

## 29. 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 29-1 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 penal sanctions and indemnities caused by criminal activities are decided on. It includes also cases, in which courts decide about motions for an approval of an agreement on the guilt and punishment.

**Civil cases** – prevailing part of the agenda are cases regulated by the Act No 89/2012 Sb, the Civil Code, as amended (hereinafter referred to as the “Civil Code”), which replaced on 1 January 2014 the original Civil Code (Act No 40/1964 Sb) and the Family Act (Act No 94/1963 Sb). Furthermore, labour cases provided for by the Labour Code (Act No 262/2006 Sb, as amended). Civil cases belong to civil agenda of courts.

**Guardianship and curatorship cases** – the civil agenda, which consists mainly of selected cases provided for by the Civil Code regarding legal capacity and guardianship of a person (an adult natural person) and issues related to minors, curatorship and other forms of childcare.

**Commercial cases** – another one of civil agendas, prevailing part of which consists of disputes among entrepreneurs and cases provided for by the Act No 90/2012 Sb, on Commercial Corporations and Cooperatives (Commercial Corporations Act), as amended (hereinafter referred to as the “Commercial Corporations Act”), which were previously provided for by the Act No 513/1991 Sb, the Commercial Code, as amended (hereinafter referred to as the “Commercial Code”), and further cases provided for by the Act No 182/2006 Sb, on Bankruptcy and Settlement (the Insolvency Act), as amended (hereinafter referred to as the “Insolvency Act”). The Commercial Code was replaced on 1 January 2014 by the Commercial Corporations Act and by the Civil Code.

**Insolvency cases** – cases separated from commercial cases; the agenda consists of cases heard by regional courts pursuant to the Insolvency Act. Within insolvency cases, a court solves both declarations of insolvency (recorded in the Register INS) as well as incidental disputes caused by insolvency proceedings (actions recorded in the Register ICM), listing of which is provided in the Section 159 of the Insolvency Act.

**Registers of cases by type** – the registers are listed in the Instruction ref. No 505/2001–ORG of the Ministry of Justice from 3 December 2001, in which the internal and office rules of procedure for district, regional, and high courts are issued, as amended. The document also specifies the way of keeping records in individual registers.

**Register T** – a register incorporating all criminal cases, in which the public prosecutor brought charges or (following a shortened procedure) made a motion for sentence, including cases, in which courts decide about motions for an approval of an agreement on the guilt and punishment, with the exception of juvenile cases.

#### **Register C – a register incorporating:**

- all civil motions concerning legal relations between a plaintiff and a defendant including declaratory actions (Section 80 of the Civil Procedure Code), actions for protection from disturbed possession, actions for the protection of personal rights, actions pursuant to the Act No 198/2009 Sb, on Equal Treatment and on Legal Means of Protection against Discrimination and amending certain acts (Anti-Discrimination Act), actions in cases, which have been decided about by another body, provided that a district court is the competent court, and also actions caused by probate proceedings;
- motions for decisions about legal status of persons in cases of marriages or partnerships, motions in cases relating to arrogation including motions for cancellation of arrogation, further motions for determination or cancellation of a duty to maintain and support persons having full legal capacity, and for determination of alimony and ensuring of coverage of some expenses for an unmarried mother, further motions in cases of recognition of foreign judgements pursuant to the Section 16 of the Act No 91/2012 Sb, on Private International Law, as amended;
- motions to cancel a consent decree, motions to declare nullity of an arbitration agreement and to cancel arbitrators, motions to order judicial sale of a pledge;
- motions to issue a payment order, motions to issue an electronic payment order provided that the electronic payment order was cancelled or was not issued, and motions to commence proceedings on small claims;
- actions for a new trial and actions for nullity to cases registered at district courts in the Registers Ro, ERo, L, D, U, Sd, E, and EXE.

The following are registered in the Register C at regional courts: cases pursuant to provisions of the Section 9 par. 2(a) to (d) and (g) of the Act No 99/1963, the Civil Procedure Code, as amended (hereinafter referred to as the "Civil Procedure Code"), actions for compensation for expropriation, and actions in cases, which have been decided about by another body, pursuant to the Section 249 par. 2 of the Civil Procedure Code.

**Registers P and Nc** – registers incorporating:

- cases related to: support measures when an ability of an adult to legally act and legal capacity of a person to act is disturbed, declaration of a person to be missing, declaration of the death of a person or determination of the date of death, interference with the integrity of minors, who reached the age of fourteen and have not attained full legal capacity, and interference with the integrity of persons incapable of judgement in a way that causes permanent, inevitable, and serious consequences or in a way seriously endangering the person's life or health;
- motions for a permission to contract marriage, cases related to determination and denial of parenthood, cases of care of court for minors (Section 466 of the Act No 292/2013 Sb), including execution of a decision on care for minors, cases related to adoption of a minor (Section 427 of the Act No 292/2013 Sb), and motions for issuing an order for emergency ruling regulating personal circumstances of a child.

**Register Cm** – a register of commercial cases kept by regional courts. It further incorporates motions to issue a payment order and a judicial order to pay in a form of bill (or cheque), motions to issue an electronic payment order provided that a protest was filed in due time or in case that a payment order was not issued or it was cancelled, and motions to commence proceedings on small claims. Also actions for a new trial and actions for nullity are registered there to cases registered at regional courts in the Registers Ro, ERo, Sm, K, and KV.

**Register INS** – a register incorporating applications for a declaration of insolvency and moratorium motions before the commencement of proceedings pursuant to the Insolvency Act.

**Register ICm** – a register incorporating incidental disputes pursuant to the Insolvency Act and actions for nullity of cases kept in the Register INS.

**A caseload** – cases 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 rejection of a motion for a change of jurisdiction or for removal or referral of a case.

In 2009, keeping of registers changed as for recording of actions (motions, petitions) for a new trial (proceedings), actions for nullity, and also cases in which (in consequence of a decision of the court of appeal or the Constitutional Court, due to permitted renewal of proceedings, or as a result of cancellation of a contested decision due to nullity) new proceedings take place again in the court of first instance. What is new is that these cases are not recorded as a new case (filed), but they are **restored** pursuant to legislation since 1 January 2009.

**Filed** – in criminal cases: the number of filed charges, motions for sentence, and motions for an approval of an agreement on the guilt and punishment. In civil cases and in P and Nc cases: the number of motions for commencement of proceedings (actions), 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.

**Resolved** – the number of cases decided by courts (decisions are not final).

**Pending** – the number of cases submitted, but not yet decided by courts. The figures always refer to 31 December of the reference year.

#### Table 29-2 Final decisions of courts and average length of judicial proceedings

**A final decision** – a final and conclusive decision (judgement).

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

**The number of rights** – the number of rights exercised in a legal case.

**The number of rights in minors' cases** – the number of children, about whom courts decided in minors' guardianship and curatorship cases.

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

In 2006, **civil cases and commercial cases** were put together under civil agenda. Commercial cases are thus part of civil cases.

#### Table 29-3 Prosecuted, accused, and convicted natural persons

**Persons prosecuted** – the number of natural persons against whom prosecution under the Section 160 of the Act No 141/1961 Sb, on Criminal Proceedings (Code of Criminal Procedure), as amended (hereinafter referred to as the "Code of Criminal Procedure") was terminated in the reference year.

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

**Motions for an approval of an agreement on the guilt and punishment** – the number of natural persons, with whom a public prosecutor made an agreement on the guilt and punishment and then submitted to the court a motion for an approval of the agreement pursuant to the Sections 175(a) and 175(b) of the Code of Criminal Procedure.

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

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

**A prosecution referred** – the number of cases referred to another authority under the Section 171 of the Code of Criminal Procedure.

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

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

**Motions for an approval of an agreement on the guilt and punishment** – the number of natural persons, with whom a public prosecutor in a shortened preparatory procedure made an agreement on the guilt and punishment and then submitted to the court a motion for an approval of the agreement pursuant to the Section 179(b) par. 5 of the Code of Criminal Procedure.

**A convicted person (or a convict)** – a natural person ruled guilty and sentenced by the court, when the sentence has already come into force.

**A habitual offender** labelled by a court – a natural person previously convicted of a crime, which is considered by a court to be an aggravating circumstance when imposing a punishment for a subsequent offence.

**A juvenile** – a natural person aged at least 15 years but not more than 18 years at the time the offence was committed.

**An imprisonment** – a sentence served in prisons run by the Prison Service of the Czech Republic.

**A probation order** – sentence execution is conditionally suspended (by a court) over a probationary period.

**A probation order with supervision** – sentence execution is conditionally suspended (by a court) over a probationary period and the offender is under supervision.

**Sentences combined with other sentences** – imposition of more sentences concurrently within the meaning of the Section 53 of the Criminal Code.

**A 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 (banishment), prohibition of residence, etc.

**A 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.

**An absolute discharge** – a convict is discharged without punishment under the Sections 46, 47, 48 of the Criminal Code.

#### Tables 29-4 and 29-5 **Natural persons and juveniles convicted of selected criminal offences**

Data in the tables are sums of natural persons convicted pursuant to the Criminal Code (the old one or the new one).

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

#### Table 29-6 **Persons in custody and in prison**

**An 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 29-8 **Prisoners by citizenship**

Nationals of the former Czech and Slovak Federative Republic from available documents of whom it is not clear whether they are citizens of the Czech Republic or the Slovak Republic are classified to foreigners.

#### **Table 29-10 Convicts who commenced the sentence of imprisonment**

Commencements of the sentence of imprisonment include commencements from civil life, committals of a convict to prison by the police, returns after prison breaks, returns after interruptions of the service of imprisonment pursuant to the Section 325 par. 1 of the Code of Criminal Procedure or a takeover from abroad.

#### **Table 29-11 Convicts by prison category**

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

As a result of changes introduced by the Act No 58/2017 Sb and the Decree No 279/2017 Sb effective from 1 October 2017, division of prisons changed as for the way how external security is ensured, ensuring of safety, and the regime under which a sentence is served – now there are two prison categories: prisons with security and prisons with increased security. Prisons with security are subdivided according to the level of security as follows: units with low level of security, units with medium level of security, and units with high level of security.

#### **Table 29-14 Employment, average monthly wage, and vocational training results of convicts**

Since 2016, only convicts working for financial remuneration are included in employment records.

#### **Table 29-15 Extraordinary events**

An **interruption of the service of imprisonment** – the prison manager may interrupt, as a reward, the service of imprisonment for up to 20 days during a 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 29-16 Persons convicted of criminal offences relating to use and distribution of addictive substances**

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

#### **Table 29-17 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.

**Solved** – offences committed and solved in the reference period. Solved offences committed in previous years are classified independently as offences **solved later**.

#### **Tables 29-18 to 29-21 Traffic accidents**

**Rail accidents** – only serious accidents are shown, excluding suicides and attempted suicides.

**Road accidents, total** – all road 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 an injury or a death or in case of a damage to a third party's property or a material damage to any of the vehicles (including the load) exceeding CZK 100 000.

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

A **killed person** – a person who died on the scene of the accident, during the transport to a hospital or due to a road accident if death occurs within 30 days of the accident. (The data comply with the recommendation of the United Nations Economic Commission for Europe; they are reported in most of the EU Member States).

A **serious injury**, a **slight injury** – as classified by a medical doctor.

#### **Tables 29-22 Emergencies with interventions of fire units**

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

A **traffic accident** – an emergency related to an operation of a vehicle in motion, in which a person was killed or injured or there was some property damage. Also a case, in which fire units removed only small consequences of an accident (cleaning of a road or removal of leakages of substances – fuels, lubricants, coolants and the like) shall be considered a traffic accident provided that it was a consequence of a traffic accident. Traffic accidents are classified by prevailing character of an accident. Provided that other works prevail in activities of fire units, e.g. due to a leakage of a hazardous substance to the environment, the intervention is classified according to its prevailing character. A traffic accident with a consequent fire always belongs to the fire category.

**Leakages of hazardous chemical substances** – an intervention at an emergency connected with an 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 are classified by the state of matter. An emergency to reduce or decrease the risk of uncontrollable leakage of flammable, explosive, corrosive, poisonous, harmful to health, radioactive, and other hazardous substances, crude oil products or other substances to the environment (natural gas, acids and acid salts, lye, ammoniac, etc.) including serious accidents pursuant to the Section 2(g) of an act on prevention of serious accidents.

**Leakages of crude oil products (oil accident)** – an intervention especially to prevent a leakage and reduce its extent of exclusively crude oil products. It applies exclusively to leakages of crude oil products (petrol, diesel or lubricating oils). Leakages of these substances (fuels, lubricants, coolants and the like) from vehicles as a consequence of traffic accidents are classified as a traffic accident.

**Technical emergencies, total** – interventions at emergencies resulting in removals of dangers or hazardous conditions.

A **technical emergency** – a removal of dangers or hazardous conditions of a large scale or with enormous consequences for health of persons, animals or property (e.g. a building collapse).

A **technical assistance** – a removal of dangers or hazardous conditions out of technological operation of plants (excluding traffic accidents). It applies to assistance with equipment of fire units without connection to any technological operation or manufacture (e.g. extrication of persons or objects, emergency opening, unlocking of locked premises, rescue of persons and animals; drawing, closing, and delivering of water, temporary or other repairs, and the like).

A **technological assistance** – a removal of dangers or hazardous conditions especially in technologies or operations. It applies to assistance with equipment of fire units (e.g. emergency supply of air, water, electricity; fire assistance, subsequent final suppression and extinction of centres of a forest fire, and the like).

**Other assistance** – it cannot be classified to the previous categories of technical emergencies. It applies e.g. to taking down, transportation or pick-up of a patient, searching for missing persons, monitoring (e.g. of watercourses, of used scum baffles), control of traffic capacity of roads, and the like, assistances upon request of another entity (directly or indirectly provided assistance).

A **radiation accident and a radiological emergency** – an intervention at an emergency connected with an impermissible release of radioactive substances or ionizing radiation.

**Other emergencies** – an intervention at an emergency of another type, e.g. an epidemic or an infection caused by a dangerous disease, interception of suspect consignments, and furthermore all interventions at emergencies, which cannot be classified to any of the previous categories.

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

#### Table 29-23 Interventions of fire units at natural disasters

A **natural disaster** – a large-scale emergency caused by natural influences in a global or local manner that jeopardise lives, health, property or the environment e.g. floods, spates, heavy rains, influence of 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. This category incorporates mainly events connected with the declaration of a state of emergency, level of flood control activities, etc.

#### Table 29-24 Basic economic indicators of the Fire and Rescue Service of the CR

The **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 services in each of the regions.

**Fire units II, III, and V** – categories of fire units pursuant to the Fire Protection Act; it applies to municipal voluntary fire units, members of which perform the service in the unit as their job or voluntarily with the scope of operation beyond the cadastral territory of their founder, usually within 10 minutes driving distance from the place of location (fire units II and III) and units, members of which perform the service in the unit voluntarily with the local scope of operation on the cadastral territory of their founder (fire units V).

#### Tables 29-25 to 29-28 Fires

**Killed persons, total** – all killed persons found on the site of fire. The piece of data includes also persons the death of whom probably did not occur in direct connection with fire, e.g. as a result of a heart attack, a murder, and the like.

**Killed persons in direct connection with fires** – persons, who died as a result of burn, combustion gas intoxication, and the like, as well as persons for whom it was impossible to find out whether they probably died in direct connection with a fire. The piece of data has been surveyed since 2014.

*Further information can be found on websites at:*

- [portal.justice.cz/justice2/Uvod/uvod.aspx](http://portal.justice.cz/justice2/Uvod/uvod.aspx) (Czech only) – Ministry of Justice
- [www.vscr.cz/?lang=3](http://www.vscr.cz/?lang=3) (Czech only) – Prison Service of the CR
- [www.policie.cz/clanek/Police-of-the-Czech-Republic.aspx](http://www.policie.cz/clanek/Police-of-the-Czech-Republic.aspx) – Police of the CR
- [www.mdcr.cz/?lang=en-GB](http://www.mdcr.cz/?lang=en-GB) – Ministry of Transport
- [www.mvcr.cz/mvcren/](http://www.mvcr.cz/mvcren/) – Ministry of the Interior
- [www.hzscr.cz/hasicien/default.aspx](http://www.hzscr.cz/hasicien/default.aspx) – Fire and Rescue Service of the CR