of the collaborator of justice in the fight against such threat as well as in comparison with other legal means and institutes.

The centre of interest then lies in the presentation of the most detailed interpretation of the existing legislation in force both from the point of view of procedural and substantive criminal law. In addition, the author answers predetermined questions aimed at finding out limits of the application, in particular whether it is allowable to establish a collaborator of justice in a plea agreement negotiated after the indictment has been filed or whether it is even possible to grant the status to a juvenile or a legal entity. The text itself thus reflects the changes made by the last substantial amendment by Act No. 333/2020 Sb as well. Of course, the current proposals of the newly prepared criminal code are not left out of attention either.

Following on from that, the final parts of the thesis offer, on the one hand, an analysis of the impact of the legislation in question on selected basic principles of criminal procedure together with an assessment of its overall constitutionality, and on the other hand, a summary of the most frequently mentioned shortcomings for which the author tries to bring his proposals *de lege ferenda* to find a solution. Last but not least, the content of the thesis also comprises a treatise of methods of witness protection in the Czech legal environment as well as findings from forensic psychology on the credibility of testimony in criminal proceedings.

Key words: collaborator of justice – plea agreement – witness protection