

Inadmissibility of Evidence in Criminal Proceedings

Abstract

The main goal of this work is to find out exactly how the conditions of admissibility of evidence in criminal proceedings are determined by law. This issue is explained in detail not only in the so-called Rath Case, where there was a conflict of views on the requirements of the application for spatial interception, specifically in the decisions of the High Court in Prague of October 17, 2016, file no. 6 To 106/2015 and the Supreme Court of June 7, 2017, File no. 6 Tz 3/2017-I.-693. First, the work deals with individual means of evidence and their possible defects, which may result in their inadmissibility at the court. Subsequently, the author explains the differences between the concepts of ineffectiveness, inadmissibility and illegality of evidence, which is defined only by legal science, but which are essential for understanding the issue of admissibility of evidence and possible correction of inconsistencies in the Czech legal system. It also offers insight into the issue of absolute and relative ineffectiveness of evidence and then deals with the American Doctrine of Fruit from the Poisoned Tree and the views of Czech experts in the field of law on this doctrine, or other methods of assessing secondary evidence. A comparative part is added, where the ways of this issue in the United States of America and in France are discussed, in which the author draws attention to the differences in the approach of foreign legal systems to the applicability of evidence and the possible use of these different foreign methods to improve criminal proceedings due to disputes over the applicability of evidence. Finally, two media-significant cases in which the court ruled that the wiretapping evidence was inadmissible, due to defects that adhered to the formal requirements of the wiretapping and recording of telecommunications traffic or spatial wiretapping are cited. In conclusion, it is stated, that the specification of the conditions of admissibility of evidence is not sufficiently regulated by law, as well as the general lack of legal provisions concerning the absolute or relative ineffectiveness of primary and secondary evidence.