

Law No. 40/2009 Coll., Criminal Code (effective from 1 January 2010)

Jurisdiction

***Section 4
Territoriality Principle***

(1) Liability to punishment of an act committed on the territory of the Czech Republic shall always be considered under the law of the Czech Republic.

(2) A crime shall be considered as having been committed on the territory of the Czech Republic, if:

- a) an offender acted on its territory, even if the violation of, or threat to, an interest protected under Criminal Code resulted, or was to result, completely or partly abroad; or
- b) an offender violated or threatened on its territory an interest protected under Criminal Code, or if the consequence of such act was to occur at least partly on its territory, even though the crime was committed abroad.

(3) Participation is having been committed on the territory of the Czech Republic, if

- a) the act has been committed on its territory, where the place of the commitment of such act is assessed as in paragraph 2; or
- b) if a participant acted on its territory as far as the criminal act was completed abroad.

(4) If the participant acted on the territory of Czech Republic, participation will be punished according to the law of Czech Republic, irrelevant whether the criminal act is deemed punishable abroad.

***Section 5
Principle of the Flag***

Under the law of the Czech Republic shall also be considered the liability to punishment of an act committed outside the territory of the Czech Republic on board of a ship or any other vessel or an aircraft or any other aerial vehicle registered in the Czech Republic. The place where the crime in question is committed shall be considered accordingly to Section 4 paragraph 2 and 3.

***Section 6
Personality Principle***

The liability to punishment of an act committed abroad by a citizen of the Czech Republic or by a stateless person with a permanent residence permit in the Czech Republic shall also be considered under Czech law.

***Section 7
Principle of Protection and Universality***

(1) The Czech law shall apply when determining the liability to punishment of Torture and Other Inhuman and Cruel Treatment (Section 149), Forgery and Alteration of Money (Section 233), Uttering Counterfeited and Altered Money (Section 235), Manufacturing and Possession of Forgery Tools (Section 236), Unauthorised Production of Money (Section 237),

Subversion Against the Republic (Section 310), Terrorist Attack (Section 311) and Terror (Section 312), Sabotage (Section 314), Espionage (316), Violence Against a Public Organ (Section 323), Violence Against a Public Officer (Section 325), Forgery and Fraudulent Alteration of an Official Document (Section 348), Criminal Conspiracy (Section 361 Paragraph 2 and 3), Genocide (Section 400), Attack on Humanity (Section 401), Apartheid and Discrimination against a Group of People (Section 402), Preparation of Aggressive War (Section 406), Using Prohibited Means of Combat and Unlawful Warfare (Section 411), War Cruelty (Section 412), Persecution of a Population (Section 413), Plundering in the War Area (Section 414), Misuse of Internationally Acknowledged Symbols and Signs and State coat of Arms (Section 415), Misuse of a Flag and Cease-Fire (Section 416), Assaulting a Parliamentary (Section 417) even if such crime has been committed abroad by a foreign national or a stateless person with no permanent residence permit in the Czech Republic.

(2) In cases where an act is deemed criminal at the place where it was committed or if such a place is not subject to any jurisdiction, Czech law shall apply when determining the liability to punish crimes committed abroad against Czech nationals or a stateless person with a permanent residence permit in the Czech Republic.

Section 8 ***Subsidiary Principle of Universality***

(1) The Czech law shall be applied to determine the liability to punishment for an act committed abroad by a foreign national or a stateless person with no permanent residence permit on the territory of the Czech Republic, if:

- a) the act is also punishable under the law in force on the territory where it was committed; and
- b) the offender is apprehended on the territory of the Czech Republic and was not extradited or surrendered for criminal prosecution to a foreign State or other subject authorised to criminal prosecution.

(2) The Czech law shall be applied to determine the liability to punishment for an act committed abroad by a foreign national or a stateless person with no permanent residence permit on the territory of the Czech Republic, if the offence was committed in the benefit of a legal person with a seat or its structural component on the territory of the Czech Republic; or in the benefit of a natural person who is an entrepreneur and has enterprise, its structural component or its registered office on the territory of the Czech Republic.

(3) However, such offender shall not be sentenced to a more severe punishment than that stipulated under the law of the State on whose territory the crime was committed.

Section 9 ***Jurisdiction under International Treaty Obligation***

(1) The liability to punishment for an act shall also be considered under Czech law in cases stipulated in a promulgated international treaty which is part of the legal order (further on “international treaty”).

(2) The provisions of Sections 4 to 8 shall not apply if it is not admitted under a promulgated international treaty.

Section 10
Extradition and Surrender of Czech Nationals

(1) A citizen of the Czech Republic may not be extradited to a foreign State either for criminal prosecution or for enforcement of a sentence.

(2) A citizen of the Czech Republic may be surrendered to another Member State of the European Union only on the bases of the European Arrest Warrant.

Section 11
Enforcement of Foreign Judgment

Criminal judgement of a foreign State may not be enforced on the territory of the Czech Republic or have other effects therein, unless a Code or international treaty states otherwise.

Crimes endangering an Aircraft, Civil Vessel and Fixed Platform

Section 290
Gaining Control over the Aircraft, Civil Vessel and Fixed Platform

(1) Whoever, on a board of an aircraft, civil vessel or a fixed platform on a continental shelf, with intent to acquire or exercise control over such aircraft, civil vessel or fixed platform,

- a) uses violence or a threat of immediate violence against another person;
- b) threatens another with death, bodily harm or causing extensive damage; or
- c) abuses the defencelessness of another;

shall be punished by imprisonment for eight to fifteen years or confiscation of property.

(2) An offender shall be punished by imprisonment for twelve to twenty years or by exceptional punishment, eventually together with such punishment by confiscation of property, if:

- a) by his act under paragraph (1) causes aggravated bodily harm of at least two people or death; or
- b) he commits such act during a state defence emergency or belligerence.

(3) Preparation is criminalised.

Section 291
Endangering the Safety of an Aircraft and Civil Vessel

Whoever provides false information which can endanger the safety or operation of an aircraft during flight or of a civil vessel during its voyage shall be punished by imprisonment for a term of up to three years or a prohibition of activity.