

Nemo tenetur se ipsum accusare principle

Abstract

This thesis explores the principle of nemo tenetur se ipsum accusare and its relation to the public interest in the investigation of crimes and the imposition of penalties on offenders. The thesis addresses both the historical and theoretical foundations of the principle, as well as its practical implications for criminal proceedings.

The first chapter introduces the concept of nemo tenetur se ipsum accusare, along with its various possible translations, which continue to influence the development of jurisprudence to this day.

The second chapter provides an insight into the historical development of the principle on the European continent, tracing its origins back to ancient times. It concludes with an analysis of historical data aimed at understanding the evolution of the principle and assessing the potential influence of advancements in forensic disciplines and technological progress on its application.

The third chapter focuses on the current legal framework of the principle, starting with its incorporation into the Czech constitutional order, particularly through the articles of the Czech Charter of Fundamental Rights and Freedoms from which the principle is derived. It also briefly examines its statutory regulation and analyzes selected case law from the European Court of Human Rights, which is crucial for understanding the interpretation of Article 6 of the European Convention on Human Rights.

The fourth chapter writes about the issue of conflict between the nemo tenetur principle and other legal principles and values, using relevant case law from the Czech Constitutional Court to explore the application of the principle of proportionality between them. It also examines additional factors that shape the boundaries of the principle in specific legal institutes, which is essential for a deeper understanding of how the principle functions.

The concluding section of the thesis evaluates the findings and highlights the connections between the nemo tenetur principle and the public interest. It discusses the factors that have influenced the development of the principle and its current form, while also offering reflections on its future development and potential improvements in its legal codification and application.

Key words: nemo tenetur se ipsum accusare, public interest, fair trial