



Our Ref. No.: 10/42/00

Prague: 12.8.2014

Attended by: JUDr. Truneček/ JUDr. Vlk

I. Criminal prosecution

On 11 October, 2006, the Police of the Czech Republic, Unit for Combating Organized Crime, Criminal Police and Investigation Service commenced criminal prosecution of Mgr. Věra Jourová based on decision of 11 October, 2006, ČTS:UOOZ-80/V7-2006 pursuant to provisions of S.160 (1) of the Rules of Criminal Procedure due to suspicion of committing a crime of accepting bribes pursuant to provisions of S. 160(1), (3)(b) of the Criminal Code No. 140/1961 Coll.

On 13 October, 2006 at 4:50 p.m. Věra Jourová was detained at the Prague-Ruzyně airport having arrived from a business trip in Belarus where she was an expert advisor to the European Union Regional Capacity Building Initiative (RCBI I) project. She was notified of the accusation on the same day and remanded in custody.

Restriction of personal liberty lasted from 13 October, 2006 till 16 November, 2006. Criminal prosecution was consequently discontinued by decision of the District Prosecuting Attorney's Office for Prague 9 of 24 July, 2008, Ref. No. 2ZT 462/2006 which came into force on 19 August, 2008. **The reason for not proceeding with the criminal prosecution was an unambiguous conclusion of investigative, prosecuting and adjudicating bodies that the offence for which Mgr. Věra Jourová was prosecuted had not happen. Therefore, there could be neither doubts about possible (whether not established or not provable) guilt nor penalty for infraction or any administrative offence. The stated grounds for discontinuation of the criminal prosecution were the most favourable and clear from the viewpoint of the accused.**

II. A preliminary claim for damages

Mgr. Věra Jourová claimed damages from the Ministry of Justice pursuant to provisions of S. 14 of Act No. 82/1998 Coll. by submission made on 12 February, 2009 and repeatedly on 12 March, 2010. She claimed compensation of actual damage related to costs of legal representation, compensation of non-proprietary damage due to unlawful criminal prosecution, and compensation of lost profit as due to the detention she lost expected profit from further participation in the on-going RCBI part I project and the whole follow-up RCBI part II. The Ministry of Justice partially accommodated Mgr. Věra Jourová's claim and to the effect of the final position of 16 June, 2010, Ref. No. 984/2009-ODSK-ODSK/21 she was adjudicated the compensation of legal representation costs amounting to CZK 138,593 (out of the claimed CZK 158,406.50) and referred to court with respect of her other claims. **Even the Ministry of Justice thus recognized the undisputable unlawfulness of and absence of grounds for criminal prosecution; subsequent proceedings concerned only the amount of incurred damage and claim for compensation of non-proprietary damage.**

III. Proceedings before court

Proceedings concerning the matter of the remaining claim, commenced on 22 July, 2010, took place before the District Court for Prague 2 under File Nos. 41 C 213/2010 and subsequently 41 C 123/2012. Within the framework of the proceedings on remedial measures, the matter was also considered by the Municipal Court in Prague, the Supreme Court in Brno, and the Constitutional Court of the Czech Republic. The latest verdict in the matter was the judgment of the District Court

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for Prague 2, ref. No. 41 C 123/2012 – 295 dated 10 April, 2014 by which Mgr. Věra Jourová was awarded compensation in total amount of CZK 2,703,994.44 with accessions; compensation of costs of legal representation amounting to CZK 224,667.90; and compensation of the costs of the State was adjudicated according to the proportionate success of proceedings in the matter. The verdict resulted from the previous evidence proceedings, as well as the legal opinions by the appellate court, reviewing appellate court, and the Constitutional Court, therefore it came as no surprise. **It was therefore repeatedly stated within court proceedings that both the criminal prosecution of Mgr. Věra Jourová and the procedure by investigative, prosecuting and adjudicating bodies were unlawful** (which is a precondition grounding all the raised claims); **and after clarification of decisive circumstances and extensive evidence proceedings, the amount of awarded compensation was determined.**

Subsequently, Mgr. Věra Jourová withdrew the appeal which challenged a part of the above judgment. **It is improper for her, either as the claimant or as the Minister for Regional Development, to give any position concerning procedure either by the court or by the Ministry of Justice acting as the defendant on behalf of the Czech Republic.**

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