EXCERPT Law No. 301/2005 Coll.

Code of Criminal Procedure of the Slovak Republic

Section 1

Purpose of the Act

The Code of Criminal Procedure regulates the procedure followed by the bodies involved in criminal proceedings and the courts to ensure that criminal offences are properly investigated and their perpetrators justly punished under the law with due respect to fundamental rights and freedoms of natural persons and legal entities.

Section 2

Fundamental Principles of Criminal Procedure

(1) No person shall be prosecuted as an accused other than for legitimate reasons and in a manner stipulated by this Act.
(2) Fundamental rights and freedoms of persons may be, in cases permitted by law, interfered with to the extent necessary to achieve the purpose of criminal proceedings with due respect to the dignity of persons and their privacy.
(3) Unless this Act provides otherwise, any interference with fundamental rights and freedoms under this Act before the commencement of the criminal prosecution or in pre-trial proceedings shall be decided by a judge for pre-trial proceedings; the judge for pre-trial proceedings shall also decide on other matters as provided for by this Act.
(4) Any person subject to criminal prosecution shall be presumed innocent until proven guilty by a final sentencing judgment.
(5) A prosecutor represents the State in criminal proceedings. Unless this Act, an international treaty promulgated in a manner prescribed by law (hereinafter referred to as "international treaty") or the decision of an international organisation which is binding on the Slovak Republic provides otherwise, the prosecutor shall have the duty to prosecute all criminal offences that came to his knowledge.
(6) Unless this Act provides otherwise, the bodies involved in criminal proceedings and the courts shall act ex officio. They shall have the duty to deal with the cases involving detention as a matter of priority and without undue delay. The bodies involved in criminal proceedings

or the courts shall not take into account of the petitions whose content infringes on the fulfilment of this duty.

(7) Every person shall have the right to a fair hearing of his criminal case by an independent and impartial tribunal in reasonable time and in his presence, and to have an opportunity to comment on any adduced evidence, unless this Act provides otherwise.

(8) No person may be prosecuted in respect of an act for which he had already been finally convicted or from which he had been acquitted. This principle shall not exclude the use of extraordinary remedies as prescribed by law.

(9) Every person subject to criminal prosecution shall have the right to defence.

(10) The bodies involved in criminal proceedings shall proceed so as to properly establish the facts of the case that do not give rise to reasonable doubts, to the extent necessary for making the decision. They shall procure the evidence ex officio. The parties shall also be granted the right to procure the evidence. The bodies involved in criminal proceedings shall thoroughly clarify the circumstances regardless of whether they prejudice or benefit the accused, and they shall perform the evidence in either direction so as to enable the court to reach a fair decision.

(11) The court may also take other evidence than those proposed by the parties. The parties shall have the right to provide the evidence proposed by them.

(12) The bodies involved in criminal proceedings and the court shall evaluate the legally obtained evidence in accordance with their inner conviction based on the careful examination of all the facts of the case, separately and jointly, irrespective of whether they were procured by the court, the bodies involved in criminal proceedings or by one of the parties to the proceedings.

(13) The bodies involved in criminal proceedings shall co-operate with associations of citizens and shall utilise their educational activities.

(14) The parties to the proceeding are all equal in proceedings before the court.

(15) Criminal prosecution before the court shall only be initiated on the basis of a motion or an indictment filed by a prosecutor who shall represent the prosecution or the motion in the proceedings before the court.

(16) In criminal proceedings before the court, the decision shall be made by a panel of judges, a single judge or by a judge for pre-trial proceedings. A presiding judge of a panel, a single judge or a judge for pre-trial proceedings shall have the sole authority to decide the case, unless the law expressly stipulates otherwise.

(17) Criminal cases shall be heard in open court. Public attendance may be excluded from the main trial or public hearing only in cases stipulated by this Act. The judgment shall always be announced publicly.
(18) Proceedings before the court shall be oral; exceptions are provided for under this Act. The examination of evidence shall be carried out by the court which, however, leaves the examination of the accused, witnesses and expert witnesses to the parties, starting with the one that proposed or procured the evidence.
(19) When deciding at the main trial, open or closed court hearing, the court may only take account of the evidence taken during the hearing, unless otherwise provided by law.
(20) If the accused, his legal guardian, suspected person, victim, witness, or a participating person declares that he does not speak the language of the proceedings, he shall have the right to be assigned an interpreter or a translator.
(21) The bodies involved in criminal proceedings and the court are obliged, throughout the criminal proceedings, to make it possible for the victim to fully exercise their rights of which the victim shall be instructed in a due, appropriate and comprehensible manner. The criminal proceedings must be conducted with necessary tactfulness towards the victim. It is necessary to take account of their personal situation and immediate needs, age, sex, disability, if any, and their maturity, and to fully respect their physical, mental and moral integrity. The provisions of the special Act on the rights of victims of criminal offences shall not be thereby affected.

Section 3
Assistance Provided by Public Authorities, Legal Entities and Natural Persons

(1) Public authorities, self-governing higher territorial units, municipalities and other legal entities and natural persons shall have the duty to provide assistance to the bodies involved in criminal proceedings and the courts in the fulfilment of their tasks having relation to criminal proceedings. The State shall reimburse related substantiated material costs incurred by other legal entities and natural persons, unless otherwise provided by a separate regulation. The provisions of Section 553 Subsection 5 and 6 shall be reasonably applicable to the decision making and the proceedings; such a petition may only be filed by persons who incurred such material costs.
(2) Public authorities, self-governing higher territorial units, municipalities and other legal entities shall have the duty to forthwith notify the bodies involved in criminal proceedings of

any fact indicating that a criminal offence has been committed, and to expediently act on the requests from the bodies involved in criminal proceedings and the courts.

(3) The bodies involved in criminal proceedings and the courts shall have the duty of mutual assistance in the fulfilment of their tasks under this Act. The documents and information among the bodies involved in criminal proceedings and the court may be served also in electronic form.

(4) The provisions of paragraphs 1 and 2 shall be without prejudice to the duty to maintain the confidentiality of classified data, business secrecy, bank secrecy, tax secrecy, postal secrecy and the secrecy of telecommunications.

(5) Prior to the commencement of the criminal prosecution or in pre-trial proceedings, a prosecutor and a police officer upon the prior consent given by the prosecutor, and the presiding judge of a panel in the proceedings before the court, shall have the right to request the data protected by business secrecy, bank secrecy or tax secrecy, or the data from the register of registered securities.

Cooperation with Associations of Citizens and with a Trustworthy Person

Section 4

(1) The bodies involved in criminal proceedings and the court, where they consider it suitable and expedient, may also cooperate with associations of citizens to strengthen the educational impact of criminal proceedings, and to use them for suppressing and preventing criminal activities.

(2) For the purposes of this Act, the associations of citizens shall mean especially civil associations, trade unions, work collectives and recognized churches and religious societies; the associations of citizens shall not include political parties or movements.

(3) A trustworthy person shall mean a person who is capable of exerting a positive influence on the conduct of the accused. The trustworthiness of the persons concerned shall be determined by the court or, in pre-trial proceedings, by a prosecutor.

(4) Associations of citizens may offer to assume a guarantee for the reformation of the accused if there are reasonable grounds to believe that the accused can be reformed under the influence of the collective; the petition to assume a guarantee must always be specified the manner of exerting influence on the accused. The court that receives such petition may discuss the matter at the main hearing in the presence of members of the association of citizens concerned; and if it decides to accept the guarantee, it will take this fact into account

when imposing the sentence. In particular, and if the Criminal Code allows it, the court may suspend the execution of the sentence or impose a different type of sentence which does not include the deprivation of liberty, or it may waive the punishment altogether.

(5) The associations of citizens shall have the right to appoint their representative to attend the hearing of the case before a district or regional court; on the basis of a ruling issued by the court concerned such representative shall attend the hearing, where he pursuant to this Act presents the opinion of the associations of citizens concerned on the criminal case being heard, on the offender and on his rehabilitation prospects.

Section 5

(1) The association of citizens or a trustworthy person may offer to assume a guarantee for the completion of the reformation of the convicted person and to apply for a release on probation of the person serving an imprisonment sentence or for a conditional pardon of the remainder of his sentence or of the prohibition to undertake certain activities or the prohibition of residence; the pledge motion shall always have to specify the manner of exerting influence on the accused. To collect the data for such petition, they may request information on how far the re-education of the sentenced person progressed.

(2) The association of citizens or a trustworthy person court may also propose to replace custody of the accused with their guarantee and, on behalf of the convicted person, file a petition for pardon and for the expungement of the sentence.

(3) The association of citizens or a trustworthy person that offered a guarantee for re-educating the accused or the convicted person shall take care of re-educating and reforming the accused for whom they have assumed the guarantee.

Section 6

Providing Information on Criminal Proceedings

(1) The bodies involved in criminal proceedings and the court shall inform the public on criminal proceedings under this Act through the media. However, such provision of information shall have to be without prejudice to the duty to maintain the confidentiality of classified data, business secrecy, bank secrecy, tax secrecy, postal secrecy or the secrecy of telecommunications.

(2) When providing information, the bodies involved in criminal proceedings and the court shall be entitled not to disclose such facts that could frustrate or obstruct the clarification and investigation of the case, and not to violate the principle of presumption of innocence. They shall take care not to disclose protected personal information or facts of private nature, in particular those related to family life, dwelling and correspondence that are not directly connected with the criminal act. Special care shall be taken by them to preserve the interests of minors, juveniles and the injured parties whose personal data shall not be disclosed.

(3) In proceedings before the court, the scope of provided information shall be based on the principle of publicity. During the court proceeding, the participants may not be prohibited to take handwritten notes or make drawings, unless such activity interferes with the course of the hearing.

(4) Where the provision of information interferes with or endangers the interests referred to in paragraphs 1 or 2, the body involved in criminal proceedings and the court shall refuse to provide the information.

(5) Where the bodies involved in criminal proceedings provide information related to criminal proceedings to the authorities of the Member States of the European Union that are entitled, in compliance with their national legislation concerning the prevention and disclosing of criminal offences, detection of perpetrators of criminal offences and investigation of criminal offences, to execute powers and take coercive measures related to such criminal offences pursuant to separate regulation, the provisions of paragraphs 1, 2 and 4 shall apply accordingly.

Section 7
Assessment of Preliminary Issues

(1) The bodies involved in criminal proceedings and the court shall have the competence to assess the preliminary issues arising in the proceedings; if, however, a court, the Constitutional Court of the Slovak Republic (hereinafter referred to the “Constitutional Court”), the Court of Justice of the European Communities or other public authority has finally decided on the issue concerned, the bodies involved in criminal proceedings and the court shall be bound by such decision, unless it involves assessment of guilt of the accused.

(2) The bodies involved in criminal proceedings and the court shall not have the competence to assess the preliminary issues related to one's personal status which are subject to a decision

in other proceedings. If no decision has been made on the given issue yet, the bodies involved in criminal proceedings and the court shall be obliged to wait for rendering of such decision.
(3) The issues to be decided by the Court of Justice of the European Communities may not be assessed as preliminary issues.

Section 8
Persons Excluded from the Competence of Bodies Involved in Criminal Proceedings

(1) Persons granted privileges and immunities under national or international law shall be exempted from the competence of the bodies involved in criminal proceedings and the court.
(2) Should any doubt whether an exemption from the competence of the bodies involved in criminal proceedings and the court applies to any other person arise, the body involved in criminal proceedings or the court shall request the opinion of the Ministry of Justice of the Slovak Republic (hereinafter referred to as the "Ministry of Justice"). When it comes to foreign nationals, the Ministry of Justice shall send an opinion after receiving an opinion from the Ministry of Foreign Affairs of the Slovak Republic.

Section 9
Inadmissibility of Criminal Prosecution

(1) Criminal prosecution may not be instituted or, if already commenced, it may not continue and shall be terminated
a) if criminal prosecution is not allowed because of the statute of limitation,
b) if the prosecution is conducted against a person enjoying exemption from the jurisdiction of the bodies involved in criminal proceedings and the court, or against a person who may be lawfully prosecuted only on the basis of an authorization, and the competent body has not issued such authorization,
c) if conducted against a minor person who may not be held criminally liable,
d) if conducted against a deceased person or a person declared dead,
e) if conducted against a person whose previous prosecution for the same offence resulted in a final and conclusive court sentence, or it was lawfully terminated or conditionally suspended and the accused proved himself, or conciliation has been reached and the criminal prosecution was terminated unless such decision was declared null and void in a prescribed manner,

f) if the criminal prosecution requires the consent of the injured party and such consent has not been granted or has been withdrawn, or

g) if so stipulated by an international treaty.

(2) If the reason referred to in paragraph 1 only relates to a partial attack, which is a part of continuing criminal offence, the criminal prosecution in respect of remaining part of such criminal offence shall not be impeded.

(3) Criminal prosecution stayed on the grounds set out in paragraph 1 subparagraph a) shall, however, be resumed if, within three days of the receipt of the resolution on termination of criminal prosecution, the accused insists on the hearing of the case. The accused shall have to be duly advised of this right.

Section 10
Definitions of Terms

(1) The bodies involved in criminal proceedings shall mean a prosecutor and a police body.

(2) The administration of justice shall be exercised by independent and impartial courts at all instances separately from other public authorities, through a judge for pre-trial proceedings, single judge, presiding judge of a panel, panel or, in cases prescribed by law, also through a superior court clerk, probation and mediation officer and a court registrar.

(3) A judge for pre-trial proceedings shall mean a first-instance court judge who shall be authorized, in accordance with a court schedule, to hear and decide on

a) interferences with fundamental rights and freedoms before the commencement of criminal proceedings and in pre-trial proceedings,

b) complaints against the decisions taken by a prosecutor if so stipulated by the present Act,

c) other cases as provided for under the present Act.

(4) For the purposes of the present Act, a court shall mean a district court, regional court, Specialized Criminal Court and the Supreme Court of the Slovak Republic (hereinafter referred to as the "Supreme Court").

(5) For the purposes of this Act, a regional court shall also mean the Specialized Criminal Court unless this Act provides otherwise; the court of appeal shall be a regional court and the Supreme Court.

(6) For the purposes of this Act, a presiding judge of a panel shall also mean a single judge unless separate provisions of this Act stipulate otherwise.

(7) For the purposes of this Act a regional prosecutor also means a public prosecutor of the

Special Prosecution Office if it concerns cases falling under its jurisdiction, unless this Act stipulates otherwise.

(8) For the purposes of this Act, a police officer shall mean

a) an investigator of the Police Force,

b) a financial administration investigator, if it concerns criminal offences committed in connection with the violation of customs regulations or tax regulations in the area of VAT on imports and excise duties,

c) an authorized member of the Police Force,

d) an authorized member of the Military Police in proceedings concerning criminal offences committed by member of the Armed Forces,

e) an authorized officer of the Corps of Prison and Court Guard in proceedings concerning criminal offences committed by members of the Corps of Prison and Court Guard, and within the premises of the Prison and Court Guard Corps, also by its employees, and concerning criminal offences committed by persons serving imprisonment sentences or remanded in custody,

f) an authorised financial administration employee, if it concerns criminal offences committed in connection with the violation of customs regulations or tax regulations within the jurisdiction of customs administration,

g) the captain of a sea vessel, in proceedings on criminal offences committed on board such vessel.

(9) For the purposes of this Act, a police officer shall also mean, within the scope of the authorization to carry out investigation procedures, a representative of a competent authority of another State, an authority of the European Union, or an authority jointly established by the Member States of the European Union, who has been assigned to a joint investigation team set up on the basis of an agreement. The joint investigation team may be established in particular where the investigation of a criminal offence requires the complex acts to be executed in another country, or where the investigation is to be carried out by several states, whilst the circumstances of the case necessitate coordinated and concerted action. A head of the joint investigation team shall always be a representative of the body involved in criminal proceedings of the Slovak Republic; other terms and conditions of the joint investigation team operation shall be set forth under the agreement on its establishment. A body authorized to conclude an agreement on the establishment of the joint investigation team shall be the General Prosecutor's Office of the Slovak Republic (hereinafter referred to as the "General

Prosecutor's Office") following consultation with the Minister of Justice of the Slovak Republic (hereinafter referred to as the Minister of Justice").

(10) For the purposes of this Act, a police officer shall also mean an officer of the Police Force who is not an investigator or an authorized officer of the Police Force referred to in paragraph 8, subpar. a) and c) within the scope set out under generally binding legal regulation issued by the Ministry of the Interior of the Slovak Republic for the execution of decisions, measures and procedures of criminal proceedings in the course of investigation or summary investigation.

(11) A party to the criminal proceedings shall be any person who has and exercises an influence upon the course of the proceedings, and who has been under this Act awarded certain procedural rights or imposed obligations. In the proceedings before the court, a party shall be a person against whom the criminal proceedings have been brought, the injured party, a participating person and a prosecutor; the same status as a party shall also have a representative of the association of citizens, a trustworthy person as well as any other person upon whose petition or motion the proceedings are being held, or who applied for legal remedy, and also a body for the social and legal protection of children and social curatorship in the proceedings against a juvenile. Whenever in this Act the term party to the proceeding is used, it shall also mean a party to the criminal proceedings in pre-trial proceedings unless the individual provisions indicate otherwise.

(12) Unless the nature of the case indicates otherwise, the accused shall also mean a defendant and a convicted person.

(13) After the main hearing has been ordered, the accused shall be called the defendant.

(14) The convicted person is a person found guilty upon a final and conclusive sentencing judgment.

(15) Criminal proceedings shall be the procedure under this Act; criminal prosecution shall mean a stage of the proceedings beginning with the commencement of criminal prosecution and ending when a judgment or other decision on the merits by the body involved in criminal proceedings or the court becomes final and conclusive; pre-trial proceedings shall mean a stage beginning with the commencement of criminal prosecution and ending when an indictment is filed, a plea bargaining agreement (hereinafter referred to as the "plea agreement") is concluded, or the judgment on the merits by the body involved in criminal proceedings becomes final and conclusive.

(16) An act shall also mean a partial attack of a continuing criminal offence unless explicitly provided otherwise.

(17) An urgent act shall be such act which, due to the danger of obstruction or the destruction, with regard to the purpose of criminal proceedings, cannot be postponed until criminal prosecution is commenced.

(18) An unrepeatable act shall be such act which cannot be executed at a later stage, unless this Act stipulates otherwise below.

(19) Measures shall be informal verbal or written decisions of technical and organisational or operational nature.

(20) An agent shall be an officer of the Police Force or a member of the Police of other state who, based on the order by a prosecutor or by the court, contributes to the detection, identification and conviction of the offenders of a crime, the criminal offences referred to in Chapter Eight Division III of the Special Part of the Criminal Code (hereinafter referred to as the "corruption"), the criminal offence of abuse of power by a public official and money laundering. In detecting, identifying and convicting offenders of corruption or criminal offences of terrorism, an agent may also be a person other than the officer of the Police Force, appointed by a prosecutor upon a motion filed by a police officer or by member of the Police Force authorized by the Minister of the Interior of the Police Force (hereinafter referred to as the "Minister of the Interior").

(21) For the purposes of this Act, information and technical resources mean electro-technical, radio-technical, photo-technical, optical, mechanical, chemical and other technical resources and devices or their files used in a classified manner during an interception and recording operation in electronic communications networks (hereinafter referred to as "interception and recording of telecommunications service"), video, audio or audio-visual recordings or, during a search, opening and examination of the consignments, provided their use results in an interference with fundamental human rights and freedoms. Special regulations apply to the processing of information obtained using information technical resources, their records, documentation, storage and exclusion unless this Act stipulates otherwise. The operators of public telephone networks, providers of electronic telecommunications networks, providers of electronic telecommunications services, postal enterprises, carriers and other shippers and their employees are obliged to provide the necessary cooperation in using information technical resources; at the same time they may not claim the obligation of confidentiality under special Acts.

(22) For the purposes of this Act, the means of operative-search activities means the controlled delivery, substitution of the contents of consignments, an agent, sham transfer, or monitoring of people and items.

(23) For the purposes of this Act, an organization for the assistance of the victims means an entity providing assistance to victims under a special Act and a non-governmental organization established under a special Act that provides free assistance to the victims.

CHAPTER TWO
THE COURT AND PERSONS TAKING PART IN THE PROCEEDINGS

Title One
Jurisdiction and Competence of the Courts

Section 11
Exercise of Criminal Jurisdiction

The system of courts that exercise the jurisdiction over criminal cases shall be laid down under separate legislation.

Section 14

The competence of a Specialised Criminal Court refers to

a) criminal offence of first degree murder,

b) criminal offence of machinations in public procurement and public auction pursuant to Section 266 paragraph 3 of the Criminal Code,

c) criminal offence of forgery, fraudulent alteration and illicit manufacturing of money and securities pursuant to Section 270 paragraph 4 of the Criminal Code,

d) criminal offence of abuse of power by a public official pursuant to Section 326 paragraph 3 and 4 of the Criminal Code in concurrence with criminal offence pursuant to letters b), c), e), f), g), h, i), l)) or m),

e) criminal offences of passive bribery pursuant to Section 328 through 330 of the Criminal Code,

f) criminal offences of active bribery pursuant to Section 332 through 334 of the Criminal Code,

g) a criminal offence of indirect bribery pursuant to Section 336 of the Criminal Code,

h) criminal offence of corruption in election pursuant to Section 336a of the Criminal Code,

i) criminal offence of corruption in sport pursuant to Section 336b of the Criminal Code,

j) the criminal offence of establishing, masterminding and supporting a criminal group and particularly serious felony committed by an organized group,

k) the criminal offence of terrorism,

l) criminal offences against property under Chapter Four of the Special Part of the Criminal Code or economic criminal offences under Chapter Five of the Special Part of the Criminal Code, if such criminal offence causes a damage or brings a benefit which is at least twenty-five thousand times higher than the amount of small damage set out in the Criminal Code, or if the extent of that offence is at least twenty-five thousand times higher than the amount of small damage set out in the Criminal Code,

m) criminal offence of damaging financial interests of the European Union,

n) criminal offences related to those referred to under a) to l) or m), provided that the requirements for the joinder of proceedings are met

o) Criminal offences of extremism pursuant to Section 140a of the Criminal Code.

Subject-matter Jurisdiction

Section 15

Unless thisAct provides otherwise, the proceedings shall be conducted in the first instance by a district court.

Section 16

(1) A district court in the seat of a regional court shall act as the court of first instance

a) in respect of particularly serious felonies punishable under criminal law by imprisonment sentence of minimum twelve years, or

b) if a criminal offence was committed by an organized, criminal or terrorist group.

(2) A district court set out under separate legislation shall act as the court of first instance, and a regional court set out under separate legislation shall act as the court of second instance in respect of the criminal offences

a) committed by soldiers pursuant to Section 128 par. 3, subpar. a), b) and d) of the Criminal Code; this shall not apply in respect of the criminal offences referred to under Section 14,

b) of war treason, serving in a foreign army and failure to commence service in the Armed Forces.

(3) The courts referred to in paragraph 2 shall also hold proceedings against an accomplice and participant of a criminal offence

(4) The paragraphs 2 and 3 shall not exclude the jurisdiction referred to in Section 15 and in paragraph 1.

(5) The provisions of paragraphs 1 through 4 shall not apply to criminal offences falling within the jurisdiction of the Specialized Criminal Court. The Specialized Criminal Court shall hold proceedings in respect of criminal offences falling within its jurisdiction at the first instance.

Section 17

Territorial Jurisdiction

(1) The proceedings shall be held by the court in whose district the crime was committed.

(2) A circuit of the district court in the seat of a regional court for proceedings in respect of criminal offences referred to in Section 16 par.1 shall mean the circuit of the regional court concerned.

(3) If the place of crime cannot be identified or if the criminal offence was committed abroad, the proceedings shall be held by the court having jurisdiction over domicile, a workplace or place of residence of the accused; if such places cannot be identified or are located outside of the territory of the Slovak Republic, the proceedings shall be held by the court that has jurisdiction over the place in which the criminal offence was detected.

Joint of Proceedings

Section 18

(1) Joint proceedings may be conducted in respect of all criminal offences committed by the same accused and by all persons accused of interrelated criminal offences if it obviously does not prevent the conclusion of the proceedings in reasonable time.

(2) Joint proceedings on a criminal offence which should be tried by a single judge, on a criminal offence which should be tried by a panel, shall be held by a panel.

(3) If a person subject to the jurisdiction of the courts pursuant to Section 16 par. 2 is simultaneously prosecuted for concurrent criminal offence materially related to the criminal offence subject to the jurisdiction of the courts pursuant to Section 16, par. 2, the case including the related criminal offence shall be heard and decided by the court pursuant to Section 16, par. 2.
(4) If a person subject to the jurisdiction of a district court is simultaneously prosecuted for another criminal offence materially related to the criminal offence subject to the jurisdiction of the Specialized Criminal Court, the case including the related criminal offence shall be heard and decided by the Specialized Criminal Court. Otherwise, the provision of paragraph 1 shall not apply to the relationship between a district court on the one hand and the Specialized Criminal Court on the other hand.
(5) The provision on conducting joint proceedings against several accused shall not apply if, considering the circumstances of the case and the attitude of the accused, only one of the accused is eligible for the plea bargain procedure.

Section 19

(1) A district court in the seat of a regional court shall hold joint proceedings if it has the jurisdiction over at least one of the criminal offences pursuant to Section 16 paragraph 1. If, however, at least one of the criminal offences concerned falls under the jurisdiction of the Specialized Criminal Court, joint proceedings shall be held by the Specialized Criminal Court.
(2) Joint proceedings shall be held by the court which has the jurisdiction over the offender or over the most serious crime.

Section 20
Jurisdiction of Several Courts

If more than one court have the jurisdiction under the preceding provisions, the proceedings shall be held by that court to which the prosecutor submitted the indictment, or to which the case was referred by a court without the requisite jurisdiction.

Section 21
Exclusion and Joinder of Cases

(1) In order to advance the proceedings or for other important reasons, the proceeding on a certain criminal offence or against certain accused may be excluded from the joint proceedings.
(2) The competence of the court which excluded a case shall not be affected. If, however,
a) a district court in the seat of a regional court excludes a case which is otherwise under the competence of another district court, it may refer the case to the latter,
b) the Specialized Criminal Court excludes a case which is otherwise under the competence of a district court or a regional court, it may refer the case to the latter.
(3) If the circumstances warrant joint proceedings, the court may join cases, the indictments whereof were filed separately, hold joint proceedings and make a joint decision.

Section 22

Competence Disputes

(1) Any dispute concerning the competence of courts shall be settled by that court which is immediately superior to the courts involved.
(2) An immediately superior court of a district court or a regional court on the one hand and the Specialized Criminal Court on the other hand shall be the Supreme Court.

Section 23

Change of Venue

(1) Because of serious reasons, a case may be withdrawn from the competent court and assigned to a different court of the same type and level; the withdrawal and assignment order shall be issued by that court which is immediately superior to the courts involved.
(2) If the court referred to in paragraph 1 is the Specialized Criminal Court, a different court of the same type and level shall mean a regional court pursuant to a separate regulation.
(3) A motion filed by a party seeking withdrawal and referral of a case shall not prejudice the execution of ordered action of the criminal procedure provided that, in the court's opinion, the motion does not contain important grounds referred to in paragraph 1. No consideration shall be given to a motion based on the grounds on which a decision has already been made.

Section 24

Competence of Courts for Procedures Prior to the Commencement of Criminal Prosecution and in Pre-trial Proceedings

(1) Procedures prior to the commencement of criminal prosecution or in pre-trial proceedings shall be executed by the court competent to hear indictment; in the event of more than one such courts, procedures shall be executed by the court in whose district sits the prosecutor who filed the relevant motion.
(2) In cases set out in Section 16 par. 1, procedures prior to the commencement of criminal prosecution or in pre-trial proceedings shall be executed by a district court in the seat of the regional court competent to hear indictment; in the event of more than one such courts, procedures shall be executed by the court in whose district sits the prosecutor who filed the relevant motion.
(3) In cases set out in Section 16 par. 5, procedures in pre-trial proceedings shall be executed by the Specialized Criminal Court.
(4) Jurisdiction to issue an order for surveillance over persons and items pursuant to Section 113 par. 4, an order for making video, audio or video-audio recordings pursuant to Section 114, an order for intercepting and recording telecommunications pursuant to Section 115 or 116, and an order for use of an agent pursuant to Section 117 prior to the commencement of criminal prosecution or in pre-trial proceedings shall be executed by a district court in the seat of the regional court competent to hear indictment, and the Specialized Criminal Court in cases falling within its competence; in the event of more than one such courts, procedures shall be executed by the court in whose district sits the prosecutor who filed the relevant motion. Jurisdiction over the cases pursuant to Section 16 par. 2 has the district court competent to hear indictment.

Title Two
Assisting Persons

Section 25
Probation and Mediation Officer

(1) A probation and mediation officer shall fulfil the tasks relating to the probation and mediation service imposed by the court or by other competent authority and other tasks set forth in this Act or in a separate regulation.

(2) If the probation does not meet the purpose set out under the decision of the court or other competent authority, a probation and mediation officer shall submit a notion to the court for the enforcement of imprisonment, or shall submit a notion to the court to resume suspended criminal proceedings of the person against whom the criminal prosecution has been conditionally suspended.

Section 26

Higher Court Official and Court Registrar

(1) A higher court official in criminal proceedings shall fulfil the tasks pursuant to the present Act and a separate regulation. A higher court official may issue a decision or perform other procedures in criminal proceedings if provided so under this Act or a separate regulation.
(2) A court registrar in criminal proceedings shall fulfil the tasks pursuant to this Act and a separate regulation. A court registrar perform other procedures in criminal proceedings if this Act or or a separate regulation stipulates so.
(3) An assistant of the prosecutor in the criminal proceedings shall fulfil the tasks pursuant to this Act and separate regulation. The assistant may issue a decision or perform other procedures in criminal proceedings, if provided under this Act or separate regulation.

Section 27

Recording Clerk

The official transcript of the actions of the law enforcement authorities and the court is performed by a sworn recording clerk. If the recording clerk was not invited, the transcript is recorded by the person performing the action. For the purposes of this Act, a recording clerk shall also mean a technical assistant.

Interpreter and Translator

Section 28

(1) If it is necessary to interpret the contents of a testimony, or if the person referred to in Section 2 paragraph 20 declares that they do not understand the language in which proceeding is held or that he does not speak the language, an interpreter shall be assigned by ruling. The recording clerk may also act as interpreter in exceptional circumstances. If the convicted

exercises their right under Section 2 paragraph 20, the invited interpreter shall also interpret, at the request of the convicted, any consultation between the convicted and the defence counsel in the course of, or in direct connection with, a procedural act, with filing an appeal or with other procedural submissions.

(2) An interpreter shall also be engaged if the person referred to in Section 2 paragraph 20 declares that he understands the language in which proceeding is held but the authority which performs an act ascertains that the language skills of such person are insufficient to duly exercise his rights in the language in which proceeding is held; in such case, a decision to engage an interpreter shall be issued in the form of a resolution against which a complaint is admissible.

(3) If a person referred to in Section 2 paragraph 20 selects a language for which there is no interpreter in the list of registered interpreters or if the matter is urgent and the registered interpreters are unreachable, the body involved in criminal proceedings or court shall engage an interpreter of the official language of the State of which such person is a citizen or in which he has his residence, and which is understood by him.

(4) If it is necessary to translate the transcript of a testimony or another document, a translator shall be assigned by ruling. The provisions of Subsection 2 and 3 shall apply accordingly. The accused shall be provided with a written translation of the resolution on pressing charges, resolution on remanding the accused in custody, an indictment, plea bargain and a petition for approval of such agreement, a judgment, criminal warrant, appeal decision, and a decision on conditional suspension of criminal prosecution; the accused may expressly waive this right and shall be advised on such option as well as of the consequences of waiving such right. If such decision concerns several accused persons, only such part of the decision that concerns the particular accused shall be translated for him, provided it may be separated from the other statements of the decision and the reasoning thereto. The translation and delivery of the decision shall be arranged by the authority whose decision is concerned.

Section 29

(1) Assignment of an interpreter or a translator, his qualifications for and disqualification from this function, his right to refuse serving as an interpreter or a translator, his oath and the reminder for duly performing his duties prior to an interpreter’s or translator’s act, as well as reimbursement of cash expenses and fee for interpreter's or translator’s services shall be governed under separate regulations.

(2) The amount of interpreter's and translator’s reimbursement and fee shall be determined by the body who recruited the interpreter or the translator and, in judicial proceedings, by the presiding judge of a panel. If this body or the presiding judge of a panel do not agree with the amount of interpreter's or translator’s reimbursement and fee, they adopt a ruling on its amount. This ruling shall be liable for complaint having a suspensive effect.

Section 30
Non-participating Person and Figurant

(1) If provided by statute, a non-participating person shall be recruited for performing a procedure. The non-participating person shall be entitled to be reimbursed necessary expenses and loss of wages, or other provable loss of income. The entitlement shall be extinguished if the non-participating person fails to claim it within three days after his participation in the procedure, or after being notified of its cancellation; the non-participating person must be advised on it.
(2) A non-participating person shall have legal capacity with no grounds to question his impartiality with respect to the case under consideration or to persons directly involved in the procedure concerned, their defence counsels, legal representatives and proxies or the body involved in criminal proceedings or the court.
(3) Figurants may be recruited for the procedures of recognition, reconstruction, investigative experiment, verification of statement on the scene of crime and other procedures concerning its inspection. A figurant shall be entitled to be reimbursed necessary expenses and loss of wages, or other provable loss of income. The entitlement shall be extinguished if the figurant fails to claim it within three days after his participation in the procedure, or after being notified of its cancellation; the figurant must be advised on it.
(4) Necessary expenses pursuant to paragraphs 1 and 3 shall mean travelling costs, subsistence allowance and lodging fee.

Title Three
Disqualification of Bodies Involved in Criminal Proceedings, the Court and Other Persons
Section 31

(1) A judge, assessor, prosecutor, police officer, probation and mediation officer, higher court official, court registrar and a recording clerk shall be disqualified from performing the procedures of criminal proceedings whenever there are reasonable grounds to question their impartiality with respect to the case under consideration or to persons directly involved in the procedure concerned, to a defence counsel, legal representatives and a proxy, or another body involved in the same proceedings.
(2) A judge, assessor, probation and mediation officer, higher court official and court registrar shall be disqualified from performing the procedures of criminal proceedings if he had served as a prosecutor, police officer, representative of civil association, defence counsel or proxy of a participating person or the injured party or a common proxy of the injured parties in the same matter.
(3) Apart from disqualification pursuant to paragraph 2, a judge, assessor, probation and mediation officer, higher court official and court registrar who took part in the decision of a lower-instance court shall be disqualified from deciding at a higher-instance court and vice-versa. The judge who was deciding on the case as a judge or assessor of a court of different instance shall be disqualified from deciding on appellate review in the same matter. The prosecutor who issued the contested decision or gave his approval or instruction for that decision shall be disqualified from the decision on that matter by a superior body.
(4) An objection of bias shall be raised by a party to the proceedings immediately after having learned the grounds thereof. A procedure performed by a disqualified person may not be the grounds for the decision in criminal proceedings, except for an urgent and unrepeatable act.

Section 32

(1) If, due to the reasons referred to in Section 31 par. 1, a judge or an assessor announces his disqualification on the grounds of bias, the disqualification decision shall be made by the superior court sitting on the panel. The decision concerning the disqualification of a judge of the appellate court or appellate review court shall be made by other panel of judges at the same court, the decision concerning the disqualification of a judge for pre-trial proceedings shall be made by a presiding judge of a panel of the superior court. If the disqualification decision is made in respect of a judge or an assessor on the grounds referred to in Section 31 par. 2 or 3, the judge shall be replaced by a different judge scheduled as his substitute; the assessor shall be replaced by a different assessor as ordered by presiding judge of the panel. If, due to the reasons referred to in Section 31 par. 1, a probation and mediation officer, higher

court official, or a court registrar announces his disqualification on the grounds of bias, or if such assisting person is disqualified on the grounds referred to in Section 31 par. 2 or 3, or if, due to the reasons referred to in Section 31 an objection of bias in respect of such person is raised by a party to the proceedings, the disqualification decision shall be made by a presiding judge of the panel or in pre-trial proceedings by a prosecutor dealing with case in which such person is involved. If, due to the reasons referred to in Section 31 par. 1, a judge or a prosecutor announces his disqualification on the grounds of bias, the disqualification decision shall be made by the immediately superior prosecutor. If, due to the reasons referred to in Section 31 par. 1, a police officer announces his disqualification on the grounds of bias, the disqualification decision shall be made by the immediately superior police officer; this ruling shall not be liable for complaint.

(2) If, due to the reasons referred to in Section 31, a recording clerk announces his disqualification on the grounds of bias, or a party to the proceedings raises an objection of bias in respect of him, the disqualification decision shall be made by a body that recruited him to take minutes on the procedure, in the proceedings before the court a presiding judge of the panel.

(3) The disqualification decision on the grounds referred to in Section 31, based on the objection of bias raised by any of the parties to the proceedings, in other cases than those referred to in paragraph 2 shall be made by the body which is affected by these grounds. The decision on disqualification of either a judge or an assessor sitting on the panel shall be made by the panel concerned.

(4) The decision pursuant to paragraphs 2 and 3 shall be liable for complaint, after its filing only the act of criminal proceedings that has already been ordered shall be executed, with the exception of decision-making on the merits itself, and the procedure whose non-performance may prejudice the purpose of criminal proceedings. If this procedure results in the issuance of ruling that shall be liable for complaint, it is assumed that the party lodged the complaint alongside the complaint against the decision pursuant to paragraphs 2 or 3; the complaints concerned may only be withdrawn jointly and severally. The decision in respect of the complaint against the ruling resulting from the procedure shall be made after rendering the decision in respect of the complaint against the decision pursuant to paragraphs 2 or 3.

(5) A complaint against the decision pursuant to paragraphs 2 and 3 shall be made by

a) an immediately superior police officer, if it is a decision of the police officer,

b) an immediately superior public prosecutor, if it is a decision of the public prosecutor,

c) a superior court in a panel, if it is a decision of a single judge, a presiding judge, panel of

the court of first instance, or a judge for pre-trial proceedings, or

d) another panel of the court of appeals, the court of appellate review, or a superior court proceeding on a complaint against the decision of a judge for pre-trial proceeding, if it is a decision of panel of the court of appeals, the court of appellate review or the panel of a superior court.

(6) The objection of bias raised by the party, which is based on the same grounds as those comprised in the objection that has already been decided, or which has not been raised without delay pursuant to Section 31 par. 4, or the grounds whereof only consist in procedures of body involved in criminal proceedings, shall not be heard; the same shall apply to the objection having other grounds than those referred to in Section 31.

Title Four: The Accused

Section 33
Accused

Any person suspected of having committed a crime shall be considered as accused and the measures provided for under this Act shall be used in respect of such person only after he was charged with the crime.

Section 34
Rights and Obligations of the Accused

(1) The accused, from the commencement of the proceedings held against him, shall have the right to give his opinion on any allegation of his guilt and the supporting evidence without, however, having the obligation to testify. He may present circumstances, propose, present and procure evidence for his defence, file motions and petitions and apply for legal remedies. He shall have the right to choose and consult a counsel also in the course of procedures carried out by the bodies involved in criminal proceedings or by the court. The accused, however, shall not have the right to consult his counsel on how to respond to question raised during the interrogation. He may ask to be interrogated in the presence of his counsel and to have the counsel present also when other procedures of pre-trial proceedings are conducted. If he is apprehended, remanded in custody or serves an imprisonment sentence, he may speak with his counsel in the absence of a third person; this shall not apply to a telephone call of the

accused with his counsel during serving custody, the conditions and mode whereof are set forth under a separate regulation. In the proceedings held before the court, the accused shall have the right to examine witnesses who were proposed by him or upon his consent by his counsel, and ask the witnesses questions. The accused may exercise his rights on his own or via his counsel.

(2) The accused may, as early as at the beginning of the proceedings before the first-instance court, perform all evidence known to him that he proposed to be performed. If, after filing an indictment, the accused files a motion to perform evidence before the commencement of the proceedings before the first-instance court, the court shall be obliged to forthwith serve such motion on the prosecutor and the injured party.

(3) The accused who cannot afford to pay the defence costs shall have the right to a free counsel or to the defence for a reduced legal fee; the accused shall have to prove the entitlement for a free counsel or to the defence for a reduced legal fee no later than during the decision making on the reimbursement of the costs of the criminal proceedings and if it concerns the appointment of a defence counsel under Section 40 paragraph 2, no later than within 30 days after the measure on the appointment of the defence counsel was served. (4) Upon a request of the accused who was apprehended or arrested, a family member or another person designated by the accused, who shall also provide the data required for the notification, shall be notified thereof by the body involved in criminal proceedings without undue delay. Notification shall not be performed if it would obstruct the clarification and investigation of the case. If the apprehended or arrested person is a juvenile, the legal representative of the juvenile shall be notified thereof by the body of social-legal protection of children and social curatorship without undue delay, and if the juvenile has an appointed guardian, the guardian shall also be notified. If the apprehended or arrested person is a foreigner, the consular office of the State of which the foreigner is a citizen or in the territory of which he have has permanent residence shall also be notified by the body involved in criminal proceedings if the foreigner requests so; the foreigner has the right to communicate with the consular office. The accused who was apprehended or arrested has the right to communicate at his own expense, no more than twice during the restriction of personal freedom, by phone with a person designated by the accused, provided that this communication does not endanger the purpose of the criminal proceedings and is technically possible, and such communication shall not take more than 20 minutes. A telephone call of the accused who was apprehended or arrested shall always be made in the presence of a police officer who is authorised to end the call if it is obvious from the content of the call that the purpose of the

criminal proceedings is being obstructed. (5) The bodies involved in criminal proceedings and the court shall at any moment be obliged to advise the accused of his rights, including the advantage of pleading guilty, and give him a possibility to fully exercise his rights. The accused, who is apprehended or remanded in custody, shall be advised also on his right to acute health care, on access to files and on maximum period of the detention, until he is brought before the court.

(6) A body involved in criminal proceedings shall provide the accused who was detained or arrested with a written instruction on his rights without undue delay; such fact shall be recorded in the transcript. The accused shall have the right to keep the instruction with him for the entire duration of the restriction of their personal freedom.

(7) The accused shall be obliged, at the beginning of the first examination, to give his address for service of process, including personal service, as well as to specify the mode of service of process, and he shall have to forthwith notify the relevant authority of any change in the address or in the mode of service of process; the body involved in criminal proceedings or the court shall advise the accused of service of process and the related consequences.

Participating person

Section 45

(1) The person whose item was confiscated or is due to be confiscated upon a petition, is the party to an action.

(2) Participating person has the right:

a) to comment on all facts and evidence that the petition is based on, after the submission of the petition for the imposition of the protective measure,,

b) to be present at the main trial and public hearing, file petitions, present evidence, and inspect the files,

c) file appeals in cases stipulated by this Act.

(3) Bodies involved in criminal proceedings and the court are obliged to advice the participating person on his rights and to give him an opportunity to enjoy them, including the advice on delivery and consequences relating to it.

(4) If the participating person is suspended from his legal capacity or his legal capacity is restricted, his legal representative shall exercise the rights pursuant to this Act.

(5) In pre-trial proceedings the judge for pre-trial proceedings on the motion of the prosecutor and in the court proceedings the presiding judge of the panel shall appoint an authorized

representative to the participating person from the list of attorneys, if necessary for the protection of his interests. If the reason of appointment abandons the judge for pre-trial proceedings on the motion of the prosecutor and in the court proceedings the presiding judge of the panel shall revoke the appointment by ruling.

(6) At the beginning of the first action, the participating person is obliged to notice an address for delivering of document including personal delivery, as well as the mode of delivery, therewith if he changes the address or the mode of delivery, he is obliged to notice the fact immediately to the competent body; the body involved in the criminal proceedings or the court advise the participating person on the delivery and on consequences related with it.

PART ONE
GENERAL PART

CHAPTER FOUR
DETAINING PERSONS AND ITEMS

Division One
Custody

Section 71
Grounds for custody

(1) The accused shall only be remanded in custody when there are reasonable grounds to believe that the act for the criminal procedure was began had been committed, has the elements of the criminal offence, there are grounds for suspicion that this act was committed by the accused and from his acting or other concrete facts results in reasonable fear that

a) he will escape or go into hiding to avoid prosecution or punishment, in particular if his identity cannot be immediately established, he does not have a permanent residence, or if he is facing a severe penalty.

b) he will try to influence witnesses, experts, co-accused or otherwise frustrate the investigation of facts relevant for criminal prosecution or

c) he will continue in his criminal activity, accomplish the attempted criminal offence or commit the criminal offence he had prepared or had threatened to commit.

(2) The accused may also be remanded in custody if he is criminally prosecuted for criminal offences of terrorism, if the currently ascertained facts suggest that the act for which the criminal prosecution was initiated has been committed, that it has the elements of the criminal offence, and that there are reasons for suspicion that such act was committed by the accused.
(3) If the accused was released from custody, he may be remanded in the custody for the same matter, if
a) hee is on escape or goes into hiding to avoid criminal prosecution or punishment, if he does not stay at the address he indicated to the bodies involved in criminal proceedings or court, does not accept consignments or fails to respect orders of bodies involved in criminal proceedings or court or otherwise intentionally frustrates the execution of ordered actions,
b) he influences witnesses, experts or co-accused or otherwise frustrates the investigation of facts relevant to the criminal prosecution,
c) he continues in his criminal activity, accomplishes the attempted criminal offence or commits the criminal offence he had prepared or had threatened to commit.
d) he was released from the custody because of his entry to the execution of the imprisonment sentence and there are concrete facts justifying some of the grounds for the custody pursuant to paragraph 1
e) is accused of other intentional criminal offence which had to be committed after the release from the custody, or
f) it is custody under paragraph 2.

Section 72

Custody decision

(1) The custody decision means the decision on
a) remanding or non-remanding the accused to the custody; the decision on retaining the accused on liberty replacement of the custody shall be considered for the decision on non-remanding to the custody,
b) release from the custody and on refusal of request for release of the accused from the custody; for such request shall be considered also the request to replace the custody,
c) the change of the reasons for the custody of the accused,
d) the proposal for the extension of the term of custody of the accused,
e) retaining the accused in the custody or prolongation of the overall period of custody in criminal proceedings,

f) the release of the arrested accused to the liberty; for such decision shall be considered also decision on retaining the accused on the liberty by replacement of the custody.

(2) It is possible to act and decide only on the custody of a person against whom the accusation was lodged. The justification of the decision on the custody also contains the indication of the fact circumstances on which the enunciation of the decision on custody is based. The court shall act and decide on custody and in the pre-trial procedure upon the proposal of the prosecutor the judge for pre-trial procedure who is not bound by the proposal of the prosecutor as to the ground of custody. The court of higher instance shall act and decide on the complaint against the decision of the court and the judge for the pre-trial procedure. Before the decision on the custody, the accused has to be heard; the prosecutor, accused and his defence counsel provided they are reachable, shall be informed in the appropriate manner of time and place of the hearing. The presiding judge of a panel or the judge for the pre-trial procedure shall hear the accused and then allow to associates or judges, prosecutor or defence counsel to ask the accused questions regarding the decision on the custody; without the hearing of the accused it may be decided on the custody only, if the accused expressly requested that the hearing was performed in his absence or if his health state does not allow his hearing. The representative of the association of interests or other person offering the guarantee or the pecuniary bail shall be informed of the hearing, if it is necessary. Any proposals and requests of the prosecutor shall be delivered immediately to the accused and the requests of the accused or other persons submitted in favour of him to the prosecutor so that the prosecutor and the accused have the possibility to comment on them before the decision on the custody; this applies also to the reasons for which the court shall decide on prolongation of overall lengths of custody pursuant to Section 76a.

(3) If in the pre-trial procedure the judge for the pre-trial procedure does not meet the proposal of the prosecutor on remanding the accused to the custody, he shall decide on the non-remanding to the custody by a resolution which full wording with the justification and instruction shall be included in the transcript on the action; the same shall apply for the decision on the custody, if the court or judge for the pre-trial procedure decides pursuant to section 76 par. 3 or 4. The prosecutor may in the pre-trial procedure withdraw his proposal for remanding the accused in the custody until the declaration of the resolution of the judge for the pre-trial procedure by which this proposal is decided; the judge for pre-trial procedure shall by the resolution take into account the withdrawal of the prosecutor´s proposal to remand the accused in custody.

(4) The original or the copy certified by the body involved in criminal procedure of the whole file material with the numbered pages and review of the contents of the file shall always be enclosed to the motion for remanding the accused in the custody, as well as to other proposals of the prosecutor on basis of which shall be decided on the custody in the pre-trial procedure. The submission of the file to the competent authority may not be the obstacle to the due procedure in the matter.
(5) The judge for the pre-trial procedure or the presiding judge, who acts on the proposal or complaint, may in cases of the particularly extensive file material agree with the submission of only the relevant part of the file.
(6) The accused who was remanded in custody or who has been ordered for other remanding in custody, shall be escorted to the place of the custody by members of the Police Force, Military Police or customs officers and in the court house also by members of the Corps of Prison and Court Guard.

Section 73
Arrest Warrant

(1) If any of the grounds for custody detention is given and if it is not possible to summon, bring in or detain the accused and thus secure his presence at the interrogation or other act, a presiding judge of the panel and in the pre-trial proceedings the judge for pre-trial proceedings upon the proposal of the prosecutor, shall issue a warrant for the arrest of the accused.
(2) The arrest warrant shall contain, in addition to data preventing the confusion of the accused with another person, a brief description of the act that is the ground for the prosecution, legal qualification of the alleged criminal offence, and reasons for which the arrest warrant is being issued.
(3) The arrest shall be executed on the basis of the warrant by members of the Police Force, Military Police and customs officers, who are also obliged to track down the accused, if such is necessary for the performance of the warrant.
(4) The body that arrested the accused on the basis of the warrant, shall have a duty to bring the accused without delay, not later than within 24 hours, before the court whose judge issued the warrant. If this does not happen, the accused must be released.
(5) The presiding judge or in pre-trial proceedings the judge for pre-trial proceedings before whom the accused person was brought, shall hear the accused and decide on his detention

within 48 hours and in case of particularly serious felony within 72 hours, or to release him; the Section 72 paragraph. 2 shall apply accordingly. If the decision on detention has not been announced to the accused yet, the judge for the preliminary hearing shall serve him a copy of the resolution prior to the interrogation; the serving performed by the judge for pre-trial proceedings has the same effects as the announcement of the resolution by an authority that issued the resolution on charging the person from the offence and the accused may file a complaint against it even into the transcript on the interrogation before the judge for pre-trial proceedings. If the prosecutor was not present at the hearing, the judge for the pre-trial proceedings shall deliver him the interrogation report.

(6) The decision on custody shall be issued by a presiding judge of a panel and in the pre-trial proceedings by a judge for pre-trial proceedings.

(7) A presiding judge of a panel shall release the detained person by a written order with due justification. In the pre-trial proceedings a judge for pre-trial proceedings shall release the accused person for the reason of lapse of periods stipulated in paragraph 5 by a written and duly justified order; releasing the accused person for other reasons shall be decided by a resolution, which shall be included in the transcript on the action in full wording with a justification and instruction.

Section 74

Notification on the Remand in Custody, on the Release and on the Escape from Custody

(1) The court or a judge in the pre-trial proceedings shall without undue delay notify a relative of the accused or another person designated by the accused, and to his defence counsel on the remand in custody; the notification may be served on the person designated by the accused only if this does not prejudice the purpose of the custody. The commanding officer or chief shall also be notified on remand in custody of a member of the armed forces or army corps in custody. If the accused is registered in the unemployment register, the relevant authority where the accused is registered shall also be notified on their remand in custody. The court and in pre-trial proceedings the judge for pre-trial proceedings shall notify on the custody of a foreigner also the consular office of a state of his nationality or his residence, unless the international treaty stipulates otherwise.

(2) A body involved in criminal proceedings or court shall notify the injured party or witness in cases under section 46 paragraphs 8 and 9 and under section 139 on release of the accused

from detention or on his escape from custody no later than on the day when this fact became known to it.

Section 75

Notification on Custody to the Penitentiary

(1) The respective penitentiary shall be notified without delay on:
a) taking the accused person to custody,
b) changing the grounds for custody,
c) decision on retaining a person in custody,
d) decision on release from custody;
e) legal qualification of criminal offences for which the accused is prosecuted, or their change,
f) first name, surname and address of a defence counsel of the accused,
g) personal data of an accomplice, if he is in custody,
h) referral of the matter to another body involved in criminal proceeding or to other court,
i) filing the indictment, filing the proposal for plea bargaining, withdrawal of the charge by the prosecutor, final decision of a court on returning the case to prosecutor for further investigation and on the dismissal of charge.
(2) Notification under paragraph 1 shall be made by the prosecutor or the court holding the proceedings, when the fact to be notified to the penitentiary occurred; return of the case to the prosecutor to complete the investigation, or dismissal of the indictment shall be notified by the court holding the proceedings in which the decision became final.

Section 76

Length of Custody

(1) The length of custody within the framework of basic or extended period in pre-trial proceedings and custody within the court proceedings shall be limited to the necessary required time.
(2) The basic period of custody in the pre-trial proceedings is seven months; the prosecutor shall release the accused person on the last day of that period at the latest, unless within twenty working days before its expiry at the latest he files the indictment, or proposal to

approve the plea bargaining agreement or files the motion to extend this period with the judge in the pre-trial proceedings.

(3) The court or the judge in the pre-trial proceedings shall take a decision on the custody or on the motion of the prosecutor to extend the period of custody in the pre-trial proceedings so that in case of filing the complaint against that decision the file could be forwarded to the superior court within the five working days before the expiry of the period, which would represent the period of custody in the pre-trial proceedings or before the expiry of the custody period in the pre-trial proceedings at the latest; the superior court shall take its decision until the expiry of the period, which would represent the period of custody in the pre-trial proceedings or period, which should be extended, otherwise the judge presiding a panel of the superior court shall release the accused person by the written duly justified order. The custody can only be extended, if the proposal under paragraph 2 was filed on time and if it was not possible due to the complexity of the case or other serious reasons to complete criminal prosecution by that time and if the release of the accused could frustrate or seriously prejudice the purpose of criminal proceedings. The extension of the term of custody may last up to seven months, however the term of custody in the pre-trial proceedings may not exceed the period of time under paragraph 7. Section 72 paragraph 3 shall apply accordingly to the withdrawal of the proposal of the prosecutor to extend the custody.

(4) If it was decided on the extension of the custody of accused, the prosecutor in the pre-trial proceedings shall be bound by the procedure under paragraph 2 after each decision to that effect and the court or judge for the pre-trial proceedings shall be bound by the procedure under paragraph 3.

(5) If the indictment or the proposal to approve the plea bargaining agreement were lodged without prior release of the accused person by the prosecutor and the period of twenty working days under paragraph 2 or 4 was not observed, the judge presiding a panel shall release the accused person from custody without delay by the written duly justified order; the same procedure shall be followed by the judge in the pre-trial proceedings, if the motion to extend the term of custody in the pre-trial proceedings and the time limit of twenty working days under paragraph 2 or 4 was not observed.

(6) The overall term of custody in the pre-trial proceedings together with the custody in the proceedings before the court shall not exceed:

a) twelve months if a criminal prosecution for a minor offence is being conducted,

b) thirty six months if a criminal prosecution for a crime is being conducted,,

c) forty eight months if a criminal prosecution for a particularly serious crime is being conducted.

(7) From the time limit stipulated in paragraph 6, custody in the pre-trial proceedings shall not exceed:

a) seven months if a criminal prosecution for a minor offence is being conducted,

b) nineteen months if a criminal prosecution for a crime is being conducted,

c) twenty five months if a criminal prosecution for a particularly serious crime is being conducted. The provision of Section 78 shall not be affected.

(8) If the accused person is prosecuted for more offences in the same proceedings, the offence implying the most severe sanction shall be decisive on the determination of the term mentioned in paragraph 6; however, the decision on custody has to relate to this offence in determining the grounds for custody. If it is necessary to pursue this aim, the court or the judge for the pre-trial proceedings upon the motion of prosecutor can take the decision changing the grounds for custody.

(9) If it becomes clear during proceedings that the act for which a person was charged constitutes different offence and that the length of already served custody already exceed the term stipulated in the paragraph 6 or 7, the accused shall be released by the written order issued by the presiding judge of a panel or in the pre-trial proceedings by the written order of the prosecutor which must be justified, within 24 hours from the notification on the change of legal qualification of the offence at the latest, even if any of the grounds for custody is present; the presiding judge of a panel shall act on the basis of the decision of the panel.

(10) The periods stipulated in paragraphs 6 and 7 shall commence as from the day of arrest or detention of the accused; if there was no preceding arrest or detention of the accused then from the date on which the restriction of the personal liberty of the accused based on the decision on custody occurred. In cases of refusal of the indictment and return of the matter to the public prosecutor in order to start plea bargaining, returning the case back to prosecutor to the pre-trial proceedings pursuant to Section 334 paragraph 3, refusal of the draft of the plea bargaining agreement pursuant to Section 331 paragraph 1 lit. b) or in cases of returning the case back to prosecutor to the pre-trial proceedings, or if the prosecutor withdrew the indictment, or withdrew the motion to approve the plea bargaining agreement, the new term of seven months of custody within the framework of the period stipulated in paragraph 7 as of the day, when the file was delivered to the prosecutor.

§76a

If the criminal proceedings is held for particularly serious crime for which an imprisonment for 25 years or life imprisonment may be imposed or for criminal offences of terrorism, and it was not possible to complete the proceedings due to the complexity of the case or other serious reasons before the overall term of custody lapsed, and if release of the accused could frustrate or seriously prejudice the purpose of the criminal proceedings, the court may decide, even repeatedly, on prolongation of the overall term of custody in criminal proceedings for necessary time. The overall term of custody together with its prolongation pursuant to the previous sentence, however, must not exceed 60 months.

Title three
Detention

Section 85
Detention and Restriction of Personal Freedom of a Suspect

(1) A person suspected of committing a criminal offence may, if there is reason for the custody under Section 71 Subsection 1 or 2 or in the case of a suspect under Section 204 Subsection 1, be apprehended and detained by a police officer even if there has not been an accusation made against him. The prior authorization of prosecutor shall be obligatory. Without such authorization the detention shall only be possible if the matter is urgent and the authorization cannot be obtained in advance, in particular if the person concerned was caught *in flagranti delicto* or attempting to escape.

(2) Anyone may restrict personal freedom of a person caught *in flagranti delicto* or immediately thereafter if this is necessary for establishing the person's identity, preventing escape, securing evidence or preventing further crimes. Such person, however, shall have to be handed over to the Police Corps, Military Police unit, or Customs Administration unit.

(3) The police officer who carried out the detention or to whom a person detained under special law or person caught *in flagranti delicto* was handed over under paragraph 2, shall without delay notify the prosecutor of the detention and draw up a report indicating the place, time and detailed description of the circumstances of the detention or hand over as well as essential grounds for it, and personal data of the detained person. He shall without delay deliver a duplicate of the report to the prosecutor.

(4) The police officer who detained the person or to whom a person detained under special law or person caught *in flagranti delicto* was handed over under paragraph 2, shall promptly inform such person about the grounds for detention and conduct the questioning; if the suspicion is no longer justified or if the grounds for detention disappear because of other reasons, the person shall be immediately released by written order. If the detained person is not released, the policeman shall charge him and conduct interrogation. After the interrogation he shall submit the file to prosecutor so as to enable him to file the motion to take the person into custody or to proceed under Section 204 paragraph 1. The police officer and prosecutor shall proceed so as to enable handing over the detainee to the court within 48 hours and in criminal offences of terrorism within 96 hours from his detention or arrest under the special law or taking over under paragraph 2; otherwise the person shall be released by the written duly justified order of prosecutor.

(5) Provisions of Sections 34, and 121 to 124 shall apply accordingly even if the detained person had been questioned before any charges have been laid against him.

(6) The detained person shall have the right to choose a counsel and to consult him already at the moment of detention, and to request the presence of the counsel at the interrogation under paragraph 4, unless the counsel cannot be reached within the time limit specified therein.

Section 86

Detaining a Person by a Police Officer

(1) If there is any ground for custody pursuant to Section 71 and when the decision on custody cannot be obtained in advance, the police officer himself can preliminarily detain the accused. The detained accused shall be without delay informed by the police officer on the grounds for detention and interrogated. At the same time he shall notify without any delay the prosecutor on the detention and to hand him over a duplicate of the transcript he drew up upon the detention, as well as additional files necessary to decide on a motion for the remand in custody. The motion shall be filed so that the accused can be brought before the court within 48 hours and in criminal offences of terrorism within 96 hours from his detention at the latest, otherwise he must be released

(2) If after the detention it is found that the reason for custody under Section 71 has expired, a police officer upon the consent of the public prosecutor may also release the accused to liberty through a written measure, otherwise he shall proceed pursuant to Section 87 paragraph 1.

Section 87
Decision on the Detainee

(1) If a prosecutor hands over the detainee to a court under Section 85 paragraph 4 or under Section 86 paragraph 1, he shall attach to the filed indictment or motion for custody all file records collected up to that point; otherwise he shall order the release of the detainee by a written order with a due justification.
(2) The judge for pre-trial proceedings shall have a duty to interrogate the detainee within 48 hours and in case of particularly serious crimes within 72 hours after taking over the detainee under paragraph 1 and receiving a motion from a prosecutor on the remand in custody and decide on his remand in custody or on his release to liberty if he decided through a resolution on the non-remand into custody under Section 72 paragraph 3., otherwise such person shall be released by written and duly justified order. If the judge in the pre-trial proceedings took over the accused using procedure under Section 204 paragraph 1 and the prosecutor did not file the motion to remand in custody together with the indictment, the judge in the pre-trial proceedings after the preferential and urgent performance of acts under Section 348 paragraph 1 lit. a) or b) no later than 48 hours after taking the accused over and from the delivery of the indictment, shall release the detainee by a written order containing the reason for release; if the motion to remand in custody was filed by the prosecutor together with the indictment, the judge in the pre-trial proceedings shall proceed promptly and preferentially under Section 348 paragraph 1 letters a) to d).

Division Four
Surrendering, Seizure and Take-over of an Item, Storage and Disclosure of Computer Data

Section 89
Duty to surrender an Item

(1) Any person having on him an item relevant to the criminal proceedings shall have the duty to present it upon request to a police officer, a prosecutor or the court; if the item is to be seized for criminal proceedings purposes, he shall have the duty to surrender it to the aforesaid bodies upon request. He shall have to be cautioned that should he fail to comply

with the request, the thing may be removed from him and he may suffer other consequences of non-compliance.

(2) The duty referred to in paragraph 1 shall not apply to a written document whose content deals with the questions barred from interrogation unless the confidentiality or non-disclosure obligation has been lifted.

(3) The authority to request the surrender of an item shall be vested in the presiding judge of a panel prior to the commencement of criminal prosecution, or in a prosecutor or a police officer in pre-trial proceedings.

Section 90

Storage and Disclosure of Computer Data

(1) If the storage of the stored computer data is necessary for the clarification of the facts necessary for the criminal proceedings, including operating data that is stored through a computer system, the presiding judge and, prior to the commencement of criminal prosecution or in pre-trial proceedings the prosecutor may issue an order based on circumstantial reasons to the person who has possession of or control over such data, or to the provider of such services, requesting them to

a) store such data and maintain the integrity thereof,

b) allow the production or retention of a copy of such data,

c) prevent access to such data,

d) remove such data from the computer system,

e) surrender such data for the purposes of criminal proceedings.

(2) The order referred to in paragraph 1 shall have to specify the period during which the data are to be safeguarded, not exceeding 90 days; and if its re-storage is necessary, a new order must be issued.

(3) If the storage of the computer data, including the operating data for the purpose of the criminal proceedings, is no longer necessary, the presiding judge and prior to the commencement of criminal prosecution or in pre-trial proceedings the prosecutor, shall issue an order revoking the storage of such data without undue delay.

(4) The order referred to in paragraphs 1 to 3 shall be served to the person who has possession of or control over such data, or on the provider of such services, to whom may be also imposed the duty to treat the measures set out in the order as confidential.

(5) The person who has possession of or control over computer data shall surrender these data, or the provider of services shall surrender the information that is in his possession or under his control in connection therewith to the authority that issued the order pursuant to paragraph 1.

Section 91

Seizure of Item

(1) If a thing relevant for criminal proceedings or computer data are not surrendered upon request by the person who have it in his possession, they may be withdrawn from that person upon an order of the presiding judge of a panel or, in pre-trail proceedings, upon an order of a prosecutor or a police officer. Police officers may issue such order only with prior consent of a prosecutor.
(2) If the body that issued the order to seizure an item does not carry out the seizure itself, it shall be carried out by a police officer acting upon an order.
(3) Police officer may issue such order without prior consent referred to in paragraph 1, only if such prior consent cannot be obtained and the matter cannot be delayed.
(4) If possible, a non-participating person shall be engaged to assist in seizing the item.

Section 95

Seizure of Funds

(1) If facts indicate that funds on an account in a bank or a branch of a foreign bank or other financial resources are dedicated to committing a criminal offence, they were used to commit a criminal offence or they are proceeds of a crime, the presiding judge of a panel and the prosecutor in the pre-trial proceedings may issue a warrant for the seizure of the funds. Such warrant for seizure under the first sentence may also refer to funds additionally accrued at the account, including accessories, if the reason for the seizure also relates to them.
(2) If the matter cannot be delayed, the public prosecutor may issue a warrant according to the paragraph 1 even before the beginning of criminal proceedings. Such warrant shall be confirmed by a judge for the pre-trial proceedings in 48 hours at the latest otherwise it becomes invalid.

(3) The warrant must be issued in writing and must be justified. It will state the amount in the relevant currency which is subject to seizure, if it may be quantified at the time of the decision on seizure. Unless the presiding judge and, in the pre-trial proceedings, the public prosecutor decide otherwise, the warrant shall prohibit any manipulation of the seized funds up to the amount of the seizure.

(4) Seizure shall not include the financial assets necessary to satisfy vital needs of the accused or another person whose funds were seized, to satisfy the vital needs of a person whose nutrition or upbringing the accused, or another person whose funds were seized, is obligated to ensure.

(5) If the reason for the seizure of the funds has expired, the seizure shall be revoked. If the reason for the seizure of funds at the determined amount expired, the seizure shall be restricted. The revocation and restriction of the seizure shall be decided by a warrant from the presiding judge and, in the pre-trial proceedings, the public prosecutor.

(6) The warrant according to the paragraph 1 or 2 shall always be delivered to the bank, branch of a foreign bank or another legal person or natural person who disposes of the funds, and after the realisation of the warrant even to the person whose funds were seized.

(7) The seized funds may be disposed only upon prior written consent of the presiding judge and, in the pre-trial proceeding, the public prosecutor. While the seizure is running, all legal acts and claims for the seized financial assets are ineffective.

(8) The person, whose funds were seized has the right to request the revocation or restriction of the seizure. The presiding judge and, in the pre-trial proceeding, the public prosecutor must decide on such request without undue delay. A complaint against such decision is admissible. If the request was rejected, the person whose funds were seized, may, unless they specify different reasons, repeat it after a period of 30 days from the date when the decision on their previous request became valid; otherwise it shall not be performed.

(9) The provisions of Subsection 1 through 8 shall apply accordingly if it is necessary to seize funds to secure the claim of the victim for damages in criminal proceedings.

Division Five

House and Personal Searches, Search of other Premises and Land Property, Entry into Dwellings, other Premises and Land

Section 99
Reasons for House and Personal Searches and Search of other Premises and Land

(1) House search may be conducted if there are reasonable suspicion that the apartment or other premises serving as a residence or premises attached to them (hereinafter referred to as "dwelling") contains an item important for the criminal proceedings or that a person suspected of committing a criminal offence is hiding within, or if it is necessary to perform a seizure of movable assets to satisfy the entitlement to damages of the victim.
(2) Due to the reasons referred to in Subsection 1, a search of non-residential premises (hereinafter referred to as "other premises") and land that are not publicly accessible may be performed.
(3) Personal searches may be performed if there is a reasonable suspicion that someone is carrying an item important to criminal proceedings.
(4) A detained person, an arrested person or a person remand in custody may also be searched if there is a suspicion that they are in possession of a weapon or another item that could endanger their own or someone else's life or health.

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Section 100
House Search Warrant

(1) A house search warrant shall be issued by the presiding judge of a panel and, in pre-trial proceedings, by a judge for pre-trial proceedings on a motion from a prosecutor. In urgent cases, the presiding judge or the judge for pre-trial proceedings in whose jurisdiction the search is to be performed may do so instead of the competent presiding judge or judge for pre-trial proceedings. House search warrants shall be issued in writing and must be justified. The warrant shall contain the description of the item to be seized or, where known, of the person to be detained during the house search. It shall be served to the person whose home is to be searched at the time of the search and, if this is not possible, not later than 24 hours after the elimination of the impediment that prevented the service.

(2) The house search shall be performed without delay by the body that ordered it or by a police officer on the order of such a body.

Section 101
Search Warrant of other Premises and Land

(1) A search warrant of other premises or land may be issued by a judge or the presiding judge of a panel or, in pre-trial proceedings, by a prosecutor or a police officer with prosecutor's consent. The warrant shall be issued in writing and must be justified. It shall be served to the owner or the user of premises or property, or an employee thereof, at the time of the search and, if this is not possible, within 24 hours after the impediment that prevented the service was eliminated.
(2) The search of other premises or land shall be conducted by the body which issued the warrant or, upon its order, by a police officer.
(3) In the absence of a warrant or authorisation pursuant to paragraph 1, a police officer may conduct the search of other premises or land only if such warrant or authorisation could not be secured in advance and in cases of emergency, or if it involves a person caught in the act of committing a crime or a person in respect of whom the arrest warrant was issued or a persecuted person who hides in such premises. Such procedure shall, however, be immediately reported to the body authorised to issue the warrant or to grant authorisation pursuant to paragraph 1.

Section 102
Personal Search Warrant

(1) The warrant to conduct the search of a person shall be issued by the presiding judge of a panel or, in pre-trial proceedings, by a prosecutor; or, with the authorisation by the latter, it may be issued by a police officer.
(2) If the personal search is not carried out by the body that issued the warrant, it shall be carried out by a police officer acting upon its order.
(3) The personal search shall always be conducted by a person of the same sex.
(4) In the absence of a warrant or authorisation pursuant to paragraph 1, a police officer may conduct the personal search only if such warrant or authorisation could not be secured in advance and in cases of emergency, or if it involves a person caught in the act of committing a

crime or a person in respect of whom an arrest warrant has been issued. However, he shall have the duty to notify such act to the body that is competent to issue the warrant or give authorisation pursuant to paragraph 1. The personal search may also be conducted without a warrant or authorisation in cases set out in Section 99 paragraph 4.

Interception and recording of telecommunications

Section 115

(1) In criminal proceedings on a crime, corruption, criminal offences of extremism, a criminal offence of abuse of authority of a public official, a criminal offence of money laundering or another intentional criminal offence, the performance of which is bound by an international treaty, a warrant for the interception and recording of telecommunication operations may be issued if it may be reasonably assumed that it will aid in obtaining all the facts relevant to the criminal proceedings. The warrant may be issued if the purpose pursued may not be attained otherwise or if its attainment in another manner would be considerably hindered. If it is found during the interception and recording of telecommunication operations that the accused has communicated with their defence counsel, such obtained information may not be used for the purpose of the criminal proceedings and must be destroyed in a prescribed manner without undue delay; this shall not apply if it is about information which relates to the matter in which the attorney does not represent the accused as their defence counsel.

(2) The warrant for the interception and recording telecommunication operations shall be issued by the presiding judge of a panel prior to the commencement of criminal prosecution, or by a judge for pre-trial proceedings on a motion from a prosecutor. If it is a matter that cannot be deferred and the interception and recording of telecommunication operations is not associated with entry into a dwelling and a written warrant from the judge for the pre-trial proceedings cannot be obtained in advance, the warrant may be issued before the commencement of the criminal prosecution or in the pre-trial proceedings by the public prosecutor; the warrant must be confirmed by the judge for pre-trial proceedings no later than 24 hours from its issue, otherwise it shall expire and the information thus obtained cannot be used for the purposes of the criminal proceedings and must be destroyed in a prescribed manner without undue delay.

(3) The warrant for the interception and recording of telecommunication operations must be issued in writing and must be justified by its merits, specifically for each user address or device. The warrant must include the determination of the user address or device and the

person, if their identity is known, that the interception and recording of telecommunication operations concerns, and the period during which the interception and recording of telecommunication operations will be performed. The interception and recording period may last up to six months. In the pre-trial proceedings upon the petition of the public prosecutor, this period may be extended by the judge for the pre-trial proceedings, but always by only two months although it can be done so repeatedly. The interception and recording of telecommunication operations shall be performed by the competent department of the Police Force.

(4) A police officer or the competent department of the Police Force is obligated to systematically review whether the reasons that led to the issue of the interception and recording of telecommunication operations warrant are still valid. If the reasons have expired, the interception and recording of telecommunication operations must be terminated, even before the lapse of the period referred to in paragraph 3. The person who issued the warrant for the interception and recording of telecommunication operations and, in the pre-trial proceedings also the public prosecutor, shall be notified.

(5) In criminal proceedings for an intentional criminal offence other than the one referred to in paragraph 1, the presiding judge, before the commencement of the criminal prosecution or in the pre-trial proceedings, the judge for the pre-trial proceedings upon the petition of the public prosecutor, may issue a warrant for the interception and recording of telecommunication operations, but only with the consent of the user of the intercepted or recorded telecommunications device.

(6) If the record of telecommunication operations is to be used as evidence, a verbatim transcript made by the officer of the Police Force carrying out the interception shall have to be attached, wherever the recording makes it possible, and to the extent of the findings crucial for the criminal proceedings, it shall contain information about the place, time and legal grounds for interception. The recording of telecommunication operations shall be stored as a whole on file using the appropriate electronic media, copies of which may be requested by the public prosecutor and the accused or his defence counsel. After the completion of the interception and the recording of telecommunication operations, the accused or his defence counsel may receive a transcript of the recording of the telecommunication operations to the extent to which they deem it necessary, at their own expense. The obligations referred to in the first sentence shall apply to them accordingly. The credibility of the transcript shall be assessed by the court. If the transcript of the recording was prepared in the pre-trial proceedings, the presiding judge may order its completion, which shall be performed by a

member of the Police Force referred to in the first sentence. The transcript of the recording of the telecommunication operations is entered into a file that is not classified, signed by the member of the Police Force who prepared it; if the verbatim transcript of the recording contains classified information, it shall be classified under the regulations on the protection of classified information. The recording of the telecommunication operations may not be used as evidence until after the completion of the interception and recording of telecommunication operations. In the pre-trial proceedings, if the circumstances of the case justify it, the recording of the telecommunication operations may be submitted to the court even without the transcript of this recording, provided that the enclosed report details information on the location, time, the authority that prepared such recording and the legality of the interception, as well as on persons that the recording of the telecommunication operations concerns and that the recording of the telecommunication operations is clear.

(7) In a criminal matter other than one in which the interception and recording of telecommunication operations was performed, the recording may be used as evidence only if there is a criminal proceeding for a criminal offence referred to in paragraph 1 in such matter at the same time.

(8) If the interception and recording of telecommunication operations did not find any facts relevant to the criminal proceedings, the doy involved in criminal proceeding or the competent department of the Police Force must destroy such recordings in the prescribed manner without undue delay. A transcript on the destruction of the recordings shall be entered into the file.

(9) The police officer or public prosecutor by whose decision the matter was finally concluded and, in the proceedings before the court, the presiding judge of the court of first instance shall inform the person stated in paragraph 3, if known, on the destruction of the recordings after the final conclusion of the matter. The information shall contain identification of the court that issued or confirmed the warrant for the interception and recording of telecommunication operations, duration of the interception, and the date of its termination. The information shall also include instruction on the right to file a petition for reviewing the legitimacy of the warrant for the interception and recording of telecommunication operations with the Supreme Court within two months from the delivery of the information. The information shall be provided by the authority by whose decision the matter was finally concluded and, in proceedings before the court, by the presiding judge of the court of first instance within three years from the final conclusion of the criminal prosecution in the given matter.

Section 116
Notification of Data on Telecommunication Operations

(1) In criminal proceedings for an intentional criminal offence for which this Act sets out a prison sentence with an upper penalty limit of at least three years, for a criminal offence of the protection of privacy in the dwelling under Section 194a, fraud under Section 221, dangerous threats under Section 360, stalking under Section 360a, spread of alarming news under Section 361, incitement under Section 337, endorsement of a criminal offence under Section 338, for a criminal offence by which grievous bodily harm or death was caused or for another intentional criminal offence, the conduct of which is bound by an international treaty, a warrant for the determination and notification of data on telecommunication operations, which is subject to telecommunications privacy, or subject to personal data protection, which is necessary to clarify the facts relevant to the criminal proceedings, may be issued. The warrant may be issued if the purpose pursued may not be attained otherwise or if its attainment in another manner would be considerably hindered.

(2) A warrant for the determination and notification of data on telecommunication operations shall be issued by the presiding judge and, before the commencement of the criminal prosecution or in the pre-trial proceedings, by the judge for the pre-trial proceedings upon the petition of the public prosecutor, which must be written and also justified by its merits. The warrant for the determination and notification of data on telecommunication operations must be issued in writing and justified; the warrant shall also include the manner, extent and period for the notification of the data. If the warrant relates to a specific user, it must indicate their identity, if known. Where determination and notification of data on the performed telecommunication operations is not concerned, determination and notification of such data may last no more than six months; this period may be extended by the judge for the pre-trial proceedings upon a written and justified petition of the public prosecutor in the pre-trial proceedings, always by two months, and this may be done repeatedly. The warrant for the determination and notification of data on telecommunication operations shall be delivered to the enterprise providing public networks or services.

(3) If the data obtained in the procedure under paragraphs 1 and 2 did not ascertain facts relevant to the criminal proceedings, the authority by whose decision the matter was finally concluded shall destroy the data without undue delay; a police officer shall destroy the data after obtaining prior written consent of the public prosecutor. A transcript on the destruction

of the data shall be entered into the file.

(4) The police officer or public prosecutor by whose decision the matter was finally concluded and, in proceedings before the court, the presiding judge of the court of first instance, shall inform the person stated in paragraph 2, if known, in writing on the destruction of the data on telecommunication operations after the final conclusion of the matter. The information shall contain identification of the court that issued the warrant for the determination and notification of data on telecommunication operations, and data about the period for which the warrant was executed. The information shall also include instruction on the right to file a petition for reviewing the legitimacy of the warrant for the determination and notification of data on telecommunication operations with the Supreme Court within two months from the delivery of the information. The information shall be provided by the authority by whose decision the matter was finally concluded and, in proceedings before the court, by the presiding judge of the court of first instance, within three years from the final conclusion of the criminal prosecution in the given matter.

(5) The information under Subsection 4 shall not be provided by a presiding judge, police officer or public prosecutor to a person who has access to the file under this Act or in proceedings on a particularly serious crime or crime committed by an organised group, criminal group or terrorist group, or where several persons participated in the commission of the criminal offence and, in relation to at least one of them, criminal prosecution has not been finally concluded, or if the provision of such information could obstruct the purpose of the criminal proceedings.

(6) The provisions of Subsection 1 through 5 shall equally apply to data transmitted through a computer system.

Section 117

Agent

(1) An agent may be used for the detection, investigation and conviction of offenders of crimes, corruption, criminal offences of extremism, a criminal offence of abuse of authority of a public official, or a criminal offence of money laundering. Their use is permitted only if the detection, investigation and conviction of offenders of the listed criminal offences would otherwise be much more difficult, and the learned facts justify the suspicion that a criminal offence was committed or such criminal offence is to be committed.

(2) Agents must act in conformity with the purpose of this Act, and their actions must be proportional to the unlawfulness of the activities they help to detect, identify or prove. Agents may not incite to the commission of crime; this shall not apply to the corruption of public officials or foreign public officials, if the ascertained facts indicate that the offender would have committed such criminal offence even if no order to use an agent had been issued.

(3) An agent operates under a temporary or a permanent legend or without a legend. The legend of an agent shall consist of a set of cover personal data, in particular data on his identity, family status, education and employment.

(4) If the construction or preservation of a legend make it necessary, cover documents may be produced, altered and used under the terms of separate legislation.

(5) The order to use an agent shall be issued by the presiding judge of a panel prior to the commencement of criminal prosecution or, in pre-trial proceedings, by a judge for pre-trial proceedings on a motion from a prosecutor, which must be justified by its merits.

(6) In cases of emergency, and if the use of an agent does not involve entering the dwelling of another person, the order under paragraph 5 may be provisionally issued even orally by a prosecutor prior to the commencement of criminal prosecution or in pre-trial proceedings. Such order must be confirmed in writing by a judge for pre-trial proceeding not later than within 72 hours; otherwise it shall become void. This shall not apply to the procedure pursuant to paragraph 2 where the order to use an agent may be issued only by a judge for pre-trial proceedings.

(7) The warrant issued under paragraphs 5 and 6 shall be in writing and shall specify the time period during which the agent will be used**.** An agent may be used for a maximum period of six months. This period may be extended by another two months, also repeatedly, by the presiding judge of a panel or, in pre-trial proceedings, by a judge for pre-trial proceedings on a motion from a prosecutor.

(8) Written materials obtained in connection with the use of an agent shall be placed in the file only if the prosecutor proposes the performance of evidence in the indictment through the facts found by an agent..

(9) When acting under a legend, an agent may enter a dwelling with the consent of the entitled person. Such consent, however, may not be obtained on the basis of pretending to have the right of entry.

(10) The true identity of an agent must remain secret even after his assignment has been completed. Upon a request, the real identify of the agent must be disclosed to the prosecutor

or the judge for pre-trial proceedings who have jurisdiction according to paragraphs 5 and 6, and the presiding judge of a panel in the proceedings before the court.

(11) An agent may be interrogated on the facts relevant to the criminal proceedings by the public prosecutor in the preliminary hearing, while observing the reasonable use of the provisions of Section 134 paragraph 1, so that their identity is not revealed; an agent may be exceptionally interrogated by the court but only with the adequate application of the provisions of Section 134 paragraph 1, Section 136 and Section 262 so that their identity is not revealed. An agent is summoned to the proceedings before the court through the Presidium of the Police Force. The serving of a summons to an agent shall be provided by a member of the Police Force, who is authorised by the President of the Police Force. If the agent is a person other than a member of the Police Force or a member of the police of another State and agrees that their identity is revealed, the provisions of Section 127 through 134 on the witness shall be applied to further proceedings. (12) The facts relating to criminal offences unrelated to the matter, in which the agent was used, may be used in other proceedings as evidence only if it is about crime, corruption, a criminal offence of abuse of authority of a public official, or a criminal offence of money laundering.

(13) Information and technical means may be used during the procedure under paragraph 1. However, the provisions of paragraph 8 must be observed.

(14) An agent may perform their tasks on the territory of another State. The President of the Police Force shall decide, with the prior consent of the competent authorities of the State on whose territory they shall act and on the basis of the warrant under Subsection 5, on posting them abroad, unless an international treaty stipulates otherwise. It shall also proceed similarly if a member of another State shall act as an agent in the territory of the Slovak Republic.

Section 129

Prohibition of Witness Interrogation

(1) A witness may not be interrogated on circumstances relating to classified information, unless the competent authority waives the confidentiality obligation. The waiver may only be denied if State defence or national security is compromised or there is a risk of other equally serious damage; the reasons for the denial of the waiver shall always be noted.

(2) A witness may not be interrogated if his testimony would constitute the breach of confidentiality obligation prescribed or recognised by law or by an international treaty, unless

that obligation is waived by the competent body or the body in whose interest such obligation was imposed.

(3) The prohibition of interrogation under Subsection 2 shall not apply to the witness obligation concerning a criminal offence, which the witness has an obligation to prevent under the the Criminal Code.

Section 130

Right to Refuse to Testify

(1) The direct relative of the accused, his sibling, adoptive parent, adoptee, spouse or partner have the right to refuse to testify as a witness. If there are several accused persons and the witness exists only in relation to one of them, they have the right to refuse to testify in regards to the other accused persons only if the testimony that concerns the other accused persons cannot be separated from the testimony regarding the accused to whom the witness is in such relation.

(2) A witness has the right to refuse to testify if his testimony could bring the danger of criminal prosecution to himself, his direct relative, his sibling, adoptive parent, adoptee, spouse or partner or other persons to whom he is related by family or similar ties and whose harm he would justly perceive as his own. A witness has the right to refuse to testify also if his testimony could breach confessional secrecy or the secrecy of information entrusted to him in writing or verbally under the seal of secrecy as to a person entrusted with pastoral care.

Examination of Witnesses

Section 131

(1) Before examining a witness, it shall be necessary to establish his identity and his relation to the accused; he shall be advised on the importance of the testimony and on his right to refuse to testify and, if applicable, on the prohibition of interrogation;. The witness shall be advised on his duty to tell the truth and not to withhold any evidence and of the criminal consequences of false testimony.

(2) If the witness is a Police Corps officer authorised by the President of the Police Force to testify about the facts that were disclosed by an agent, the court shall enter into the record of the proceedings the cover data of the agent and the name, surname and the department of the authorised police officer.

(3) Witnesses who testify at the main trial or a public session shall have to take an oath, except for the witnesses examined according to paragraph 2.

Section 132

(1) The examination shall open with questions concerning the witness's relationship to the case being heard and to the parties and, as the need may be, other circumstances relevant for establishing his impartiality and credibility. The witness shall be given a possibility to make a coherent statement about the case and the source of the facts he states.
(2) Witnesses may be examined only to the extent necessary for criminal proceedings. They may be asked questions in order to complete their testimonies or fill in the gaps, explain any inconsistencies or clear up a confusion. Questions shall have to be asked in a considerate and intelligible manner. Witnesses may not be asked questions that suggest the answer, deceptive questions or questions containing the facts that are to be ascertained from the testimony. The questions may not unjustifiably invade the privacy of the witness, except where they ascertain the motivation of the accused, in particular in case of ill witnesses or witnesses who are victims of the criminal offence against human dignity.

Section 133

(1) Should it become necessary to verify the authenticity of handwriting, the witness may be requested to write a certain number of specified words.
(2) Should it become necessary to verify the voice, a witness may be requested to provide a voice sample.

Section 134

(1) A witness who cannot appear for examination because of his age, illness, physical or mental handicap or because of other serious reasons, may be examined using technical devices for the transmission of audio and video.
(2) The provision of paragraph 1 shall apply, as appropriate, to the witnesses residing abroad who cannot or do not want to appear for examination but are ready to testify, and where the competent authority of the foreign State provides necessary legal assistance.

(3) The provision of paragraph 1 shall apply, as appropriate, also to the examination of endangered witnesses or protected witnesses who are granted assistance under separate legislation. The same procedure shall apply to the witnesses who are to be examined in in another matter or at the examination of a witness in criminal proceedings on criminal offences of terrorism.

If a person who is a particularly vulnerable victim under a special Act is being interrogated as a witness in criminal proceedings, the interrogation shall be conducted in a manner that is considerate and, in terms of the contents, secures that the interrogation will not have to be repeated in further proceedings; the provision of Section 135 paragraph 1 shall not be thereby affected. The interrogation shall be conducted with the use of technical devices designated for audio and video transmission; the provision of Section 270 paragraph 2 shall not be thereby affected. The law enforcement authority shall secure that in the preliminary hearing the interrogations are conducted by the same person, unless the course of the criminal proceedings is thereby impeded. A psychologist or expert who is to contribute to the proper conduct of the interrogation with regard to the subject matter of the interrogation of the interrogated person shall be invited for the interrogation; the provision of Section 135 paragraph 1 shall not be thereby affected.

(5) Where a person who is a particularly vulnerable victim under a special Act is being interrogated as a witness in criminal proceedings conducted for a criminal offence against human dignity, a criminal offence of human trafficking or a criminal offence of maltreatment of a close person and entrusted person, the interrogation in the preliminary hearing shall be usually conducted by a person of the same sex as the interrogated person, unless it is prevented by serious reasons which shall be stated by the law enforcement authority in the transcript.

Section 135

(1) If the person examined as a witness is under 18 years of age and the examination concerns matters whose recollection could, given the witness's age, have a negative influence on his mental and moral development, the examination shall be conducted with utmost consideration, so that further interrogation will not have to be repeated. Where the guardian referred to in Section 48 paragraph 2 is not present at the interrogation, a psychologist or expert who is to contribute to the proper conduct of the interrogation with regard to the subject matter of the interrogation and the level of intellectual development of the interrogated

person shall be invited for the interrogation, as well as a representative of the body of social-legal protection of children and social curatorship. If they can contribute to the correct performance of the interrogation, the legal representative or a pedagogue shall also be invited for the interrogation. Before interrogating a witness under the first sentence, the law enforcement authority shall discuss the manner of conducting the interrogation with a psychologist or expert who shall be invited for the interrogation and, if necessary, also with a body of the social and legal protection of children and social curatorship, a legal representative or teacher so as to secure appropriate conduct of the interrogation and to prevent secondary victimisation..

(2) In the subsequent proceedings, such person is to be examined only when it is strictly necessary and in pre-trial proceedings only with the consent of a prosecutor. In the proceedings before the court, the court may decide to take the evidence by reading the record of examination even if the conditions set out in Section 263 are not fulfilled. The person invited to attend the examination shall, as necessary, be interviewed as regards the accuracy and completeness of the record, the manner in which the examination was conducted, and the way in which the examined person gave his testimony.

(3) If a person under the age of 18 years is being examined as a witness and if it is a criminal offence against a close person or entrusted person, or if it is clear from the circumstances of the case that the repeated testimony of the person younger than 18 years of age may be influenced, or there is a reasonable assumption that the examination could affect the mental or moral development of the person younger than 18 years of age, the examination shall be conducted in such a manner that the person younger than 18 years of age could be examined in the subsequent proceedings only in exceptional cases. Additional examination of a person younger than 18 years of age may be conducted in the preliminary hearing only with the consent of their legal representative, and in the cases under Section 48 Subsection 2 with the consent of their guardian.

(4) If a person younger than 18 years of age is interrogated under paragraph 3, in proceedings before the court, the performance of such evidence shall be in compliance with Section 270 paragraph 2; the interrogation of such witness may be performed in the proceedings before the court only in exceptional cases.

(5) The provisions of paragraph 1 through 4 shall also apply in relation to a witness whose age is not known and who may reasonably be believed to be a person below 18 years of age, until the contrary is proven.

(6) If in criminal proceedings conducted for criminal offences of terrorism, a person that is

interrogated as a witness has given testimony containing facts relevant for clarifying the act or identifying the offender and there is a risk that any repetition of their interrogation will be obstructed or considerably hindered in the further course of the criminal prosecution, the interrogation of such person shall be deemed to be an act that cannot be repeated; the provision of paragraph 3 on the manner of conducting the interrogation of a witness shall apply accordingly.

Section 136

(1) If there is a justified concern that a witness or his close person may be endangered by the disclosure of his place of residence, the witness may be allowed to give the address of his workplace or other address for the service of summons. If the representative of the body for the social and legal protection of children and social curatorship is being interrogated as a witness on facts which they learnt in relation to the enforcement of measures for the social and legal protection of children and social curatorship, the law enforcement authority and the court shall state the address of the registered office of the body for the social and legal protection of children and social curatorship in the transcript.
(2) If there is a justified concern that the life, health or physical integrity of a witness or his close person may be endangered by the disclosure of his identity, place of residence, and/or the place of stay, the witness may be allowed to withhold his personal data. However, at the main trial, the witness shall have to give an explanation as to the source of the facts he testified about. The documents on the identity of such witnesses shall be kept at the prosecution office and, in the proceedings before the court, by the presiding judge. They shall be inserted in the file only after the aforesaid danger has passed. Where necessary, even these witnesses may be asked questions concerning the facts related to their credibility and questions concerning their relationships to the accused or to the victim.
(3) Before examining a witness whose identity should remain secret, the criminal procedure authority and the court shall take the necessary measures to ensure the protection of the witness, in particular by changing the physical appearance and voice of the witness, or conducting examination with the help of technical equipment, including audio and video transmission technology.
(4) The authorisation for the use of the procedure referred to in paragraphs 1 and 2 shall be given by the presiding judge of a panel or, in pre-trial proceedings, by a prosecutor.

(5) In detection, investigation and conviction of offenders guilty of crimes, corruption, the criminal offence of abuse of authority of a public official, or the criminal offence of money laundering, in exceptional cases the false identity under Section 117 Subsection 3 may be used for the witness, if the presiding judge and, in the pre-trial proceedings upon the petition of the public prosecutor, the judge for pre-trial proceeding issues an order by which use of a false identity is imposed upon the witness under Section 117 Subsection 3.

Section 137

If a police officer does not recognise the reason for applying the procedure referred to in Section 136 paragraph 1 or 2, although the witness demands it and supplies specific facts substantiating its use, the police officer shall refer the case to a prosecutor who will examine his actions. If there is no danger of delay, he shall defer the examination of the witness until the prosecutor decides on the matter. Otherwise he shall examine the witness and shall, until the prosecutor's decision, handle the protocol on witness examination in a manner enabling to keep the witness's identity secret.

Section 138

The provisions of Sections 123 to 126 on the examination of the accused shall apply, as appropriate, also to the examination of witnesses, confrontation of witnesses who have already been heard, and recognition.

Section 139

(1) Where a witness is in danger in relation to the stay of the accused or convicted person at liberty, the witness shall have the right to request for the provision of information about
a) the release or escape of the accused person from custody,
b) the release or escape of the convicted person from serving the prison sentence,
c) an interruption in serving the prison sentence,
d) the release or escape of the convicted person from the performance of protective treatment from an institutional medical care facility,
e) a change of the form of the performance of protective treatment from institutional treatment to outpatient treatment, or

f) the release or escape of the convicted person from the execution of detention.

(2) Without a request of the witness, the law enforcement authority or court shall provide the witness with information under paragraph 1 if it finds out that the witness is in danger in relation to the stay of the accused or convicted person at liberty.

(3) A witness may waive their right referred to in paragraph 1 by an explicit statement made in writing or orally in the transcript.

PART TWO
PREJUDICIAL PROCEEDINGS

CHAPTER ONE
PROCEDURES PRECEDING THE COMMENCEMENT OF CRIMINAL PROSECUTION

Section 196

(1) Criminal complaints shall be filed with a prosecutor or a police officer. The prosecutor or the police officer shall forthwith notify the Special Prosecution Office of any criminal complaint that falls under the jurisdiction of the Specialized Criminal Court. The public prosecutor or police officer shall issue a written confirmation of receipt of the criminal complaint filed by the victim, and such confirmation must contain the time and place of filing, identification of the authority that received the criminal complaint, and the basic facts of the criminal complaint. Where an oral criminal complaint was made by the victim, the public prosecutor or police officer shall provide a copy of the transcript of the complaint if requested by the victim.

(2) If the public prosecutor or police officer find that it is necessary to supplement it after the receipt of the criminal complaint, the completion shall be performed by the interrogation of the reporting person or victim, or by requesting the written documentation from the reporting person or from another person or authority by the competent public prosecutor or competent police officer so that it can be decided under Section 197 or Section 199 within the deadline of 30 days from the receipt of the criminal complaint. The public prosecutor or police officer may interrogate the person on the circumstances suggesting that they were supposed to commit a criminal offence on the basis of a criminal complaint or another notion. Such person has the right to refuse to testify if his testimony would cause a risk to his own criminal

prosecution, or to his direct relative, their sibling, adoptive parents, adopted child, spouse or partner, or other persons in the family or a similar relationship, whose damage he would rightfully feel as his own; however, he may not be interrogated in the cases referred to in Section 129. Such person must be instructed on the consequences of false accusations. The interrogated person has the right to the legal assistance of an attorney. The provisions of Section 128 shall apply accordingly to the summons and presentation of such person or the reporting person.

(3) A natural person who has permanent residence in the Slovak Republic and suffered harm caused by a criminal offence committed in another Member State of the European Union is entitled to file a criminal complaint to the competent authority under this Act if they could not do so in the Member State of the European Union where the criminal offence was committed, or in case of felony he did not wish to do so.

(4) If a public prosecutor or police officer through a public prosecutor is served a criminal complaint under Subsection 3 and they are not competent to act in the matter, without undue delay they shall refer the criminal complaint to the competent authority of such Member State of the European Union in the territory of which the criminal offence was committed.

Section 197

(1) If there are no grounds to commence the criminal prosecution or to proceed in accordance with paragraph 2, a prosecutor, or a police officer shall issue a resolution whereby the matter

a) shall be referred to the competent body for proceedings on a misdemeanour or other administrative offence,

b) shall be referred to another body for disciplinary proceedings

c) shall be set aside if criminal prosecution is not permitted, or if the act no longer constitutes a criminal offence, or

d) shall be dismissed.

(2) Prior to commencing criminal prosecution, a prosecutor or a police officer may issue a resolution to set the matter aside if they consider the criminal prosecution to be ineffective due to the existence of circumstances referred to in Section 215 paragraph 2.

(3) The resolution pursuant to paragraphs 1 or 2 shall be served to the complainant and the victim. The complainant and the victim may file a complaint challenging the resolution. The police officer shall serve the resolution on a prosecutor no later than within 48 hours.

Section 198

(1) The public prosecutor, after the receipt of the criminal complaint, may proceed under Section 197 Subsection 1 or 2 or submit the criminal complaint to a police officer. They shall notify the reporting person and the victim of the submission of the criminal complaint to the police officer in writing without undue delay.

(2) The public prosecutor shall review the progress of the police officer under Section 197 within 30 days, if the reporting person or the victim request him to, and he shall be notified of the outcome of the review without undue delay.

CHAPTER TWO
PRE-TRIAL PROCEEDINGS

Title One
Commencement of pre-trial proceedings

Section 199
Commencement of criminal prosecution

(1) If there is no reason to apply Section 197 paragraphs 1 or 2, the police officer shall forthwith initiate the prosecution, but not later than within 30 days from the receipt of the criminal complaint for which additional information was required. Criminal prosecution shall be initiated by a resolution. If there is a danger of delay, the police officer shall initiate criminal prosecution by carrying out the assurance procedure, the non-recurring action, or an urgent action. Immediately after performing these procedures he shall issue a resolution on the commencement of criminal prosecution, specifying which of the aforesaid procedures was used to initiate the prosecution. The police officer shall notify the complainant and the victim of the commencement of criminal prosecution. The police officer shall serve the resolution on the prosecutor no later than within 48 hours.

(2) The police officer shall apply, as appropriate, paragraph 1 if he learns about the grounds for prosecution from any other source than a criminal complaint.

(3) The resolution on the commencement of the criminal prosecution must include a description of the act and the place, time, or other circumstances under which it occurred, the

type of criminal offence committed by determining its legal classificationand the relevant provision of the Criminal Code. The resolution shall not include a justification.

(4) The criminal prosecution shall commence by the performance of the assurance action, urgent action, or non-recurring action even if it was performed by a locally non-competent police officer, if the performance by a competent police officer could not be achieved and they shall submit the matter to a competent police officer, along with the resolution on the commencement of the criminal prosecution no later than within three days from its performance.

(5) After the commencement of criminal prosecution, police officers shall have the right to execute all the procedures under this Act.

Division Two
Investigation and Summary Investigation

Section 200
Scope of investigation

(1) Investigation shall be conducted in respect of felonies.

(2) Investigation shall also be conducted in respect of minor offences

a) if the accused is in custody, serves a prison sentence, or is under observation in a healthcare institution, with the exception of offences committed while in custody or serving a prison sentence,

b) the sudden death occurs of the accused in custody or the convicted serving a prison sentence,

c) criminal proceedings are conducted against a legal entity,

d) criminal offences of extremism are concerned, or

e) it was ordered by the public prosecutor.

(3) Where at least one of criminal offences committed by the accused requires an investigation, investigation shall be conducted in respect of all of his criminal offences, and in respect of all the other accused who committed related criminal offences.

(4) Investigation shall be conducted by the police officer referred to in Section 10 paragraph 8 (a) and (b).

(5) Jurisdiction of the police officer pursuant to Section 10 paragraph 8 (a) and (b) who proceeds investigation on a crime and minor offence, does not lapse if s/he founds during the investigation, that the grounds for his jurisdiction to investigate, ceased to exist.

Section 201

Common conduct of investigation and summary investigation

(1) As police officer shall generally conduct investigation or summary investigation under their sole authority. The procedures performed to commence criminal investigation or after the commencement of criminal investigation by a police officer other than the locally competent police officer shall not have to be repeated, provided they were taken in compliance with this Act.

(2) Police officers shall conduct investigation or summary investigation in a manner enabling them to procure, as expediently as possible, the evidence necessary to clarify the act, to the extent necessary to examine the case and to identify the perpetrator of the criminal offence.

(3) Except where they have to obtain the decision or the consent of a judge for pre-trial proceedings or a prosecutor, police officers shall carry out investigation procedures under their sole authority, in compliance with the law and in time.

(4) Police officers shall procure the evidence irrespective of whether it favours or not the accused, proceeding in accordance with paragraph 3. No unlawful means may be used to force the accused to testify or to make a confession. The refusal to testify may not be used as the evidence against the accused.

Section 202

Scope of summary investigation

(1) Summary investigation shall be conducted in respect of minor offences, except where Section 200 paragraph 2 applies.

(2) Summary investigation into minor offences carrying a prison sentence of not more than three years shall be conducted by a police officer referred to in Section 10 paragraph 8 (c) to (g); investigation of other minor offences shall be conducted by a police officer referred to in Section 10 paragraph 8 (a) and (b).

(3) Jurisdiction of the police officer pursuant to Section 10 paragraph 8 (a) and (b) who proceeds summary investigation on a minor offence, does not lapse if s/he founds during the investigation, that the grounds for his jurisdiction to investigate, ceased to exist.

Summary investigation procedure

Section 203

(1) Police officers shall conduct summary investigation in compliance with investigation provisions of this Act with the following variations:

a) they shall interview witnesses where this is unrepeatable or urgent, or where the witnesses personally witnessed the commission of a criminal offence; in other cases they shall only request an explanation, and draw up a record thereof,

b) they shall search for and secure the evidence to be used in further proceedings, and draw up a record thereof,

c) summary investigation must generally be completed within two months from the pressing of charges.

(2) Where the summary investigation is not completed within two months of the pressing charges, the police officer shall notify the prosecutor in writing of the reasons for not completing the summary investigation and of the remaining procedures. The prosecutor may issue an order instructing the police officer to change the extent of the remaining procedures, or may order an investigation into the case.

Section 204

(1) Where the person who is handed over to the prosecutor together with his file has been detained on a suspicion of having committed a minor offence that carries a prison sentence of not more than five years, or where such a person was caught when trying to escape and the prosecutor did not release him, the prosecutor shall hand such person over to the court within no more than 48 hours from the detention, together with the indictment and the file. If the prosecutor establishes that there are grounds for custody, he shall file a motion to take the accused in custody.

(2) If the prosecutor releases the accused pursuant to paragraph 1 by the written and reasonable order, he may return the file to the police officer with an instruction to carry out

further summary investigation. If the further summary investigation is not necessary, the prosecutor file the indictment unless decides otherwise.

Section 205

Postponement of Pressing Charges

(1) If pressing charges could significantly prejudice the disclosure of a corruption case, the criminal offence of setting up, masterminding and supporting a criminal group or a crime committed by an organised group or criminal group, criminal offence of first degree murder or criminal offences of terrorism, or the identification of perpetrators of such criminal offences, the police officer may, with prior consent of the prosecutor, temporarily postpone the filing of charges against the person who is making a significant contribution to clarifying any of such criminal offences or identifying their perpetrators, for such time as is necessary. It shall not be possible to postpone the filing of charges against organisers, instigators, or persons who ordered the crime to the clarification of which they contribute.
(2) The investigator shall draw up a record on the postponement of pressing charges and send its copy to the prosecutor within 48 hours.
(3) When the reasons for postponing the filing of charges cease to exist, the police officer shall forthwith file the charges on a motion from the prosecutor.

Pressing Charges

Section 206

(1) If the criminal complaint or facts ascertained after the commencement of criminal prosecution give reasonable grounds to conclude that a certain person has committed a criminal offence, the police officer shall forthwith issue a resolution to press charges of which he immediately notifies the accused and which he serves on the prosecutor not later than within 48 hours; he shall also serve the resolution on the Minister of Justice if the accused is a judge, a court executor, a notary, an expert, an interpreter or translator, or on the Slovak Bar Association if the accused is a lawyer; he shall forthwith notify the complainant and the victim thereof. If the resolution on pressing charges was announced by its pronouncement, the police officer is obligated to issue a copy of such resolution to the accused without undue delay.

(2) The decision to commence criminal prosecution and to press charges may be made by means of a single resolution, of which the police officer notifies forthwith the accused and which he serves to a prosecutor not later than within 48 hours. He shall notify the complainant and the victim of this action. If the commencement of the criminal prosecution and the press of charges are announced orally, the police officer shall have to provide the accused a counterpart of the respective resolution.

(3) The resolution to press charges shall have to give the name of the person charged, the description of the act, including the place, time, or other circumstances in order to prevent mistaking it for another act, and legal designation of the criminal offence, including the relevant provision of the Criminal Code and the grounds for the charges.

(4) If the investigation or summary investigation reveals any fact that gives reasonable grounds to conclude that the accused has committed another act which was not covered by the resolution to press charges, the police officer shall press charges also in respect of that other act. If no criminal prosecution has been initiated in respect of the latter act, it shall be first necessary to make the relevant decision pursuant to Section 199 paragraph 1.

(5) If the investigation or summary investigation reveals any fact that gives reasonable grounds to conclude that before the resolution to press charges was announced, the accused committed another partial attack as part of a continuing criminal offence which was not covered by the resolution to press charges, the police officer shall issue a resolution extending the charges also to the aforesaid partial attack of a continuing criminal offence. If no criminal prosecution has been initiated in respect of such partial attack, no action under Section 199 paragraph 1 shall be required.

(6) If the investigation or summary investigation reveals that the act covered by the charges constitutes a different criminal offence from the one which is legally qualified in the resolution to press charges, or an additional criminal offence, the police officer shall notify the accused of this fact in writing; he may draw up a record of the notification. He shall serve the counterpart of the notification or of the record to the prosecutor within 48 hours.

Section 207

(1) If the identity of the person to be charged cannot be reliably established, the resolution to press charges shall comprise, instead of personal data, his fingerprints, video recordings, body measurements, special physical features, the nickname or other references, and a detailed description.

(2) If the identity of the accused described pursuant to paragraph 1 is established in the course of investigation or summary investigation, or if the investigation reveals that the data concerning the identity of the accused differ from those comprised in the resolution to press charges, the police officer shall notify the accused of this fact and enter it on the record. He shall serve a counterpart of the record to the prosecutor within 48 hours and, if the accused is in custody, also to the court which remanded him in custody, to the remand establishment, and to the defence counsel of the accused. The procedures carried out after giving the description of the accused pursuant to paragraph 1 or prior to establishing his true identity need not to be repeated.

Completion of Investigation and of Summary Investigation

Section 208

(1) If the police officer considers the investigation or summary investigation to be completed and its results sufficient to file the motion to bring the indictment or to otherwise decide, he shall give the accused, the defence counsel, the victim, his representative or guardian, participating person or his/her authorized representative an opportunity to read the files within adequate time and to file motions requesting additional investigation or summary investigation; the aforesaid persons shall be entitled to waive these rights and must be advised thereof. The police officer shall advise the accused and the defence counsel of the rights set out in the first sentence at least three days in advance; this shall not apply to the procedure pursuant to Section 204 paragraph 1. The time limit may be reduced subject to their consent. The police officer may dismiss the motion requesting additional investigation or summary investigation if he deems it unsubstantiated.

(2) The police officer shall enter information about the performed procedures, exercise or waiver of rights pursuant to paragraph 1 in the file.

Section 209

(1) After completing the investigation or summary investigation, the police officer shall submit the file to the prosecutor with a motion to bring the indictment or to otherwise decide, unless he makes a decision pursuant to Section 214 paragraph 2 or Section 215 paragraph 4. The motion to bring the indictment shall have to include a list of proposed and examined evidence, and the reasons for denying the motions for additional evidence or dismissing the

submitted evidence. The numbered material evidence and their list shall be submitted along with the file, provided their nature allows it.

(2) The investigation of particularly serious felonies shall have to be concluded within six months from the pressing of charges; in other cases, it shall have to be concluded within four months.

(3) If the investigation is not concluded within the time limit set out in paragraph 2, the police officer shall notify the prosecutor in writing of the reasons for not having completed the investigation within the prescribed time limits, of the procedures yet to be performed, and of the length of time needed to complete the investigation. The prosecutor may issue a mandatory instruction to the police officer to change the scope of the procedures yet to be performed. He may also fix a different time limit for the investigation.

(4) The provisions of paragraphs 2 and 3 shall not apply to summary investigation.

Section 210

Request to Review Actions of Police Officers

The accused, the victim and any participating person are entitled to request, at any moment of investigation or summary investigation, a review of the actions of police officers, in particular in order to eliminate delays or other shortcomings in the investigation or summary investigation. Police officers must submit such requests to prosecutors without delay. Prosecutors shall be obliged to examine the requests and notify the applicants of the result.

Section 215

Termination of Criminal Prosecution

(1) The prosecutor shall terminate the criminal prosecution if

a) it is beyond any doubt that the act, on the grounds of which the criminal prosecution is to be instituted, did not occur,

b) the act does not constitute a criminal offence and there are no grounds for the referral of the case,

c) it is beyond any doubt that the accused did not commit the act,

d) criminal prosecution is inadmissible under Section 9,

e) the accused was not criminally liable at the time of committing the act because of insanity,

f) the accused juvenile, who at the time of the commission of the act was not older than 15 years of age, had not reached such level of mental and moral development to be able to recognise its illegality or to control their conduct,

g) a conciliation agreement has been approved between the accused and the victim, or criminality of the act has become extinct

h) criminality of the act has become extinct.

(2) The prosecutor may terminate the criminal prosecution if

a) the penalty to which the prosecution may lead is quite insignificant compared with the penalty for another act that has already been finally imposed on the accused, or

b) a final decision has already been made in respect of the act committed by the accused by another body in disciplinary proceedings, by an authority competent to act on the offence or another administrative offence, a foreign court or by another foreign authority competent to act on the criminal offence, offence or another administrative offence and such decision may be deemed sufficient

c) the act submitted for the criminal prosecution abroad has been finally decided by a foreign court or another foreign authority competent to act on the criminal offence, offence or another administrative offence and such decision may be deemed sufficient,

d) it is conducted for an act that is a minor offence and was committed by a person coerced to do so in direct connection with the fact that a criminal offence of human trafficking, a criminal offence of sexual abuse or a criminal offence of production of child pornography was committed against them.

(3) The prosecutor may terminate the criminal prosecution against the accused who has significantly contributed to clarifying a case of corruption, criminal offence of setting up, masterminding or supporting a criminal group, or a felony committed by an organised group, a criminal group, or criminal offences of terrorism, or to identifying or convicting the perpetrator of such criminal offence, and the interests of society on the clarification of such criminal offence outweigh the interest in the criminal prosecution of the accused for such criminal offence or another criminal offence;; criminal prosecution may not be terminated in respect of the organiser, instigator or the person who commissioned the criminal offence he has helped to clarify.

(4) The right to terminate the criminal prosecution pursuant to paragraph 1 is also granted to police officers until the moment of pressing charges.

(5) The resolution to terminate the criminal prosecution shall be served both to the accused and the victim. The resolution issued by a police officer shall have to be served to the prosecutor within 48 hours.
(6) The accused and the victim may lodge a complaint challenging the resolution to terminate the criminal prosecution except for the resolution according to paragraph 1 (g) or, in case of the accused to paragraph 3. The complaint shall have a suspensive effect.
(7) Criminal prosecution stayed on the grounds set out in paragraph 2 (a) shall be resumed if, within three days of the receipt of the resolution, the accused declares that he insists on the hearing of the case. The accused must be advised on this right.

Conditional Suspension of Criminal Prosecution
Section 216

(1) In the proceedings about a minor offence carrying maximum custodial penalty of not more than five years, the prosecutor, subject to the consent of the accused, may conditionally suspend the criminal prosecution on a motion from the police officer or even without such a motion in the time between the pressing charges and the bringing of the indictment if

a) the accused declares that he has committed the offence for which he is prosecuted and there are no reasonable grounds to doubt that he has made such declaration of his free will, seriously and intelligibly,
b) the accused has compensated the damage caused by his act, or concluded a damage compensation agreement with the victim, or took other damage compensation measures, and

c) such decision may be considered as adequate in view of the person of the accused, his previous life, and the circumstances of the case. (2) The resolution to conditionally suspend the criminal prosecution shall set out a probationary period for the accused of one to five years. The probationary period shall start running from the date on which the resolution to conditionally suspend the criminal prosecution became final.
(3) The resolution to conditionally suspend the criminal prosecution shall impose a duty on the accused who has concluded a damage compensation agreement with the victim to settle the damages in the course of the probationary period.
(4) Paragraph 2 also provides for the possibility to request the accused to respect appropriate restrictions designed to making him lead a regular life or refrain from the activities that led to the commission of the minor offence. The accused upon whom reasonable restrictions or

obligations were imposed under the preceding sentence is obliged to undergo inspection by technical means if such inspection is ordered. Inspection by technical means may be ordered if the conditions under a special regulation are met.

(5) The resolution to conditionally suspend the criminal prosecution shall be served to the accused and to the victim; both the accused and the victim may challenge the resolution by lodging a complaint which has a suspensive effect. Where criminal prosecution for a criminal offence committed in connection with attendance at a public event was conditionally suspended and where a restriction referred to in Section 51 paragraph 3 lettter a) of the Criminal Code relating to a sporting event was simultaneously imposed upon the accused, the administrator of the information system securing safety at sporting events under a special Act shall be notified by the prosecuting attorney of the imposition of such restriction to the extent of information under a special Act. Where an obligation referred to in Section 51 paragraph 4 letter k) of the Criminal Code was imposed upon the accused by a resolution, the prosecuting attorney shall send the resolution to the designated department of the Police Force.

(6) Criminal prosecution may not be conditionally suspend if

a) the criminal offence resulted in the death of a person,

b) criminal prosecution is conducted in a corruption case, or

c) criminal prosecution is conducted against a public official or a foreign public official for a criminal offence committed in relation to the execution of their powers and responsibilities..

Section 217

(1) If the accused was leading a regular life during the probationary period, settled the damages, and complied with other restrictions and duties, the prosecutor shall decide that the accused has proven themselves competent. Otherwise, the prosecutor shall decide, including during the probationary period, to resume the criminal prosecution. He shall issue a resolution on the competency or the continuation of the criminal prosecution.

(2) If no decision pursuant to paragraph 1 is made within two years of the termination of the probationary period without the fault of the accused, this shall be deemed that they have proven themselves competent.

(3) The resolution pursuant to paragraph 1 shall be served to the accused and the victim; the accused and the victim may challenge it with a complaint that has a suspensive effect.

(4) The date on which the resolution that the accused has proven himself competent becomes final, or the date of expiry of the time limit pursuant to paragraph 2, shall be deemed as the date on which the criminal prosecution is effectively terminated pursuant to Section 9 paragraph 1 (e).

Conditional Suspension of Criminal Prosecution of Cooperating Accused

Section 218

(1) The prosecutor may conditionally stay the criminal prosecution of the accused who has significantly contributed to clarifying a case of corruption, criminal offence of setting up, masterminding and supporting a criminal group, or a felony committed by an organised group, or a criminal group, or criminal offences of terrorism, or to identifying or convicting the perpetrator of such a criminal offence, and the interests of society on the clarification of such criminal offence outweigh the interest in the criminal prosecution of the accused for such criminal offence or another criminal offence; criminal prosecution may not be conditionally suspended in respect of the organiser, instigator or the person who commissioned the crime to the clarification of which he contributed.

(2) The resolution to conditionally suspend the criminal prosecution shall set out a probationary period of two to ten years for the accused. The probationary period shall start running from the date on which the resolution to conditionally suspend the criminal prosecution became final. The resolution shall set out the duty of the accused to respect, during the probationary period, the requirements set out in paragraph 1.

(3) The resolution to conditionally suspend the criminal prosecution shall be served to the accused and the victim; both the accused and the victim may challenge the resolution by filing a complaint that has a suspensive effect.

Section 219

(1) If the accused fulfilled the requirements set out in Section 218 paragraph 1 during the probationary period, the prosecutor shall decide that the accused has proven himself competent. Failing that, the prosecutor shall decide, including during the probationary period, to resume the prosecution. He shall issue a resolution on the competency or the continuation of the criminal prosecution. (2) If no decision is made pursuant to paragraph 1 within two

years of the termination of the probationary period without the fault of the accused, this shall be deemed as he proven himself competent.t.

(3) The resolution pursuant to paragraph 1 shall be served to the accused and to the victim; the accused and the victim may challenge it with a complaint that has a suspensive effect.

(4) The date on which the resolution on good conduct of the accused becomes final, or the date of expiry of the time limit pursuant to paragraph 2, shall be deemed as the date on which criminal prosecution is effectively terminated pursuant to Section 9 paragraph 1 (e).

Conciliation

Section 220

(1) In the proceedings about a minor offence carrying a maximum custodial sentence of not more than five years, the prosecutor may decide with the consent of the accused and of the victim to approve a conciliation agreement and terminate the criminal prosecution if the accused

a) declares that he has committed the offence for which he is prosecuted and there are no reasonable grounds to doubt that he has made such declaration of his free will, seriously and with certainty,

b) has compensated for the damage caused by the act, or took other damage compensation measures, or otherwise remedied the harm caused by the criminal offence, or

c) deposits a monetary sum to the bank account of the court and, in the preliminary hearing, to the account of the public prosecution intended for the Ministry for the protection and support of victims of criminal offences under a special Act, and such monetary sum is obviously not disproportionate to the seriousness of the committed criminal offence and, given the nature and seriousness of the committed act, the degree to which the public interest was affected by the criminal offence, the accused and his personal and financial circumstances, such manner of decision is deemed to be sufficient. (2) Conciliation agreement pursuant to paragraph 1 shall not be approved if

a) the criminal offence resulted in the death of a person,

b) criminal prosecution is conducted in respect of a corruption case, or

c) criminal prosecution is conducted against a public official or a foreign public official for a criminal offence committed in relation to the execution of their powers and responsibilities..

Section 221

(1) If the circumstances of the case so require, before deciding to approve or to deny a conciliation agreement, the prosecutor shall interview the accused and the victim, especially in order to ascertain how and under what circumstances the agreement was concluded, whether it was voluntary and whether the parties agree with the conciliation; he shall interview the accused to ascertain whether he understands the charges and is aware of the consequences of the approval of conciliation. The interview of the accused must include his declaration that he has committed the act for which he is prosecuted.
(2) Before the interview, the accused and the victim must be advised of their rights and of the essence of conciliation.

Section 222

If the victim is a legal entity, the examination of a statutory representative or other person authorised to act on its behalf may be replaced by a written statement by the legal entity concerning the circumstances set out in Section 220 paragraph 1.

Section 223

(1) The decision to approve a conciliation agreement and the termination of the criminal prosecution must include the description of the act that such conciliation concerns, its legal qualification, content of the conciliation including the amount of compensated damage or damage, that such accused committed to replace, or other measures for the removal of the damage caused by the criminal offence, the monetary sum under Section 220 Subsection 1 Paragraph c), and statements on the termination of the criminal prosecution for the act which the conciliation concerns.

Section 225

The rights of the victim pursuant to Section 220 shall not applied to those to whom the damage compensation claim has been assigned; this shall not apply to the heirs of the victim.

Section 226

If the prosecutor does not approve the conciliation agreement, although the accused declared that he committed the act for which he is being prosecuted pursuant to Section 220 paragraph 1, that statement may not be considered as evidence in the subsequent proceedings.

Section 227

(1) As soon as the resolution whereby the prosecutor has approved the conciliation agreement becomes final, the prosecutor shall ensure that the monetary sum under Section 220 Subsection 1 Paragraph c) is transferred to the Ministry.
(2) If the sum of money cannot be transferred according to paragraph 1 or if the recipient refuses to accept it, the prosecutor shall decide on its transfer to the State to be used for financial assistance to the victims of crime under separate legislation.
(3) If the prosecutor fails to decide on the conciliation agreement, he shall ensure that the sum of money deposited for general benefit purposes be returned to the accused.

Suspension of criminal prosecution

Section 228

(1) A police officer shall suspend the criminal prosecution if no grounds were established warranting the criminal prosecution against a certain person.
(2) A police officer shall suspend the criminal prosecution if
a) the matter cannot be properly clarified because of the absence of the accused or a witness,
b) the accused cannot stand trial because of serious illness,
c) the accused is unable to understand the purpose of criminal prosecution due to a mental illness contracted after the commission of the act,
d) it is proposed to transfer the criminal prosecution to a foreign State or the accused is extradited to a foreign State or expelled,
e) the Constitutional Court or the Court of Justice of the European Communities suspended the effect of a legal act or part thereof whose application is essential for hearing and deciding the matter on its merits, or
f)) the accused is temporarily transferred to a foreign State for the enforcement of the acts.(3) A police officer may suspend the criminal prosecution with prior consent of the prosecutor against the accused who has significantly contributed to clarifying a case of corruption, the

criminal offence of setting up, masterminding and supporting or a felony committed by an organised group or a criminal group or , a criminal offence of first degree murder or criminal offences of terrorism or to identifying or convicting perpetrators of such criminal offences; criminal prosecution may not be suspended in case of the organiser, instigator or the person who commissioned the crime to the clarification of which he contributes.

(4) A prosecutor shall suspend the criminal prosecution when he files the motion to open proceedings on an issue which he is not competent to resolve in the current proceedings.

(5) When the reason for suspending the prosecution is no longer valid, the prosecutor or the police officer shall issue a resolution to resume the prosecution.

(6) Resolutions issued pursuant to paragraphs 1 to 5 shall be served to the accused and on the victim; both the accused and the victim shall have the right to lodge a complaint. The resolution issued by a police officer shall be served on the prosecutor not later than within 48 hours.

Section 229

The only procedures that may be performed at the time of suspended criminal prosecution shall be those that are set out in Chapters Four, Five and Six of Part One of this Act and are aimed at ascertaining whether the reasons for the suspension or detention of the accused are still valid.

CHAPTER THREE
PROSECUTORIAL SUPERVISION AND PROCEDURES

Division One

Prosecutorial supervision

Section 230

(1) Prosecutors shall perform supervision over compliance with the law prior to the commencement of prosecution and during pre-trial proceedings.

(2) During the performance of supervision, prosecutors shall have the authority:

a) to issue mandatory instructions to proceed according to Section 197, to conduct investigation or summary investigation of criminal offences, and to set out time limits for their execution; these instructions shall be inserted in the file,

b) to request police officers to submit the files, documents, materials and reports concerning the status of pending prosecution cases to determine whether they initiated criminal prosecution in time and to perform appropriate procedures,

c) to participate in the performance of procedures by police officers, to conduct individual procedures or the entire investigation or summary investigation personally and to issue decisions in any case, in compliance with this Act; such decisions of prosecutors may be challenged by a complaint just as the decisions of police officers,

d) to refer the matter back to police officers for additional investigation or summary investigation, and to set out the time limit therefor; they shall notify the accused and the victim thereof,

e) to cancel unlawful or unjustified decisions and measures by police officers, which they may replace with their own decisions; in case of resolution on the termination of criminal prosecution, the suspension of criminal prosecution or the referral of a case, they may do so within 30 days of the service of the relevant decisions; if the prosecutor replaces the decision of a police officer with his own on other grounds than a complaint filed by the entitled person, such decisions of a prosecutor may be challenged by a complaint just as the decisions of police officers,

f) to withdraw a case from a police officer and assign it to another police officer, even one who is not locally competent, or to take measures to have the case assigned to another police officer or officers,

g) to order an investigation in the matters referred to in Section 202(3). In the cases referred to in paragraph 2 lit. a), d), f) or g), the public prosecutor shall decide by a measure and in the case referred to in paragraph 2 letter e), the public prosecutor shall decide by a resolution which shall be served to the accused and the victim.

Division Two

Prosecutorial procedures

Section 231

Only the prosecutor shall have the authority in pre-trial proceedings:

a) to file the indictment,

b) to enter into a plea bargain agreement with the accused and make a motion to the court to accept it,

c) to refer the matter pursuant to Section 214 paragraph 1,

d) to suspend the criminal prosecution pursuant to Section 228 paragraph 4,

e) to terminate the criminal prosecution pursuant to Section 215 paragraph 1 (c), (e), (f) and (g), paragraph 2 and 3 or to conditionally suspend the criminal prosecution pursuant to Section 216 paragraph 1 or to conditionally suspend the criminal prosecution of a cooperating accused pursuant to Section 218 paragraph 1,

f) to approve a conciliation agreement and stay the criminal prosecution pursuant to Section 220 paragraph 1,

g) to order the seizure of the accused person's property, determine which means and things shall be exempt from the seizure, or to cancel the seizure,

h) to secure the satisfaction of the victim's damage claim, to cancel such security, even partially, or to exclude a thing,

i) to order the exhumation of a body,

j) to request the consent of the National Council of the Slovak Republic, the Judicial Council of the Slovak Republic, the Constitutional Court of the Slovak Republic or the European Parliament with the filing of an indictment against, apprehension of or placing in custody of the person for whom such consent is required,

k) to make a motion to the court to place the accused in custody and to extend the length of custody,

l) to file a request for extradition of the accused from a foreign country,

m) to perform preliminary investigation in the proceedings of extradition from a foreign country unless this Act provides otherwise,

n) based on a request of the competent body of another State, to propose the court to order preliminary seizure of property belonging to a person who is under prosecution in another State, or part of that property located in the territory of the Slovak Republic.

Plea bargaining procedure

Section 232

(1) If the results of investigation or summary investigation give reasonable grounds to conclude that the act constitutes a criminal offence and that it was committed by the accused

who confessed to having committed it, admitted the guilt, and the evidence supports the truthfulness of his confession, the prosecutor may initiate a plea bargaining procedure on an application from the accused or of his own motion.

(2) The prosecutor shall summon to attend the plea bargain hearing the accused person and the victim who filed a claim for damages in a due and timely manner; the public prosecutor shall inform the defence counsel of the accused person about the time and place of the hearing.. The provision of Section 340 shall also apply, as appropriate, to the accused who is a juvenile at the time of the proceedings; however, the plea bargain agreement may only be concluded with the consent of the legal guardian or defence counsel of the juvenile.

(3) As part of the proceedings on a plea bargain agreement, the public prosecutor is obliged to respect the interest of the victim in the agreement on damages. If the victim is present at the proceedings on a plea bargain agreement, they shall express their opinion on the extent and method of damages, in particular. The plea bargain agreement may also be concluded without the presence of the victim who failed to appear for the proceedings on a plea bargain agreement without an excuse despite being duly summoned. In such case, the public prosecutor may agree with the accused person, on behalf of the victim, on the extent and method of damages up to the amount of the filed claim for damages.

(4) After a plea bargain agreement has been reached concerning the guilt, punishment and other verdicts, the prosecutor shall file a motion asking the court to accept the plea bargain agreement as concluded; the plea bargain agreement shall also imply the agreement on the waiver of punishment and, in case of a juvenile, on the conditional waiver of punishment and of educational measures if there are statutory reasons to impose them. In the absence of a damage settlement agreement the prosecutor shall move the court to recommend the victim to seek the settlement of his damage claim or part thereof through civil or other proceedings.

(5) If the accused admits his guilt for the commission of the act subject to prosecution in its entirety during the plea bargaining procedure, but no plea bargain agreement has been reached, the prosecutor shall bring the indictment in which he shall specify the act admitted to by the accused, its legal qualification, admission of guilt, and request the court to hold the main trial, decide on the punishment and adopt other verdicts based on the admission of guilt.

(6) If the accused admits his guilt in the plea bargaining procedure only in part, the prosecutor shall bring an indictment in which he shall specify the act admitted to by the accused, its legal qualification, extent of the admission of guilt, the act that the accused did not admit to and its legal classification, and shall request the court to hold the main trial in respect of the act

which the accused did not admit to and other matters as necessary, and to decide on the guilt, the punishment and adopt other verdicts based on the admission of guilt.

(7) If no agreement has been reached on protective treatment, protective education, protective supervision or seizure of an item, the prosecutor shall proceed pursuant to Section 236 paragraph 1.

(8) The plea bargain agreement shall contain

a) the names of the parties to the agreement, the date, place and time of the agreement,

b) the description of the act, the place, time, or other circumstances under which it occurred to prevent mistaking it for another act, and the legal classification of the criminal offence constituted by the act, including the relevant provision of the Criminal Code,

c) the type, degree and execution of punishment,

d) the amount and manner of the compensation for damage caused by the act, and

e) the protective measure, where relevant.

(9) The plea bargain agreement shall be signed, in witness of consent, by the prosecutor, the accused, the defence counsel and the victim who has successfully claimed the damage compensation and took part in the procedure.

10) If no plea bargain agreement has been reached, the prosecutor shall enter that fact in the file.

Section 281

Termination of Criminal Prosecution

(1) The court shall terminate the criminal prosecution if, at the main trial, it establishes the existence of any of the circumstances referred to in Section 9 paragraph 1.

(2) The court shall stay the criminal prosecution if, at the main trial, it establishes the existence of any of the circumstances referred to in Section 215 paragraph 3.

(3) Where the court makes a decision pursuant to paragraphs 1 or 2, it shall recommend the victim who filed a damage claim to seek its settlement through civil proceedings or the proceedings before another competent body.

(4) The decision pursuant to paragraphs 1 or 2 may concern only the acts covered by the indictment.

(5) The prosecutor and the injured person may challenge the decisions taken pursuant to paragraphs 1 or 2 by a complaint that has a suspensive effect.

Section 282

Conditional Suspension of prosecution and conciliation

(1) The court may conditionally suspend the prosecution if, at the main trial, it establishes the fulfilment of the conditions set out in Section 216 paragraph 1.
(2) The court may conditionally terminate the criminal prosecution of a cooperating accused if, at the main trial, it establishes the fulfilment of the conditions set out in Section 218 paragraph 1.
(3) The court may approve the conciliation agreement and terminate the criminal prosecution if, at the main trial, it establishes the fulfilment of the conditions set out in Section 220; it shall proceed according to Sections 221 to 227.
(4) The prosecutor may file a complaint against a decision approving a conciliation agreement pursuant to paragraphs 1 to 3; the accused and the victim may file a complaint against the decision to conditionally suspend the criminal prosecution; the complaint has a suspensive effect.

Section 283
Suspension of Criminal Prosecution

(1) The court shall suspend the criminal prosecution if, at the main trial, it establishes the existence of any of the circumstances set out in Section 228 paragraph 2, Section 241 paragraph 3 or Section 244 paragraph 4, or may suspend the criminal prosecution if, at the main trial, it establishes the existence of any of the circumstances set out in Section 228 paragraph 3.
(2) The court shall suspend the criminal prosecution also if it is not possible to serve the summons to attend the main trial to the accused.
(3) If the reason for the suspension is no longer valid, the court shall resume the criminal prosecution.
(4) The prosecutor and the accused may file a complaint against the decision whereby the court suspended the criminal prosecution or denied the motion for its continuation.
(5) The court shall suspend the criminal prosecution if it believes that another generally binding legal regulation of a lower legal force, the application of which is decisive for the decision about the guilt and the sentence, is in contradiction with a generally binding legal regulation of a higher legal force or with an international treaty, and shall lodge a petition to

commence the proceedings before the Constitutional Court. The finding of the Constitutional Court shall be binding for the court.

Section 428

Executing the penalty of the forfeiture of an Item

(1) When the judgment imposing the forfeiture of an item becomes final, the presiding judge of a panel shall send a copy of the judgment, excluding the reasoning, to the body that administers the State property under separate legal provisions with a request to assume the administration of the property.
(2) If the accused is prosecuted for a criminal offence which, considering the nature and seriousness of the offence and personal situation of the accused, is likely to result in the forfeiture of an item and if there is a reason to believe that the execution of such penalty will be obstructed or hindered, the court or a prosecutor in pre-trial proceedings may seize the item that belongs to the accused. The seizure shall be effected, as appropriate, according to Section 50 paragraph 2 and 3, Section 94 to 96 and Section 425 paragraph 2.
(3) The decision on the seizure may be challenged by a complaint.
(4) The presiding judge or a prosecutor in pre-trial proceedings shall cancel the seizure if the reason for seizure is no longer valid

Executing a pecuniary penalty

Section 429

(1) When the judgment imposing a pecuniary penalty becomes enforceable, the presiding judge of a panel shall request the sentenced person to comply with it within fifteen days, reminding him that otherwise the serving of the substitute prison sentence will be ordered..
(2) In case of sentenced persons who are members of the armed forces, the presiding judge of a panel shall notify their service body of the circumstances referred to in paragraph 1.

Section 430

(1) The presiding judge of a panel may, on a motion from the sentenced person and on serious grounds

a) defer the execution of the pecuniary penalty for not more than three months from the date on which the judgment became final, or
b) permit the payment of the pecuniary penalty in instalments, provided that the entire penalty is paid up within one year at the latest or, if the amount of pecuniary penalty exceeds 16,560 eur within two years from the date on which the judgment became final.

(2) If the grounds for the deferment of the pecuniary penalty are no longer valid, or if the sentenced person does not comply with the instalment schedule without a serious reason, the presiding judge of a panel may revoke the consent with the deferment or payment of the pecuniary penalty by instalments.

Section 432

(1) The court shall waive the execution of a pecuniary penalty or the remainder thereof by a resolution, if the circumstances beyond the sentenced person's control lead to his long-term incapacity to pay up the pecuniary penalty, or if the execution of such penalty would seriously compromise the fulfilment of his statutory duty to provide for the maintenance and education of another person.
(2) If the pecuniary penalty has not been paid up, and if the procedure under Subsection 1 or under Section 430 Subsection 1 cannot be considered, the court shall order the execution of a substitute punishment by a prison sentence or its proportionate part at a public hearing by a resolution; at the same time, it shall decide on the method of the execution of the substitute punishment.
(3) The sentenced person may avert the execution of the alternative sentence or a proportional part thereof at any time by paying up the pecuniary penalty or a proportional part thereof. The presiding judge of a panel shall determine by a resolution which proportional part of the alternative sentence is to be executed.
(4) The resolution referred to in paragraphs 1 to 3 may be challenged by a complaint which has a suspensive effect.

Section 433

Third persons may claim title to the means and items that are subject to forfeiture only through civil proceedings.

P A R T F I V E

International Legal Cooperation

CHAPTER ONE

BASIC PROVISIONS

Section 477

Definitions

For the purposes of this Chapter:

a) an international treaty means a promulgated international treaty which is binding for the Slovak Republic,

b) a foreign authority is an authority of another State which, under internal law of that State or under an international treaty, has jurisdiction to act, make or receive a request or carry out other forms of assistance regulated in this Chapter, including an international court,

c) an international court means an international criminal court, set up by an international treaty or by a decision of an international organisation which is binding for the Slovak Republic, and its departments,

d) a Slovak authority is an authority of the Slovak Republic having jurisdiction to act in matters regulated in this Chapter; a Regional Court has jurisdiction to act on request for an extradition abroad or recognition and execution of foreign decision, as well as in matters falling within the jurisdiction of the Specialized Criminal Court,

e) a requested State or authority is the State or the authority to which a request for assistance regulated in this Chapter was transmitted,

f) a requesting State or authority is the State or the authority which made a request for assistance regulated in this Chapter,

g) a prison sentence includes also a protective measure connected with deprivation of liberty, unless the nature of the matter suggests otherwise.

Section 478

International treaties

Provisions of this Chapter shall be applied unless an international treaty provides otherwise.

Section 479

Reciprocity

(1) If the requesting State is not bound by an international treaty, its request shall only be executed by the Slovak authorities if the requesting State guarantees that it would execute a comparable request submitted by the Slovak authority and it is not a kind of request whose execution in this Chapter is made conditional upon the existence of an international treaty. In case of a request for service of documents to a person on the territory of the Slovak Republic the compliance with the condition contained in the first sentence is not examined.
(2) If the requested State, which is not bound by an international treaty, makes the execution of the request made by the Slovak authority conditional upon reciprocity, the Ministry of Justice of the Slovak Republic may guarantee reciprocity to the requested State for the purposes of execution of a comparable request should it be made by the requested State provided it is a kind of a request whose execution is not made in this Chapter conditional upon the existence of an international treaty.

Section 480

International courts

(1) Procedures under this Chapter shall also be applicable to requests emanating from an international court.
(2) The procedure and the decision-making relating to the surrender of a person to an international court shall be governed *mutatis mutandis* by the provisions of Section Two of this Chapter on extradition.
(3) The enforcement of the judgement made by an international court in the territory of the Slovak republic shall be governed *mutatis mutandis* by the provisions of Section Three of this Chapter on recognition and enforcement of foreign decisions.

Section 481

Protection of the State's Interests (Order Public)

A request by a foreign authority may not be executed if its execution would by incompatible with the Constitution of the Slovak Republic or any provisions of the system of law of the

Slovak Republic, which must always take precedence, or if by the execution of the request an important protected interest of the Slovak Republic would be violated.

Section 482

Protection and Use of Information

(1) The provision of information by the Slovak authorities on their actions taken under this Chapter shall be governed *mutatis mutandis* by Article 6.
(2) Slovak authorities shall neither make public nor forward information or evidence received from a foreign authority on the basis or in connection with a request received or made under this Chapter, nor shall they use it for purpose other than that for which it was provided or requested if an international treaty contains an obligation to this effect or if the foreign authority provided the information or evidence only under the condition of compliance with such restrictions; this restriction shall not be applied if the foreign authority gives its consent to making the information or evidence public or to using it for a different purpose.

Section 483

Commencement of procedure

Slovak authorities may start acting under this Chapter on the basis of a request by a foreign authority which was transmitted by fax or other electronic means, if they have no doubt about its authenticity and if the matter is urgent. The original of the request must be submitted subsequently within the deadline imposed by the requested authority, unless that authority waives the requirement to submit the original of the request.

Section 484

Communication through Interpol and SIRENE

(1) Incoming or outgoing requests under this Chapter can also be transmitted through the International Criminal Police Organisation (hereinafter referred to as "INTERPOL"), and if concerns delivery or receiving of requests in relation to States using the Shengen Information System also through the special unit of Police Forces SIRENE.

(2) Information on the dates and other modalities of surrender or transit of persons or items under section 485 may also be exchanged through INTERPOL or the special unit of Police Forces SIRENE**.**

Section 485

Surrender of Persons and Items

(1) Person extradited or surrendered from another State on the basis of a request made under this Chapter shall be taken over from the foreign authorities by the police authorities designated by the Minister of Interior. Unless otherwise provided for in this Chapter, the police shall surrender the person to the nearest custody or prison facility, which shall inform the competent court without delay.
(2) Person extradited or surrendered to another State on the basis of a request made under this Chapter shall be taken over from the custody or prison facility by the police authorities designated by the Minister of Interior and surrendered to the foreign authorities.
(3) The transit of a person through the territory of the Slovak Republic under Article 543 shall be carried out by the police authorities designated by the Minister of Interior. During the transit the personal liberty of the transported person shall be limited in order to prevent his escape. Coercive measures provided for in a separate act shall be applicable to the restriction of personal liberty of the person in transit.
(4) The police authorities designated by the Minister of Interior shall also surrender and take over items under Article 550 as well as take over and return items surrendered by another State upon a request by Slovak authorities if it is not possible or opportune to send such items by post, and shall carry out the transit of an itemtrough the territory of the Slovak Republic upon a request by foreign authorities.

Section 486

Travel documents

Persons surrendered, on the basis of the provisions of this Chapter, to or by the foreign authorities shall not require either travel documents or a permission or visa to cross the national border.

Section 487

Form of court decision

If in the procedure under this Chapter the decision is taken by the court, it shall be decided in the form of a resolution, unless the provisions of this Chapter provide otherwise.

Section 488

Costs

(1) Costs incurred by the Slovak authority in execution of a request by a foreign authority under this Chapter shall be borne by the State and settled by the authority which incurred them.

(2) If an international treaty allows for reimbursement of costs referred to in paragraph 1 or a part of such costs from the requesting State, or in case of an absence of an international treaty, the authority which incurred the costs shall submit to the Ministry of Justice the enumeration of the costs, their justification and its bank account number in order to obtain the reimbursement from the requesting State.

(3) Costs incurred by the foreign authority in connection with a request made by a Slovak authority, the reimbursement of which is claimed by the requested State under an international treaty or due to its absence, shall be borne by the State and settled by the Slovak authority who initiated the request for assistance. Costs incurred by the foreign authority by effecting the transit of a person or an item from a third State to the Slovak Republic in connection with a request made by a Slovak authority shall be settled by the Ministry of Interior of the Slovak Republic.

CHAPTER TWO

EXTRADITION

Division one

Requesting extradition

Section 489

(1) The Ministry of Justice may request the accused from a foreign State upon the request of the court that issued the warrant under Section 490.

(2) The Ministry of Justice may waive the request if extradition from abroad cannot be expected. It shall inform to this effect the court which issued the warrant of arrest under Article 490.

Section 490

(1) If the accused stays abroad and if his extradition is necessary, the presiding judge of a panel shall issue a warrant of arrest (hereinafter referred to as the "international warrant of arrest"). In the pre-trial, the judge for pre-trial proceedings shall issue the international warrant of arrest upon a motion by the prosecutor. The international warrant of arrest has, on the territory of the Slovak Republic, the same effects as a warrant of arrest.

(2) The court shall issue an international warrant of arrest in particular if:

a) the presence of the accused for the acts of the criminal proceedings may not be ensured otherwise, or or

b) the convicted stays abroad and they failed to begin serving the imposed prison sentence despite the fact he was duly served the call for the commencement of such sentence, or if he is avoiding the serving of the finally imposed prison sentence or its remaining term by residing abroad. (3) An international warrant of arrest for the purposes of extradition of an accused shall contain:

a) the name and surname of the accused, the date a place of his birth, his nationality, his place of permanent residence in the Slovak Republic and other available data facilitating his identification, including his description and photograph, or information on his place of residence abroad,

b) the legal qualification of the criminal offence with reference to the applicable legal provisions and the description of the facts providing the exact time, place and manner of its commission,

c) the verbatim wording of the applicable legal provisions including the sanction which can be imposed, as well as the legal provisions relating to limitation, and

d) a description of acts affecting the course of the limitation period if more than three years have lapsed since the commission of the criminal offence until the issue of an international arrest warrant.

(4) An international warrant of arrest for the purposes of extradition of a sentenced person shall, in addition to the information referred to in paragraph 3 lit. a) to c), contain

a) details of the court imposing the sentence and of the sanction imposed, and

b) if the judgement was issued in the proceedings against a fugitive from justice or in absentia, information on how the rights of defence of the accused were guaranteed in the proceedings as well as the wording of the provision of Article 495.

(5) The original or an authenticated copy of the relevant judgement with the validity clause shall be appended to the warrant of arrest under paragraph 4.

(6) If more than three years lapsed between commission of an offence or final conviction and issuing of the international warrant of arrest, acts directed to criminal prosecution of the person or enforcement of the imposed sentence shall be included in the warrant of arrest or in its separate attachment.

(7) The international warrant of arrest shall bear the signature of the judge who issued it and the round seal of the court. If in relation to the requested State a translation of the international warrant of arrest into a foreign language is required, the court shall attach to it a translation made by an official translator. If extradition for the enforcement of a sentence is requested, the same shall apply to the translation of the judgement.

(8) If the surrender of the extradited person shall necessitate his transit through the territory of another State or States, the court shall submit the documents to the Ministry of Justice in the required number of copies and with translations into the required foreign languages.

Section 491

An international warrant of arrest shall expire

a) the surrender of the extradited person to the court under section 494 paragraph 1 or to the court which issued the warrant of arrest under section 73 paragraph 1,

b) revocation; The court which issued the international warrant of arrest shall revoke it if the reasons for which it was issued no longer exist or if consequently finds out that the reasons did not exist; if the international warrant of arrest was issued upon the motion by the prosecutor, the court shall revoke it upon his motion,

c) issuing of the new international warrant of arrest in the same criminal matter.

(2) After filing an indictment in the criminal matter in which an international warrant of arrest was issued, the court which the indictment was filed with, shall issue a new international warrant of arrest, if the reasons for its issuing remain. Otherwise it shall revoke the warrant of arrest issued in pre-trial proceedings. The same procedure shall be followed if during the

criminal proceedings the subject matter jurisdiction or territorial jurisdiction of the court changes.

(3) Revocation of the international warrant of arrest does not exclude issuing of a new warrant of arrest in the same criminal matter.

(4) The court shall immediately inform the Ministry of Justice and prosecution office of a revocation or issuing of a new international warrant of arrest.

Section 492

(1) The court shall not issue an international warrant of arrest, if

a) imposition of only a sentence other than a prison sentence is anticipated or if a prison sentence shorter than 4 months is anticipated,

b) the prison sentence, or its remainder, to be enforced is shorter than 4 months,

c) by the extradition the Slovak Republic would incur expenses or suffer consequences incommensurate to the public interest in the criminal prosecution, or the enforcement of the sentence, of the person to be extradited,

d) taking into account the age, social status or family circumstances of the person whose extradition is sought, he would be inadequately severely punished by his extradition in proportion to the level of gravity and the consequences of the criminal offence.

(2) If some of the facts stated in paragraph 1 occur after issuing of the international warrant of arrest, the court may revoke it.

Section 493

(1) In a case of urgency, the Ministry of Justice or the court having jurisdiction to issue an international warrant of arrest may request the foreign authorities to arrange for the preliminary custody of the accused. In the pre-trial period, the court shall proceed in this manner upon a motion by the prosecutor. Such request shall contain the information specified in Article 490 par. 3 lit. a/ and b/ as well as a statement that an international warrant of arrest has been or will be issued against the accused and that his extradition will subsequently be requested.

(2) The court shall promptly inform the Ministry of Justice that it made such a request and submit to the Ministry an international warrant of arrest issued under section 490.

Section 494

(1) The Police Force department shall surrender the extradited person without delay to the court whose judge issued the international warrant of arrest. If the person is being extradited on the basis of several international warrants of arrest emanating from different courts, the person shall be surrendered to the court designated by the Ministry of Justice. If the enforcement of the prison sentence for which the person was extradited has already been ordered, the person shall be surrendered to the competent prison facility.
(2) Unless the person was extradited to serve a sentence, the judge shall hear the accused within 48 hours, and in cases of particularly serious crimes within 72 hours, of his surrender and decide on his custody.
(3) The time spent in transit to the territory of the Slovak Republic shall not be counted against the deadlines provided for in Article 76. The decision to this effect shall be made by the court and in the pre-trial proceedings by a judge for pre-trial proceedings upon a motion by the prosecutor.
(4) The time specified in paragraph 3 shall, however, be deduced from the length of the sentence to be served in the Slovak Republic.

Section 495

(1) If the requested State granted extradition of a person while making a reservation, such reservation must be complied with.
(2) If the requested State extradites a person for criminal prosecution in the Slovak Republic under condition that the Slovak authorities allow to execute potential sentence imposed by the Slovak court on the territory of the requested State, ministry of justice cannot in that case refuse to give a consent to transfer under Article 522 para. 1. Provision of the Article 522 para. 2 shall not be used.
(3) If the extradition of the person was requested or granted for the enforcement of the prison sentence only in respect of some of the several criminal offences for which a concurrent or combined sentence had been imposed, the court in a public hearing shall determine the sentence proportionate to the criminal offences for which extradition was granted.
(4) If the requested State granted extradition of a person for the enforcement of a prison sentence imposed in a final judgement while making a reservation in respect of the

proceedings preceding such a judgement, the court in a public hearing shall hear the extradited person and

a) if the extradited person does not object against the enforcement of the imposed sentence, it shall order the enforcement of the judgement, or

b) if the extradited person objects against the enforcement, it shall annul the judgement and rule at the same time on custody. If it is necessary to gather further evidence, the court may return the case to the prosecutor for further investigation. Otherwise, the court, after its decision became final, shall continue the criminal proceeding on the basis of the original indictment.

(5) The court which adjudicated the case in the first instance shall have jurisdiction to conduct the proceedings provided for in paragraph 4.

(6) An appeal against the decision under paragraph 4 lit. b/ shall be admissible and, with the exception of the ruling on custody, it shall have a suspensive effect.

Rule of Speciality

Section 496

(1) The criminal prosecution shall not be conducted against extradited person for other criminal offences committed before his extradition than for the offences for which the person was extradited.

(2) Paragraph 1 shall not be used if

a) after his release from the custody or the prison sentence, he remains in the territory of the Slovak Republic for a period longer than 15 days in spite of the fact that he had an opportunity to leave,

b) he leaves the territory of the Slovak Republic and voluntarily returns or is lawfully returned there from a third State,

c) the requested State waives the application of the rule of speciality, or grants additional consent for criminal prosecution for the other criminal offences, or

d) the person to be extradited waives expressly, in the course of extradition proceedings, the application of the rule of speciality in general or in respect of specific offences committed before the extradition.

(3) Paragraph 1 does not prevent the Slovak authorities to take measures which interrupt the passing of the period of limitation.

(4) If the extradited person did not waive the application of the rule of speciality under paragraph 2 lit. d/ and if an international treaty so allows, the court which issued the international warrant of arrest shall hear the person in the presence of his defence counsel and advise him on the possibility of his waiver of the rule of speciality and the consequences thereof. The consent of the extradited person to waive the application of the rule of speciality shall be recorded by the court in a protocol which shall include the specification of the offences in respect of which the waiver was made.

(5) A request by the extraditing State for the transfer of criminal proceedings in respect of criminal offences committed in its territory prior to the extradition shall be construed as its additional consent under paragraph 2, lit. c/. The same applies to laying of information by the requested State which may lead to criminal prosecution.

(6) Submission of a request to the requested State for the purposes of granting additional consent for the purposes of criminal prosecution for offences not included in the original request for extradition shall be governed *mutatis mutandis* by the provisions of Articles 489 and 490.

(7) The provisions of paragraphs 1 to 4 and 6 shall be applied *accordingly* also to cases of enforcement of a prison sentence which was imposed on the extradited person by the court of the Slovak Republic (henceforward "the Slovak court") before his extradition and which was not object of the original request for extradition.

Section 497

(1) If after the granting of extradition the requested State does not surrender the extradited person to the territory of the Slovak Republic due to the fact that the person is being prosecuted by the authorities of that State or that he must serve a prison sentence imposed by the authorities of that State in respect of criminal offences other than those which were the object of the request for extradition, the court whose judge issued the international warrant of arrest may ask the Ministry of Justice to request the temporary surrender of the extradited person to the territory of the Slovak Republic in order to carry out procedural acts necessary for the completion of the criminal proceedings.

(2) The motion which the court submits to the Ministry of Justice shall specify the procedural acts for which the presence of the extradited person is necessary. It shall also specify the date or the period of time for which the personal appearance shall be arranged.

(3) The provisions of Article 549 shall apply *accordingly* to the arrangements for the temporary surrender of the extradited person.

Division Two

Section 498
Extradition Abroad

(1) The requests by foreign authorities for extradition of a person from the Slovak Republic shall be submitted to the Ministry of Justice.
(2) The request shall be submitted in writing and shall be supported by
a) the original or an authenticated copy of the convicting judgment, warrant of arrest or another order having equal effect,
b) a description of the criminal offences for which extradition is requested, including the date and place of their commission and their legal qualification,
c) the wording of the applicable legal provisions of the requesting State.
(3) If the request was not supported by the documents or information specified in paragraph 2 or if the information provided is insufficient, the Ministry of Justice shall request additional information and may impose a deadline for its provision.

Section 499
Extraditable Offences

(1) Extradition shall be admissible if the act for which extradition is requested is a criminal offence under the law of the Slovak Republic and is punishable under the same law by a maximum prison sentence of at least one year.
(2) Extradition for the purposes of the enforcement of a prison sentence imposed for the criminal offence specified in paragraph 1 shall be admissible if the sentence imposed or the remainder to be served is at least 4 months. Several sentences or non-served remainders of several sentences shall be added up.

Section 500
Accessory Extradition

If the foreign authority requested extradition for several acts at least one of which fulfils the conditions set down in Article 499 paragraph 1, extradition shall also be admissible for criminal prosecution of other criminal offences, or enforcement of prison sentences, for which extradition would otherwise be inadmissible due to insufficient sanction or the remainder of the sentence.

Section 501

Inadmissibility of Extradition

Extradition shall be inadmissible if:

a) it concerns a Slovak national, unless the obligation to extradite own nationals is provided by law, an international treaty or a decision of an international organisation which is binding for the Slovak Republic,

b) it concerns a person who applied in the Slovak Republic for asylum or who was granted such asylum or provided supplementary protection to the extent of the protection provided to such persons by a separate act or by an international treaty; this is false if concerns the person who requested for an asylum in the Slovak Republic repetitively and his/her request for asylum has already been lawfully decided,

c) the criminal prosecution or the enforcement of the sentence are statute barred under the law of the Slovak Republic,

d) the offence, for which the extradition is requested, is a criminal offence only under legal system of the requesting State, but not under legal system of the Slovak Republic,

e) the criminal offence for which extradition is requested is solely of a political or military nature,

f) the criminal offence was committed in the territory of the Slovak Republic, unless, due to the specific circumstances of the commission of the offence, priority shall be given to the criminal prosecution in the requesting State, for reasons of establishment of the facts, the degree of punishment or the enforcement of the sentence,

g) the person has already been finally convicted or released by the Slovak court for the offence, for which the extradition is requested, or

h) the person whose extradition is requested would not, under the law of the Slovak Republic, be considered criminally responsible at the time of the commission of the offence or there are other factors excluding his criminal responsibility.

Section 502

Preliminary investigation

(1) Preliminary investigation shall be conducted by the prosecutor of a regional prosecution office, to whom the ministry of justice forwarded the request by a foreign authority for extradition abroad, or in whose district the person to be extradited to the requesting State was arrested or lives. If the preliminary investigation was opened before delivery of the request for extradition the prosecutor informs about it immediately the ministry of justice.
(2) The goal of a preliminary investigation is to determine whether conditions for the admissibility of extradition are met.
(3) During the extradition proceedings the person whose extradition is sought shall be represented by a defence counsel.
(4) The prosecutor shall hear the person and inform him about the content of the extradition request. He shall serve the person a copy of the request and the sentence, the international warrant of arrest or any other order on which the request is based.
(5) If the person whose extradition is sought was remanded in preliminary custody or in custody pending extradition, his contacts with his defence counsel and attorney, the correspondence in custody and visits in custody shall be governed *mutatis mutandis* by the regulations relating to the enforcement of custody.

Section 503
Simplified Extradition Proceedings

(1) The prosecutor shall advise the person whose extradition is sought, during his hearing in the course of the preliminary investigation, of the possibility of simplified extradition proceedings should the person give his consent to extradition, about the consequences of such a consent, and of the possibility to withdraw such a consent as long as the Minister of Justice did not grant extradition.
(2) If the person whose extradition is sought gives his consent to extradition, and if the international treaty allows it, the prosecutor shall advise him also on the possibility to waive the application of the rule of speciality and on the consequences of such a waiver.
(3) If the person whose extradition is sought gives his consent to extradition, the prosecutor in the presence of the person's defence counsel shall record the person's consent to extradition in a protocol as well as the person's statement whether he waives or not, and to what extent, the application of the rule of speciality.

(4) If the person whose extradition is sought gives his consent to extradition, the prosecutor shall, after the conclusion of the preliminary investigation, submit a motion to the court for the person to be taken into custody pending extradition (Article 506 par. 2) and subsequently submit the case to the Ministry of Justice together with a proposal for a decision. The provision of Article 509 shall not be applied.
(5) If the person whose extradition is sought withdraws his consent any time prior to the decision by the Minister of Justice, the case shall be submitted after the conclusion of the preliminary investigation to the court for a decision under Article 509.
(6) Even if the person whose extradition is sought gave his consent to extradition, the Minister of Justice may, before taking his decision on extradition, submit the case to the court for a decision under Article 509.

Section 504
Detention

(1) Upon a request by the foreign authorities, the prosecutor responsible for conducting the preliminary investigation may order to a Police Force department to detain the person whose extradition will be requested by the foreign authorities. The prosecutor shall not be bound by the grounds for custody specified in Article 71.
(2) The person being sought by foreign authorities for extradition may be arrested by the Police Force department upon prior consent of the prosecutor. Without such a consent the person may be arrested only in cases of urgency and if there is no possibility to obtain such a consent in advance.
(3) Detention shall be immediately reported to the prosecutor. If the prosecutor does not order the release of the detained person within 48 hours of his detention, he shall submit, within the same deadline, a motion to the court for the person to be remanded in preliminary custody or in custody pending extradition.

Section 505
Preliminary Custody

(1) The presiding judge of panel of the Regional Court shall within 48 hours of the person’s surrender decide upon the motion by the prosecutor on the preliminary custody of the detained person. He shall not be bound by the grounds for custody specified in Article 71.

Should the presiding judge not order to remand the detained person into preliminary custody within the stated deadline, he shall order his release.

(2) The Regional Court in whose territory the person resides or is detained shall have jurisdiction in the proceedings under paragraph 1.

(3) The purpose of the provisional arrest is to secure the presence of the arrested person on the territory of the Slovak Republic until the State which has an interest in his extradition, submits the request for his extradition under Article 498.

(4) Preliminary custody may not exceed the period of 40 days from the moment of the person's detention. The presiding judge of a panel of the Regional Court may, upon a motion by the prosecutor conducting the preliminary investigation, decide to release the person from preliminary custody.

(5) If during the course of the provisional arrest the request for extradition by the foreign authorities was submitted, the ministry of justice shall notify to this effect the prosecutor conducting the preliminary investigation. Upon the prosecutor's motion the presiding judge of a panel may remand the person in custody pending extradition if the conditions specified in Article 506 paragraph 1 are met.

(6) The release of the person from the provisional arrest shall not preclude his repeated placement in the provisional arrest or his being remanded in custody pending extradition.

Custody pending extradition

Section 506

(1) If it is necessary to prevent the escape of the person whose extradition is sought or to prevent the obstruction of the purpose of such proceeding,, the presiding judge of a panel of the Regional Court shall place him in custody. He shall rule to this effect upon a motion by the prosecutor conducting the preliminary investigation.

(2) If the person whose extradition is sought gives his consent to extradition or if his extradition was declared admissible, the Regional Court shall remand the person in custody pending extradition, unless this had already been done by the presiding judge earlier under paragraph 1.

(3) The presiding judge of a panel of the Regional Court shall order the release of the person from the custody pending extradition as of the day of his surrender to the foreign authorities, at the latest by the 60th day from the decision of the Minister of Justice granting extradition; in the case set out in Article 507 by the 60th day from the commencement of the custody

pending extradition at the latest, provided the decision by the Minister of Justice granting extradition was taken before that date. In addition he shall order the release from the custody pending extradition if

a) the requesting State withdrew its request,

b) the extradition was declared inadmissible by the Supreme Court or if the Minister of Justice refused to grant extradition, or

c) the grounds for custody, extradition or the surrender ceased for other reasons.

Section 507

(1) If the person whose extradition is sought is already in custody in connection with criminal prosecution conducted by the Slovak authorities or serving a prison sentence imposed by a final judgement issued by the Slovak court, the court shall remand that person in custody pending extradition, but the execution of such custody shall remain suspended.

(2) If the grounds for custody or the prison sentence under paragraph 1 cease to exist, the suspension of the execution of the ordered custody shall be lifted and the person whose extradition is sought shall be remanded in custody pending extradition.

(3) The Regional Court in whose territory the person whose extradition is sought is in custody or serving the sentence shall have jurisdiction in the proceedings under paragraph 1.

(4) The prosecutor specified in Article 502 paragraph 1 shall conduct the preliminary investigation in the case provided for in paragraph 1.

Section 508

(1) An appeal shall be admissible against the decision on custody under Articles 505, 506 paragraph 1 and 507, which does not have suspensive effect.

(2) The court shall inform the ministry of justice about all decisions concerning the custody.

Section 509
Court decision

(1) After the conclusion of the preliminary investigation the court shall decide upon the motion of the prosecutor on the admissibility of extradition and shall subsequently submit the case to the Ministry of Justice after the decision become final.

(2) The Regional Court which took the decision on preliminary custody or custody pending extradition shall have jurisdiction to conduct the proceedings under paragraph 1; if no decision on preliminary custody or custody pending extradition was taken, the Regional Court in whose district the person whose extradition is sought resides shall have jurisdiction.
(3) The court shall decide on the admissibility of extradition in a closed hearing. Before giving its decision, the court shall enable the person whose extradition is sought and his defence counsel to make a written statement on the request for extradition. If the person or his counsel in this statement request so, or if the court itself finds it necessary, it shall take its decision on admissibility of extradition in a public hearing.
(4) An appeal solely on one of the grounds of inadmissibility of extradition under Article 501 by the prosecutor or by the person whose extradition is sought shall be admissible against the decision of the Regional Court on admissibility of extradition; the appeal shall have a suspensive effect. The decision of inadmissibility shall be subject to an appeal solely by the prosecutor and such appeal shall have a suspensive effect.
(5) The appeal shall be decided upon by the Supreme Court. An appellate court in a closed hearing shall dismiss the appeal if it finds the appeal unsubstantiated. If it upholds the appeal, it shall revoke the decision and after taking additional evidence, if necessary, it shall itself decide by a resolution, whether the extradition is admissible or not. Article 506 paragraph 2 shall apply accordingly *s*.

Section 510

Granting of extradition

(1) The Minister of Justice shall have the authority to grant extradition; he may not grant extradition if either the Regional Court or the Supreme Court under Article 509 found that extradition was inadmissible.
(2) If the court found the extradition admissible, the Minister of Justice may decide not to grant extradition if:

a) there is reasonable ground to believe that the criminal proceedings in the requesting State did not or would not comply with the principles of Articles 3 and 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms or that the prison sentence imposed or anticipated in the requesting State would not be executed in accordance with the requirements of Article 3 of the said Convention,

b) there is reasonable ground to believe that the person whose extradition is sought would in the requesting State be subjected to persecution for reasons of his origin, race, religion, association with a particular national minority or class, his nationality or political opinions or that due to these factors his status in the criminal proceedings or in the enforcement of the sentence would be prejudiced,

c) taking into account the age and personal circumstances of the person whose extradition is sought, he would most likely be inadequately severely punished by extradition in proportion to the level of gravity of the criminal offence he allegedly committed,

d) in the case of the criminal offence, for which the extradition is requested, the capital punishment may be imposed in the requesting State, unless the requesting State gives a guarantee to the effect that the capital punishment will not be imposed, or

e) requesting State requests the extradition in order to execute capital punishment.

(3) If the minister of justice does not allow the extradition to proceed, the ministry of justice shall submit the matter to the General Prosecution Office in order to commence criminal prosecution in compliance with the legal order of the Slovak Republic.

Section 511

Postponement of surrender or temporary surrender

(1) If the presence of the person whose extradition is sought is necessary in the Slovak Republic for the purposes of termination of the criminal prosecution or the enforcement of the prison sentence for criminal offences other than those which are the object of the extradition request, the Minister of Justice may, after granting extradition, postpone the surrender of the person to the requesting State.

(2) The Minister of Justice may authorise a temporary surrender of the person to the requesting State for the purpose of carrying out necessary procedural acts. The temporary surrender may be repeated.

(3) The provisions of Articles 545 paragraph 2 lit. b) and c), Section 546 paragraph 2 and Section 547 shall apply accordingly to the cases of temporary surrender.

(4) If during the temporary surrender the person was sentenced in the territory of the requesting State by a final judgement for the criminal offence for which extradition was granted, the Minister of Justice may decide, upon a request by the requesting State, to postpone the return of the person to the territory of the Slovak Republic until the person will have terminated serving the imposed prison sentence in the territory of the requesting State.

Such decision may not be taken if the criminal prosecution in the Slovak Republic was not effectively terminated.

(5) The time the person spent in custody during the temporary surrender abroad shall be counted against the length of the sentence carried out in the territory of the Slovak Republic to the extent in which it had not been counted against the length of the sentence carried out in the territory of the requesting State. The time spent serving the sentence imposed in the requesting State shall not be counted against the length of the sentence carried out in the Slovak Republic.

Section 512

Concurrent Extradition Requests

(1) If several States submitted their requests for the extradition of the same person to the Slovak authorities, the conditions of admissibility shall be established in respect of each of the States separately.

(2) If the court decided that extradition was admissible to several States, or if the person whose extradition is sought gave his consent to extradition to several States, the Minister of Justice when granting the extradition shall decide also to which State the person shall be surrendered first.

Section 513

Waiver of Remaining Term of a Prison Sentence

(1) The Minister of Justice may waive the enforcement of the prison sentence or its remainder when he grants extradition of a sentenced person. If subsequently the extradition is not effected, the court shall rule that the sentence or its remainder shall be enforced.

(2) An appeal against the decision of the court under paragraph 1 shall admissible.

Section 514

Additional Consent and Consent to Re-extradition

(1) The provisions of this Section shall apply accordingly to the request by the State of extradition to be given consent to:

a) prosecute the person for a different offence or to enforce a different prison sentence than the one for which extradition had been granted,

b) extradite the person to a third State for criminal prosecution or execution of a sentence.

(2) The authorities which proceeded on the original extradition request shall have jurisdiction to proceed on the new request.

(3) The simplified extradition proceedings under Article 503 shall not be admissible.

(4) The court shall always decide on the admissibility of extradition in a closed hearing. The court acts in the matter together with the defence counsel of the requested person and delivers all documents to him. An appeal against the decision on admissibility of extradition may be lodged by the defence counsel.

CHAPTER THREE
ENFORCEMENT OF DECISION IN RELATION TO OTHER COUNTRIES

Division One
Recognition and Enforcement of Foreign Decisions

Section 515
Foreign Decision

(1) The decision of the court of another State in a criminal matter (hereinafter referred to as "foreign decision") by which a punishment was imposed may be performed in the territory of the Slovak Republic only if it is recognised by the Slovak court..

(2) A foreign decision may be recognised in an enunciation by which

a) the guilt was established, but the imposition of a sanction was suspended,

b) prison sentence or a suspended sentence were imposed,

c) pecuniary penalty or a disqualification were imposed,

d) suspended sentence or a pecuniary penalty were transformed into a prison sentence, or

e) forfeiture of assets or any part thereof, or items or their confiscation was pronounced, provided they are located in the territory of the Slovak Republic (hereinafter referred to as "foreign assets decision"),

f) protective supervision or detention was imposed, or

g) punishment by winding up a legal entity, punishment by prohibition of receiving grants or subsidies, punishment by prohibition of receiving assistance and support provided from the

funds of the European Union, punishment by prohibition of participating in public procurement or punishment by publishing the convicting judgment was imposed.

(3) A foreign decision by which the already recognised decision was changed in the statement on guilt in favour of the convicted has an effect in the Slovak Republic without recognition.

Section 516

Conditions for Recognition

(1) A foreign decision shall be recognised in the Slovak Republic if:

a) an international treaty includes a possibility or an obligation to recognise or enforce an foreign decision,

b) it is final in the State of conviction or if there is no possibility to lodge an ordinary remedy against it,

c) the act for which the penalty was imposed, is a criminal offence under both legal systems, that of the State of conviction and that of Slovak Republic, it is not an obstacle to recognising the foreign decision if the legal system of the Slovak Republic does not impose the same type of tax or fee or does not contain a tax, fee, customs or foreign exchange institute of the same type as the legal system of the requesting party,

d) the decision was made in proceedings which comply with the principles contained in Article 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms,

e) the person was not sentenced for a criminal offence which is exclusively of a political or military nature,

f) the enforcement of the sentence is not statute-barred under the law of the Slovak Republic,

g) the person had not already been sentenced for the same act by the Slovak court,

h) no decision of another State in respect of the same person for the same act had been recognised in the Slovak Republic, and

i) the recognition is not contrary to the interests protected by Section 481.

(2) If the reason for the proceedings on recognition is the procedure under second and third subsection of this chapter, the withdrawal by the convicted person at any stage of the proceedings of the consent with extradition, is not an obstacle to recognition of the foreign decision, in cases where such consent is required, or if one of the other conditions of the procedure under second or third chapter lapsed. The Section 519 para. 4 shall apply accordingly for the effects of that recognised decision.

Section 517
Conversion of Sanction

(1) A foreign decision shall be recognised by the Slovak court by converting the sanction imposed therein into a sanction which the court would have imposed if it had proceeded on the committed criminal offence itself. The Slovak court must not, however, impose a more severe sanction than the one imposed in the foreign decision, nor may convert it into a different kind of sanction.
(2) If the length and type of the prison sentence imposed in the recognised foreign decision are compatible with the law of the Slovak Republic, the court in its decision on recognition shall decide that the enforcement of the sentence imposed in the foreign decision shall be continued without the conversion referred to in paragraph 1. This procedure shall, however, not be admissible if the court recognised the foreign decision only in respect of some of the several offences for which the foreign decision was imposed.
(3) In its decision on the recognition of a foreign property decision, the Slovak court shall also decide who shall receive the title to the forfeited assets, its part or to an item. If it does not rule otherwise, owner of the assets, its part or items, is the Slovak Republic.

Section 518
Procedure for Recognition

(1) The motion for recognition of a foreign decision shall be submitted by the Ministry of Justice to the court which shall decide in a closed hearing after obtaining a written statement from the prosecutor.
(2) The Regional Court in whose district the sentenced person has his residence shall have jurisdiction to proceed under paragraph 1. If the sentenced person does not have his residence in the Slovak Republic, the Regional Court in Bratislava shall have jurisdiction. If the subject of the proceeding is a foreign property decision, the Regional Court in whose territory the property or the item to which the foreign decision relates are located shall have jurisdiction.
(3) The Regional Court shall decide by a judgement which shall subsequently be served to the sentenced person, the prosecutor and the Ministry of Justice.
(4) An appeal against the judgement on recognition of a foreign decision by the sentenced, the prosecutor or the Minister of Justice shall be admissible. The appellate court in a closed

hearing shall reject the appeal, if it finds it unsubstantiated. If it does not reject the appeal, it shall revoke the decision and after taking additional evidence, if necessary, it shall itself decide by a judgement, whether the foreign decision shall be recognised or not.

(5) When the judgment on recognition of foreign decision becomes final, the regional court shall immediately return to the ministry of justice the judgment together with the attachments of its proposal, the request of the foreign authority and its attachments, and it shall send to General Prosecution Office all information about the convicted person, which is necessary in order to make an entry into the Criminal Register. Without undue delay after the judgment on recognition of a foreign decision becomes final for the legal entity, the Regional Court shall notify the authority keeping the Commercial Register, or other register determined by law, upon registration in which the legal entity is incorporated, and the authority that is to enforce the decision.

Section 519

Effects of recognised foreign decision

(1) The recognised foreign decision shall have the same legal effects as a judgement of a Slovak court.

(2) If the foreign decision contains sentences in respect of several persons, the recognition shall have effects only in relation to the sentenced person in respect of which the motion for recognition was made.

(3) If the recognised foreign decision relates only to an individual act of a continuous criminal offence committed in the territory of another State, the recognised foreign decision shall not be an obstacle to the criminal prosecution of the sentenced person for other individual acts of the continuous criminal offence which were committed in the territory of the Slovak Republic.

(4) If the convicted person revoked his consent with extradition for enforcement of the penalty after recognition of the foreign decision, and if such a consent is required for the procedure under the second or the third division of this chapter, or if the transfer did not take place due to other reason, the recognised foreign decision may be enforced on the territory of the Slovak Republic, only if the convicted person did not serve in full the imprisonment sentence in the State of conviction, or in case he was released on probation only if the State of conviction asks for enforcement of the rest of imposed penalty because the convicted person did not prove himself while on probation.

Section 520

Custody

(1) If it is necessary for the purposes of securing the enforcement of a foreign decision, the court having jurisdiction under Article 518 paragraph 2 may, anytime between the submission of the motion for recognition of a foreign decision and the writ of enforcement of the recognised foreign decision, order custody for the person who was sentenced by the foreign decision to a prison sentence and who is in the territory of the Slovak Republic; the court shall not be bound by the grounds for custody specified in Article 71.

(2) An appeal against the decision on custody shall be admissible, but it shall have no suspensive effect.

Section 521

Enforcement Procedure

(1) A foreign decision may be enforced in the Slovak Republic in cases specified in Article 522 and Article 524 only after the Ministry of Justice has given its consent.

(2) The District Court in whose district the sentenced person has his residence shall have jurisdiction to order the enforcement of the recognised foreign decision. If the sentenced person does not have his residence in the Slovak Republic, the District Court in Bratislava 1 shall have jurisdiction.

(3) The jurisdiction to order the enforcement of a foreign property decision shall vest in the District Court in whose district the property or the item to which the decision relates are located.

(4) The court specified in paragraphs 1 and 2 shall have jurisdiction for all subsequent issues of the enforcement proceeding, including the motion for the erasure of the sentence imposed by the recognised foreign decision.

(5) If the sentenced person serves abroad his prison sentence imposed by a foreign decision which has been recognised by the Slovak court, the court shall order the enforcement of the recognised foreign decision before the date of the transfer of the sentenced person to the territory of the Slovak Republic.

(6) Together with the writ of enforcement, or in cases under paragraph 5 following the surrender of the sentenced person to the territory of the Slovak Republic, the court shall rule

on the length of the sentence to be served while counting against it the custody under Article 520, the custody and the sentence already served abroad as well as the time spent in transit.
(7) The court shall terminate the enforcement of the recognised foreign decision as soon as the State of origin of the decision informed it about an amnesty, pardon or another measure making the foreign decision non-enforceable any longer. If the amnesty, pardon or another measure has only the consequence of reduction of the sentence imposed, the court shall decide what sentence remains to be served by the sentenced. An appeal against such a decision shall be admissible.
(8) Otherwise the enforcement of the foreign decision shall be governed *mutatis mutandis* by the provisions of this Code relating to the enforcement proceedings.

Division Two
Acceptance and Transfer of the Convicted Person for the Enforcement of a Prison Sentence

Section 522
Acceptance of the Convicted Person for the Enforcement of a Prison Sentence from a Foreign State

(1) The Ministry of Justice shall have the authority to decide, on the basis of an international treaty, on the transfer of a sentenced person to the territory of the Slovak Republic to serve the prison sentence imposed by a foreign decision, upon a request by the sentencing State or by the convicted person.
(2) The Ministry of Justice may give its consent to the transfer of the sentenced person or itself request the transfer from the sentencing State only if the foreign decision has been recognised under Subsection One of this Section.
(3) This provision shall apply accordingly also to the transfer of the sentenced person to the enforcement of the prison sentence imposed by a foreign authority in cases where the sentenced is located in the territory of the Slovak Republic.

Section 523
Transfer of the Convicted Person for the Enforcement of a Prison Sentence in a Foreign State

(1) The Ministry of Justice shall have the authority to take the decision, on the basis of an international treaty, to transfer abroad a person sentenced by a Slovak court to a prison sentence.

(2) Such transfer may be granted upon the motion by the sentenced person, the State of transfer or the court which imposed the sentence in the first instance. If the motion was not made by the competent court, the granting of transfer shall be conditional on the court's agreement.

(3) When the transfer is allowed, the district court, in the district of which the person serves the imprisonment sentence, shall issue the order to transfer the sentenced person to foreign authorities or the order to transfer the sentenced person abroad.

(4) The transfer of the sentenced person to serve the sentence in another State shall result in the loss of the jurisdiction of the Slovak authorities to continue the enforcement of the sentence, unless the sentenced person shall return to the Slovak Republic without having served the sentence in the State of transfer in full or without being paroled there. If, after the return of the sentenced person, the enforcement shall be continued, the sentence already served abroad shall be counted against the sentence to be enforced.

(5) With the exception of paragraph 3 these provisions shall apply accordingly to the transfer of the enforcement of the prison sentence imposed by a Slovak court to another State if the sentenced is already in the territory of that State.

Division Three
Acceptance and Transfer of the Enforcement of the Conditional Punishment with Supervision

Section 524
Decision on Acceptance of Enforcement of the Conditional Punishment with Probationary Supervision from a Foreign State

(1) If an international treaty provides so, the Ministry of Justice may upon a request by a foreign authority decide that the Slovak authorities shall

a) supervise the behaviour of the sentenced person during the suspended sentence imposed by a foreign decision, or
b) decide, in addition to monitoring the behaviour of the convicted person during the probationary period, even whether the convicted person has proven himself competent or

not during the probationary period, or whether the conditionally imposed or deferred prison sentences or its remaining term is to be enforced..

(2) The prerequisite for the decision under paragraph 1 shall be the recognition of a foreign decision under Subsection One of this Section.

Section 525

Procedure by Slovak Authorities

(1) Following the decision under Article 524 the behaviour of the sentenced person during the suspended sentence according to the conditions imposed shall be supervised by the District Court in whose district the sentenced person resides by probation and mediation officer.

(2) The court shall inform the Ministry of Justice of all facts that may affect the assessment of whether the convicted person has proven himself competent during the probationary period.

(3)

If it was decided under Section 524 Subsection 1 Paragraph a), the court shall submit the report on the behaviour of the convicted person during the probationary period to the Ministry of Justice after the expiry of the probationary period. The court shall not decide that the convicted person has proven themselves competent, or that the punishment shall be enforced, nor shall it order the enforcement of such punishment.

(4) If it was decided under Section 524 probationary 1 lit, b), the court under paragraph 1 is competent to decide whether the convicted person has proven themselves competent or whether the punishment shall be enforced. If it decides that the punishment shall be enforced, the court shall order its enforcement. The provisions of Section 521 shall apply accordingly.

Section 526

Request for Transfer of Enforcement of Suspended Sentence Abroad

If an international treaty provides so, the court which imposed a suspended sentence on a person who resides abroad or suspended the prison sentence of such a person may submit to the Ministry of Justice a motion to the effect that the authorities of the State of the sentenced person's residence should take over:

a) supervise the behaviour of the sentenced person during the term of the suspended sentence, or

b) in addition to monitoring the behaviour of the convicted person, they shall also decide on whether the convicted person has proven himself competent, or order the execution of punishment if the convicted person has not proven himself competent during the probationary period.

Section 527
Consequences of the Transfer of the Execution of the Conditional Punishment

(1) If the requested State decided under Section 526 Paragraph a), the Slovak court remains competent to decide on whether the convicted person has proven himself competent during the probationary period or whether the punishment shall be enforced. The final decision that the punishment will be executed shall be submitted, if necessary, to the Ministry of Justice for the purpose of the submission of the request on the enforcement of such decision in the requested State.
(2) If the requested State has decided to take over also the enforcement of the suspended sentence should the sentenced person not has not proven himself competent the further enforcement of the sentence in the Slovak Republic is no longer admissible if:
a) the foreign authority decided on the enforcement of the suspended sentence and the sentenced person served the sentence in full, or
b) the foreign authority decided that has proven himself competent.
(3) Foreign decisions under paragraph 2 shall have the same effects in the Slovak Republic as if they had been issued by the Slovak court.

CHAPTER FOUR
TRANSFER OF CRIMINAL PROCEEDINGS

Section 528
Acceptance of the Criminal Matter

(1) The Prosecutor General's Office shall have jurisdiction to take the decision on the request by a foreign authority to take over the criminal proceedings it is conducting. The Prosecutor General´s Office shall inform the ministry of justice accordingly.
(2) If the Prosecutor General's Office accepts the request under paragraph 1 it shall instruct without delay the competent prosecutor's office to proceed under the provisions of this Code.

(3) Any procedural act carried out by the authorities of the requesting State in accordance with the law of that State, shall have in the Slovak Republic the same validity as if it had been carried out by the Slovak authorities, provided that its admission does not give this act a greater evidentiary weight than it has in the requesting State.
(4) If the requesting State revokes its request for transfer of criminal proceedings by the reason of continuing the criminal proceedings by itself, Slovak authorities shall loose the jurisdiction to continue in the criminal proceedings.

Section 529
Transfer of the Criminal Matter

(1) If the accused in the criminal proceedings carried out in the Slovak Republic is a foreign national or resides in another State, the Slovak authorities may initiate the transfer of the criminal proceedings to that State.
(2) The decision to request the transfer of criminal proceedings abroad shall be taken by the Minister of Justice; in the pre-trial stage s/he decides upon the motion of the Prosecution General Office.
(3) The transfer of the criminal proceedings abroad may be initiated in particular if
a) the extradition of the accused from the requested State is not possible, was not granted or if extradition was not requested for another reason,
b) it seems cost-effective and efficient to carry out the criminal prosecution in the requested State, in particular for the purposes of finding of facts, degree of punishment or the execution of the sentence,
c) if the accused was or shall be extradited to the requested State or if it is likely, for a different reason, that his personal appearance in the criminal proceedings in that State shall be possible,
d) the extradition of the person sentenced to a prison sentence by the Slovak court in a final judgement is not possible or was not granted by the requested State and the enforcement of the sentence in that State is not possible.
(4) After the decision of the requested State to accept the transfer of the criminal proceedings it shall be inadmissible in the territory of the Slovak Republic to continue the criminal prosecution of the accused, or to enforce the sentence imposed for a criminal offence in respect of which criminal proceedings were transferred.

(5) The Slovak authorities may continue the criminal proceedings or order the enforcement of the sentence, if the requested State:

a) declares that it shall not proceed in the matter,

b) subsequently revokes its decision on the transfer of the criminal proceedings, or

c) declares that it shall not continue the proceedings.

Section 530
Information on Execution of the Subsidiary Criminal Jurisdiction

Upon the request by a foreign authority conducting or intending to conduct criminal proceedings in respect of a criminal offence committed abroad, the General Prosecutor's Office shall inform whether the Slovak authorities exercise their jurisdiction to conduct the criminal proceedings in respect of the same offence.

CHAPTER FIVE
INTERNATIONAL LEGAL ASSISTANCE

Section 531
Definition of the Subject

Legal assistance means actions after the commencement of the criminal proceedings in the Slovak Republic performed in a foreign State on the basis of a request from the Slovak authorities, or such actions performed in the territory of the Slovak Republic upon the letter rogatory of the foreign authorities, in particular the serving of documents, interrogation of persons, and performance of other evidence.

Division Two
Requests by Slovak authorities

Section 532
Form of Transmission of Requests

(1) Requests for legal assistance emanating from the Slovak pre-trial authorities shall be transmitted abroad through the General Prosecutor's Office. Requests for legal assistance

emanating from the Slovak courts shall be transmitted abroad through the Ministry of Justice. Diplomatic channels shall not be excluded.
(2) If an international treaty provides so, the Slovak authorities may transmit their requests abroad through other channels than the ones provided for in paragraph 1. The police officer may transmit the requests abroad solely through a prosecutor.

Section 533
Contents and form of request

(1) A request for legal assistance shall, in addition to a precise description of the required act of assistance, contain a description of the facts of the offence which is the basis of the request, the legal denomination of the offence together with a verbatim wording of the pertinent legal provisions, the personal data of the accused or, as the case may be, of the victim or the witnesses if their examination is requested, as well as further details required for the proper execution of the requested legal assistance.
(2) The request shall contain the exact specification of the requesting authority, its file number, the date of the request and it shall bear the signature of the responsible officer and the round seal of the requesting authority.
(3) The request and the supporting documents shall be accompanied by a translation into a foreign language done by an official translator if in relation to the requested State such translation is required.

Section 534
Postal service

Service of documents on a person abroad by post shall be admissible only if so permitted by an international treaty.

Section 535
Validity of procedural acts

Service effected by a foreign authority upon a request by the Slovak authority as well as evidence taken by such authorities shall be valid if they were carried out in accordance with the law of the requested State or if they comply with the law of the Slovak Republic.

Section 536
Summoning Persons from Abroad

(1) If the personal appearance of a person who stays abroad is required at a procedural act, he must be served the summons by a request for legal assistance. His appearance must not be compelled by the threat of the use of coercive measures.
(2) The person who appears in the territory of the Slovak Republic on the basis of a summons must not be subjected to criminal prosecution, convicted or restricted in his personal liberty in respect of a criminal offence committed prior to his entering the territory of the Slovak Republic.
(3) Criminal prosecution, conviction or restriction of personal liberty of the summoned person shall, however, be admissible:

a) in respect of the criminal offence for which the person was summoned as accused,
b) if, after giving evidence, the summoned person remains in the territory of the Slovak Republic for a period of more than 15 days, having had an opportunity to leave,
c) if the summoned person leaves the territory of the Slovak Republic and returns voluntarily or is lawfully returned to the Slovak Republic from another State.

Division Three
Requests of Foreign Authorities

Section 537
Manner and Form of Request Execution

(1) Slovak authorities shall carry out the legal assistance requested by foreign authorities in the manner provided for in this Code or in an international treaty. If the legal assistance shall be provided on the basis of an international treaty by a procedure not provided for in this Code, the responsible prosecutor shall decide how such assistance shall be carried out.
(2) At a request by the foreign authority the assistance may be provided on the basis of the legal provisions of another State, unless the requested procedure is contrary to the interests protected by Section 481.

(3) In order to execute the letter rogatory under Section 539 para. 1 it is required that the act which the letter rogatory concerns is a criminal offence not only under the legal system of the requesting State but also under the legal system of the Slovak Republic.

Section 538

Responsibility for execution of requests

(1) Requests of a foreign authority for legal assistance shall be sent to the Ministry of Justice.
(2) The district prosecutor's office in whose district the requested assistance shall be carried out shall have the responsibility for the execution of the request for legal assistance made by a foreign authority. If more prosecutors` offices have territorial jurisdiction, the ministry of justice shall send the request to the General Prosecution for the decision on which prosecution office shall provide for its execution.
(3) If the foreign authority requests that the examination of a person or another act of legal assistance shall be executed by the court by the reason of applicability of the act in the criminal proceedings in requesting State, the prosecutor shall submit the request in that part for execution to the District Court in whose district the requested assistance shall be carried out. If the exclusive subject of the request is the act, which has to be executed by a court, the request shall be sent to the court directly by the Ministry of Justice.

Section 539

Authorisation of Assistance by Court

(1) If under this Code the taking of evidence requested by the foreign authority requires an authorisation by the court, such authorisation shall be given by a judge upon a motion by the prosecutor responsible for the execution of the request.
(2) If the assistance shall be provided on the basis of foreign legal provisions, the judge shall decide upon a motion by the prosecutor whether the foreign procedure does not conflict with the interests protected by the provisions of Article 481. If he does not find such a conflict he shall authorise the provision of the assistance and shall at the same time decide how the evidence shall be taken. An appeal by the prosecutor, with a suspensive effect, shall be admissible against the court's decision. The decision of the court on contradiction of procedure under foreign provision is not required, if it concerns delivery of a document or instruction of a person under foreign provision.

(3) The District Court in whose district the assistance shall be carried out shall have jurisdiction to decide under the paragraphs 1 and 2.

Section 540

Acts by foreign authorities

(1) Foreign authorities may not execute any acts of legal assistance in the territory Slovak Republic by themselves.
(2) A foreign consular office having jurisdiction for the territory of the Slovak Republic may carry out, if so mandated by the authorities of the State it represents and on their behalf, procedural acts for criminal proceedings only with the prior consent given by the Ministry of Justice. Service of documents on the national of the represented State or the examination of a person who appears voluntarily shall not require any prior consent by the Ministry of Justice.
(3) The presence of representatives of the foreign authorities as well as other persons at the execution of legal assistance by the Slovak authority shall only be possible with the prior consent by the responsible prosecutor; if the request shall be executed by the court, the consent shall be given by this court.

Section 541

Service of Documents

(1) If the document to be served on an addressee in the Slovak Republic is written in the Slovak language or in a language which, taking into account all circumstances of the case, is deemed to be understood by the addressee, or if a translation into such language is attached to the document and no personal service is requested, the document shall be served on the addressee in accordance with the provisions of this Code governing the service in proper hands. Service by deposit shall be admissible only after a repeated attempt to serve.
(2) If the document is not in the language specified in paragraph 1 and no translation into such language is attached to the document, and the requesting authority was not required under an international treaty to provide such translation, the authority executing the assistance shall arrange for the Slovak translation and subsequently serve the document as provided for in paragraph 1. Otherwise it shall serve the document to the addressee only should he accept it voluntarily after being advised on the possibility to refuse the service.

(3) If the requesting authority requests personal service of the documents, the documents shall be served on the addressee in person. In such an event, the service under paragraph 1 shall not be admissible and should even the repeated attempt to serve the document in person fail, the authority effecting the service shall return the request non-executed and in the cover letter it shall specify the reasons for the failure of service. The addressee shall confirm the effected service by signing the receipt provided by the requesting authority or in the protocol of the authority effecting the service. If the addressee refuses to accept the documents for reasons specified in paragraph 2, the authority effecting the service shall record this fact in the receipt provided by the requesting authority or in the cover letter by which it returns the request to the requesting authority.

Section 542

Examination under Oath

(1) If requested by the foreign authority, witnesses, experts and parties may also be examined under oath; prior to the oath they must be advised on importance of the statement and of the consequences of perjury.
(2) The wording of the oath for the witnesses and parties shall be the following: "I swear on my honour that I shall say the truth and nothing but the truth and withhold nothing intentionally."
(3) The wording of the oath for the expert witness shall be the following: "I swear on my honour that I shall give my expert opinion according to my best knowledge and conscience. I declare that I am aware of criminal consequences of false expert opinion".

Division Four:

Special forms of legal assistance

Section 543

Transit

(1) The Minister of Justice shall have the authority to grant the transit of a person through the territory of the Slovak Republic for the purposes of criminal prosecution or execution of a prison sentence upon a request by a foreign authority. During the transfer the personal liberty of the transferred person will be restricted in order to prevent his escape; in order to restrict

the personal liberty of the transferred person the coercive measures under special law shall be used.

(2) The decision granting the transfer for purposes which imply the return transfer through the territory of the Slovak Republic shall be deemed as a decision granting such return transfer as well.

Section 544

Cross-border Observation and Pursuit

(1) In accordance with the terms of an international treaty the police authority may, in observing a person, enter the territory of another State and continue the observation of the person even on the territory of that State.

(2) The authorisation to proceed under paragraph 1 shall be issued by the presiding judge or in the pre-trial by the prosecutor.

(3) In the case of urgency, the procedure under paragraph 1 shall be possible also without an authorisation solely on the basis of consent by the President of Police Force or by the person entitled by the President of Police Force. The authority having jurisdiction to authorise under paragraph 2 shall be informed without delay.

(4) Foreign authorities may carry out the observation in the territory of the Slovak Republic in accordance with the terms of an international treaty. If the international treaty does not specify which Slovak authority has jurisdiction to grant the permission to carry out the cross-border observation in the territory of the Slovak Republic, the permission shall be given by the prosecutor or in urgent cases by the President of Police Force or the person entitled by him. The President of Police Force or the person entitled by him shall inform about the given permission the competent prosecutor who shall decide on continue the observation.

Temporary Surrender of Person Abroad for the Performance of Actions

Section 545

(1) At the request of a foreign authority a person in custody or serving a prison sentence in the Slovak Republic may be temporarily surrendered abroad for the purposes of giving evidence.

(2) The person specified in paragraph 1 may be temporarily surrendered only if:

a) he is not the accused in the proceedings abroad and he consents with the temporary surrender,

b) his absence does not alter the purpose of the custody or the enforcement of the sentence carried out in the Slovak Republic
c) the temporary surrender does not inadequately extend the length of custody in the Slovak Republic, or the temporary surrender does not extend the length of the prison sentence served in the Slovak Republic.

Section 546

(1) The Minister of Justice shall have the authority to grant the temporary surrender abroad. In his decision he shall set out an appropriate deadline for the return of the person to the territory of the Slovak Republic.
(2) After the temporary surrender was granted, the decision to transfer the person abroad shall be made by the district court in whose district the person is in custody or serving the prison sentence.

Section 547

(1) The time the person spent in custody abroad shall not be counted against the deadlines under Article 76. The decision to this effect shall be taken by the court, and in the pre-trial by the judge for pre-trial proceedings upon the motion of the prosecutor.
(2) The time specified in paragraph 1 shall be counted against the length of the sentence served in the Slovak Republic.
(3) An appeal against the decisions under the paragraphs 1 and 2 shall be admissible.

Section 548

Articles 545 to 547 shall apply accordingly to the transfer of a person abroad to participate in an act of legal assistance carried out in the territory of another State upon a request by the Slovak authorities.

Section 549

Temporary Acceptance of a Person from a Foreign State for the Performance of Actions

(1) If in the criminal proceedings in the Slovak Republic the personal appearance of a person other than the accused is necessary for evidentiary purposes and such person is in custody or

serving a prison sentence abroad, the prosecutor or the judge may request the Ministry of Justice to arrange the temporary surrender of the person to the territory of the Slovak Republic. The motion submitted to the Ministry of Justice shall specify the procedural acts for which the presence of the person is necessary as well as the date or the period of time for which the personal appearance shall be arranged.

(2) If the requested State authorised the temporary surrender to the territory of the Slovak Republic, the presiding judge of a panel, or in the pre-trial upon the motion by the prosecutor judge for pre-trial proceedings, shall decide that during the period of the temporary surrender in the Slovak Republic such person shall be held in custody. In this resolution shall be specified that the custody shall commence on the day of the surrender of the person to the territory of the Slovak Republic.

(3) The provisions of the paragraphs 1 and 2 shall apply accordingly to the surrender of a person from abroad to participate in an act of legal assistance carried out in the territory of the Slovak Republic upon a request by the foreign authorities.

Section 550

Surrender of Items

(1) Upon a request by a foreign authority the seizure of an item and its subsequent surrender abroad can be effected.

(2) The requested authority may postpone the surrender of the seized item if the Slovak authorities need it in their criminal proceedings.

(3) When surrendering the seized item the requested authority shall request its return from the foreign authority. It may, however, expressly waive this right or may agree that the item shall be returned directly to its rightful owner.

(4) These provisions shall apply accordingly to the surrender of an item seized with the person whose extradition is sought. Such item shall be surrendered to the foreign authorities, whenever possible, together with the extradited person.

Section 551

Seizure of Property

(1) Under the conditions specified in an international treaty the court may, on the basis of a request by the foreign authority, and upon a motion by the prosecutor, order the provisional

seizure of movables, immovable, financial assets at the bank account, in a branch of a foreign bank, securities or another property located in the territory of the Slovak Republic, that is intended to be used to commit a criminal offence, was used to commit a criminal offence or is a proceed of crime, and its forfeiture or seizure is expected. Provisions of Section 95 paragraphs 3, 4 and 6, and Section 96 paragraphs 3 and 5 shall apply accordingly.

(2) The District Court in whose district the property to be seized is located shall have jurisdiction to decide on the motion under paragraph 1.

(3) If the case is urgent, the prosecutor may deliver an order pursuant to the paragraph 1, which has to be approved in 48 hours by the judge competent under paragraph 2, otherwise it shall expire.

(4) The District Court shall revoke the provisional seizure on the basis of a motion of the foreign authority which asked for the provisional seizure, or on the basis of conditions set out in an international treaty. The District Court may also revoke the provisional seizure if the foreign state in proper time does not ask for execution of foreign property decision concerning the seized property.

Section 552

Information from Criminal Records

Any request by a foreign authority for information from the criminal records shall be submitted to the Prosecutor General's Office.