

5. CRIME OF FOREIGNERS

The numbers of prosecuted and accused individuals, individuals disposed of in summary pre-trial proceedings, and individuals on whom a motion for punishment was submitted are compiled from statistical criminal reports completed by district, regional and high prosecuting attorney's offices. The statistical criminal report is completed for each known person recorded in the register for supervision in criminal proceedings and supervision in summary pre-trial proceedings. Where the proceedings were discontinued conditionally, the report is not completed, until the final and conclusive decision of the court is delivered in compliance with Article 308 of the Criminal Procedure Code. The reports are not made, if proceedings on a matter took place and no perpetrator (suspect) was revealed. The statistical criminal report is completed in accordance with the contents of files, identically for all persons irrespective of the way the matter is settled.

The numbers of convicted persons are also derived from statistical criminal reports completed by district and regional courts of law immediately when the ruling comes into force and for each person concerned. Where the proceedings were discontinued conditionally, the report is not completed, until the final and conclusive decision of the court is delivered in compliance with Article 308 of the Criminal Procedure Code. If a convicted person is guilty of more crimes, only the most serious crime is included.

The data on persons in custodial establishments and in prisons are taken from records of the General Directorate of the Prison Service of the Czech Republic.

Prosecuted - the number of persons, who were notified of the accusation pursuant to Article 160 of the Criminal Procedure Code (delivered, announced) in the reference year.

Accused - the number of persons, against whom action was brought pursuant to Article 176 of the Criminal Procedure Code in the reference year.

Summary pre-trial proceedings - the number of persons for whom simplified pre-trial proceedings pursuant to Article 179a of the Criminal Procedure Code were terminated in the reference year.

Motion for punishment - the number of persons on whom a motion for punishment was submitted in court pursuant to Article 179c of the Criminal Procedure Code.

Convicted person - a person, against whom a court of law issued a judgment of conviction, which already entered into force.

Note: Data are drawn from statistical reports delivered to the Ministry of Justice in the reference year.

Administrative expulsion

Section 118 of Act No. 326/1999 Sb., on the Residence of Foreigners in the Czech Republic and on changes of same acts, as amended

(1) Administrative expulsion is the termination of stay of a foreign national on the territory which is related to the determination of the time-limit for leaving the territory and the readmission time interval. The time for leaving the territory is not fixed if the foreigner is detained for the purpose of administrative expulsion. The time period for which it is not possible to allow the foreigner to entry the territory is determined by the police in the decision on administrative expulsion of a foreign national. In reasoned cases it is possible to determine by decision the border crossing for leaving the territory. If there exists a reasoned danger that the foreigner could seriously threaten public order or security of contracting states, police informs the foreigner that his/her records will be entered into the information system of the contracting states and will advise the foreigner of consequences of this measure.

(2) For the purpose of administrative expulsion the temporary residence on the territory is also seen as an unlawful stay of a foreign national on the territory or stay of a foreign national in transit area of an international airport or stay on the basis of visa granted under special law or stay

until of the decision issued by respective ministry on granting the residence permit for the purpose of temporary protection on the territory or court's decision on indictment in the matter of temporary protection enters into force. Where in such case the decision on administrative expulsion is not adopted because the consequences of such decision might interfere inadequately into private or family life of a foreign national, police issues an exit order and the foreign national is obliged to leave the territory within the time-limit as set forth by the exit order.

(3) Collective administrative expulsion of foreign nationals based on one decision is prohibited.

Expulsion by court

Sec. 57 of Act No. 140/1961 Sb., Criminal Code

- (1) The court of law can impose the sentence of expulsion as a separate sentence or with more sentences concurrently if required by safety of civilians or property of by other public interest.*
- (2) With respect to the degree of public danger of the offence, chances for correction and personal situation of the offender and the degree of public danger, danger of property or other public concern, the court can impose the sentence of expulsion up to 10 years or for an indefinite period.*