



**British Embassy  
Prague**

## **Information Pack for British Prisoners in the Czech Republic**

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## **Contents**

Introduction.....	4
Who we can help? .....	4
About the Embassy .....	4
Who are the Consular Representatives?.....	4
Contact Information .....	4
First Steps .....	5
Who will know I have been detained? .....	5
What will my family be told? .....	5
What will the Consulate do? .....	5
Would I have a criminal record in the UK? .....	6
Visits .....	7
How do my family and friends arrange a visit? .....	7
Remanded in custody .....	7
Sentenced.....	7
How many visits am I allowed? .....	7
Consular visits.....	7
What can visitors bring?.....	8
Arrival at police station.....	8
Arrival at prison .....	8
General prison conditions .....	9
How can I receive money? .....	9
Can I work or study in prison? .....	11
Can I receive medical and dental treatment? .....	11
Food and Diet.....	12
Mail/Parcels .....	12
Can I make telephone calls? .....	12
Leisure and entertainment .....	13
Drugs.....	13
How can I make a complaint about mistreatment? .....	13
The Czech Judicial System .....	14
Is the system the same as the UK? .....	13
What should happen when I am arrested? .....	14
For how long can I be remanded in custody? .....	14
You may be remanded in custody subject to maximum terms as follows: .....	14
What happens when I am charged? .....	15
been committed.....	15
What provision is there for bail? .....	15
What kind of legal assistance is available .....	16
What happens at the trial? .....	16
Sentences .....	17
How can appeals be made? .....	17
What provision is there for reduction of sentence (remission) e.g. for good behaviour? ...	17
What provision is there for early release e.g. on parole? .....	17
What provision is there for clemency or pardon? .....	18
What about any financial penalties? .....	18
Is transfer to another prison within Czech Republic possible? .....	18

Is transfer to the UK a possibility? .....	18
What are the procedures for release and deportation? .....	19
Prisoners Abroad .....	21
Glossary of Terms.....	22
Useful legal terms.....	22
Key phrases – English into Czech .....	23
Annexes .....	28
Disclaimer .....	29

## **Introduction**

### **Who we can help?**

The Foreign and Commonwealth Office (FCO):

The FCO is represented overseas by its Embassies and Consulates (High Commission in Commonwealth Countries). Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

### **About the Embassy**

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British Embassy for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

### **Who are the Consular Representatives?**

*Holly Owen, Consular Regional Operations Manager*

*Jana Walkerova, Vice Consul*

*Olga Mudrikova, Pro Consul*

*Jana Safrova, Pro Consul*

## **Contact Information**

BRITISH EMBASSY  
THUNOVSKA 14  
118 00 PRAGUE 1 – MALA STRANA  
Tel: (+420) 257 402 111

Working hours:  
Mon-Thur 8.30am-5pm  
Fri 9.00am – 4pm

Email: Prague.Consular@fco.gov.uk  
Website: <https://www.gov.uk/government/world/organisations/british-embassy-prague>

## **First Steps**

### **Who will know I have been detained?**

According to a treaty between the UK and the Czech Republic, the Czech authorities must inform the British Consulate not later than 3 days after you were taken into custody.

### **What will my family be told?**

If you are thinking about not telling your family, please consider the distress it may cause them if they do not know your whereabouts. We will not normally pass information about your arrest to a third party without your consent.

In the Czech Republic you do not have the right to make a telephone call when you are arrested. However you may ask the police to contact the Consulate: we can contact your family or friends if you would like us to.

### **What will the Consulate do?**

It is our role to offer appropriate assistance to British Nationals who have been detained or arrested in the Czech Republic.

#### **WE CAN NOT GET YOU OUT OF JAIL, PAY FINES OR GET YOU AN EARLIER COURT DATE.**

We are here to support you and to take an interest in your welfare. We aim to be sensitive, non-judgmental and to treat all prisoners the same no matter what crime you are detained for – whether you are on remand or have been sentenced.

We aim to make sure that you are treated properly and fairly in accordance with Czech law, and that you are treated no less favourably than other prisoners.

We will do our best to contact you 24 hours after we learn of your arrest and visit you within 48 hours; after this we will visit you if specifically required.

During our visit you will have the opportunity to discuss any health issues, your treatment in prison, your legal representation, language barrier concerns and any other general issues that you wish to raise with our consular staff. At each consular visit, our staff will complete a "Visit Report Form". If there is any information that you would prefer not to disclose to a Next of Kin you should let us know during the visit.

We can inform your family and friends, **if you want us to**, that you have been arrested. Your family can also find out what is happening to you by contacting the FCO Country Case Desk officer, tel. 020 7008 1500. If calling from the Czech Republic, 00 44 20 7008 1500.

If you give your permission we can also follow up any justified complaint you have made to the authorities about ill-treatment, personal safety or discrimination.

We will provide you with a list of local lawyers and translators. Please note that we cannot pay your legal fees or bills. It is important to carefully consider your legal representation and to discuss all costs beforehand. The list is provided for information only. We cannot make

any guarantee in relation to the professional ability or character of any person or company on the list, nor can we be held responsible for any advice you are given.

We can also recommend that you contact and register with the UK-based prisoners welfare charity Prisoners Abroad (more information at the end of this pack).

**Would I have a criminal record in the UK?**

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or drugs trafficking, we are obliged to inform the UK police. It is therefore possible that information about this offence may appear if a Criminal Records Bureau check were carried out by a prospective employer.

## **Visits**

### **How do my family and friends arrange a visit?**

Family, friends can arrange a visit by filling an application form for a visit –in Czech language called “POVOLENKA” and send it to the Director of a prison.

Remanded in custody - general opening hours for visits: working days

Morning: 08.00am – 09.30am, 10.00am -11.30am, 08am -11am

Afternoon: 13.00pm-16.00pm

Sentenced - general opening hours for visits: weekends

Concrete time for visit will be confirmed by warden after receiving the consent from the prisoner.

### **Remanded in custody**

You need to fill in an application for a visit approval and hand this application to the Prison service workers in an unsealed envelope, they will set the exact date of the visit. They will also stamp the envelope, seal it and send it to the address stated on the envelope by you. Immediately after you are told the date for the visit, you may write to the visitors and make necessary arrangements or express your wishes regarding the visit. This is the easier way. If you were remanded in custody because of the fear that you will influence the witnesses that have not yet been heard or that you will otherwise frustrate the investigation, your application needs to be sent to investigating bodies' address and these bodies will set the date of the visit. A prison guard may also be present during the visit.

### **Sentenced**

Each prison has its own internal regulations. You have the right to have a visit, in the time agreed by the prison director, for a maximum of 3 hours a month.

You must apply to the prison authorities for a permit for your visitor(s). When the permit is issued you have to send it to your visitor(s). Visitors must identify themselves when they arrive at the prison by showing an identification document containing a photograph (e.g. passport).

### **How many visits am I allowed?**

You have the right to be visited by a maximum of 4 people once every 2 weeks for a maximum of 90 minutes. In some exceptional cases you may be allowed visits in less than 2 weeks or for longer than 90 minutes. Visitors must identify themselves when they arrive at the prison by showing an identification document containing a photograph (e.g. passport).

### **Consular visits**

We will make contact with you as quickly as possible once we are informed of your arrest. If you want us to we will visit you in detention before trial. If you are sentenced we can visit you once more if you want us to. It is considered that conditions in the Czech prison system generally meet international standards, therefore regular visits are not offered as part of our service unless it is determined a real need has arisen.

We will not visit you if you specifically ask us not to.

If you do not make contact with us regarding the consular visit, we will attempt to contact you once again and ask if you wish to be visited.

### **What can visitors bring?**

Visitors can bring a parcel containing food, books or things for personal use to a maximum of 5kg. Alternatively, the parcel may be sent by post. On remand you may receive a parcel once every three months. If you are sentenced you may receive a 5kg parcel twice a year, usually on your birthday and for Christmas. This limitation does not apply to parcels containing clothes sent as a change for your existing clothes, books, daily newspapers and magazines and – only when on remand – also to personal hygiene items.

The parcels are subject to control by the Prison service bodies and you may not receive any items which are against the internal rules (including money) and items which may endanger you or other prisoners. A visitor is not allowed to give you any money during his or her visit.

There is generally no limit to the number of letters you may send or receive. The prison authorities are obliged to deliver letters with the minimum of delay. Your mail is subject to censorship by the Prison Service employees who may decide your mail will be held and passed on to the investigative authorities and translator. Correspondence with your lawyer shall be delivered without delay. It is not subject to censorship and the Prison authorities should not read it.

### **Arrival at police station**

If you commit a crime or you are suspected of committing a crime, you may be detained by the police. If you are caught while committing a crime or immediately after you commit a crime, you may also be detained by any person who has to report the detention and turn you over to the police immediately.

After you are detained, within 48 hours you must be:

- informed of the reasons for your detention
- interviewed
- either freed or brought before a judge.

The judge then has 24 hours within which to and decide whether you should be set free or remanded into custody.

### **Arrival at prison**

Upon admission to any of the prisons in the Czech Republic, you will be subjected to a thorough personal search (for injuries, forbidden objects, weapons etc). Each person admitted to prison is given bedding sheets (blanket, sheet, bed clothes, and towel), basic hygienic items (soap, toilet paper, tooth paste and toothbrush, disposable razor), and prisoner clothes (sweat shirt, T-Shirt, trousers and underwear) into which they will change. Prisoners can use their own clothes provided that clean clothes are supplied on a regular

basis from family/friends. Each new detainee will also receive 'Instruction for accused upon admission into prison'. This is provided in mother tongue or in the language that is best understood by the prisoner. Subsequently, a bed is provided in cell for newcomers.

24 hours from being taken into custody, you will be taken for an interview with psychologist or other specialist (such as special pedagogue or warden). Next working day the prisoner will undergo a medical examination and have their photograph taken.

### **General prison conditions**

The conditions in Czech prisons are generally speaking good, although you should expect overcrowding. Conditions are worse in remand prisons. Although the principle of not guilty until proven otherwise applies, in reality the inmates held on remand face worse conditions than those convicted, as they cannot take part in educational, sport or working activities, mostly because they are expected to be held only for a limited time (the average is approximately 100 days) before being either released or moved after the verdict.

Prisoners held on remand spend up to 23 hours a day locked in their jail cells, where there sometimes is no access to warm water and also not to electricity (apart from lights switched on and off by the guards from outside). The inmates are allowed to take warm water shower only twice a week, with each shower being limited to five minutes.

### **How can I receive money?**

Whilst in prison, there are several ways for you to get money:

The Foreign and Commonwealth Office operates a service which allows you to pay funds to us in the UK which we will pay out in local currency to the above overseas. The various ways you can pay us are detailed in the attached sheet.

Under the Consular Fees Order of 2013/2014, we are obliged to charge for this service. The fee is dependent on the amount that you wish to transfer as follows:

Amount being sent	Fee
One monthly payment up to £100	Free
Each additional payment or amount of £0.01 - £99.99	£10
Each additional payment or amount of £100 - £499.99	£30
Each additional payment or amount of £500 and above	£80

When forwarding funds, you should add the above fee to the amount that you wish to transfer. For example, if you want the recipient to receive £150, you will need to send us £160 (£150 to forward plus £10 fee). If other friends and family also plan to transfer funds in the same month, you should consider coordinating payments so you know what FCO fees to expect. We retain the right to further deduct any local overseas charges we may incur in passing the fees to the recipient.

Should we be unable to pay the funds locally to the recipient, our policy is to refund amounts above £5 to the depositor by bank transfer. In this case, we would contact you for your bank details. Refunds may take several weeks as our internal processes can only start once all relevant costs have been cleared with local authorities.

### **Options to transfer funds to British Nationals Overseas via the Foreign and Commonwealth Office**

Please note that we can only advance funds to the person overseas once your payment has cleared in our account.

#### **1. Electronic Bank transfers**

Payment by electronic/internet bank transfer can be made either using online or telephone banking, or at your local bank or building society.

For all bank transfers, you will need to include the following details:

Bank:	National Westminster Bank
Account Name:	FCO Multi Vote
Sort Code:	60-70-80
Account Number:	10012362
Reference:	FCO case reference number (which can be found at the top of this letter), surname and first name of the person you are sending the funds for, plus country name if possible, e.g. 11-THB-123456 SMITH JOE - THAILAND or CON-1234 SMITH JOE – THAILAND
IBAN	GB56NWBK60708010012362
SWIFT/BIC	NWBKGB2L

You may also need our bank address which is:

London Corporate Service Centre, CPB Services, 2nd Floor, 280 Bishopsgate, London, EC2M 4RB.

#### **2. By Post**

Payments by Postal Order, Bankers Draft, Building Society Cheque or personal cheque should be crossed and made payable to "The Foreign and Commonwealth Office". They should be sent to:

Accounts Receivable  
Foreign and Commonwealth Office  
Corporate Service Centre  
PO Box 6108  
Milton Keynes  
MK10 1PX

We recommend that you use Special Delivery.

Please ensure that you include a note briefly explaining who the money is for, why you are sending these funds and quoting the FCO case reference number. You may wish to use the payment slip on the next page.

If you would like a receipt, please include a stamped addressed envelope.

Please note that it can take approximately 15 days for personal cheques to clear and for payment to be received. Please write the cheque guarantee number and expiry date, and the FCO case reference number, on the back of the cheque.

We are unable to receive payment by credit or debit card, or by cash.

Money received from the UK will be converted into local currency and held on your behalf by our Consulates-General or Embassy. Our Consular staff will then transfer your funds to you.

Money sent to you will be deposited in your prison account, where this facility is available, or they will be given directly to you. Please note that our Consular staff cannot be responsible for the loss of funds by the Prison Authorities.

Please note that the Embassy/Consulate does not provide financial support to British Nationals in prison abroad.

- You can also earn some money by working. The amount of money you can earn is laid down by the Czech government's regulation.
- If you are not assigned a job and you have not refused to work and did not have any additional income during the past month, you will receive a small allowance of at least CZK 100, - (approx. £ 2) per month from the State.
- You may also receive a bonus for good behaviour up to CZK 1000,- (exceptional)

### **Can I work or study in prison?**

Even though you are not expected to work whilst on remand, you may ask to be given a job. The jobs offered are limited and will usually cover the needs of the prison. Some prisoners work within the prison e.g., in the Printing office, Laundry, Maintenance, Automobile repair shops. Also, some prisoners work at workplaces out of the prison.

### **Can I receive medical and dental treatment?**

If you need medical or dental treatment you should make an appointment to see the prison doctor or dentist. In some large prisons it can be difficult to get an early appointment but if the situation is urgent you should contact the prison social worker who may be able to get you an earlier appointment.

Prison doctors are often equivalent to GPs in the UK, so unusual or complex problems may be referred to a specialist outside the prison.

Medical and dental treatment is free of charge for those who pay their contributions to the public health system. You must be aware that some treatment is not covered by the public health system and must be paid from your own pocket.

If you have a long-standing medical problem and have received treatment for it in the UK, it may be useful if you have your medical records, or at least a report, sent from the UK for the information of the prison doctor/specialist. We can help facilitate this but we would need your written permission for your UK doctor to release this information.

## **Food and Diet**

Regular meals are provided taking into account the state of health, age and the requirements of cultural and religious traditions.

Depending on the seriousness of the crime you committed, you might be serving your sentence in a prison in which the prisoners are allowed to cook their own meals from the ingredients supplied by the prison. However, this possibility is available only in some prisons.

## **Mail/Parcels**

You can receive parcels by post. It can contain food, books or things for personal use to a maximum of 5kg. Alternatively, the parcel can be brought by visitors. On remand you may receive a parcel once every three months. If you are sentenced you may receive a 5kg parcel twice a year, usually on your birthday and for Christmas. This limitation does not apply to parcels containing clothes sent as a change for your existing clothes, books, daily newspapers and magazines and – only when on remand – also to personal hygiene items.

The parcels are subject to control by the Prison service bodies and you may not receive any items which are against the internal rules (including money) and items which may endanger you or other prisoners. A visitor is not allowed to give you any money during his or her visit.

You must apply to the prison authorities if you want to receive a parcel and you will be provided with a special label. You should send this label to the person who is going to send the parcel. On the back of the label is a list of items, which cannot be sent. Packages are subject to inspection by the Prison Service and items which cannot be held in a cell will not be given to you. If you are not sure whether an item is allowed, check with the social worker before asking for it to be sent. If you want to have a portable radio, TV or other electronic item, check that the prison authorities will accept it before anyone sends one. If allowed these devices are subject to a technical inspection to ascertain whether or not any additional equipment not permitted has been installed. Refused items will be sent back to the sender at your expense.

There is generally no limit to the number of letters you may send or receive. The prison authorities are obliged to deliver letters with the minimum of delay. Your mail is subject to censorship by the Prison Service employees who may decide your mail will be held and passed on to the investigative authorities and translator. Correspondence with your lawyer shall be delivered without delay. It is not subject to censorship and the Prison authorities should not read it.

## **Can I make telephone calls?**

Remanded:

You can request in writing to make a phone call to your next of kin, family and friends. The request is handed to the prison guards who will first check that the person you wish to call is genuinely the person you stated in the request. The phone calls may be recorded for security reasons.

Sentenced:

You can request in writing to make a phone call to your next of kin, family and friends. The request is handed to the prison guards who will first check that the person you wish to call is

genuinely the person you stated in the request. The phone calls may be recorded for security reasons apart from when calling your legal representative or your embassy for example.

### **Leisure and entertainment**

In the prison, educational and special formative activities are organized for convicted inmates (not available for those held on remand). Based on the result of diagnostic examination, a treatment programme is designed for each prisoner. The goal of this programme is the development of personality, enhancement of creativeness in purposeful uses of free time, and improvement in the involvement in civilian life of the prisoners. Sporting activities are also available to prisoners during outings or in the form of exercises and games in the prison's gymnasium.

You can order at your own expense newspapers, magazines and books if they are published in the Czech Republic. The prison authorities have the right to take away all items, which do not conform to the prison guidelines. Always confirm in advance with the prison authorities that there is no objection to you ordering a particular book or magazine. The prison may not accept reading materials sent without prior permission.

### **Drugs**

Drug trafficking between inmates in prisons is not widespread. If you are caught with any kind of illegal drugs (marijuana, cocaine, etc) you will be punished accordingly. As a result you may lose your job or school place and might be sent to confinement for a period.

Tobacco cigarettes are allowed inside Czech prisons.

### **How can I make a complaint about mistreatment?**

You can submit your complaint in writing to a higher authority than the one you are complaining against. You can also ask the social workers or guards to submit your complaint to custody manager or prison director who will then investigate your complaint according to internal rules of the prison.

The embassy can take your concerns forward if you are not treated in accordance to international standards. If you wish to file a complaint please write to the Embassy.

# The Czech Judicial System

## **Is the system the same as in the UK?**

The Czech system is not the same as the UK. The Judiciary of the Czech Republic is set out in Constitution, which defines courts as independent institutions within the traditional framework of checks and balances.

The whole Chapter Four of the Constitution of the Czech Republic is dedicated to defining the role of the judicial power in the Czech Republic. It states the main function of courts of law is the protection of rights in a manner defined by legislation, and gives them sole responsibility for deciding guilt and penalty for criminal offences. Courts are defined as independent, although their administration is in the hands of the Ministry of Justice.

**Czech courts** are presided over by professional judges, who are named for life by the President and normally may not be recalled or transferred without their will.

The Czech Republic has a four-tier system of courts and two-instance proceedings.

Majority of higher courts are seated in Brno, so as to provide a counterbalance to the concentration of power in the capital.

## **What should happen when I am arrested?**

A 'Decision on the Commencement of Criminal Prosecution' is a formal document that can only be issued by the police if the results of the investigation show that you should be charged with committing a particular crime. This Decision must contain the description of the act you are suspected of committing and the legal description of the crime this act is supposed to fall under.

One of the most important effects of the Decision on the Commencement of Criminal Prosecution is that, a warrant for arrest can then be issued against you and you can be remanded into custody.

## **For how long can I be remanded in custody?**

You may be remanded in custody subject to maximum terms as follows:

- one year in cases of crimes which are dealt with by a single judge,
- two years in cases of crimes which are dealt with by a panel of three judges,
- three years in cases of felony crimes (i.e. intentional crimes punishable by a sentence with an upper jail term of at least 10 years)
- four years in cases punishable by an exceptional penalty (i.e. 20 – 30 years or life imprisonment)

One third of the maximum detention periods time may be exhausted in pre-trial proceedings and two thirds may be exhausted during the trial. Reaching the maximum time is always reason for immediate release.

An exception to the time limits above arises in cases of remand due to concern of interfering with witnesses or similar frustration of proceedings, in which case the maximum pre-trial detention period may be only three months, except where the charged person has already been influencing witnesses or otherwise frustrating the proceedings.

The court must review the reasons for the pre-trial custody every three months and decide either to continue it, or to release the charged person. Both the prosecutor and the person in custody may file a complaint against any decision on custody, which leads to review by an appellate court.

Special rules of remand pertain to persons who are processed for extradition, e.g. illegal foreigners, those detained due to international (foreign) warrant or the European Arrest Warrant.

### **What happens when I am charged?**

Police of the Czech Republic has to establish your identity, legal /non legal stay in the Czech Republic, whether an offence has been committed and/or whether a crime has been committed.

You can be detained at a detention cell at Vaclav Havel airport or, at any detention cell of the Police of the Czech Republic.

After investigation, if the Police of the Czech Republic reach the conclusion that a crime has been committed, the following rules apply:

The courts will inform you, your lawyer/public defender and the prison authorities of your sentence. If you don't have a private lawyer you will be assisted by public defenders, who will put forward requests on your behalf.

You will be handed the Instruction on Execution of Custody ("Poučení pro vazbu") when in custody and the Instruction on Execution of Imprisonment Sentence ("Poučení pro výkon trestu") when in prison. These Instructions are available in English and they provide you with detailed information concerning your rights and obligations. The English version of the laws governing custody and imprisonment and, the Code on execution of custody/imprisonment, are available upon request from prison authorities.

### **What provision is there for bail?**

Bail can be considered when a charged person is held because of concern of possible escape or of a continuation of criminal activity. Bail cannot be considered where there is a concern of influencing witnesses or otherwise frustrating of the proceedings. Bail is also excluded in case of 31 specified serious crimes (e.g. murder, grievous bodily harm, rape, robbery, public endangerment, etc.) and if you are held due to concern of continuation of criminal activity. Bail may be posted either by you, or with your consent, by a third party, but this only after this third party has received a thorough briefing regarding the charges and reasons for custody and possible grounds for the forfeiture of the bail.

After the bail has been posted, the court must again review the grounds for bail, and must decide either to accept or refuse the bail. When accepting the bail, the court may also require you to stay in the country.

The court may decide to rescind the bail if the charged person:

- escapes, is in hiding or fails to report a change of address and thus frustrates the possibility of delivery of summons or other documents from the court, the prosecution or the police, or
- is at fault for failing to appear for a proceeding, which may not take part without him or her, or
- continues criminal activity, or attempts to finish the crime which he or she had attempted or threatened previously, or
- is evading execution of imprisonment sentence, court ordered fine or other court ordered punishment.

The court holds out on bail as long as the reasons for custody remain (which includes pending of the charges), and in case of conviction until you start serving the prison sentence, reimburses the criminal proceedings and/or pay court ordered fine. If the court awards damages and the aggrieved party asks for it within three months, the bail or its part may be used also to reimburse the damages. Otherwise, the court returns the bail.

Both you and the prosecutor may challenge any decision on custody (including bail) by filing a complaint which leads to review by an appellate court.

### **What kind of legal assistance is available**

You can hire a lawyer for yourself at any time after your arrest; a list of English-speaking lawyers will be given to you by a Consular officer. Normally, if you hire a private lawyer they will ask for a cash advance for their estimated legal fees before they will take your case on. The British Embassy cannot pay legal fees or guarantee to a lawyer that you will pay them.

Alternatively, your case will be taken by a public defender, and if later on you decide to hire a lawyer the case will be transferred to the new lawyer. Public defenders do not always visit their clients and communication between you and your defender will most probably be in Czech (although some speak English as well).

### **What happens at the trial?**

When there is enough evidence to bring the case before a judge, the investigation stage is formally closed and the trial stage is opened. The Prosecutor must then produce an indictment setting out your personal details, the crime of which you are accused, when and where it took place, the legal definition of the crime and the criminal law applicable to the case.

When the judge receives the indictment, a trial date will be set. After a prosecution has been lodged the Chairman of the Senate is obliged to start legal proceedings before the District court, in a time limit of 3 weeks and, before a Regional Court, in a time limit of 3 months. If there are serious reasons which do not allow a decision, the Chairman of the Court will prolong the deadline for an undetermined amount of time, or, will make other suitable arrangements to ensure the continuity of legal proceedings.

Your lawyer/public defender will be best placed to advise on further trial details.

## **Sentences**

After the decision of an unconditional penalty of a prison sentence is executed, the Chairman of the Senate will send to the appropriate prison, the ruling of imprisonment and, will require the condemned person to commence the penalty in a determined period.

If there is no evidence that a condemned person, if allowed to remain free, is dangerous, will escape or hide, the Chairman of the Senate can provide the condemned person with adequate period to arrange personal issues. This period should not be longer than one month from the date when decision came into force.

Your lawyer/public defender will be best placed to advise on length of sentences.

## **How can appeals be made?**

Appeal is possible against the decision and should be lodged against the court of first instance. Appeal has a postponing effect. Authorised persons able to lodge an appeal are: public prosecutor, condemned person, contributory person or an injured person. An appeal has to be lodged at the court against the decision, where the decision was made, within 8 days from delivery of the judgement.

An appeal made against the judgement of a District court, is decided by Superior Regional Court. An appeal made against a Regional Court as the Court of first instance, is decided by Supreme Court. Your lawyer/public defender will be best placed to advise on appeals process.

## **What provision is there for reduction of sentence (remission) e.g. for good behaviour?**

Your lawyer will be best placed to answer this question.

## **What provision is there for early release e.g. on parole?**

The court may release a convicted person (parolee) on parole after such person has served one-half of the term of imprisonment to which he has been sentenced, or after the convicted person's term of imprisonment has been pardoned by a decision of the President of the Czech Republic, provided that during the term of imprisonment the convicted person proved his rehabilitation by his behaviour and fulfilment of his duties and he can be expected to lead an orderly life in future or the court accepts a guarantee of completion of the convicted person's rehabilitation. In respect of specific crimes stipulated in the Czech Criminal Code, an offender may only be conditionally released after having served two-thirds of his term of imprisonment.

A person sentenced to an exceptional term of life imprisonment may be conditionally released on parole after having served at least twenty years of imprisonment.

A sentenced person has no automatic right to be released early. In the Czech Republic, it is a court that decides on possible release of a sentenced person, taking into account all the relevant circumstances.

### **What provision is there for clemency or pardon?**

In Czech Republic, pardon/clemency can only be given by the President. The President determines in which cases the Minister of Justice can accomplish the request for clemency and deny unfounded request.

### **What about any financial penalties?**

In Czech criminal law, financial penalties are called 'pecuniary penalties' and the court may impose a pecuniary penalty in an amount of 20 to 730 daily charges from 100,- Kč to 50.000,- Kč per day, if the offender attempted to or did benefit from their criminal activity.

A pecuniary penalty may be imposed as a sole punishment if, because of the nature of the crime committed and, the possibility of the offender's rehabilitation, the court is of the opinion that no other punishment is required.

The court may determine that the pecuniary penalty shall be paid in appropriate monthly instalments.

### **Is transfer to another prison within Czech Republic possible?**

In some cases yes, your lawyer will be best placed to advise you in this matter.

### **Is transfer to the UK a possibility?**

If you have been tried and convicted you will be sent to a prison where you can expect to serve your sentence. Transfers are only permitted when there are exceptional and compassionate reasons for doing so.

Prisoner Transfer Agreements (PTAs) allow prisoners to transfer to serve the remainder of their sentence in their own country. This enables them to be closer to family and friends in an English-speaking environment and permits them to benefit from pre-release courses available in British prisons.

You should normally make your application to the prison authorities in your place of detention but, if you prefer, you can write to the Embassy, who will pass on your letter to the relevant UK authorities. The UK authorities will then make an application to the foreign authorities on your behalf. Please note that the transfer process can be very slow and bureaucratic.

A prisoner does not have an automatic right to transfer. Each request is considered on its individual merits. The UK and the country in which the British prisoner is held have the right to refuse a request.

The basic criteria for eligibility to apply for transfer are:

- Criminal proceedings in the foreign country must be complete. The prisoner cannot be transferred if they are awaiting trial or the outcome of an appeal;

- The prisoner must normally have at least 6 months of the sentence left to serve at time of application, but Agreements with some countries require the prisoner to have 1 year of the sentence left to serve;
- The offence for which the prisoner was convicted must constitute a criminal offence in the UK;
- The prisoner must have no outstanding fines (prisoners can start the application process while the fine is outstanding but the fine must be paid before the transfer can take place) or other non-custodial penalties;
- Other conditions may apply, depending on the specific transfer arrangements with each country.

For more details about the Transfer Agreement framework please see [Annex 3](#).

### **What are the procedures for release and deportation?**

The sentence of expulsion may be ordered by the court as a sole punishment or, in addition to another punishment, if this is required for the safety of people or property, or some other public interest.

The court shall take into consideration the degree of danger represented by the crime, in relation to society, the possibility of rehabilitating the offender and the offender's situation, as well as the degree of danger he/she represents to the safety of people, property or some other public interest. The sentence of expulsion can last for a period of one to ten years or, for an indefinite period.

The court shall not order the punishment of expulsion if:

- it proved impossible to establish the state citizenship of the offender;
- asylum was granted to the offender;
- long-term residence in the territory of the Czech Republic was permitted to the offender and, he/her has his/her working and social base there, and expulsion would be contrary to the interest of uniting a family
- there is a danger that, in the state (country) to which the offender is to be expelled, he/she would be persecuted on grounds of race, nationality, allegiance to / membership of a social group, political ideas or religious belief, or if expulsion would expose the offender to torture, inhuman or degrading treatment or punishment.
- the offender is a citizen of the European Union or a family member, regardless of nationality, granted permanent residence in the territory of Czech Republic, or an alien granted legal status of long term residence in the Czech Republic according to special legislation and, there are no substantial grounds that the offender poses a threat to national security or public order.
- the offender is a citizen of the European Union and, in the last 10 years continuously resided in the territory of the Czech Republic, if the court finds a serious threat to national security.
- the offender is a child of a citizen of the European Union, unless the expulsion was in its best interest.

The procedure of the expulsion from the territory of the Czech Republic depends on the conditions of the sentence imposed by the court. If the sentence of the expulsion was ordered as a sole sentence, the court may determine the period of time within which the offender has to leave the territory of the Czech Republic. A court is allowed to order the expulsion immediately with assistance of the state police, who can escort the offender to the airport, borders, train or bus station etc. All such processes depend entirely on the Judge's decision.

If the sentence of expulsion is ordered in addition to other punishment, the expulsion procedure is carried out by the prison administration after the release from imprisonment.

## **Prisoners Abroad**

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- writing to a pen pal
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and assistance with the cost of visiting

Prisoners Abroad  
89 – 93 Fonthill Road  
London N4 3JH  
UK

**Telephone:** 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098

(Mondays to Fridays 9.30 am to 4.30 pm, UK time)

**Email:** [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

**Website:** [www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## Glossary of Terms

### Useful legal terms

Access to file (by Lawyer)	Přístup ke spisu - právníkem
Administration of Justice	Výkon spravedlnosti
Appeal	Odvolání
Application	Žádost
Bar Association	Advokátní komora
Charge	Obžaloba
Police Officer	Policejní úředník
Chief Prosecutor	Vrchní státní zástupce
Complaints system	Systém stížností
Completed file	Uzavřená složka
Compulsory prosecution	Povinné trestní stíhání
Conjugal Visit	Návštěva manžela/manželky
Court file reference	Soudní spisová značka
Criminal code	Trestní zákoník
Custody	Vyšetřovací vazba
Danger of repeated offences	Nebezpečí opakování přestupku
Deportation order	Vyhoštění
District Court	Okresní soud
Evaluation of evidence	Vyhodnocování důkazů
Extradition	Extradice-vydání osoby druhému státu
Final public trial	Veřejné líčení
Guilty	Vinný
Interpreter	Tlumočník
Investigating Judge	Vyšetřující soudce
Judge	Soudce
Judgement	Rozsudek
Jurisdiction	Soudní pravomoc
Lawyer	Právní zástupce
Legal Remedy	Opravný prostředek
Local prison rules	Vězeňský řád
Major offence	Závažný přestupek
Minister of Justice	Ministr spravedlnosti
Minor offence	Zanedbatelný přestupek
Money earned in prison	Peníze vydělané ve věznici
Notary	Notář
Officer of the Court	úředník soudu
Penal order	Trestní příkaz
Penal proceeding	Trestní řízení
Permit	Povolení
Personal money in prison	Osobní peníze ve věznici
Physical examination	Osobní prohlídka
Plaintiff	žalobce
Power of Attorney	Plná moc
Preliminary detention	Předběžné zadržení
Presumption of innocence	Presumpce neviny
Preventive detention	Předběžné zadržení
Prison	Vězení

Prison administration	Vězeňská správa
Prison Warden	Vězeňský dozorce
Proof of evidence	Důkaz
Proportionality	Přiměřenost
Prosecutor	Žalobce
Punishment cell	Vězeňská cela
Regional State Court	Krajský soud
Rehabilitation	Rehabilitace- navrácení práv
Release	Propustit
Release order	Propouštěcí příkaz
Security	Bezpečnost
Single Judge	Samosoudce
Social Worker	Sociální pracovník
Supreme Court	Vrchní soud
Temporary detention	Předběžné zadržení
The accused	Obviněný
To buy	Koupit
To change money	Rozměnit peníze
To deport	Deportovat
Transfer to another prison	Převoz do jiné věznice
Treason	Velezrada
Valid or legal	Platný/legální
Visit	Návštěva
Visiting permit	Povolení k návštěvě

### Key phrases – English into Czech

1 jedna
2 dvě
3 tři
4 čtyři
5 pět
6 šest
7 sedm
8 osm
9 devět
10 deset
11 jedenáct
12 dvanáct
13 třináct
14 čtrnáct
15 patnáct
16 šestnáct
17 sedmnáct
18 osmnáct
19 devatenáct

20 dvacet
30 třicet
40 čtyřicet
50 padesát
60 šedesát
70 sedmdesát
80 osmdesát
90 devadesát
100 sto
1000 tisíc

Food	Jídlo
Apple	Jablko
Banana	Banán
Beans	Fazole
Biscuits	Keksy
Bread	Chleb
Cake	Koláč
Chicken	Kuře
Coffee	Káva
Drink	Pití, Nápoj
Eat	Jídlo
Egg	Vejce
Fruit	Ovoce
Hungry	Hladový, mít hlad
Juice	Džus
Meat	Maso
Milk	Mléko
Omelette	Omeleta
Pancake	Palačinka
Rice	Rýže
Sausage	Klobása
Sugar	Cukr
Sweet	Sladké
Vegetables	Zelenina
Water	Voda
Cutlery	Příbor
Cup	Sklenice
Fork	Vidlička
Knife	Nůž
Plate	Talíř
Spoon	Lžíce
Good Morning	Dobré ráno
Good Afternoon	Dobrý den
Good Night	Dobrou noc

Day	Den
Week	Týden
Month	Měsíc
Monthly	Měsíční
Year	Rok
Today	Dnes
Tomorrow	Zítra
Tonight	Dnes v noci
Sunday	Neděle
Monday	Pondělí
Tuesday	Uterý
Wednesday	Středa
Thursday	čtvrtok
Friday	Pátek
Saturday	Sobota
Spring	Jaro
Summer	Léto
Autumn	Podzim
Winter	Zima
Baby	Dítě
Boy	Chlapec
Father	Otec
Girl	Děvče, dcera
Husband	Manžel
Man	Muž
Money	Peníze
Mother	Matka
Wife	Manželka
Woman	žena
He	On
I	Já
Me	Mně
My	Můj
Yours	Tvůj
Her	Její
His	Jeho
Their	Jich
Them	Jim
You	Ty
Yours	Tvůj
Borrow	Půjčit
Close	Zavřít
Closed	Zavřený
Come	Přijít
Door	Dveře
Give	Dát

Here	Tady
Indoors	Uvnitř
Inside	Uvnitř
Open	Otevřít
Outside	Venku
Run	Běh, Běhat
Stand	Postavit se, Stát
Stay	Zůstat
Stop	Stop, Zastavit
Turn	Otočit
Walk	Krájet, přecházet se
Head	Hlava
Hair	Vlasy
Eye	Oko
Eyes	Oči
Eyebrow	Obočí
Eyelash	řasy
Eyelid	Víčka
Nose	Nos
Ear	Ucho
Hearing	Sluch
Mouth	Ústa, pusa
Half	Půl
In half	Na půl
After	Po
Before	Před
Later	Později
Now	Ted'
Climate	Podnebí
Cold	Zima
Heat	Horko
Hot	Horký, teplý
Rain	Déšť
Shade	Stín
Sun	Slunce
Weather	Počasí
Wind	Vítr
Clothes	Oblečení
Pullover	Pulovr
Shirt	Košile
Shorts	Kraťasy
Socks	Ponožky
Trousers	Kalhoty
"T" Shirt	Triko
Sandals	Sandále
Shoe	Boty

Trainers	Tenisky
Ashtray	Popelník
Book	Kniha
Cigarettes	Cigarety
Dry	Suchý
Lighter	Zapalovač
Pen	Pero
Pencil	Tuzka
Scissors	Nůzky
Soap	Mýdlo
Wash	Mýt, umyvat
Wash hand	Umýt ruce
Washing	Prát
Wet	Mokrý, vlhký
Shower	Sprcha
Toothbrush	Zubní kartáček
Toothpaste	Zubní pasta
Towel	ručník
Dream	Snít, Sen
Rest	Odpočinek
Sleep	Spát
Sleepy	Ospalý
Wake up	Vzbudit se
Bed	Postel
Bed Sheet	Povlečení
Blanket	Přikrývka
Mattress	Matrace
Pillow	Polštář

## **Annexes**

- Annex 1: List of English-Speaking Lawyers
- Annex 2: List of Private Translators/Interpreters
- Annex 3: FCO leaflet: *In prison abroad*
- Annex 4: FCO leaflet: *Transfers home for prisoners abroad*
- Annex 5: Prisoners Abroad authorisation form
- Annex 6: Prisoners Abroad family contact form
- Annex 7: Fair Trials International questionnaire and leaflets

## **Disclaimer**

This booklet was compiled by the Consular Section, British Embassy Prague. It is revised on a regular basis.

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Embassy in Czech Republic is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.

17/04/2015