

25. JUSTICE, CRIME, ACCIDENTS

This chapter was prepared using figures and texts provided by the Ministry of Justice of the CR (Tables 25-1 to 25-5), the General Directorate of the Prison Service of the CR (Tables 25-6 to 25-18), the Ministry of Transport of the CR (Tables 25-19, 21 and 22), the Police Presidium of the CR, Traffic Police Directorate (Table 25-20), and the Ministry of the Interior - General Directorate of the Fire and Rescue Service of the CR (Tables 25-23 to 25-28). The change in the territorial structure of the Czech Republic effective as of 1 January 2000 was not incorporated into the organisational structure of justice and prison service.

Notes on tables

Table 25-1. Cases handled by district and regional courts

Criminal cases - cases heard by a court, based on accusation or motion for sentence submitted by the public prosecutor, in which verdicts are pronounced, sentences are passed, and protective measures and indemnities caused by criminal activities are decided on.

Civil cases - mostly cases regulated by the Civil Code, Family Act, Code of Labour, and Commercial Code.

Commercial cases - predominantly cases regulated by the Commercial Code and the Act on Bankruptcy and Settlements.

Registers of cases by type - the registers are listed in the latest version of Instruction No. 505/2001-ORG of the Ministry of Justice of the CR, which implements the internal rules of procedure for district, regional and high courts. The document also specifies the way of keeping records in individual registers.

Register T - register incorporating all criminal cases in which the public prosecutor brought charges or, following shortened proceedings, made a motion for sentence, with the exception of juvenile cases.

Register C - register incorporating all motions to commence civil proceedings, including declaratory motions, as well as, e.g., motions resulting from inheritance proceedings; motions to issue a payment order if payment order was cancelled or not issued; motions to dissolve a marriage; motions to determine or cancel the duty to maintain and support minors; requests for renewal of proceedings; actions for nullity; cases in which new proceedings take place in the court of first instance in consequence of a decision of the court of appeal or the Constitutional Court, permission for renewal of proceedings or reversal of contested decision for nullity; actions or legal remedies to review the legality of decisions made by public administration authorities; if the competent court is a district court, motions under Article 31 of Act No. 216/1994 Sb., as amended.

Regional courts enter in the Register C cases under the provisions of Article 9(2) of the Code of Civil Procedure (except Article 9(2)(d) and (e) of the Code of Civil Procedure).

Register E - register incorporating requests of other courts to execute a decision or part of a decision and to realize bankruptcy assets under Article 27(3) of Act No. 328/1991 Sb., as amended. Also included are cases of sale of security under Article 338(a) of the Code of Civil Procedure.

Register P and Nc - register incorporating cases concerning upbringing and maintenance of minor children, visitation orders, parental responsibility, guardianship, adoption, foster care, adjudicated treatment in a special institution, approvals of important instances of acting on behalf of minors including execution of decisions on upbringing of minor children, under the provisions of Article 176(1), Article 180(a), Articles 181, 186, 194 and 195 of the Code of Civil Procedure, and actions under Articles 228 and 229 of the Code of Civil Procedure in the matters of custodianship and Article 78 of the Family Act.

Register Cm - register of commercial cases kept by the regional courts. It incorporates motions to issue a payment order or compulsory order to pay a bill or cheque if the protest (or objections in the event of a compulsory order to pay a bill or cheque) was filed in due time, or if

payment order was cancelled or not issued. The register also incorporates cases in which new proceedings take place in the court of first instance in consequence of a decision of the court of appeal; requests for renewal of proceedings; actions for nullity; and cases in which new proceedings take place in the court of first instance due to permitted renewal of proceedings.

Cases - designation of matters handled by a court and incorporated in appropriate register. One case may involve more persons.

Restored - cases in which, in consequence of a decision of the court of higher instance, proceedings in the court of first instance have to follow after full or partial reversal of decision or after non-compliance with a motion for change of jurisdiction or for removal or referral of the case.

Filed - in criminal cases: number of charges filed or motions for sentence and, possibly, of cases re-filed as the result of the application of extraordinary legal remedies. In civil cases and in P and Nc cases (care for minor children): number of motions submitted to courts (including cases initiated by the court through its own power of initiation), which are incorporated in appropriate register by the court.

Settled - number of cases (persons) decided by courts.

Outstanding - number of cases (persons) submitted, but not yet settled by courts. The figures always refer to 31 December of the year concerned.

Table 25-2. Final decisions of courts and average length of judicial proceedings

Final decision - a court ruling that has gained legal validity.

Number of cases - number of reference numbers under which individual cases are handled (number of files).

Number of rights - number of rights exercised in a legal case.

Proceedings involving minor children - proceedings involving persons aged below 15 at the time the offence was committed.

Legal validity - an attribute of a final decision which is binding and cannot be changed.

Table 25-3. Prosecuted, accused and convicted persons

Persons prosecuted - number of persons against whom prosecution under Article 160 of the Code of Criminal Procedure was terminated in the year concerned.

Persons accused - number of persons against whom a legal action was brought under Article 176 of the Code of Criminal Procedure.

Prosecution discontinued - number of persons against whom prosecution was discontinued under Article 172 of the Code of Criminal Procedure or conditionally discontinued under Article 307 of the Code of Criminal Procedure.

Interrupted - number of persons against whom prosecution was interrupted under Article 173 of the Code of Criminal Procedure. Prosecution interruption is an interlocutory decision; the case is not finally terminated.

Passed - number of cases passed to another authority under Article 171 of the Code of Criminal Procedure.

Shortened preparatory proceedings - number of persons against whom shortened preparatory proceedings conducted under Article 179(a) of the Code of Criminal Procedure were terminated in the year concerned.

Motions for sentence - number of persons against whom a motion for sentence was made under Article 179(c) of the Code of Criminal Procedure.

Convicted person - a person ruled guilty and sentenced by court, when the sentence has gained legal validity.

Habitual offender - a person who had already been sentenced before for a similar crime, which is considered an aggravating circumstance.

Juvenile - a person aged between 15 and 18 at the time the offence was committed.

Imprisonment - a sentence served in prisons run by the Prison Service of the Czech Republic.

Probation order - sentence execution is conditionally suspended over a probationary period.

Probation order with supervision - sentence execution is conditionally suspended over a probationary period and the offender is under supervision.

Criminal offences combined with other sentences - imposition of more sentences at the same time within the meaning of Article 28 of the Criminal Code.

Banned activity - sentences imposing a ban on the execution of a certain occupation, profession, position or activity for the period of one to ten years.

Other sentence - e.g. a loss of honorary titles and awards, loss of the military rank, forfeiture, deportation, prohibition of stay, etc.

Retributive measure - unlike the provisions of the Criminal Code for adult offenders, sanctions for criminal offences committed by juveniles are not called sentence but retributive measures.

Sentence remitted - sentence is remitted under Articles 24, 25 and 26 of the Criminal Code.

Tables 25-4 and 25-5. **All persons convicted and juveniles convicted of criminal offences**

Offences in the table are taken from Act No. 140/1961 Sb., the Criminal Code, as amended.

Article 257(b) - damaging another person's property by spraying.

Traffic offences - offences committed in connection with the operation of a means of transport.

Table 25-11. **Convicted persons: by prison category**

Act No. 169/1999 Sb., on Imprisonment, has been in force since 1 January 2000. Besides the four basic prison categories, it establishes a separate type of **prison for juveniles**, i.e. for convicted young people under the age of 19 and for older convicted persons (having reached 19) if ruled by the court that they would serve the sentence among juvenile inmates.

Table 25-18. **Extraordinary events**

Suspension of term - the prison manager can suspend, as a reward, the term of imprisonment for up to 20 days per calendar year, providing the convicted person fulfils the activity scheme successfully and the purpose of the term is being achieved. The suspension is included in the term of imprisonment.

The prison manager can suspend the term of imprisonment of a convicted person for up to 10 days per calendar year for urgent family reasons. It is also the prison manager's right to suspend the term of imprisonment of a convicted person for a necessary period of time if they need urgent medical attention that cannot be provided in the prison or in a specialised health establishment run by the Prison Service of the CR. Suspension not exceeding 30 days per calendar year is included in the term of imprisonment, unless the convicted person caused damage to his/her health wilfully.

Free movement - form of work activity carried out by convicted persons outside the prison.

Prison leave - form of reward the prison manager can give to a convicted person for up to 24 hours in connection with a visit or the activity scheme (attendance at cultural, sports and religious events), during which the convicted person does not have to be under supervision of the Prison Service of the CR's officer.

Tables 25-19 to 25-22. **Traffic accidents**

Rail accidents - only serious accidents involving injury are given.

Road accidents - all accidents reported to the police.

Air accidents - civilian air transport accidents only.

Killed person - person who died on the spot of the accident, during transport to hospital or within 30 days of the accident. (The data comply with the recommendation of the UN Economic Commission for Europe and are reported in most of the EU countries).

Severe injury, light injury - classified by the medical doctor.

Table 25-23. **Emergencies involving intervention of fire brigade units**

Types of emergencies:

Fire - any undesirable combustion in which people or animals were killed or injured or property damaged. A fire is also any undesirable combustion posing an imminent threat to persons, animals, property or the environment.

Traffic accident - a collision of means of transport, as well as a traffic accident in which fire brigade units only recovered vehicles from areas off the road or a traffic accident with only minor consequences (e.g. leakage of fuel, lubricant, coolant from service tanks of vehicles).

Natural disaster - a large-scale emergency caused by adversely acting forces - elements that jeopardise lives, health, property or the environment - e.g. floods, spates, heavy rains, snow, ice, windstorms, landslides, earthquakes etc.

Leakage of hazardous chemicals - undesirable leakage of hazardous chemical substances, crude oil products inclusive (during production, transport or handling), and of other substances. (**Hazardous substance** – see Act No. 365/2003 Sb., on Chemical Substances and Preparations and on Changes of Some Other Acts, as amended).

Leakage of petroleum products (oil accident) - leakage of crude oil products only (petrol, diesel or lubricating oils).

Technical emergency includes technical accidents, technical assistance, technological assistance, and other assistance.

Technical accident - a risk or hazardous condition of a large extent or posing a serious threat to the health of people and animals or to property (except natural disaster), e.g. building collapse.

Technical assistance - a risk or hazardous condition of a smaller extent - except technological assistance and traffic accidents.

Technological assistance - a risk or hazardous condition in technological operation of plants.

Other assistance - an emergency requiring a kind of assistance where the intervention of fire brigade units cannot be classified as technical accident intervention or as technical or technological assistance (except natural disaster).

Radiation accident - for definition see Article 2 of Act No. 18/1997 Sb. and Article 5 of Decree No. 318/2002 Sb.

Other emergency - e.g. an epidemic or infection.

Types of emergency interventions of fire brigade units (characteristics, examples):

Fire intervention - fire exploration, all kinds of fire fighting using simple extinguishers, water, foam or special technical facilities and extinguishing agents and other fire-fighting responses. Also traffic accident interventions with subsequent fire are included.

Traffic accident intervention - traffic emergency interventions, such as rescue of trapped persons and animals, removal of traffic accident consequences, towing wrecks, recovery of vehicles from areas off the road, road cleaning or removal of fuel, lubricant, coolant leaked from service tanks

of vehicles. If other type of activity prevails in a fire brigade unit intervention, e.g. due to leakage of hazardous substances to the environment, the intervention is classified according to the prevailing character. Any intervention involving traffic accidents with subsequent fire is considered a fire intervention.

Natural disaster intervention implies performing rescue, relief and disposal operations (especially in connection with the calling of a state of emergency, degree of flood activity, etc.).

Intervention in emergencies involving leakage of hazardous chemicals is aimed at limiting or reducing the risk of uncontrolled leakage of flammable, explosive, caustic, poisonous, harmful, radioactive and other hazardous substances incl. petroleum products, and possibly other substances (natural gas, acids and salts, lye, ammonia, etc.) to the environment, including the risk of serious accidents under Article 2 of the Act on Prevention of Serious Accidents. For example neutralization, dilution, re-pumping, detection of the kind of leaked substance, closure, and leakage collection are included.

Intervention in emergencies involving leakage of petroleum products only: interventions in emergencies involving leakage of these substances from service tanks of vehicles due to traffic accidents are classified as traffic accident interventions.

Technical emergency intervention is aimed at eliminating a risk or hazardous condition.

Technical accident intervention includes particularly search and rescue of people trapped in collapsed buildings, dismantling of structures, etc.

Technical assistance intervention: e.g. lift rescue operations; emergency opening of apartments; removal of obstacles from roads or other places; opening of locked rooms; removal of fallen trees or electric conductors; ventilation of rooms; water pumping and supplying; water, gas and power shutting-off; assistance in search of booby traps; concentration and radiation measurements; provisional or other repair; rescue of (trapped) people, animals and things (including water operations), etc.

Technological assistance intervention: e.g. substitution of failed cooling, emergency air or water supply, fire-fighting assistance, as well as fighting the fire rests after burning brushwood or after a forest fire, cooling of briquettes and landfills.

Other assistance intervention: e.g. transport or transfer of a patient or physician, monitoring of watercourses, control of road practicability, etc.; on other service demand (both directly and indirectly provided assistance).

Radiation accident intervention: emergency interventions involving impermissible leakage of radioactive substances or ionising radiation, e.g. marking of dangerous areas, large scale evacuation of the population, special cleaning, putting shelters into service, etc.

Other emergency intervention: all emergency interventions that cannot be classified under any of the above-mentioned types of interventions of fire brigade units (safe removal of suspicious packages, activities related to combating infections – e.g. catching of infected animals, etc.).

False alarm intervention: intervention of fire brigade units in response to a reported emergency (e.g. fire) that was not confirmed.

Numbers of emergencies involving intervention and numbers of emergency interventions may differ because one emergency may involve more interventions.

Table 25-24. Expenditures on fire protection

The **categories of fire brigade units (FBU)** defined by Act No. 133/1985 Sb., on Fire Protection, as amended:

For the purposes of nationwide coverage, the fire brigade units are divided into **units with the territorial scope of operation** whose interventions are not limited to the territory of their founder and **units with the local scope of operation** operating on the territory of their founder.

Units with the territorial scope of operation:

FBU I - fire and rescue service units with a territorial scope of operation usually within 20 minutes driving distance from the place of location.

FBU II - voluntary municipal fire brigade units with members who perform the service as their main or second job; territorial scope of operation usually within 10 minutes driving distance from the place of location.

FBU III - voluntary municipal fire brigade units with members who perform the service voluntarily; territorial scope of operation usually within 10 minutes driving distance from the place of location.

The data in the tables are comparable with the data provided in the statistical yearbooks of previous years; only some of the indicators contain data that may have been adjusted due to revision and differ from those published earlier.

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Detailed information and other data are published on the following web pages:

- <http://www.justice.cz> - Ministry of Justice of the CR
- <http://www.vscr.cz> - Prison Service of the CR
- <http://www.mdcr.cz/en> - Ministry of Transport of the CR
- <http://www.mvcr.cz> - Ministry of the Interior of the CR