**Declaration**

**of a person sentenced to restriction of liberty**

I, ........................., declare that, in accordance with Article 57 § 1 of the Criminal Enforcement Code,I was advised of my rights and obligations, and the consequences of evading serving the sentence of restriction of liberty and the prohibition from changing the permanent residence without the Court’s consent(Article 34 § 2 (1) of the Criminal Code)**.**

I declare that during my sentence of restricted liberty 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 professional court 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 and the professional probation officer.

**INSTRUCTIONS**

**FOR A PERSON SENTENCED TO RESTRICTION OF LIBERTY**

**OBLIGATIONS**

Article 34 § 2 of the Criminal Code – While serving the penalty of limitation of liberty, the sentenced person:

1/ may not change their permanent residence without the Court's consent, [...]

3/ is obliged to provide explanations regarding the course of serving of the penalty.

Article 35§2 of the Criminal Code – Deduction of remuneration for work may be imposed on a person having employment; **during the period for which the deduction is imposed, the sentenced person may not terminate employment without the Court's consent.**

Article 57a § 2 of the Criminal Enforcement Code – The sentence referred to in Article 34 § 1a (4) of the Criminal Code commences on the first day of the period in which a deduction is made from the remuneration of the sentenced person.

Article 60 of the Criminal Enforcement Code – The Court and the professional court probation officer may at any time request that the sentenced person provide explanations concerning the progress of the sentence of restricted liberty and summon the sentenced person to appear in person for this purpose.

**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 file an appeal against orders rendered in the enforcement procedure, unless the law provides otherwise (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 court probation officer, or the head of probation service team on the grounds that it is unlawful, unless the law provides otherwise (Article 7 § 1 of the Criminal Enforcement Code).

**RULES OF ENFORCING THE SENTENCE OF RESTRICTED LIBERTY**

Article 57 § 2 of the Criminal Enforcement Code – If the sentenced person fails to appear as summoned or, having been advised of the rights, obligations and consequences related to performing unpaid, supervised community service, declares to the professional court probation officer that they do not agree to undertake work, the probation officer submits to the court a request to impose a substitutive penalty.

§ 3 The provision of § 2 applies *mutatis mutandis* if the sentenced person fails to undertake work within the determined deadline or otherwise evades serving the sentence of restriction of liberty or performing the obligations imposed upon them.

Article 61 § 1 of the Criminal Enforcement Code – If educational considerations so support, the Court may, during the sentence of restricted liberty, establish, extend or modify the obligations referred to in Article 34 § 1a (3) of the Criminal Code, or exempt from the performance of such obligations, unless only one obligation was ordered.

§ 2 For the same reasons, the Court may reduce the number of hours of work performed on a monthly basis or the amount of monthly deductions from the remuneration for work ordered, but no more than up to the limit of the statutory minimum set out in Article 34 § 1a (4) and Article 35 § 1 of the Criminal Code.

Article 62 § 1 of the Criminal Enforcement Code – The Court may postpone the enforcement of the sentence of restricted liberty for up to 6 months if the immediate enforcement of the sentence would entail too severe consequences for the sentenced person or their family.

§ 2. The Court postpones the enforcement of the sentence of restricted liberty if the sentenced person is called up for active military service, until the completion of such service. With regard to such sentenced person Court may apply the provisions of Article 336 § 3 and 4 of the Criminal Code accordingly.

§ 3. The Court may revoke the postponement of the enforcement of the sentence of restricted liberty if the reason for which it was granted ceases to exist or if the sentenced person does not use the postponement of the sentence in accordance with the purpose for which it was granted or grossly violates the legal order.

Article 63 § 1 of the Criminal Enforcement Code – If the sentenced person's state of health prevents the enforcement of the sentence of restricted liberty, the Court grants a break in enforcing the sentence until the obstacle ceases.

§ 2. The Court may grant a break of up to one year in the enforcement of the sentence of restricted liberty for the reasons referred to in Article 62 § 1 of the Criminal Enforcement Code.

Article 65 § 1 of the Criminal Enforcement Code – If the sentenced person evades serving the sentence of restricted liberty, the Court orders, and if the sentenced person evades paying the monetary benefit, or the obligations imposed under Article 34 § 3 of the Criminal Code, the Court may order the enforcement of a substitutive sentence of imprisonment. If the sentenced person has served part of the sentence of restricted liberty, the Court orders the enforcement of a substitutive sentence of restricted liberty corresponding to the remaining duration of the sentence of restricted liberty, assuming that one day of substitutive imprisonment is equivalent to two days of restricted liberty.

Article 75a § 4 of the Criminal Code – Conversion of a conditionally suspended sentence of imprisonment to a sentence of restricted liberty or to a fine imposed under Article 75a § 1 does not release the sentenced person from the enforcement of penal measures, forfeiture, compensatory measures, or preventive measures imposed on them, even if a joint sentence is subsequently imposed.

§ 5. If the sentenced person evades the enforcement of the sentence of restricted liberty, the payment of the fine, the fulfilment of the obligations or the penal measures, forfeiture or compensatory measures imposed on them, the court revokes the conversion and orders the enforcement of the sentence of imprisonment.

Article 83 of the Criminal Code – A person sentenced to restriction of liberty who has served at least half of the sentence imposed, respected the legal order, and satisfied the obligations, penal measures, compensatory measures, and forfeiture imposed on them, may be released by the Court from the remaining portion of the sentence, considering it as completed.

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 enforcement of the sentence of restricted liberty.

You are hereby advised of the obligations imposed onto you for the duration of the enforcement of the sentence, the performance of which affects the assessment of how your sentence is carried out:

|  |  |
| --- | --- |
| (date) | (full name of the sentenced person) |

Drawn up in two copies for:

- 1 signed copy; - sentenced person;

- 1 signed copy; - file record.