

14. Czechoslovakia

- (a) PENAL CODE, 12 JULY 1950. "SBIRKA ZAKONU", 1950, NO. 39, C. 86, PP. 214-215; "BULLETIN DE DROIT TCHÉCOSLOVAQUE", VOL. 8, NO. 4 (DECEMBER 1950), PP. 457, 459-460. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 13. (1) Offences committed in the territory of the Czechoslovak Republic shall be tried according to Czechoslovak law.

(2) An offence shall be deemed to have been committed in the territory of the Czechoslovak Republic:

(a) If the offender has committed in the said territory an act with intent to produce an effect defined as punishable by statute, even if the effect was produced or was intended to be produced wholly or partly abroad; or

(b) If the effect defined as punishable by statute is produced or is intended to be produced in the said territory, even if the act with intent to produce this effect is committed abroad by the offender.

Article 14. (1) Czechoslovak law shall likewise be applicable for the purpose of determining the conditions governing the punishment of Czechoslovak citizens or stateless persons resident in the Czechoslovak Republic who commit offences abroad.

(2) Czechoslovak law shall be applicable for the purpose of determining the conditions governing the punishment of persons who commit any of the following offences: high treason (article 78), conspiracy against the Republic (articles 79 and 80), sabotage (article 84), espionage (articles 86 and 87), sedition (article 93), obstruction of the war effort (article 99), murder of a person in constitutional authority (article 104), attempt to cause bodily injury to a person in constitutional authority (articles 105 and 106), conspiracy to attack a person in constitutional authority (article 107), violence against a person in constitutional authority (article 108), usurpation of the powers of a person in constitutional authority (article 109), endangering economic and administrative secrets (article 112), counterfeiting and falsification of currency (article 139), circulation of illegal or falsified currency (article 140), depreciation of currency and circulation of depreciated currency (article 141), manufacture or possession of instruments for falsification (article 142), violence against a person in public authority (article 177), attempt to interfere with the operation of installations operating in the public interest (article 194, paragraph 1 [b]), manufacture and unlawful possession of narcotic drugs and poisonous substances (article 197), denial of personal freedom (article 230), abduction abroad (article 231), and traffic in women (article 243), even if these offences are committed abroad by aliens or stateless persons not resident in the territory of the Czechoslovak Republic. The same rules shall apply with respect to the punishment of conspiracies (article 166) to commit these offences.

Article 15. (1) If offences other than those referred to in article 14, paragraph 2, are committed abroad by aliens or stateless persons not resident in the territory of the Czechoslovak Republic, Czechoslovak law shall only be applicable if:

(a) The act is also punishable under the laws in force in the territory where it was committed; and

(b) The offender is apprehended in the territory of the Czechoslovak Republic and is not extradited abroad for prosecution.

(2) If the law of the State in the territory of which the offence was committed is less severe than Czechoslovak law, the offender shall not be liable to punishment which is more severe than that applicable under the aforesaid law.

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Note. Article 190 of the Czechoslovak Penal Code provides for the punishment of persons who intentionally expose other persons to danger of death or of serious injury or expose the property of others to great danger.

(b) CODE OF CRIMINAL PROCEDURE, 12 JULY 1950. "SBIRKA ZAKONU", 1950, NO. 39, C. 87; "MINISTERSTVO SPRAVEDLNOSTI, TRESTNI ZÁKON A TRESTNI RÁD" (1950), PP. 151, 157-159. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 15. 1. Preliminary proceedings shall be conducted by the district prosecutor in whose district the offence has been committed. If the offence has been committed in more than one district, the preliminary proceedings shall be conducted by the district prosecutor who first took measures to prosecute the accused.

2. If the offence has been committed abroad, or if the place where it was committed cannot be ascertained, the preliminary proceedings shall be conducted by the district prosecutor in whose district the accused resides or works or is staying, or, if he is not in the Czechoslovak Republic or cannot be found, by the district prosecutor in whose district the offence was discovered. If more than one district prosecutor is empowered as aforesaid, the preliminary proceedings shall be conducted by the prosecutor who first took measures to prosecute the accused.

3. If, in the case referred to in paragraph 2, an additional place connected with the crime is ascertained in the Czechoslovak Republic, the case may be referred to the district prosecutor at the place of the crime.

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Article 20. 1. The first stage of the proceedings shall be conducted, unless otherwise laid down by law, in the court served by the prosecutor who brought the charge or made some other motion.

2. The court may, in order to expedite the proceedings or for any other valid reason, sever the proceedings in respect of one of the offences or against one of the accused from the rest of the proceedings; and the competence of the court (paragraph 1) shall not be affected thereby.

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