

# **Human Line-up in Criminal Proceedings (selected problems)**

## **Abstract**

This diploma thesis deals with the human line-up in criminal proceedings. Considering that the topic of the human line-up is broad, the diploma thesis aims to describe only three selected topics, namely psychological aspects with a focus on the recognising person, double human line-up and finally human line-up in the context of the principle *nemo tenetur se ipsum accusare*. The human line-up as such is a procedural step and also a special method of evidence and is regulated in the provision of § 104b of the Penal Procedure Code.

The theoretical introduction describes the act of the human line-up – a concept, the persons involved in the human line-up, its phases and also explains interconnection with other disciplines.

The first chapter focuses on psychological aspects that are not much emphasized in legal publications. Attention is paid to the influence of time and its effect on the recognising person, or on his or her ability to re-identify a previously perceived person in the context of a criminally relevant event. According to psychological researches, the ability of a person to re-identify a previously perceived person decreases with the passing of time. Alcohol and stress can also have a negative effect.

The next chapter deals with the conditions under which double human line-up can be performed. That is, the line-up *in foto*, which is followed by the line-up *in natura*. The latter must not follow immediately after the *in foto* line-up according to law. Because of that there are some doubts as to what is meant by immediately. The thesis analyses the existing court case law and compares its conclusions with those of psychological studies.

The last chapter focuses on the constitutional aspects of the human line-up and reflects the development of the human line-up in the light of the principle *nemo tenetur se ipsum accusare*. The chapter summarizes the arguments that are connected to the question of whether a person is obliged to participate in the human line-up or whether he can refuse the step. These arguments show the place of the human line-up in the system of criminal procedural law and its importance for achieving the purpose of criminal proceedings.

## **Key words:**

**Human Line-up – Eyewitness Testimony – Special Method of Evidence**