

Selected Problems of Czech Criminal Law

Introduction to the Special Part of the Czech Criminal Code

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Relation Between General and Special part of the CC

- General part
 - lays down the conditions of criminal liability
 - prescribes sanctions
 - interprets some commonly used terms (mental illness, child, break-in, use of violence etc.)
- Special Part
 - enumerates particular criminal offences
- General and Special part mutually cooperate
 - both need each other
 - only when read in conjunction they give results

Systematics of the Special part of the CC

- 13 chapters
 - sometimes divided into divisions
- Ordered by the rate of abstraction of the protected interest from individual to collective
 - criterion of order is group object
- Difference from the past regulation
 - special part began with interests of the state and just after them it followed with interests of individuals

- Crimes against life and health
- Crimes against freedom and rights to protection of personality, privacy and confidentiality of correspondence
- Crimes against human dignity in sexual matters
- Crimes against family and minors
- Crimes against property
- Economic crimes
- Generally dangerous crimes
- Crimes against environment
- Crimes against the republic, foreign state and international organization
- Crimes against order in public affairs
- Crimes against conscription duty
- Military crimes
- Crimes against humanity, peace and war crimes

Chapter I. – Crimes against life and health

- **Division 1 – Crimes against life**

- common object – human life
- murder, manslaughter, murder of a newly born child by his/hers mother, negligent killing, participation in a suicide

- **Division 2 – Crimes against health**

- common object – human health
- grievous bodily harm, bodily harm, bodily harm out of excusable motives, negligent grievous bodily harm, negligent bodily harm

- **Division 3 – Crimes endangering life or health**

- common object – life and/or health
- torture and other inhuman and cruel treatment, failure to provide help, failure to provide help by a driver of a motor vehicle, spreading of a contagious human disease, brawl etc.

Chapter I. – Crimes against life and health

- Division 4 – **Crimes against pregnancy of a woman**
 - common object – unproblematic course of pregnancy and protection of women's health during abortion
 - illegal abortion without a women's consent, illegal abortion with a women's consent, assistance to abortion, tempting a woman to abortion
 - the pregnant woman is never criminally liable
- Division 5 – **Crimes relating to illegal treatment of human tissues and organs, human embryo and human genome**
 - common object – dignified treatment of human biological components
 - illegal extraction of tissues and organs, illegal handling with tissues and organs, extraction of tissues and organs and exercise of a transplantation for a consideration, illegal handling with human embryo and genome

ECHR judgment (GC) Vo v. France of July 8, 2004 (app. No.53924/00)

- Ms. Vo (Vietnamese origin) was in her 6th month of pregnancy and went to hospital for a regular check
- At the waiting room, another Ms. Vo was present, who had an appointment to have her contraceptive coil removed
- When the nurse called „Ms. Vo, please come in“, the pregnant Ms. Vo entered, although the call was addressed to the other Ms. Vo
- While Ms. Vo didn't understand much French, the doctor stopped an effort to have a medical interview with her and according to the medical documentation, proceeded with the removal of the coil without medically examining her first
- When he realized his mistake, it was too late and in spite of every attempt to save the foetus and there was a miscarriage

Vo v. France

- Was there a crime against a life of the foetus?
- Was there another crime?
- When does a foetus become a subject of protection fo criminal law?

Vo v. France – the outcome

[...]it is neither desirable, nor even possible as matters stand, **to answer in the abstract the question whether the unborn child is a person** for the purposes of Article 2 of the Convention (“*personne*” in the French text). As to the instant case, it considers it unnecessary to examine whether the abrupt end to the applicant’s pregnancy falls within the scope of Article 2, seeing that, even assuming that that provision was applicable, **there was no failure on the part of the respondent State to comply with the requirements relating to the preservation of life in the public-health sphere.** With regard to that issue, the Court has considered whether the legal protection afforded the applicant by France in respect of the loss of the unborn child she was carrying satisfied the procedural requirements inherent in Article 2 of the Convention.

Vo v. France – the outcome

[...] the Court has stated on a number of occasions that an **effective judicial system**, as required by Article 2, may, and under certain circumstances must, **include recourse to the criminal law**. However, if the infringement of the right to life or to physical integrity **is not caused intentionally**, the positive obligation imposed by Article 2 to set up an effective judicial system **does not necessarily require the provision of a criminal-law remedy in every case**. In the specific sphere of **medical negligence**, “the obligation may for instance also be satisfied if the legal system affords victims a remedy in the civil courts, either alone or in conjunction with a remedy in the criminal courts, **enabling any liability of the doctors concerned to be established and any appropriate civil redress**, such as an order for damages and for the publication of the decision, to be obtained. Disciplinary measures may also be envisaged”

Murder (sec. 140 CC), manslaughter (sec. 141 CC), negligent killing (sec. 143 CC)

- Whoever intentionally kills another, will be punished...
 - more severe punishment if he commits the act on multiple people, on a pregnant woman, repeatedly, in an especially brutal or tormenting way etc.
- Whoever intentionally kills another in a state of strong agitation caused by fear, fright, disarray or other excusable mind set or as a consequence of prior despicable behaviour of the injured person, will be punished...
- Whoever causes death of another's by negligence, will be punished
 - more severe punishment, if he did so due to a breach of an important duty

Abortion in the Czech Republic

- Law no. 66/1986 Coll., on artificial termination of pregnancy
 - lays down conditions of legal abortion and its procedure
 - until the end of 12th week of pregnancy of a women – upon written request, if it is not impeded by a medical condition
 - later upon her request or with her consent, if her life or health is endangered, if a healthy development of the foetus is endangered or if there is a genetic malfunction in the foetuses' development
- Crime is only
 - conduction of abortion against the pregnant women's will
 - conduction of abortion by illegal medical procedure
 - conduction of abortion after 12th week of pregnancy if there is no medical reason for it
 - persuading or abetting the woman to an illegal abortion

Chapter II. – Crimes against freedom and rights to protection of personality, privacy and confidentiality of correspondence

- **Division 1 - Crimes against freedom**
 - group object – human freedom (particular elements – freedom of movement, freedom of residence, freedom of religion, freedom of rally etc.)
 - human trafficking, entrusting child to another, deprivation of personal freedom, restriction of personal freedom, introduction (kidnapping), robbery, taking hostages, extortion, restriction of freedom of religion, oppression, breach of house freedom, breach of freedom of association rallying

Chapter II. – Crimes against freedom and rights to protection of personality, privacy and confidentiality of correspondence

- **Division 2 – Crimes against rights to protection of personality, privacy and confidentiality of correspondence**
 - group object – protection of other rights and freedoms related to one's personality
 - illegal handling with personal data, damaging of other person's rights, violating the secrecy of transported messages, violation of secrecy of lists and other documents kept in private, defamation

Crimes against confidentiality of messages and documents

- Every unauthorized opening or accessing
 - it is irrelevant whether the injured party took any precaution
- Every unauthorized using or sharing
 - even if the perpetrator got the information by accident or mistake
- Employee of postal or other delivery, transmitting or communication services
 - if he or she suppresses or changes the message or delivery
 - if he or she let another person to breach the secrecy of use its contents

Defamation (sec. 184 CC)

- Whoever imparts an untrue information about another person, which is capable of substantially endangering his esteem among his co-citizens, especially damaging him in his employment, infringing in his family life or inflicting a serious harm to him, will be punished...
 - in principle no true information can trigger criminal liability for defamation
 - factual statement vs. value judgment
 - so called “hybrid statements” – criminal liability for defamation can be triggered

Chapter III. – Crimes against human dignity in sexual sphere

- No inner division
- Objects
 - **sexual self-determination**,
 - protection of orderly sexual development of minors,
 - protection of basic moral principles of sexual life,
 - protection against exploitation of sexual workers
- Individual crimes
 - rape, sexual coercion, sexual abuse, intercourse between relatives, pandering (procuring prostitution), prostitution endangering the moral development of minors, dissemination of pornography, production of and other handling with child pornography, abusing child to production of pornography, attending a pornographic performance, establishing illegal contacts with a minor

Pornography and criminal law in the Czech Republic

- Generally speaking, pornography is legal in the Czech Republic
 - making of, obtaining watching, storing etc.
- Regulation by administrative law (conditions of broadcasting it on TV, ban on its use in commercials etc.)
- Criminal liability might come in play when:
 - it involves a minor or a person who appears to be a minor (under 18)
 - it involves violence or disrespect to a human
 - it involves sexual intercourse with an animal

ECHR's judgment Laskey, Jaggard and Brown ca. UK (21627/93; 21628/93; 21974/93)

In 1987, the police found records of S&M orgies when conducting totally unrelated home searches. Cca 40 men appeared on these recordings going on for cca 10 years.

This discovery led to a prosecution of several of the participants for various crimes against health and against public order. Charges were pressed against a representative sample of the most severe acts, which included i. a. attacks on genitalia with hot wax, sandpaper, fishing hooks and needles, as well as ritual beatings with a bare hand, nettles, belts with studs and floggers. Due to the use of these practices, bleeding occasionally occurred and several participants developed scars.

All of these practice was consensual and done in strict privacy solely for the purpose of sexual arousal. Safety rules had been introduced to prevent injuries, i. a. „safe words“, following which the practice was immediately interrupted.

There was never an injury which would require a medical treatment or which would have permanent effects.

Laskey, Jaggard and Brown ca. UK - outcome

After the court of the first instance:

Laskey - 5,5 years – aiding and abetting keeping a disorderly house possession of an indecent photograph of a child + various counts of assault occasioning actual bodily harm and aiding and abetting assault occasioning actual bodily harm.

Jaggard – 3 years (more or less the same)

Brown – 2 years and 9 months, just bodily harms

After appeal:

Laskey - 2 years

Jaggard – six months

Brown – 3 months

All three were also fired from their jobs, the case was heavily medialized and some of the participants developed various psychoogical disorders due to the stress from the ongoing proceedings

*The Court observes that not every sexual activity carried out behind closed doors necessarily falls within the scope of Article 8 (art. 8). In the present case, the applicants were involved in consensual sado-masochistic activities for purposes of sexual gratification. There can be no doubt that sexual orientation and activity concern an intimate aspect of private life...**However, a considerable number of people were involved in the activities in question which included, inter alia, the recruitment of new "members", the provision of several specially equipped "chambers", and the shooting of many videotapes which were distributed among the "members"**). It may thus be open to question whether the sexual activities of the applicants fell entirely within the notion of "private life" in the*

*...one of the roles which the State is unquestionably entitled to undertake **is to seek to regulate, through the operation of the criminal law, activities which involve the infliction of physical harm. This is so whether the activities in question occur in the course of sexual conduct or otherwise.***

The determination of the level of harm that should be tolerated by the law in situations where the victim consents is in the first instance a matter for the State concerned since what is at stake is related, on the one hand, to public health considerations and to the general deterrent effect of the criminal law, and, on the other, to the personal autonomy of the individual.

The applicants have contended that, in the circumstances of the case, the behaviour in question formed part of private morality which is not the State's business to regulate. In their submission the matters for which they were prosecuted and convicted concerned only private sexual behaviour.

*The Court is not persuaded by this submission. It is evident from the facts established by the national courts **that the applicants' sado-masochistic activities involved a significant degree of injury or wounding which could not be characterised as trifling or transient.** This, in itself, suffices to distinguish the present case from those applications which have previously been examined by the Court concerning consensual homosexual behaviour in private between adults where no such feature was present.*

*Nor does the Court accept the applicants' submission that no prosecution should have been brought against them since their injuries were not severe and since no medical treatment had been required. In deciding whether or not to prosecute, **the State authorities were entitled to have regard not only to the actual seriousness of the harm caused - which as noted above was considered to be significant - but also,...to the potential for harm inherent in the acts in question.** In this respect it is recalled that the activities were considered by Lord Templeman to be "unpredictably dangerous".*

Chapter IV. – Crimes against family and minors

- No inner division
- Objects
 - proper upbringing, nutrition and overall development of children
 - keeping peaceful relations between cohabitants and/or between caretaker and caregiver
 - marital monogamy
- Individual crimes
 - double marriage, abandonment of a child or caretaker, neglecting compulsory nurturement, maltreatment of caretaker, maltreatment of cohabitant, abduction of a child or a person suffering from a mental illness, endangerment of child's upbringing, tempting to sexual intercourse, serving alcohol to a minor

Chapter V. – Crimes against property

- No legal division, division by theory
 - enriching crimes (theft, embezzlement)
 - damaging crimes (damaging of creditor, damaging another's property)
 - stealing of utility (illegal use of another's property)
 - looting crimes (money laundering)
- Object – right to ownership, ownership legal relations
- Levels of damage (sec. 138 CC)
 - damage not marginal ≥ 5.000 CZK (app. 196 EUR)
 - damage not small ≥ 25.000 CZK (app. 980 EUR)
 - larger damage ≥ 50.000 CZK (app. 1.960 EUR)
 - significant damage ≥ 500.000 CZK (app. 19.960 EUR)
 - damage of large proportions = 5,000.000 CZK (app. 199.600 EUR)
 - used also as level of benefit

Chapter V. – Individual crimes against property

- Individual crimes
 - theft, embezzlement, illegal use of another's property, infringement of another's rights to a flat, house or non-residential space, fraud (generic, credit, insurance, subsidy), conducting unfair games and bets, legalization of criminal profits (also negligent), usury (loan-sharking), withholding of a found item, breach of obligation while administering another's property (also negligent)
 - violation of obligation to make a true declaration of property, damaging of another's property, abuse of ownership

Chapter V. – Individual crimes against property – continuation

- Insolvency related crimes
 - damaging creditor, preferential treatment of creditor, causing a bankruptcy, breach of obligation in insolvency proceedings, scheming in insolvency procedure
- So-called “cybernetic crimes”
 - illegal access to a computer system or information carrier, obtaining or possession of access device and passport to a computer system or other such data, negligent damaging an entry in a computer system or in data carrier and intervention to a computer equipment

Chapter VI. – Economic Crimes

- **Division 1 – Crimes against currency and payment instruments**
 - object – protection of fundamental instruments of economic exchange
 - individual crimes – counterfeiting and alteration of money, illegal obtaining, counterfeiting and alteration of payment instrument, passing off a counterfeited money, production and possession of counterfeiting instruments, illegal production of money, endangerment of domestic money circulation
- **Division 2 – Tax, fee and foreign exchange crimes**
 - tax, fee and other mandatory payment evasion, failure to pay taxes, fees and other mandatory payments, breach of an obligation to declare in the tax proceedings, breach of regulation regarding labels and other items for goods identification, endangerment of foreign exchange economy etc.

Chapter VI. – Economic Crimes

- **Division 3 – Crimes against binding rules of market economy and commodities circulation regarding foreign trade**
 - violation of economic competition's regulation, damaging a consumer, illegal emission of securities, manipulation with investment instrument's rate, illegal conduct of business, illegal conduct of gambling, distortion of state of business and wealth's records, abuse of information in business relations (insider trading), abuse of position in business relations, arranging an advantage in public procurement, tender or auction, scheming in..., emission of false certification or report, damaging EU's financial interests, violation of regulation of goods circulation in international trade, violation of export or control regulation of dual-use goods and technologies, conducting a foreign trade with military material without a permission or licence etc.

Chapter VI. – Economic Crimes

- **Division 4 – Crimes against industrial and author's rights**
 - violation of trademark or another protecting indications, violation of protected industrial rights, violation of author's rights, related rights and database rights, art forgery and imitation

Chapter VII. – Generally Dangerous Crimes

- Common object
 - public safety (life, health, property)
 - more of protection against specific type of attack (endangerment)
- Division 1 – Generally Endangering Crimes
 - general endangerment, endangerment under the influence of an addictive substance, violation of obligation during formidable disaster, damaging and endangerment of an operation of generally beneficial device, damaging geodetic point, illicit arming, development, production and possession of prohibited mean of warfare, illicit production and possession of a radioactive substance and of highly dangerous substance, illicit production and possession of nuclear material and special fissionable material, illicit production and other handling of narcotic and psychotropic substances and of poisons,

Chapter VII. – Particular Crimes

- **Division 1 – Generally Endangering Crimes**
 - possession of narcotic and psychotropic substances and of poison, illicit growing of plants containing narcotic or psychotropic substance, production and possession of an item for illicit production of narcotic and psychotropic substance or of poison, spreading of toxicomania, production and other handling of a substance with hormonal effect
- **Division 2 – Crimes Endangering Aerial Mean of Transport, Civilian Vessel or a Fixed Platform**
 - common object – safety of these items
 - gaining control over an aerial mean of transport, a civil vessel and a fixed platform, endangering the safety of an aerial mean of transport and a civil vessel, introduction of an aerial mean of transport abroad

Drugs regulation in the Czech Republic

What is not a crime

- possession of drugs in a merely small amount for personal use
 - growing of cannabis or other plants or mushrooms containing narcotic or and addictive substance in a merely small amount for personal use
 - it is not a crime, but it is an administrative delict
-
- What is a crime
 - any production, dealing, transfer, distribution etc. without any relevance of amount
 - promoting toxicomania, which is inciting or supporting of abuse of all addictive substances with the exception of alcohol
 - narcotic and addictive substance is a legal abbreviation (it does not cover e.g. caffeine, chocolate, nicotine etc.)

Weapons regulation in the Czech Republic

- Melee weapons unregulated
 - knives, swords, boxers, clubs etc.
- Missile weapons only over certain power
 - crossbows over 150 N of drawing power, gas pistols over 16 J of muzzle kinetic energy
- Firearms in four regimes according to their categories
 - prohibited weapons – military (automatic weapons, mortars, tanks etc.) or hidden (e.g. walking cane capable of shooting)
 - subjected to permission (most of pistols and rifles)
 - subjected to registration (most single-shot or double-barrelled hunting rifles)
 - others (historical firearms such as muskets)

Firearms subjected to permission

- Legal reasons for permission
 - collection
 - sports
 - hunting
 - exercise of occupation or trade
 - defence of life, health and property
- **Legal claim** if conditions are met
 - no condition dependant on disgression
- Concealed carry
 - automatic when requested upon application for firearms licence
 - firearm may be prepared for immediate discharge

Conditions of the permission

- residence in the Czech Republic
- age (18 for sports or hunting, 21 in other cases)
 - 15 for an organised sportsman, 16 for student if hunting is part of the curriculum (e.g. forest management), 18 for students of gunsmithing
- full legal capacity
- medical qualification
- factual competence
 - theoretical knowledge, technical and practical skills
- clean criminal record
- reliability
 - no certain administrative delicts
 - no multiple administrative delicts in general
 - no excessive alcohol or drugs consumption
 - no diversions in criminal proceedings

Chapter VIII. – Crimes against the Environment

- Common object
 - environment and its particular components
- No internal division
 - damaging and endangerment of the environment, endangerment of water source, endangerment of forest, illicit emission of polluting substance, illicit handling of waste, illegal production and other handling of substances damaging the ozone layer, illicit handling of protected wildy living animals and wildy growing plants, damaging of protected components of nature, maltreatment of animals, neglecting of animal out of negligence, poaching, illicit production, possession and other handling of medicine and other substances influencing utility of farm animals, spreading of a contagious animals' disease, spreading of a utility plants' contagious disease and of a pest

Chapter IX. – Crimes against the Czech Republic, a Foreign State or an International Organization

- Common object
 - existence of the Czech Republic, of foreign states and of international organizations and their constitutive elements
 - sovereignty, territorial integrity, constitutional settlement etc.
- **Division 1 – Crimes against Foundations of the Czech Republic, of a Foreign State and of an International Organization**
 - treason, subversion of the republic, terrorist attack, terror, participation in a terrorist group, financing of terrorism, support and promotion of terrorism, threatening with a terrorist crime, sabotage, abuse of a representation of a state or of an international organization

Chapter IX. – Crimes against the Czech Republic, a Foreign State or an International Organization

- **Division 2 – Crimes against the Safety of the Czech Republic, of a Foreign State and of an International Organization**
 - espionage, endangerment of a classified information
- **Division 3 – Crimes against the Defence of the State**
 - collaboration with an enemy, war treason, serving in a foreign state's armed forces, violation of a personal and material obligation for protection of the state

Chapter X. – Crimes against Order in Public Affairs

- Common objects
 - proper exercise of public power
 - keeping of peaceful foundations of public space's operation
- Division 1 – **Crimes against the Exercise of Authority of a Public Power Body or of a Public Official**
 - violence against a public power body, threatening with an aim to affect a public power body, violence against a public official, threatening with an aim to affect a public official, usurping of a power of an office
- Division 2 – **Crimes of Public Officials**
 - abuse of power, negligent thwarting of a public official's important task

Chapter X. – Crimes against Order in Public Affairs

- Division 3 – **Corruption**
 - accepting of a bribe, bribery, indirect bribery
- Division 4 – **Other Nuisances of the Operations of Public Power Body**
 - interference with the independence of court, contempt of a court, thwarting an execution of an official decision and of expulsion, liberating of a prisoner, violent crossing of a state border, organizing and enabling of illegal crossing of a state border, assistance to an illegal stay on the state's territory, illegal employing of foreigners, violation of regulation of international flights, insurgency of prisoners, false accusation, false testimony and false expert opinion, obstructing of justice, false interpreting, counterfeiting and alteration of official documents, illicit production and possession of a state seal and official seal stamp, counterfeiting and false issue of a medical report, medical opinion or medical finding, thwarting of a preparation or of a course of elections and referendum

Chapter X. – Crimes against Order in Public Affairs

- **Division 5 – Crimes Disrupting the Coexistence of People**
 - violence against a group of people or an individual, dangerous threatening, dangerous pursuit, denigration of a nation, race, ethnic or other group of people, incitement to hatred towards a group of people or to restriction of their rights
- **Division 6 – Other Nuisances of Public Order**
 - spreading of an alarming message, disturbance, denigration of human remains, drunkenness
- **Division 7 – Organized Criminal Group**
 - participation on an organized criminal group
- **Division 8 – Some Other Forms of Criminal Cooperation**
 - incitement of a crime, approving of a crime, favouritism, failing to prevent a crime, failing to report a crime

Corruption – active bribery (sec. 332 of the CC) and indirect bribery (sec. 333 of the CC)

Whoever gives, offers or promises a bribe to another person or on another person's behalf in connection to administration of affairs of public interest or in connection to his or other person's business...

Whoever ask for a bribe, lets a bribe be promised to himself or asks for a bribe in return for affecting an exercise of authority of a public official through his influence or through another person or because he has already done so...

or

whoever gives, offers or promises a bribe to such a person...

Corruption – passive bribery (sec. 331 of the CC)

Whoever in connection with administration of affairs of general interest by himself or through another person for himself or for another person accepts a bribe or lets a bribe be promised to him, or does so in connection with his or another person's business...

- Qualified bodies of this crime include
 - actively asking for a bribe
 - intention to gain a significant benefit, being a public official
 - intention to gain a benefit of large proportions
 - intention to gain a significant benefit while being a public official

General vs. Other Forms of Criminal Cooperation

- General Forms
 - (co-perpetration)
 - organization
 - abetment
 - assistance
- always **before** or **during** commitment,
- always provided to **an individual perpetrator**
- always provided to **an individual crime**

- With other forms in division 8 of chapter X, some of these elements is missing

Other Forms in Division 8 of Chapter X.

- Incitement of a crime
 - Whoever publicly incites a crime...
- Approving of a crime
 - Whoever publicly approves of a felony or who publicly praises its perpetrator because of it...
 - Whoever intending to express his approval of a crime rewards or compensates the perpetrator or his next of kin for the punishment or who organizes a fund-raising to that effect...
- Favouritism
 - Whoever helps the perpetrator with an intent to enable him to avoid the prosecution, punishment or protective measure...

Chapter XI. – Crimes against Conscription Duty

- Common object
 - securing of personal supply of the armed forces
- No inner division
 - thwarting of the capacity to service, failure to comply with a conscription duty, circumventing a conscription duty, failure to enter a service in the armed forces, failure to enter an extraordinary service in the armed forces

Chapter XII. – Military Crimes

- Common object
 - fitness to combat of the armed forces
- Division 1 – **Crimes against the Military Subordination and Honour**
 - disobeying an order, palling of and coercion to violation of a military duty, insult between soldiers, violence against a superior etc.
- Division 2 – **Crimes against the Obligation to Exercise a Military Service**
 - avoidance of the exercise of service, defection, arbitrary separation

Chapter XII. – Military Crimes

- **Division 3 – Crimes against the Duties of Guard, Supervisory or Other Service**
 - avoidance of the exercise of guard, supervisory or other service, violation of guard service's duty, violation of supervisory or other service's duty, violation of duty while defending the airspace
- **Division 4 – Crimes Endangering the Fitness to Fight of the Armed Forces**
 - endangerment of the moral status of the soldiers, violation of a soldier's service duty, cowardice before an enemy, failure to accomplish a combat objective, deserting of military material, giving up soldiers and military material to the enemy
- **Division 4 – Crimes against the Service Duties of a Member of Security Corps**
 - violation of a service duty by a member of the security corps

Chapter XIII. – Crimes against Humanity, Peace and War Crimes

- Common object
 - basic foundations of peaceful, humanistic oriented international community
 - usually protection of universal international treaties and of *ius cogens*
- Subsidiary jurisdiction of the ICC
 - the Rome statute
 - criminal code and code of criminal procedure *sui generis*
 - exclusion of inner-state immunities

Chapter XIII. – Crimes against Humanity, Peace and War Crimes

- **Division 1 – Crimes against Humanity**
 - genocide, attack against humanity, apartheid and discrimination against a group of people, establishment, support and promoting of a movement directed to suppression of rights and freedoms of a human, expressing of sympathy to a movement directed..., denial, questioning, approval and justification of a genocide

- **Division 2 – Crimes against Peace and War Crimes**
 - aggression, preparation of an offensive war, incitement of an offensive war, connections endangering peace, violation of international sanctions, use of a prohibited means of combat and prohibited conduct of warfare, war cruelty, persecution of the population, looting in the area of war operations, abuse of internationally recognized symbols and of state symbols, abuse of a flag and of truce, harming a parlementaire

Thank you for your attention!

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