

27. JUSTICE, CRIME, ACCIDENTS

This chapter was prepared using information provided by the Ministry of Justice, the General Directorate of the Prison Service of the CR, the Police Presidium of the CR, the Ministry of Transport, 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 – mainly cases regulated by the Act No 40/1964 Sb, the Civil Code, as amended, since 1 January 2014 by the Act No 89/2012 Sb, the Civil Code (hereinafter the Civil Code); further, by the Act No 94/1963 Sb, on Family, as amended (hereinafter the Family Act, which was on 1 January 2014 replaced by the Civil Code), the Act No 262/2006 Sb, the Labour Code, as amended (hereinafter the Labour Code), and the Act No 513/1991 Sb, the Commercial Code, as amended (hereinafter the Commercial Code). On 1 January 2014, the Commercial Code was replaced by the Act No 90/2012 Sb, on Commercial Corporations (hereinafter the Act on Commercial Corporations) and by the Civil Code.

Commercial cases – mainly cases regulated by the Commercial Code or the Act on Commercial Corporations and the Act No 182/2006 Sb on Insolvency and Procedures for Handling It (the Insolvency Act), as amended (hereinafter the Insolvency Act).

Insolvency cases – cases heard by courts pursuant to the Insolvency Act. Within insolvency cases, a court solves both applications for insolvency (recorded in the Register INS) as well as incidental disputes caused during insolvency proceedings (actions recorded in the Register ICM).

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, 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 a 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, on Arbitration Proceedings and on Enforcement of Arbitration Awards, as amended.

Regional courts enter in the Register C cases under the provisions of Section 9(2) of the Act No 99/1963, the Code of Civil Procedure, as amended (hereinafter the Code of Civil Procedure), namely except for letters (d) and (e) of the Code of Civil Procedure.

Register E – register incorporating:

- all motions for order to execute a decision delivered to a court competent to execute a decision and also cases of sale of a pledge under Section 338(a) of the Code of Civil Procedure. Provided that in cases stated in Section 328(b)(4)(g), in Section 335(2), and in Section 338(f)(2) of the Code of Civil Procedure further motions of eligible persons are delivered, they are considered as joining the proceedings and they are not recorded in the register again but they are kept under the original record;
- requests of other courts or other entities to execute a decision or part of a decision or to complete acts at realization of property belonging to a bankruptcy estate, except for execution of a decision in cases of care of court for minors;
- realization of property (sale of movables and immovables) under Section 288 of the Insolvency Act or realization of bankrupt's estate under Section 27(3) of the Act on Bankruptcy and Settlement;
- cases excluded regarding some participant or some type of execution of a decision. Provided that during execution of a decision by means of attachment of earnings order the payer of wages is changed, the case is not recorded in the register again but it is kept under the original record.

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 a 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, discharges from debts, rejected applications for discharges from debts, rejected applications for insolvency, claims, conversions to bankruptcy, reorganizations, approved discharges from debts, commenced insolvency proceedings, rejected applications for insolvency, suspended insolvency proceedings, cancellations of approved discharges from debts and bankruptcy decisions – the Act on Bankruptcy and Settlement or rather the Insolvency Act.

Number of 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 a decision or after non-compliance with a motion for change of jurisdiction or for removal or referral of a case.

Filed – in criminal cases: the number of charges filed or motions for sentence and, possibly, of cases re-filed as a result of 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 an 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 reference year.

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 Act No 141/1961 Sb, on Criminal Proceedings (Code of Criminal Procedure), as amended (hereinafter Code of Criminal Procedure) was terminated in the reference year.

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 reference year.

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 already come into force.

Habitual offender labelled by court – a status usually given to a person who has been previously convicted of a crime for committing subsequent crimes, 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 53 of the new 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 honour and awards, loss of military rank, forfeiture of property, forfeiture of a thing, expulsion, prohibition of residence, etc.

Punitive measure – unlike the provisions of the old Criminal Code or more precisely the new Criminal Code for adult offenders, sanctions for criminal offences committed by juveniles are not called sentence but punitive measures under the Act No 218/2003 Sb, on Liability of Juveniles for Illegal Acts and on Juvenile Courts and amending certain acts (the Act on Juvenile Courts), as amended.

Absolute discharge – a convict is discharged without punishment under Sections 24, 25, and 26 of the old Criminal Code or Sections 46, 47, and 48 of the new Criminal Code.

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

Data in the tables are sums of persons convicted pursuant to 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 pursuant to the Act No 129/2008 Sb, on Security Detention and amending certain related acts, as amended.

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 27-16 **Persons convicted of criminal offences relating to use and distribution of addictive substances**

Data in the table are sums of persons convicted under Sections 187, 187(a), 188, 188(a), 201, 201(a) of the old Criminal Code and Sections 283, 284, 286, 287, 274, and 360 of the new Criminal Code.

Table 27-17 **Crime**

Crime, total includes offences under the old and new Criminal Code; the classification of offences for the needs of the Police of the Czech Republic differs from that in the new Criminal Code. More detailed information on crime and its classification can be found on the website of the Ministry of the Interior.

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, excluding suicides and attempted suicides.

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 100 000.

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 Emergencies with interventions of fire brigade units (FBU)

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, 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).

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, 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 27-23 Interventions of fire brigade units (FBU) at natural disasters

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

Natural disasters are registered by means of an attribute always in connection with the type of the emergency the consequences of which were eliminated. Classified to this category are mainly events connected with the declaration of a state of emergency, level of flood control activities, etc.

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) and fire and rescue service in each of the regions.

FBU II, FBU III – categories of fire brigade units pursuant to 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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Further data can be found on websites at:

- portal.justice.cz/justice2/uvod/uvod.aspx (Czech only) – Ministry of Justice
- 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.mdcz.cz/en/HomePage.htm – Ministry of Transport
- www.mvcr.cz/mvcren/ – Ministry of the Interior
- www.hzscr.cz/hasicien/default.aspx – Fire and Rescue Service of the CR