

Czech Republic – national procedures for transfer of sentenced persons  
Updated 29/08/2014

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:	Ministry of Justice of the Czech Republic Vyšehradská 16 128 10 Praha 2 Czech Republic tel: +420 221 997 435 fax: +420 221 997 986 e-mail: mot@msp.justice.cz
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	-
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):	General Directorate of the Prison Service of the Czech Republic Soudní 1672/1a P.O. Box 3 140 67 Praha 4 Czech Republic  Information Centre of the Prison Service of the Czech Republic for online enquiries e-podatelna@grvs.justice.cz  International Relations Unit cpt. Mgr. Tomáš Olšar tel: +420 244 024 437 Email: tolsar(at)grvs.justice.cz
Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	Through central authorities, directly

Means of communication (e.g. by post, fax, e-mail):	<p>Requests for transfer shall be made in writing and addressed to the Ministry of Justice of the Czech Republic.</p> <p>However, if a judicial authority or central authority of a foreign state request transfer via telephone, facsimile, electronically, by the means of international police cooperation, personally or otherwise, the original of the request in written form must be subsequently provided to the Ministry of Justice of the Czech Republic, unless it expressly declares that the original of the request in written form is not required.</p>

Language requirements:	Information under Article 4 par. 2 to 4 should be sent with translation into Czech or one of the official languages of the Council of Europe.
Documentation required:	The Czech Republic requires to be provided with the documents stated in Article 6 par. 2 of the European Convention on the Transfer of Sentenced Persons and Article 3 par. 3 of the Additional Protocol to the European Convention on the Transfer of Sentenced Persons.
Continued enforcement or conversion of the sentence:	<p>If the type of a sentence of imprisonment imposed by the recognised foreign decision and the time of its duration are compatible with the laws of the Czech Republic, the court shall decide that execution of the sentence imposed by the foreign decision shall continue without transformation of the sentence.</p> <p>In other cases, the competent court shall transform the sentence imposed by the foreign decision to a sentence that could be imposed by the court had it decided in the proceedings on the relevant crime. The court may not impose a more severe sentence than imposed by the transformed foreign country's decision or to convert it into another type of sentence.</p>
General rules on early release:	The court may release a convicted person (parolee) on parole after such person has served one-half of the term of

	<p>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.</p> <p>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. Sentenced person has no right to be released. In the Czech Republic, it is a court that decides on possible release of a sentenced person, taking into account all the relevant circumstances.</p> <p>However, if the sentenced person, prior to the transfer, agreed to it and if the Sentencing State insists, the competent court may decide that deadlines for parole under the Sentencing State's law shall apply.</p>
<p>Scope of application with regard to transfer of mentally disordered persons:</p>	<p>Yes.</p>
<p>Scope of application with regard to nationals and/or residents:</p>	<p>The Czech republic only accepts requests for transfer of own nationals.</p>
<p>Other particularly relevant information (such as practice regarding time limits or revocation of consent):</p>	<p>Article 136 et. seq. of the Act no. 104/2013 Coll., on international judicial cooperation in criminal matters, contains the relevant provisions.</p> <p>With regard to the technical and administrative aspects of the transfer, the date of the transfer has to be agreed at least two</p>

	<p>weeks in advance. Interpol channels may be used.</p> <p>Consent of the sentenced person to be transferred to/from the Czech Republic is irrevocable.</p>

<p>Links to national legislation, national guides on procedure:</p>	<p><a href="http://eur-lex.europa.eu/n-lex/info/info_cz/index_en.htm">http://eur-lex.europa.eu/n-lex/info/info_cz/index_en.htm</a></p>

<p>Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS<sup>o</sup>112 and PC-OC INF 12):</p>	<p><a href="http://portal.justice.cz/Justice2/MS/ms.aspx?j=33&amp;o=23&amp;k=5846&amp;d=320810">http://portal.justice.cz/Justice2/MS/ms.aspx?j=33&amp;o=23&amp;k=5846&amp;d=320810</a></p>

**For Parties to the Additional Protocol**

<p>Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):</p>	<p>The Czech Republic interprets the words "by fleeing to", in accordance with the Explanatory Report, as excluding in absentia convictions and situations of revocation of suspended sentences after the person moves voluntarily to his/her home State (para. 11 of the Explanatory Report).</p>

<p>Information on the implementation of Article 3 (e.g. interpretation of the requirement of a</p>	<p>The Czech Republic considers that it does not serve the objective of the rehabilitation of the sentenced person to keep such a person in the sentencing State when it is likely that, once he or she has completed the sentence to be served, he or she will no longer be permitted to remain in</p>
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<p>consequential link between the decision on expulsion and the sentence):</p>	<p>that State. The Czech Republic may agree to the transfer of a sentenced person without the consent of that person, even if the decision imposing expulsion is not consequential to the sentence, i.e. it was imposed by another judicial or administrative decision. Despite the absence of the consent of person concerned, the person's opinion must be examined and taken into account prior to any decision being taken by the sentencing or the administering State.</p>
<p>Documentation required:</p>	<p>The Czech Republic requires to be provided with the documents stated in Article 6 par. 2 of the European Convention on the Transfer of Sentenced Persons and Article 3 par. 3 of the Additional Protocol to the European Convention on the Transfer of Sentenced Persons.</p> <p>Requests for provisional measures shall include the information mentioned in paragraph 3 of Article 4 of the Convention.</p>
<p>Other relevant information:</p>	<p>Article 136 et. seq. of the Act no. 104/2013 Coll., on international judicial cooperation in criminal matters, contains the relevant provisions.</p> <p>With regard to the technical and administrative aspects of the transfer, the date of the transfer has to be agreed at least two weeks in advance. Interpol channels may be used.</p>