

SECRET SURVEILLANCE OF COMMUNICATION AS
SPECIAL EVIDENCE – THE PRACTISE OF THE
EUROPEAN COURT OF HUMAN RIGHTS
IN CASE OF NON-REASONED COURT ORDER

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Summary: Successful way of fighting against modern forms of crime is conditioned by high level of specialization of measures, procedures and state authorities, as carriers of institutional state coercion. As professionalization and high level of perfection of modus operandi make state authorities work much harder during detection and sanctioning perpetrators of criminal acts, where classic investigation methods have no effect, it is necessary to apply special investigative techniques. Their use in criminal procedure has to be based on strictly regulated terms of law, considering that it inevitably causes breach into sphere of guaranteed rights and freedoms of individuals, and their protection stands in defence from arbitrary conduct of states authorities. As secret surveillance of communication is one of the most common investigative techniques, the author in her work strives to review if this investigative technique is adequate and sufficient way of opposing certain kinds of crime, as well as if and how it comes to violation of the guaranteed rights and freedoms, and what the practise of European Court of Human Rights is in case of arbitrary acts of state authorities.

Keywords: special evidence, secret surveillance of communication, the right to privacy, the practise of the European Court of Human Rights.

Pages 287-310