

VZOR CITACE PŘÍSLUŠNÝCH USTANOVENÍ TRESTNÍCH PŘEDPISŮ
v anglickém jazyce

TEXT OF THE RELEVANT PROVISIONS
OF THE CRIMINAL LAW OF THE CZECH REPUBLIC

A) The Czech Republic requests the extradition of, born on, citizen of, for the criminal offence of under Section ...(...) of the Act No. 40/2009 of the Collection of Laws, the Criminal Code, as amended (hereinafter „the 2009 Criminal Code“). The relevant provisions of the 2009 Criminal Code read:

Section ...

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B) The 2009 Criminal Code entered into force on 1 January 2010. The conduct, for which extradition of the above-mentioned person is requested, constituted criminal offences also under the laws in force at the time of its commission, i. e. under the Act No. 140/1961 of the Collection of Laws, the Criminal Law, as amended (hereinafter „the 1961 Criminal Law“). The relevant provisions of the 1961 Criminal Law read:

Section ...

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As the provisions of the 2009 Criminal Code are more lenient towards perpetrators of the above-mentioned criminal offence, the 2009 Criminal Code is applied even though the offence had been committed before its entry into force. The relevant provisions of the 1961 Criminal Law and of the 1961 Criminal Law read:

Section 16 of the 1961 Criminal Law

(1) The criminal liability for an act shall be considered under the law in force at the time when the act was committed; it shall be considered under a later law only if it is more favourable to the offender.

Section 2 of the 2009 Criminal Code
Criminality of an Act and the Time of Its Commission

(1) The criminal liability for an act shall be considered under the law in force at the time when the act was committed; it shall be considered under a later law only if it is more favourable to the offender.

C) The conduct, for which extradition of the above-mentioned person is requested, is not statute-barred for lapse of time. The relevant statutes of limitation read:

Section 34 of the 2009 Criminal Code
Period of Limitation

(1) Criminal liability for a criminal offence shall expire upon the lapse of the period of limitation, which amounts to
a) twenty years where a criminal offence is concerned for which the criminal law permits the imposition of an exceptional punishment and a criminal offence committed as part of the drafting or approving of a privatisation project as set out under another legal regulation,

- b) fifteen years where the upper punishment limit of a prison sentence amounts to a minimum of ten years,
- c) ten years where the upper punishment limit of a prison sentence amounts to a minimum of five years,
- d) five years where the upper punishment limit of a prison sentence amounts to a minimum of three years,
- e) three years for other criminal offences.

(2) For criminal offences where the principle is the effect or those where the effect is a principle of the qualified merits of the case, the period of limitation shall start to run from the moment when such effect occurred; for other criminal offences, the period of limitation shall start to run upon the completion of their conduct. The period of limitation begins for the accessory following the completion of the act of the main offender.

(3) The following shall not be counted into the period of limitation

- a) the period of time during which the offender could not be brought to the court due to a legal obstacle,
- b) the period of time during which the criminal prosecution was suspended,
- c) the period of time during which a victim of human trafficking (Section 168) or any of the criminal offences referred to in Chapter III of a special part of this Act, on Sexual criminal offences against human dignity, was younger than 18 years,
- d) probational period applying to the conditional suspension of the criminal prosecution or conditional deferral of submission of the proposal for punishment,
- e) the period of time during which the offender could not be criminally prosecuted in the Czech Republic if it concerns an act the culpability of which shall be assessed under the law of the Czech Republic under Section 8 Subsection 1,
- f) the period of time from the issue of the detention order to its revocation or the expiration of its validity for another reason,
- g) the period of time for which certain acts of the criminal proceedings were temporarily waived under the Act on International Judicial Cooperation in Criminal Matters.

(4) The period of limitation shall be suspended

- a) at the commencement of the criminal prosecution for the criminal offence to which the period of limitation applies, as well as by the remand in custody, the issuance of an arrest warrant, the submission of a request for securing the requesting of a person from a foreign State, the issuance of the European Arrest Warrant, submission of an indictment, petition for approval of the agreement on guilt and punishment, petition for punishment, pronouncement of the convicting judgment for a criminal offence or by serving a criminal warrant for such criminal offence to the accused, or
- b) if the offender has committed a new criminal offence at some point during the period of limitation for which criminal law sets out the same or a more severe punishment.

(5) Any suspension of the period of limitation shall cause the period of limitation to start again the beginning.

Section 94 of the 2009 Criminal Code

Limitation Period for Execution of a Sentence

(1) An imposed sentence may not be executed after expiration of the period of limitation, which is

- a) thirty years, if an exceptional sentence is concerned,
- b) twenty years if a sentence for imprisonment exceeding ten years is concerned,
- c) ten years if a sentence for at least five years is concerned,
- d) five years if another sentence is concerned.

(2) The limitation period shall begin on the day of legal force of the judgement and in case of a suspended sentence or conditional discharge on the day of legal force of the decision that the sentence shall be executed.

(3) The time the sentence could not be executed because the convict stayed abroad, was subject to protective therapy or protective detention, or served another sentence of imprisonment, shall not be counted into the limitation period. If a pecuniary penalty, prohibition of activity, prohibition of stay, prohibition of entering sport, cultural and other social events or banishment is concerned, the time the convict served in imprisonment shall also not be counted into the limitation period.

(4) The limitation period shall be interrupted, if

- a) the court has taken measures aimed at execution of the sentence concerned, or
- b) the convict has committed a new criminal offence, for which the Criminal Code stipulates the similar or more severe punishment.

(5) Interruption of the limitation period starts a new limitation period.

Section 67 of the 1961 Criminal Law

(1) An imposed sentence cannot be enforced after expiry of a negative prescription period, which is:

- a) twenty years, in the case of a sentence to exceptional punishment;
- b) fifteen years, in the case of a sentence to imprisonment for a term exceeding ten years;
- c) ten years, in the case of a sentence to imprisonment for a term of no less than five years;
- d) five years, in the case of another punishment.

(2) *The period of negative prescription shall start to run as of the day when the sentence becomes final and, in the case of a suspended sentence or of release on parole, on the day when the verdict ordering enforcement of the punishment (sentence) takes legal effect. The period of negative prescription shall not include a period of time when the punishment could not be enforced because the convict was abroad, or because he was in prison for another crime. With regard to the prohibition of a specific activity, a pecuniary penalty, a punishment in the form of a prohibition of stay (residence) and expulsion, the period of negative prescription shall not include the period of time when the convicted person serves his term of imprisonment.*

(3) *The period of negative prescription shall be interrupted:*

- a) if the court takes steps to enforce a punishment to which the period of negative prescription is related; or*
- b) if, during this period, the convicted person commits a new crime for which this Code provides the same or a stricter punishment.*

(4) *A new period of negative prescription shall commence to run when the (initial) period of negative prescription is interrupted.*

The period of limitation has been suspended by the following acts:

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