

27. JUSTICE, CRIME, ACCIDENTS

This chapter was prepared using information provided by the Ministry of Justice of the CR, the General Directorate of the Prison Service of the CR, the Police Presidium of the CR, the Ministry of Transport of the CR, and the Ministry of the Interior – General Directorate of the Fire and Rescue Service of the CR. The change in the territorial administrative structure of the Czech Republic effective as of 1 January 2000 is not reflected in the organisational structure of justice and prison service.

Notes on Tables

Table 27-1. 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, the Family Act, the Labour Code, and the 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 the Instruction No. 505/2001-ORG of the Ministry of Justice of the CR, in which the internal and office rules of procedure for district, regional, and high courts are issued. 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 a shortened procedure, 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; petitions 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 Section 31 of the Act No. 216/1994 Sb., as amended.

Regional courts enter in the Register C cases under the provisions of Section 9(2) of the Code of Civil Procedure (except Section 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 Section 27(3) of the Act No. 328/1991 Sb., as amended. Cases of sale of security under Section 338(a) of the Code of Civil Procedure are also included.

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 Section 176(1), Section 180(a), Sections 181, 186, 194, and 195 of the Code of Civil Procedure, and actions under Sections 228 and 229 of the Code of Civil Procedure in the matters of custodianship and Section 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; petitions 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.

Register INS – register incorporating bankruptcies, moratoriums, unapproved discharges from debts, motions, discharge of debts, rejected applications for discharge of debt, rejected application for insolvency, claims, conversions to bankruptcy, reorganizations, approved discharges from debts, commenced insolvency proceedings, rejected application for insolvency, suspended insolvency proceedings, cancellation of approved debt discharge and bankruptcy decision, the Act No. 182/2006 Sb.

Cases – designation of matters handled by a court and incorporated in an 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: the 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): the 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 – the number of cases (persons) decided by courts (decisions are not final).

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

Table 27-2. Final decisions of courts and average length of judicial proceedings

Final decision – a final and conclusive judgment.

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

Number of rights – the number of rights exercised in a legal case.

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

Legal force – an attribute of a final decision, which is binding and cannot be changed.

Since 2006 **civil cases** and **commercial cases** have been put together and classified as civil cases. Commercial cases are thus included in civil cases.

Table 27-3. Prosecuted, accused and convicted persons

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

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

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

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

Passed – the number of cases passed to another authority under Section 171 of the Code of Criminal Procedure.

Shortened preparatory procedure – the number of persons against whom shortened preparatory procedure conducted under Section 179(a) of the Code of Criminal Procedure was terminated in the year concerned.

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

Convicted person (or a convict) – a person ruled guilty and sentenced by court, when the sentence has come into force.

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

Juvenile – a person aged at least 15 but not more than 18 years 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.

Sentence combined with other sentences – imposition of more sentences concurrently within the meaning of Section 28 of the Criminal Code.

Prohibition of activity – professional ban or prohibition to undertake activities (carry out an occupation, profession, function) for the period of one to ten years.

Other sentence – e.g. deprivation of titles of honours and awards, loss of military rank, forfeiture of property, forfeiture of a thing, deportation, prohibition of residence, 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.

Absolute discharge – a convict is discharged without punishment under Sections 24, 25, and 26 of the Criminal Code.

Tables 27-4 and 27-5. All persons convicted and juveniles convicted of selected criminal offences

Selected criminal offences are taken from the Act No. 140/1961 Sb., the Criminal Code, as amended.

Since 1 January 2010 a new Criminal Code (the Act No. 40/2009 Sb.) is valid and, at the same time, the Act No. 140/1961 Sb. remains in force. In the tables, data since 2010 have been counted up for convicted persons by both the old and new Criminal Code.

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

Table 27-6. Persons in custody and in prison

Inmate – a person in a security detention according to the Act No. 129/2008 Sb.

Table 27-11. Convicts by prison category

Juvenile prisons are used for convicted young people under the age of 19 years and for older persons if ruled by the court that they would serve their sentence among juvenile inmates after reaching the age of 19 years.

Table 27-15. Extraordinary events

Interruption of the service of imprisonment – the prison manager may interrupt, as a reward, the service of imprisonment for up to 20 days per calendar year, providing the convict fulfils the activity scheme successfully and the purpose of the imprisonment is being achieved. The interruption is included in the term of imprisonment.

Table 27-17. Crime

Crime in total includes offences under criminal law; the classification of offences for the needs of the Police of the Czech Republic differs from that in the criminal law. More detailed information on crime and its classification can be found on web pages of the Ministry of the Interior of the CR.

Cleared-up offences – offences committed and cleared up in the reference period. Cleared-up offences committed in previous years are classified independently as offences **cleared up later**.

Tables 27-18 to 27-21. Traffic accidents

Rail accidents – only serious accidents are shown.

Road accidents in total – all accidents reported to the traffic police.

A person involved in a traffic accident is obliged to report the accident to the traffic police in case of injury or death or in case of damage to a third party's property or material damage to any of vehicles (including load) exceeding CZK 1 000 (until 31 December 2000), CZK 20 000 (from 1 January 2001), CZK 50 000 (from 1 July 2006) and CZK 100 000 (from 1 January 2009).

Air accidents – data on air accidents are for general aviation only.

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

Serious injury, slight injury – classified by a medical doctor.

Tables 27-22 and 27-23. Emergencies with interventions of fire brigade units (FBU)

Types of emergencies:

Fire – any undesirable combustion in which people or animals were killed or injured or property was damaged. A fire is also any undesirable combustion, which poses an imminent threat to human or animal life, health, property or the environment.

Traffic accident – a collision of means of transport that requires rescue and recovery operations or damage removal; also a traffic accident in which fire brigade units only extricated a vehicle from areas off the road or a traffic accident with only minor damage (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, frost, windstorms, landslides, earthquakes; often connected with the declaration of a state of emergency, level of flood control activities etc.).

Since 2010 registering of natural disasters has changed. Natural disasters are registered by means of an attribute always in connection with the type of the emergency the consequences of which were eliminated. Information on interventions of fire brigade units at natural disasters is in a separate table 27-23.

Leakages of hazardous chemical substances – undesirable leakage of hazardous chemical substances, including crude oil products (during production, transport or handling), and of other substances. (Hazardous substances are defined by law.)

Leakages of crude oil products (oil accident) – leakage of crude oil products only (petrol, diesel or lubricating oils).

Technical emergencies in total are related to an imminent danger or hazardous condition of a large extent (so-called **“technical accident”** – e.g. imminent building collapse), of a lesser extent (so-called **“technical**

assistance" – e.g. people stuck in lifts, in locked rooms, gas or water escape), in technological operation of plants (so-called "**technological assistance**" – e.g. emergencies requiring assistance in dangerous activities) and so-called "**other assistance**" e.g. transport of a patient or a physician, monitoring of watercourses and the like also upon a request by another service.

Radiation emergency – an event resulting in an impermissible release of radioactive substances or ionising radiation; **radiation accident** – an accident, consequences of which require urgent measures to be taken to protect the population and the environment.

Other emergencies – e.g. an epidemic or infection, interception of suspect consignments.

Numbers of emergencies with interventions and numbers of interventions at emergencies may differ because one emergency may involve more interventions.

Table 27-24. Basic economic indicators of the Fire and Rescue Service of the CR

Fire and Rescue Service of the CR – consists of the General Directorate of the Fire and Rescue Service of the CR (part of the Ministry of the Interior of the CR) and fire and rescue service in each of the regions.

FBU II, FBU III – categories of fire brigade units defined in the Fire Protection Act; they are voluntary municipal fire brigade units with members who perform the service as their main or second job (FBU II) or voluntarily (FBU III), the scope of operation reaches beyond their founder's territory, usually within 10 minutes driving distance from the place of location.

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More detailed information and further data can be found on websites at:

- <http://portal.justice.cz/justice2/uvod/uvod.aspx> (Czech only) – Ministry of Justice of the CR
- www.vscr.cz/?lang=3 – Prison Service of the CR
- www.policie.cz/clanek/Police-of-the-Czech-Republic.aspx – Police of the CR
- www.mdcr.cz/en/HomePage.htm – Ministry of Transport of the CR
- www.mvcr.cz/mvcren/ – Ministry of the Interior of the CR