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1. Does the Czech Republic, under its applicable legal framework, have a legal procedure for the review or reopening of proceedings after a final conviction on the basis of new evidence of innocence?

Yes.

The institute of reopening criminal proceedings (*obnova řízení*) is regulated by Sections 277 to 288 of the Code of Criminal Procedure (Act No. 141/1961 Coll.). This extraordinary legal remedy allows a final criminal case to be reheard if new facts or evidence, previously unknown to the court at the time of the original decision, emerge and could lead to a different decision regarding the defendant's guilt.

According to Section 278(1) of the Code of Criminal Procedure:

> *"Reopening of proceedings, in favor of or to the detriment of the accused, may be permitted if facts or evidence previously unknown to the court come to light which, either on their own or in conjunction with previously presented evidence, could lead to a different decision regarding the guilt of the accused."*

Statistics and practice from the perspective of Spolek Šalamoun:
Although the law formally allows for the submission of an application for reopening of proceedings, in practice the approach of Czech courts is extremely restrictive. Over the past 10 years, approximately 1,000 applications for reopening of proceedings have been filed in the Czech Republic in criminal cases where the upper limit of the sentence exceeded 10 years. In all of these cases, **not a single reopening was permitted in favor of the convicted person** on the basis of new evidence of innocence. Courts have systematically rejected such applications, evenin cases where new expert opinions, witness statements, or other fundamental evidence have been submitted that could have called the original finding of guilt into question.

From the perspective of Spolek Šalamoun, the institute of reopening proceedings in the Czech Republic is therefore **de facto inaccessible** and, in practice, non-functional for wrongfully convicted persons, despite being expressly provided for by law.

If so, does the Czech Code of Criminal Procedure or any other regulation set a time limit within which a motion for the reopening of proceedings must be filed, or may a person serving a sentence file such a motion at any time?

Answer:

The Czech Code of Criminal Procedure does **not set any time limit** within which a motion for the reopening of criminal proceedings must be filed. This possibility is entirely unlimited in time under Czech law.

According to Section 282(1) of the Code of Criminal Procedure, a motion for the reopening of proceedings may be filed by the accused (or convicted person), the public prosecutor, or, in certain cases, other authorized persons, **at any time after the final judgment has become legally effective**, even many years after the original criminal proceedings have concluded. The law therefore imposes no limitation period or preclusive period for the submission of such a motion.

This lack of a time limit is justified by the fact that new facts or evidence that could have a decisive impact on the finding of guilt often come to light only long after the final decision. The purpose of this extraordinary remedy is to allow for the correction of a wrongful conviction whenever such new facts emerge.

In practice, this means that a person serving a sentence, their defense counsel, or another authorized applicant may file a motion for the reopening of proceedings **without any time restriction**. The court is obliged to deal with such a motion whenever the legal conditions are met (i.e., especially the existence of new facts or evidence relevant to the assessment of guilt).

The experience of Spolek Šalamoun confirms that, in practice, the ability to file a motion for reopening is not blocked by any time constraint—the courts consider motions filed many years after a final conviction. However, as shown by experience and statistics (see the answer to question 1), the granting of reopening of proceedings remains entirely exceptional in the Czech Republic.

Summary:

In the Czech Republic, a motion for the reopening of proceedings may be filed at any time after a final judgment, without any time limitation. This unlimited time frame is exceptional even in the European context and reflects the principle that justice should not be constrained by a running time limit when new evidence or facts concerning innocence come to light.

If so, what is the legal standard under the Czech Code of Criminal Procedure that a person serving a sentence must meet for proceedings to be reopened?

Answer:

Under the Czech Code of Criminal Procedure, the fundamental requirement for granting the reopening of proceedings is that **new facts or evidence** are presented that were not known to the court at the time of the original decision, and which, either on their own or in conjunction with the evidence previously presented, could lead to a different decision regarding the defendant's guilt.

According to Section 278(1) of the Code of Criminal Procedure:

"Reopening of proceedings, in favor of or to the detriment of the accused, may be permitted if facts or evidence previously unknown to the court come to light which, either on their own or in conjunction with previously presented evidence, could lead to a different decision regarding the guilt of the accused."

The legal standard thus includes two basic requirements:

Novelty: The facts or evidence must be new, meaning that they were not known to the court at the time of the original decision (for example, new expert opinions, witness statements, forensic findings, technical or scientific knowledge, etc.).

Relevance: The new facts or evidence must be of such a nature that they could, on their own or in conjunction with other evidence already presented, lead to a different decision regarding the guilt of the accused (i.e., to acquittal, or to a different legal assessment of the case).

In proceedings on the motion to reopen, the court examines whether the newly presented facts or evidence satisfy both of the above conditions. The mere existence of new evidence is not sufficient; it must be capable of fundamentally affecting the outcome of the original proceedings.

The burden of proof regarding the existence of new facts or evidence rests with the applicant for reopening (the convicted person or other authorized party).

In practice, this means that a motion for the reopening of proceedings must be substantiated by specific new facts or evidence that were not available to the court during the original proceedings and that have significant importance for the assessment of the guilt or innocence of the convicted person.

In the past years, have there been any post-conviction motions in the Czech Republic, under the Czech Code of Criminal Procedure, presenting new evidence of innocence, that have been successfully granted by a court, resulting in the exoneration and release of a convicted person? Have such motions also been denied?

Answer:

Yes, motions for the reopening of proceedings based on new evidence are regularly filed in the Czech Republic. However, statistical data and the long-term experience of Spolek Šalamoun show that the approach of Czech courts in this respect is extremely restrictive.

Over the past 10 years, approximately 1,000 motions for the reopening of proceedings have been filed in criminal cases in the Czech Republic where the upper limit of the sentence exceeded 10 years. In all these cases, **not a single reopening of proceedings was granted in**

favor of the convicted person on the basis of new evidence of innocence. Courts have systematically rejected such motions, even in cases where new expert opinions, witness statements, or other substantial evidence were submitted that could have called the original decision on guilt into question.

According to the records of Spolek Šalamoun (active since 1994), there is only one known case in which the reopening of proceedings was granted in a more serious criminal matter (where the upper limit of the sentence was 5 years or more)—the case of David Šnajdr. He was originally sentenced to 10 years in prison for kidnapping, served one year, and during his imprisonment, he himself identified the actual perpetrators. In the subsequent reopened proceedings, he was finally acquitted.

Spolek Šalamoun is not aware of any other similar case in its 31 years of activity and does not recall any case in which the reopening of proceedings was granted for offenses with an upper limit of more than 10 years. In such cases, motions for reopening are systematically denied, and actual exoneration and release on the basis of new evidence of innocence has practically not occurred in the Czech Republic in recent decades.

Does the Czech Republic have a law or legal provision allowing persons serving a sentence to request post-conviction DNA testing of crime scene evidence in order to prove innocence and seek relief?

Answer:

The Czech Republic does not have a specific law or legal provision that expressly regulates post-conviction DNA testing of crime scene evidence at the request of a person serving a sentence. However, the Czech legal system does allow a convicted person, in proceedings for the reopening of a case, to propose the introduction of new evidence, including forensic DNA analysis, if they believe that such evidence may affect the assessment of their guilt or innocence.

According to Section 283(2) of the Code of Criminal Procedure, when deciding on a motion for the reopening of proceedings, the court may take new evidence if it is relevant to the assessment of guilt. A convicted person may propose a new expert opinion or forensic test, including DNA analysis, and if the court considers this evidence significant, it may be admitted and conducted as part of the proceedings for reopening.

In practice, however, there is no legal right to the automatic admission of any proposed evidence—the decision to conduct new testing, including DNA analysis, is always at the discretion of the court and is conditional on meeting the statutory requirements for the reopening of proceedings.

The experience of Spolek Šalamoun confirms that courts permit new forensic testing and DNA analysis in the context of reopening proceedings only in extremely rare cases.

Does the Czech Republic have a legal procedure requiring that biological evidence collected from the crime scene be properly stored and preserved for future DNA testing?

Answer:

The Czech legal system **does not establish any explicit obligation** for law enforcement authorities to retain biological evidence collected from a crime scene for the purpose of future DNA testing. The Code of Criminal Procedure (Act No. 141/1961 Coll.) generally addresses, in Sections 79a and 81, the handling and safekeeping of items important for criminal proceedings, but **does not set specific rules for the storage of biological samples** or their retention after the conclusion of criminal proceedings.

In practice, the retention of biological evidence is governed by the internal regulations of the Czech Police and forensic institutes; these are not publicly available and are not legally binding for the courts. Thus, in the Czech legal environment, **there is no legally enforceable duty** to preserve biological materials for potential future forensic testing.

A striking and serious example of the consequences of this legal situation is the case of Petr Kramný, in which the histological preparations of the hearts (a crucial piece of evidence for determining the cause of death) were irreversibly destroyed during the course of the criminal proceedings—even though the case was not finally concluded and further review was possible. This act made any subsequent independent review and possible new testing of evidence impossible, which fundamentally limited the options for the defense and the review of guilt.

If so, how long must biological evidence be preserved in the Czech Republic according to the relevant legal regulations?

Answer:

The Czech legal system **does not set any specific period** for which biological evidence obtained in the course of criminal proceedings must be preserved. The Code of Criminal Procedure (Act No. 141/1961 Coll.) and no other generally binding legal regulation contain a provision determining the minimum or maximum period for the retention of biological samples (such as tissues, blood, organs, or DNA material).

The handling, retention, and possible disposal of evidentiary material is decided by the competent law enforcement authority or forensic institute based on their internal guidelines, which are not publicly available and are not legally binding for the courts. In practice, this means that biological evidence can be destroyed even during the course of proceedings or shortly after their conclusion, as was demonstrated for example in the case of Petr Kramný.

Summary:

In the Czech Republic, there is no legally established minimum period for which biological evidence in criminal proceedings must be preserved.

2. Does the Czech Republic have a “freedom of information law” or a similar law that grants defense attorneys, NGOs, journalists, or convicted persons access to police files and documents in a person’s case after a final conviction?

Answer:

The Czech Republic has Act No. 106/1999 Coll., on Free Access to Information, which generally guarantees public access to information from public authorities. However, this law does not automatically apply to criminal case files, police records, or court files in individual criminal matters—these remain protected due to the safeguarding of personal data, classified information, or the integrity of criminal proceedings.

According to Section 65 of the Code of Criminal Procedure, **defense attorneys have the right to inspect criminal files even after a final judgment**, i.e., access to closed files. This right is also granted to the convicted person and, in some cases, to the injured party. This right of access does not automatically extend to NGOs, journalists, or the public, who must apply to the relevant authority (court, prosecutor's office, police) for access; such applications are decided individually and granted only in justified cases.

In practice, access to closed files is often complicated, and some courts—even despite the legal right—do not grant requests from defense attorneys or convicted persons without thorough justification. Spolek Šalamoun therefore welcomes the July 2025 decision of the Constitutional Court, which emphasized that participants (especially the defense) have the right to access the file even after the case has been finally decided, and that any restriction of this right must be convincingly and specifically justified.

Summary:
In the Czech Republic, a defense attorney has a legal right to inspect a closed criminal file even after a final judgment. This right does not automatically extend to the public, journalists, or NGOs.

Does the Czech Republic have a legal standard requiring the police and prosecution to disclose to the defense any exculpatory evidence or other information helpful to the defense, or information that could lead to new avenues of pre-trial investigation that might be conducted by the defense?

Answer:

Yes. The Czech Code of Criminal Procedure establishes in Section 2(5) the principle of material truth, according to which law enforcement authorities are obliged to ascertain circumstances both in favor of and against the accused. The police and public prosecutor are therefore required to investigate and document evidence that may be significant for the defense.

According to Section 65(2) of the Code of Criminal Procedure, the defense counsel has the right to inspect the file and review all materials, including those that may exculpate the accused. The court, public prosecutor, and police authority must ensure that the defense has access to all evidence relevant to the assessment of guilt or innocence.

Furthermore, if there is evidence favorable to the accused, **law enforcement authorities must not withhold such evidence**. This obligation arises not only from the Code of Criminal Procedure but also from constitutional principles of fair trial and from the case law of the European Court of Human Rights.

In practice, however, Spolek Šalamoun has repeatedly observed cases where some exculpatory evidence was not duly disclosed or was made available to the defense only belatedly.

3. If so, what is the legal standard in the Czech Republic regarding this disclosure requirement?

Answer:

According to the Code of Criminal Procedure (Sections 2(5) and 65(2)), the court, public prosecutor, and police authority are required to provide the defense with access to all evidence, including that which may be favorable to the accused. This obligation also follows from constitutional principles of a fair trial.

However, in practice, there are situations where, during the pre-trial (investigative) phase, the defense is not granted access to certain evidence, such as wiretap recordings. This practice has been repeatedly criticized because it prevents the defense from being fully effective and may result in a violation of the right to a fair trial. Although the law requires disclosure, some prosecutors or police authorities do not always comply strictly, and access to all materials is often only ensured by the court at the trial stage.

Summary:
Although Czech law clearly requires that all evidence be disclosed to the defense, in practice, particularly during the pre-trial stage, certain evidence (such as wiretaps) is sometimes withheld from the defense. This is highly problematic for the defense and may be contrary to the right to a fair trial.

4. Does the Czech Republic have a law providing compensation to wrongfully convicted persons after exoneration and release from prison? If so, what does such a law provide?

Answer:

Yes. The Czech Republic has Act No. 82/1998 Coll., on Liability for Damage Caused in the Exercise of Public Authority, which provides compensation for unlawful conviction or execution of a sentence. A person who has been finally acquitted or whose prosecution has been terminated as unfounded is entitled to compensation for:

- **pecuniary damage**, such as lost income or legal defense costs;
- **non-pecuniary damage**, including moral harm, reputational loss, psychological suffering, and impact on personal and family life.

A claim must be submitted to the Ministry of Justice. If the claim is denied, the person can pursue the claim in civil court.

Practical scope of compensation:

According to Spolek Šalamoun's monitoring, typical compensation awards range from CZK 100,000 to 200,000 (approx. USD 4,000–8,000), depending on sentence length and harm severity. For instance, in May 2025, a man wrongfully imprisoned for 13 years was awarded **CZK 45,000** as compensation for health damage and moral harm—an amount near the lower end of the compensation scale for wrongful convictions and imprisonment.

Summary:
Wrongfully convicted persons in the Czech Republic are entitled to state compensation covering both financial and moral harm. In practice, however, the amounts awarded tend to be relatively low (tens to hundreds of thousands of CZK), more symbolic than fully compensatory.

5. Does the Czech Republic have laws or regulations requiring the recording of police interrogations of suspects? If so, please outline the requirements of such laws or regulations.

Answer:

Czech law imposes only a **partial obligation** on law enforcement authorities to record police interrogations. According to Section 55a(2) of the Code of Criminal Procedure, an audio or audio-visual recording of an interrogation must be made if:requested by the person being questioned, their defense counsel, or legal representative,

- or if the court, public prosecutor, or police authority deems it appropriate given the nature of the interrogation.

Importantly, this provision **also applies to interrogations conducted via videoconference**—the recording can be either audio-only or audio-visual, depending on the circumstances.

Recording is also mandatory in specific cases:

- interrogation of minors or juveniles (Section 93 of Act No. 218/2003 Coll.),
- interrogation of persons with mental disorders or other health limitations,
- when necessary to protect the rights of the person being questioned.

In standard cases involving adult suspects, recordings are not mandatory and a written protocol may suffice. However, recordings may be made at the initiative of the police or prosecutor.

Summary:
While there is no general obligation to record all interrogations in the Czech Republic, the law mandates recording upon request or discretion, including for videoconference interviews, and establishes mandatory recording in specific sensitive circumstances.

6. Does the Czech Republic have laws or regulations ensuring that police identification procedures for eyewitnesses adhere to best practices devised by the scientific community, such as the double-blind eyewitness identification requirement?

Answer:

The Czech legal system does not contain any special statutory regulation for police eyewitness identification procedures that would meet the highest scientific standards (such as the “double-blind” method).

Identification of persons in criminal proceedings is regulated by Section 104b of the Code of Criminal Procedure, which provides only basic rules (e.g., persons presented for identification should be of similar appearance, the suspect’s photograph must not be shown in advance, etc.).

More detailed methodological procedures are set out in the directive of the President of the Police, which defines organizational and technical aspects of line-ups and identification procedures.

However, this directive also does not require the use of the scientifically recommended “double-blind” method.

In practice, identification is conducted according to police methodology, which sets some standards for impartiality and organization of the procedure, but the “double-blind” method is neither mandatory nor commonly used.

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