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Case Note

MEANS OF PROOF IN CRIMINAL PROCEEDINGS IN THE SLOVAK REPUBLIC – NEW CHALLENGES

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ABSTRACT

Background: *Turbulent technological progress in the 21st century has caused the emergence of a number of new possibilities, especially technical in nature, and allowed for new means of proof*

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as evidence. Legal regulation of criminal law in the Slovak Republic is responding to this trend, and progressive approaches to evidence which reflect the current level of development of science and technology are gradually being introduced. This article focuses on current challenges in the field of legislation regulating the issue of evidence in criminal proceedings.

Methods: *Legal comparison, content analysis of websites, functional analysis of legal acts, and analysis of the decisions courts were used to process the research data.*

Results and Conclusions: *Current legislation on executing evidence in criminal proceedings in the Slovak Republic requires modification. There is especially the need to reflect on the current state of economic and dynamic technological progress in the 21st century. The recent list of evidence means in S. 119(3) of the Code of Criminal Procedure is not complete but does not automatically reject the use of other means of evidence. Discussions on how to proceed are currently taking place within the professional public. We believe that in the near future criminal law must respond adequately and enable the use of evidence obtained by new technologies such as satellites, GPS, GLONASS, dashcams, vehicle software, communication technologies, location tracking, etc. Of course, the final word will always be given to the court, which will assess whether such evidentiary information is admissible and effective, or what "weight" it will have in deciding on a particular criminal case.*

1 INTRODUCTION

The aim of this article is to approach the issue of evidence in criminal proceedings in the Slovak Republic, and at the same time point out the need to accept new modern means of evidence. We evaluate the above from the theoretical level of legality, admissibility and effectiveness, as well as a reference to the legal regulation de lege lata. After such an examination, we came to the conclusion that, in the area of evidence, it is necessary to respond to technological development, incorporate its results into legislation, and enable the use of individual means in the evidence process.

The applicable legal regulation in the Slovak Republic regulates the issue of evidence in criminal proceedings in a separate legal norm – the Code of Criminal Procedure.[1] This law entered into force on 1 January 2006 and, due to its complexity, has the character of a Code. It is a general regulation, according to which the procedure at various stages of criminal proceedings is regulated. We also consider other legal regulations containing the standards of criminal procedural law as the sources of criminal procedural law.[2]

Criminal proceedings are supposed to create conditions and prerequisites for the procedure of the law enforcement agencies (police officers, prosecutors) and courts so that crimes are properly detected, their perpetrators are fairly punished according to the law, and the proceeds of crime are taken away - while guaranteeing fundamental rights and freedoms of natural persons and legal persons (S. 1 of the Code of Criminal Procedure).

In criminal proceedings, a substantive decision is made on an event that has already occurred, regardless of the time from the commitment of the act until the decision itself. Law enforcement agencies (LEAs) usually do not register the commitment of an act immediately after such act. Instead, the agencies subsequently find out whether the act has taken place, whether it is a criminal offence, and who the perpetrator is. If LEAs perceived the act when it

1 Code of Criminal Procedure No 301/2005 Coll 'Trestný poriadok' of 24 May 2005 (as amended 01 December 2021) <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/301/20221201> accessed 1 October 2022.

2 J Ivor, P Polák a J Záhora, *Trestné právo procesné* (Wolters Kluwer 2017) Zv 1, 22.

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was committed, the agencies can be excluded from performing acts in criminal proceedings due to bias towards the subject matter (S. 31(1) of the Code of Criminal Procedure). The LEAs and courts recognise the act by reconstructing it with the use of evidence (mediating facts). This special procedure is strictly regulated by the Code of Criminal Procedure and is usually referred to as taking of evidence.[3]

2 TAKING OF EVIDENCE

It is not possible to ensure the fulfilment of the purpose of criminal proceedings without a process of executing the evidence. Executing the evidence has a decisive and irreplaceable place, as well as importance in fulfilling the purpose of criminal proceedings. It is the main element influencing various stages of criminal proceedings, and its results directly determine what the final decision will be and who shall issue the final decision.

A reliable finding of the facts is a condition for a correct, convincing and fair decision in a particular criminal case. Such a finding constitutes the fundamental role in the process of executing the evidence. Executing the evidence can therefore be described as the main element of criminal proceedings as a whole.[4]

As the aim of executing the evidence, we can indicate the knowledge of the complete complex of essential facts important for the decision on the next procedure in the proceedings, or for issuing a substantive decision. Executing the evidence is an indispensable part of every criminal procedure and is carried out at every stage. It is irreplaceable, as it is the only way to enable the LEAs and the court to obtain documents for both the further course of proceedings and the decision.[5]

In terms of theory, executing the evidence (as a process) can be divided into specific stages (steps):

- Searching for evidence
- Executing and documenting the evidence
- Inspection
- Assessment

In addition to national legislation and case law, designated international standards must be accepted in the assessment of evidence in criminal proceedings. We focus primarily on the Convention for the Protection of Fundamental Human Rights and Freedoms, as amended by the Protocols and Additional Protocols of 04/11/1950, which entered into force in the Czechoslovak Republic on 18/03/1992.

The decisions of the European Court of Human Rights (ECtHR) must also be taken into account.

The Convention in relation to criminal proceedings, inter alia, guarantees the right to a fair trial (Art. 6(1)) and the right of the accused to prove guilt in a lawful manner (Art. 6(2)). The course, scope and other requirements for executing the evidence are not regulated by the expressis verbis.

It is a universally accepted and admitted principle that the process of legal regulation of evidence is the exclusive competence of States Parties to the Covenant and that there is no obligation to accept a particular evidence system. Such a concept is desirable, taking into account the diversity of the rules of evidence in continental law and the common law system.

3 ibid 403.

4 V Mathern, *Dokazovanie v československom trestnom práve* (Obzor 1984) 5.

5 J Ivor a kol, *Trestné právo procesné* (Iura Edition 2010) 419.

The ECtHR leaves to national law and the courts the assessment of questions relating to the admissibility of evidence, the assessment of evidence by national courts, the relevance of evidence, truthfulness, and probative value.

The ECtHR has exclusive competence to decide whether the criminal proceedings as a whole were fair in accordance with Article 6 of the Convention.

3 EVIDENCE IN CRIMINAL PROCEEDINGS IN THE SLOVAK REPUBLIC

Evidence in criminal proceedings is regulated in Title 6 of the Code of Criminal Procedure (Ss. 119-161). It can be defined as the procedure of the LEA and the court regulated by law, or other persons involved in searching, securing, executing and evaluating information important for the knowledge of factual circumstances relevant for the decision on guilt and punishment, as well as for any further procedure within the proceedings.[6]

All facts important for criminal proceedings for a decision in a specific matter form the subject of executing the evidence. The subject of executing the evidence is strictly individual in each criminal case.

In executing the evidence, its limits are set on a case-by-case basis. The Code of Criminal Procedure determines the range of circumstances in the provision of S. 119(1) Circumstances to be Proved. In criminal proceedings, it is necessary to prove in particular:

- Whether the act which has the particulars of a criminal offence has really occurred.
- Whether the act was committed by the accused and on what motives.
- Seriousness of the offense, including the causes and conditions of its commission.
- Personal circumstances of the perpetrator to the extent necessary to determine the type and extent of the punishment and the imposition of a protective measure and other decisions.
- The effect and amount of the damage caused by the offense.
- The proceeds of a criminal act and the means of committing it, its placement, nature, status and cost.
- Property relations for the purpose of withdrawing the proceeds of crime.

Property relations, drawing up a property profile, and searching, documenting and verifying the scope and location of the proceeds of crime in are, this context, ascertained and carried out by a police officer or designated authority according to a special regulation (S. 119(2) of the Code of Criminal Procedure).

In relation to the characteristics of executing the evidence, it is appropriate to outline the concepts of evidence and means of proof.

In the provision of S. 119(3) of the Code of Criminal Procedure, the legislator defines the evidence as: "It shall be possible to use as evidence anything that may contribute to properly clarifying the matter and that has been obtained in a lawful manner from the means of evidence or under special law."

The characteristic of the evidence in question reflects the principle that only facts obtained in accordance with the law may be used to prove guilt and impose a penalty.

The admissibility or inadmissibility of evidence is also affected by a specific stage of criminal proceedings and individual provisions of the Code of Criminal Procedure. Unusually, the issue of admissibility of evidence is regulated by other legislation, such as Civil Code

6 Ivor, Polák a Záhora (n 4) 404.

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No. 40/1964 Coll. (as subsequently amended) and the Offences Act No. 372/1990 Coll. (as subsequently amended). In the context of the admissibility of evidence in criminal proceedings, it is also necessary to respect the requirements arising from the decision-making activities of national and international courts and international treaties. The legal order of the Slovak Republic does not accept precedent law but, despite the statement above, the legal framework affecting the form, scope and manner of evidence is co-created by the jurisprudence of national courts, the Constitutional Court of the Slovak Republic, as well as the ECtHR.

The material value of evidence resulting from the manner and form of securing it must be assessed at each procedural stage. Acceptable evidence for bringing the accused to trial may not be admissible for bringing charges, etc.

The LEAs and the court in criminal proceedings acquire important knowledge necessary to properly clarify the matter using the means of evidence.

The Code of Criminal Procedure regulates the means of evidence in S. 119(3). "The means of evidence shall include, in particular, interrogation of the defendant, examination of witnesses and expert statements, verification of the testimonies on the scene, an identification line up, re-enactment, investigation attempts, examination, things and documents materially relevant for criminal proceedings, notification, and particulars obtained using information and technical means or means of operational and search activities."

In the aforementioned provision of the Code of Criminal Procedure, the legislator provides a comprehensive list of evidence. Other sources of evidence that may reflect current technological progress of the 21st century are not automatically excluded.

However, it is indispensable that such 'new' means of proof provide lawfully obtained evidence. In accordance with the provision that everything that can contribute to the clarification of the matter can serve as evidence, it is possible to consider, for example, satellite technologies, GPS, GLONASS and dashcams.

Ensuring the adversarial nature of criminal proceedings has resulted in the introduction of the possibility for the parties to procure evidence separately. This possibility can be found in S. 119(4) of the Code of Criminal Procedure. The parties shall then also bear the costs associated with obtaining the evidence. The State shall reimburse the accused for the costs incurred in cases of acquittal pursuant to S. 285 (a, b or c) of the Code of Criminal Procedure. [7]

For the sake of guaranteeing basic human rights and freedoms, a necessity is the provision of S. 119(5) of the Code of Criminal Procedure: "Evidence obtained by means of unlawful duress or threat of duress cannot be used in the proceedings with the exception of the case when it is to be used as evidence against a person who has used duress or threat of duress." At this point, we note that the Constitution of the Slovak Republic, as amended, does not contain specific provisions regarding the definition of the right to a fair trial.[8]

7 Explanatory Report to the Act No 301/2005 Coll 'Trestný poriadok' of 26 May 2004 <https://www.epi.sk/dovodova-sprava/Dovodova-sprava-k-zakonu-c-301-2005-Z-z.htm> accessed 1 October 2022. LIT36207SK - the last version of the text.

8 Constitution of the Slovak Republic No 460/1992 Coll 'Ústava Slovenskej Republiky' of 1 September 1992 (as amended of 1 January 2021) <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20210101> accessed 1 October 2022.

4 ADMISSIBILITY AND LEGALITY OF EVIDENCE

According to a number of experts (e.g., Šimovček, Ivor), the concept of admissibility of evidence is often identified with the concept of legality of evidence. We accept the view that these are interrelated concepts and their strict distinction in practice is not always feasible.

In principle, the legality of evidence is understood more narrowly than the admissibility of evidence. It follows from the foregoing that not all evidence obtained unlawfully is inadmissible. In this context, inadmissible evidence is not automatically unlawful. The concept of inadmissibility encompasses not only inadmissibility resulting from unlawful evidence, but also the inadmissibility determined by the source of the evidence used, as well as the inadmissibility resulting from the formal reason for the temporal limitation in the submission of evidence by individual parties to the court.[9]

The legal theory characterises the admissibility of evidence in particular by:

- Compliance with the basic principles of criminal proceedings, the rules of the Code of Criminal Procedure and sources of evidence
- Compliance with the basic principles of criminal procedure, the rules of the Code of Criminal Procedure and the methods, means and procedures applied in obtaining information that constitutes the content of the evidence itself.[10]

The rules for the admissibility of evidence are set out by prof. Záhora, while respecting the following conditions in the process of searching for and executing the evidence:

- Knowledge of the origin of the source of evidence, or evidence information, the possibility of verifying and confirming it
- Competences of individual entities of criminal proceedings in the procurement of evidence
- Identification of persons who are the sources of the evidentiary information
- Respecting the general provisions of criminal procedure rules in the processes of searching for and carrying out individual evidence
- Respecting procedures for fully and accurately fixing the evidence information procured.[11]

In connection with the issues of legality and admissibility of evidence, we also consider it necessary to mention the "Fruits of the Poisonous Tree Doctrine". The doctrine is applied primarily in US criminal law when dealing with the effectiveness of evidence. [12]

As stated by Tlapák and Navrátilová, the Fruits from a Poisonous tree Doctrine does not belong to continental law, although, currently in the legal profession and especially in the Czech Republic, there is a discussion on its applicability. There are two groups of views in principle. The first group agrees that not all illegality automatically implies the inadmissibility of evidence, and therefore there are also "fruits from a poisonous tree" that can be used in executing the evidence. One of the decisive arguments is the acceptance of the wording of the Code of Criminal Procedure that anything that can contribute to the clarification of the matter can be used as evidence. The second group of views is based on the opinion that the evidence obtained in breach of procedural law, as well as the evidence derived from it, is ineffective. [13]

The current jurisprudence in the Czech Republic in assessing the inadmissibility of evidence is defined by two basic theories:

9 I Šimovček, 'Prípustnosť dôkazov v trestnom konaní' V Záhora J (zost) *Teoretické a praktické problémy dokazovania: Zborník príspevkov z celoštátnej konferencie s medzinárodnou účasťou konanej dňa 15 Decembra 2008* (Bratislavská vysoká škola práva 2008) 255.

10 Ivor (n 7) 443.

11 J Záhora and others, *Dokazovanie v trestnom konaní* (Leges 2013) 116.

12 A Nett, *Plody z otráveného stromu* (Masarykova Univezita 1997) 9.

13 J Jelínek a kol, *Dokazování v trestním řízení v kontextu práva na spravedlivý proces* (Leges 2018) 226–7.

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- The theory of conflicts of interest and values
- Proportionality test

The theory of conflicts of interest and values examines effectiveness based on the value of evidence. The value of evidence is formed by the seriousness of the evidence, legality, and truthfulness, credibility, and according to the decisions of the Supreme Court of the Czech Republic.[14]

The case of the proportionality test compares the degree of interference with the rights of persons and the possibility of fulfilling the objective pursued. The seriousness of the offence to which the execution of evidence relates shall also be taken into account. It's a three-step test. First, the appropriateness of the intervention is assessed, then the necessity of the intervention and, finally, the adequacy of the intervention.[15]

The Code of Criminal Procedure works with the concept of legality. A specific means of proof is permissible under the law and is obtained by the procedure of the LEAs and the court in accordance with the provisions of the relevant legislation.

Evidence in respect of which the illegality was committed, as well as any evidence obtained on the basis thereof, shall be deemed as unlawful evidence.

Evidence obtained by unlawful interference with the constitutional rights of natural persons is inapplicable in criminal proceedings, as it does not respect the conditions set in S. 119(3) of the Code of Criminal Procedure.[16]

According to Šimovček, if we accept the possibility that not all illegally obtained information is excluded as evidence from criminal proceedings, it is necessary to establish criteria of admissibility. Illegal evidence could be divided into two groups:

- Absolutely inadmissible
- Relatively inadmissible

In cases of absolute invalidity, ex officio must be taken into account. In the event of relative inadmissibility, the evidence may be admitted, in particular, taking into account minor violations of the law and its high probative value.

Based on the analysis of the ECtHR's decisions, we can conclude that the Convention on the Protection of Human Rights and Fundamental Freedoms does not regulate the process of executing the evidence, but rather covers some aspects of it. The admissibility of evidence has been identified by the ECtHR on several occasions as an issue that falls within the exclusive competence of specific national entities and is not dealt with in the Convention.

The provisions of Art. 6(1) of the Convention do not specify conditions for the admissibility of evidence and the ECtHR is responsible for determining whether the proceedings as a whole were fair. It should be noted that, although the ECtHR does not examine the admissibility of evidence, it has ruled several times that the use of concrete evidence violated the right to a fair trial in relation to a particular accused person.[17]

For better illustration, we present selected ECtHR decisions:

The case of Schenk v. Switzerland, 12/07/1998, the ECtHR stated that Art. 6 of the European Convention does not set the rules on the admissibility of evidence and therefore this area is

14 Nett (n 14) 46.

15 Jelínek (n 15) 229–30.

16 Záhora (n 13) 113.

17 N Mole a C Harby, *Právo na spravodlivý proces: sprievodca na aplikáciu čl. 6 európskeho dohovoru o ľudských právach* (Informačná kancelária Rady Európy 2006) 49.

subject to national regulation. It is not for the ECtHR to decide what means of proof should be admissible, but whether the criminal proceedings as a whole were fair or the rights of the defence were respected.[18]

The ECtHR in the cases of Khudobin v. Russia, Klass and others v. Germany does not exclude the possibility that, at a preparatory stage and where the nature of the offence so requires, resources of the anonymous whistleblower type may be used as evidence. However, the subsequent use of those resources by the conviction court is acceptable only in cases where there are sufficient safeguards against abuse, a clear and predictable procedure for approval, and both implementation and control of special investigative methods.[19]

Recently, we can observe in the decisions of the ECtHR a tendency to move away from favouring the preservation of absolute protection of fundamental human rights and freedoms towards emphasising the public interest and its protection.

Prof. Svák commented on these tendencies and, as he states, it is obvious that it has resulted in a more precise determination of the limits of legitimate interference with the right to privacy, favouring national remedies in cases of violation of this right and an extensive interpretation of the content of the right to privacy.[20]

Extensive interpretation has become the basic interpretative rule in the interpretation of the right to privacy. The right to privacy includes the right to private life, the right to a family house, the inviolability of a dwelling, as well as the protection of correspondence.

The statements above also apply to the interference of competent entities with the right to privacy regulated in Art. 8 of the Convention. According to its provisions, invasions of the right to privacy are permissible subject to the conditions stipulated. State authorities may interfere with this right in cases where the interference is in accordance with the law, and it is necessary in a democratic society in the interests of national security, public safety, the economic well-being of the state, the prevention of disorder or crime, or the protection of health, morals or the rights and freedoms of others.[21]

The interference of public authorities with the right to privacy is, in the context of the above, assessed by the ECtHR from three fundamental points of view:

- Legality
- Legitimacy
- Proportionality

By legality we mean that the right to privacy may be limited only on the basis of the law (Art. 8(2) of the Convention). Legislation must be accessible and predictable.[22]

Article 8(2) of the Convention also provides an answer to the question of the requirement of legitimacy. The reasons for the interference of state authorities in the right to privacy are given above. The assessment of legitimacy shall assess the consistency of the measures implemented with the permissible objective.

18 Schenk v Switzerland App no 10862/84 (ECtHR, 12 July 1988) <https://hudoc.echr.coe.int/eng?i=001-57572> accessed 1 October 2022.

19 Khudobin v Russia App no 59696/00 (ECtHR, 26 October 2006) <https://hudoc.echr.coe.int/eng?i=001-77692> accessed 1 October 2022; Klass and others v Germany App no 5029/71 (ECtHR, 6 September 1978)

20 J Svák, *Ochrana ľudských práva* (Eurokódex 2011) Zv 2, 393.

21 Council of Europe, *European Convention of Human Rights* (ECtHR 2013) Art 8 <https://www.echr.coe.int/Pages/home.aspx?p=basictexts/convention> accessed 1 October 2022.

22 J Svák, *Ochrana ľudských práva (z pohľadu judikatúry a doktríny štrasburských orgánov ochrany práv)* (2 rozš vyd, Eurokódex 2006) 584–5.

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The proportionality of interventions by public authorities must be preserved between the right to privacy and the choice of means of intervention provided for by law in pursuit of a legitimate objective. Choosing these means is at the discretion of the state; however, they must always pursue a legitimate goal and are they limited by laws against any unlawful invasion of the right to privacy, if necessary and in accordance with the rules of a democratic society.

Interference with the right to privacy can therefore only take place if the requirements of legality, legitimacy and proportionality are met.

5 CONCLUDING REMARKS

In our opinion, the current legislation on executing evidence in criminal proceedings in the Slovak Republic requires modification. Discussions on how to proceed are currently taking place within the legal profession. One group of opinions favours keeping an exemplary list of evidence in the Code of Criminal Procedure, while new "modern" means of evidence can be used and it is not necessary to specify them in the Code of Criminal Procedure. The second group of views prefers the basic idea that, in the future, only facts obtained from the means of evidence explicitly mentioned in the Code of Criminal Procedure should be considered as evidence. In this context, it is proposed to delete the possibility of obtaining evidence in criminal proceedings under "other laws". Another group of experts inclines to support the views of prof. Jelínek, a prominent criminal law expert from the Czech Republic. He proposes, inter alia, that a provision be included in the general provisions on executing the evidence that only scientifically valid means capable of acknowledging the facts may be used as means of proof and that their credibility can be confirmed by existing scientific methods. This solution would eliminate the speculation as to whether, for example, coffee fortune-telling or psychic reasoning can be used as evidence. Furthermore, they consider it appropriate to list the means of proof exhaustively. The professor thinks that such legislation would undoubtedly be more appropriate from the point of view of both defence and respect for legal certainty. He also supports his claim by arguing that some means of evidence are not modified at all in criminal proceedings (odour traces, lie detector, microalloys, DNA analysis). The use of these means of proof is dealt with in the case-law of the courts.[23]

We believe that in the near future criminal law must respond adequately and enable the use of evidence obtained by new technologies such as satellites, GPS, GLONASS, dashcams, vehicle software, communication technologies, location, etc.

Of course, the final word will always be given to the court, which will assess whether such evidentiary information is admissible and effective, or what "weight" it will have in deciding on a particular criminal case. Which view will ultimately prevail and what the legislation will look like, it is currently impossible to say due to how dynamic the development in this area is, and the impact of the legislator is neither negligible nor irreplaceable. We believe that the legal public should find consensus on the issue of evidence in criminal proceedings and consequently promote this view in an appropriate way so as to be reflected in concrete subsequent legislation.

23 Jelínek (n 15) 19.

REFERENCES

1. Ivor J a kol, *Trestné právo procesné* (Iura Edition 2010).
2. Ivor J, Polák P a Záhora J, *Trestné právo procesné* (Wolters Kluwer 2017) Zv 1.
3. Jelínek J and others, *Dokazování v trestním řízení v kontextu práva na spravedlivý proces* (Leges 2018).
4. Mathern V, *Dokazovanie v československom trestnom práve* (Obzor 1984).
5. Mole N a Harby C, *Právo na spravodlivý proces: sprievodca na aplikáciu čl. 6 európskeho dohovoru o ľudských právach* (Informačná kancelária Rady Európy 2006).
6. Nett A, *Plody z otráveného stromu* (Masarykova Univezita 1997).
7. Šimovček I, 'Prípustnosť dôkazov v trestnom konaní' V Záhora J (zost) *Teoretické a praktické problémy dokazovania: Zborník príspevkov z celoštátnej konferencie s medzinárodnou účasťou konanej dňa 15 Decembra 2008* (Bratislavská vysoká škola práva 2008) 255.
8. Svák J, *Ochrana ľudských práva* (Eurokódex 2011) Zv 2.
9. Svák J, *Ochrana ľudských práva (z pohľadu judikatúry a doktríny štrasburských orgánov ochrany práv)* (2 rozš vyd, Eurokódex 2006).
10. Záhora J a kol, *Dokazovanie v trestnom konaní* (Leges 2013).