

## 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, 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 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; 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 Section 31 of 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 Act No. 328/1991 Sb., as amended. Also included are cases of sale of security under Section 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 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; 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.

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

**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 27-2. **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.

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** – number of persons against whom prosecution under Section 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 Section 176 of the Code of Criminal Procedure.

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

**Shortened preparatory procedure** – 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** – number of persons against whom a motion for sentence was made under Section 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 Section 28 of the Criminal Code.

**Prohibition of activity** – prohibition of 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 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**

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

**Section 257(b)** – damaging another person's property by graffiti.

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

Table 27-11. **Convicted persons: by prison category**

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

Table 27-15. **Extraordinary events**

**Suspension of term** – the prison manager may 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.

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 to that in the criminal law. More detailed information on crime broken down by region and offence is available on the website 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 involving injury.

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

The obligation to report an accident to the police arises to a party to an accident in case of injury or death of the person(s) involved in an accident 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** – civilian air transport accidents only.

**Killed person** – person who died on the scene 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; they are recorded in most of the EU countries).

**Severe injury, light injury** – classified by the medical doctor.

Table 27-22. **Emergencies requiring intervention from 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 which poses an imminent threat to life, health, property or 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 recovered 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, ice, windstorms, landslides, earthquakes; often connected with the calling of a state of emergency, flood activity degree 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 substances** are defined by the law.)

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

**Technical emergencies in total** are related to a risk or hazardous condition of a large extent (**technical accident** – e.g. imminent building collapse), of a lesser extent (**technical assistance** – e.g. people got stuck in lifts, in locked rooms, gas and water escape), in technological operation of plants (**technological assistance** – e.g. emergencies requiring assistance in dangerous situations) and **other assistance**; except traffic accidents and natural disasters.

**Radiation emergency** – emergency involving leakage of radioactive substances or ionising radiation; **radiation accident** – accident which requires extraordinary measures to be taken to protect the population and the environment.

**Other emergency** – e.g. an epidemic or infection.

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

**Table 27-23. 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.

\* \* \*

More detailed and further information is available at:

- <http://portal.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/mvcren/> – Ministry of the Interior of the CR