**Declaration**

**of a person obliged to comply with certain obligations  
under a conditionally suspended sentence**

I, ........................... (full name) declare that, in accordance with Article 172 § 1 of the Criminal Enforcement Code in conjunction with Article 173 § 2 (2) and (15) of the Criminal Enforcement Code, I was advised of the following:

- content of the judgement rendered against me,

- duty to respect the requirements of the probation period,

- duty to fulfil the obligations imposed on me and any consequences of evading them.

I declare that during the probation period I will reside at:

............................................................................

(exact residence address indicated by the sentenced person)

phone no: ………………………, e-mail: ………………………………………………..

and I consent to communication by telephone and e-mail.

I will notify the probation officer immediately if I intend to change my residence address, telephone number or e-mail address, and if I intend to travel abroad.

I declare that I was advised that any letters sent to the above address will be deemed to have been served by the Court.

I declare that I was advised of my following rights and obligations:

**PROBATION OBLIGATIONS** **IMPOSED BY THE COURT****\*:**

1) inform the Court or probation officer of the progress of the probation period,

2) apologise to the victim,

3) fulfil my obligation of contributing to the maintenance of another person,

4) engage in gainful employment, study, or train to take up an occupation,

5) refrain from abusing alcohol or other intoxicants,

6) undergo addiction treatment,

6a) undergo therapy, in particular psychotherapy or psychoeducation,

6b) participate in corrective and educational rehabilitation,

7) refrain from associating with certain social groups or appearing in certain locations,

7a) refrain from contacting the victim or other persons in a certain manner, or approaching the victim or other persons,

7b) leave the premises occupied jointly with the victim,

8) any other appropriate conduct during the probation period that may prevent the re-offending, whereby at least one of the obligations has to be imposed.

## \*tick as appropriate

**OTHER OBLIGATIONS**

* the sentenced person is obliged to **comply with instructions given by the competent authorities** to enforce the ruling (Article 5 § 2 of the Criminal Enforcement Code),
* the sentenced person is obliged to **comply with the obligations imposed by the Court** for the duration of the probation period (Article 169 § 1 of the Criminal Enforcement Code),
* a person conditionally released pursuant to Article 159 § 2 of the Criminal Enforcement Code is obliged to:
  + **report** **without delay, and at the latest within 7 days** of release from prison, to the probation officer of the District Court in whose district they have their permanent residence
  + **report to the professional probation officer at such times that officer specifies, and provide explanations on the course of the probation period**,
  + **refrain from changing their permanent residence without the Court’s consent,**
  + **perform the obligations imposed on them.**
* the conditionally released person is further obliged to **inform the probation officer of any change in their place of employment, residence, or stay, including any planned travel abroad**.
* In particular, the sentenced person is obliged to:
  + **appear as summoned by the Court or the probation officer,**
  + **provide explanations** **and information** **to the Court or the probation officer as to the performance of the obligations imposed on them,**
  + allow the probation officer to enter the apartment from 7 a.m. to 10 p.m,
  + at the request of the probation officer, show a document allowing identification,
  + inform the probation officer of any change in their place of residence, or stay, including any planned travel abroad.

**RIGHTS**

* penalties and preventive penal measures are enforced humanely and with respect for the human dignity of the sentenced person; torture or inhuman or degrading treatment or punishment of the convicted person are prohibited (Article 4 § 1 of the Criminal Enforcement Code),
* a sentenced person retains their civil rights and freedoms; they can only be limited when the law so provides and by a non-appealable judgement under the law (Article 4 § 2 of the Criminal Enforcement Code),
* A sentenced person may apply for and participate in proceedings before the Court as a party and, in the cases provided for by law, file an appeal against orders rendered in the enforcement procedure (Article 6 § 1 of the Criminal Enforcement Code),
* A sentenced person may file applications, complaints and requests to the enforcement authorities; when filing an application, complaint or request, the sentenced person is obliged to substantiate the demands contained therein to the extent that allows for them to be considered, in particular to attach relevant documents (Article 6 § 2 of the Criminal Enforcement Code).
* A sentenced person may appeal to the Court against a decision of the President of the Court, an authorized judge or professional probation officer on the grounds that it is unlawful, unless the law provides otherwise (Article 7 § 1 of the Criminal Enforcement Code).

**CONSEQUENCES OF VIOLATING THE CONDITIONS OF THE PROBATION**

If the sentenced person, during the probation period, **commits a** **similar intentional offence** for which the Court sentences them to imprisonment, **the Court orders that the sentence be enforced and imprisons the sentenced person** (Article 75 § 1 of the Criminal Code).

If **a person sentenced for an offence involving the use of force** or an unlawful threat against their immediate family member or a minor sharing the same residence grossly violates the legal order during the probation period by again using force or an unlawful threat against their immediate family member or a minor sharing the same residence, **the Court orders that the sentence be enforced** (Article 75 § 1a of the Criminal Code).

If, during the probation period, the sentenced person grossly violates the legal order, in particular if they commit an offence other than those referred to above, or if they evade paying the fine, supervision, fulfilling their obligations or penal measures imposed, **the Court may order that the sentence be enforced and imprison the sentenced person** (Article 75 § 2 of the Criminal Code).

**The Court orders the enforcement of a penalty** if the circumstances referred to in § 2 arise after **the sentenced person** was given a written warning by the professional probation officer (Article 75 § 2a of the Criminal Code).

**The Penitentiary Court revokes the conditional release and the sentenced person is imprisoned again** if the conditionally released person during the trial period **commits an intentional crime for which a non-appealable sentence of imprisonment was rendered** (including a suspended sentence of imprisonment (Article 160 § 1 point 1 of the Criminal Code).

**The Penitentiary Court revokes the conditional release and the sentenced person is imprisoned again** if the conditionally released person sentenced for a crime committed with the use of force or an unlawful threat against their immediate family member or a minor sharing the same residence **grossly violates the legal order** during the probation period by **again using force or an unlawful threat** against their immediate family member or a minor sharing the same residence (Article 160 § 2 of the Criminal Code).

If, during the probation period, the sentenced person grossly violates the legal order, in particular if they commit an offence other than those referred to in point 1, or if a penalty is imposed other than those referred to in point 1, or if they evade supervision, fulfilling the obligations or penal measures imposed, **the Penitentiary Court may revoke the conditional release and imprison the sentenced person** again (Article 160 § 1 (2)–(4) of the Criminal Code).

**The Court revokes the conditional release** of the sentenced person if the circumstances referred to in § 1 (2)–(4) arise after the sentenced person was given a written warning by the court probation officer (Article 160 § 4 of the Criminal Code).

If the perpetrator, during the probation period, **commits an intentional offence** for which they receive a non-appealable sentence, **the Court initiates criminal proceedings** and the case is proceeded from the beginning (Article 68 § 1 of the Criminal Code).

If, during the probation period, the perpetrator grossly violates the legal order, in particular if they commit an offence other than those referred to above, if they evades fulfilling an obligation or penal measure imposed, or they do not satisfy a settlement with the victim, **the Court may initiate criminal proceedings** (Article 68 § 2 of the Criminal Code).

**The Court initiates criminal proceedings** if the circumstances referred to in § 2 arise after the perpetrator was given a written warning by the court probation officer (Article 68 § 2a of the Criminal Code).

The Court decides to resume conditionally discontinued proceedings at the request of the prosecutor, the victim, or the court probation officer, or *ex officio* (Article 549 of the Code of Criminal Procedure).

I declare that these instructions were explained by the probation officer and I understand them fully. I know my rights and obligations, and I have read the regulations of law specifying the consequences of breaching the probation period.

|  |  |  |
| --- | --- | --- |
|  | ..................................................... | ................................................................. |
|  | (date) | (full name of the sentenced person) |
|  |  |  |
| Drawn up in two copies for: |  |  |
| - 1 signed copy; - sentenced person;  - 1 signed copy; - file record. |  |  |