

5. CRIME OF FOREIGNERS

The numbers of prosecuted and accused individuals, individuals disposed of in simplified pre-trial proceedings, and individuals on whom a motion for punishment was submitted are compiled from statistical criminal reports completed by district, regional and high prosecuting attorney's offices. The statistical criminal report is completed for each known person recorded in the register for supervision in criminal proceedings and supervision in simplified pre-trial proceedings. Where the proceedings were discontinued conditionally, the report is not completed, until the final and conclusive decision of the court made in compliance with Article 308 of the Criminal Procedure Code. The reports are not made, if proceedings on a matter took place and no perpetrator (suspect) was revealed. The statistical criminal report is completed in accordance with the contents of files, identically for all persons irrespective of the way the matter is settled.

The numbers of convicted persons are also derived from statistical criminal reports completed by district and regional courts of law immediately when the ruling comes into force and for each person concerned. Where the proceedings were discontinued conditionally, the report is not completed, until the final and conclusive decision of the court made in compliance with Article 308 of the Criminal Procedure Code. If a convicted person is guilty of more crimes, only the most serious crime is included.

The data on persons in custodial establishments and in prisons are taken from records of the General Directorate of the Prison Service of the Czech Republic.

Prosecuted - the number of persons, who were notified of the accusation pursuant to Article 160 of the Criminal Procedure Code (delivered, announced) in the reference year.

Accused - the number of persons, against whom action was brought pursuant to Article 176 of the Criminal Procedure Code in the reference year.

Simplified pre-trial proceedings - the number of persons for whom simplified pre-trial proceedings pursuant to Article 179a of the Criminal Procedure Code were terminated in the reference year.

Motion for punishment - the number of persons on whom a motion for punishment was submitted in court pursuant to Article 179c of the Criminal Procedure Code.

Convicted person - a person, against whom a court of law issued a judgment of conviction, which already entered into force.

Expulsion of foreigners by court is carried out on the basis of the execution of expulsion sentence in accordance with Act No. 140/1961 Sb. (Criminal Act) imposed by courts of law in criminal proceedings, according to Act No. 141/1961 Sb., on Criminal Proceedings, in connection with one or more criminal offences the foreigner was convicted of. According to the Criminal Code, the court of law can impose the sentence of expulsion as a separate sentence or with more sentences concurrently. The sentence of expulsion is not imposed on any foreigner who committed a criminal offence. Decisions of administrative authorities (issued before the year 2000) on the prohibition of residence cannot be confused with the sentence of prohibition of residence imposed in criminal proceedings for committing a criminal offence by the court of law.

Note: Data are drawn from statistical reports delivered to the Ministry of Justice in the reference year.