

the application of provisions 17 to 20 as a result of some promulgated international agreements which are binding on the Czech Republic.

Provision 21

- (1) A citizen of the Czech Republic may not be extradited to a foreign state either for criminal prosecution or for enforcement of a punishment (sentence).
- (2) A verdict (sentence) of a foreign criminal court may not be enforced on the territory of the Czech Republic or have other effects there, unless it is stipulated otherwise in this Code or in a promulgated agreement (convention) which is binding on the Czech Republic.

Some relating provisions of other Acts:

- *Criminal (Records) Register Act;*
- *provisions 379(1), 384a to 384e of the Criminal Procedure Code*

Commentary on provision 21:

Sub-provision (1) lays down the general principle that the Czech Republic does not extradite its own citizens to other states (countries). On the other hand, the Czech Republic must punish a guilty citizen itself under the principle of "dedere aut punire" ("to extradite or punish"). Provision (2) stipulates that foreign verdicts in criminal matters cannot be enforced in the Czech Republic, but this provision does not apply if enforcement of a foreign verdict in the Czech Republic is admitted under an international convention or agreement binding on the Czech Republic.

Provision 22

- (1) If an offender has been kept in custody or sentenced by an organ of a foreign country for a particular act (crime), the period which he spends in custody or in prison (or any other penalty which he fulfils) shall be set off against the punishment (sentence) imposed on him by a court of the Czech Republic for the same act (crime), provided that such set-off is possible given the type of punishment (sentence) imposed. A similar procedure shall be applied by a court if it imposes upon an offender an aggregate sentence or a subsequent total sentence (provision 35).
- (2) If the period of custody or fulfilment of a sentence abroad (sub-provision (1)) cannot be set off in the Czech Republic, largely because the offender (convicted person), fully or partly, served or performed abroad a type of punishment which is not recognised by this Code, the (Czech) court shall take this fact into consideration when imposing a sentence on the offender (in relation to both its type and extent).

Some other relating provisions:

- *provisions 159(3), 172(2)(b) of Criminal Procedure Code*

Commentary on provision 22:

The provisions of provision 22 take into account the time spent in custody or prison, or fulfilment of another kind of punishment (e. g. a pecuniary fine), by a person who commits a particular crime, for which the offender is subsequently sentenced in the Czech Republic.