



# CZECH REPUBLIC

April 2008

www.coe.int/gmt

## NATIONAL POLICY

Despite the absence of any evidence of activities connected to the threat from international and domestic terrorism, the authorities pay great attention to emerging threats and menaces that are likely to endanger the security of Czech Republic.<sup>1</sup>

Following the terrorist attacks of 11 September 2001, the Czech Republic initiated a National Action Plan to Combat Terrorism,<sup>2</sup> which was first approved in April 2002 and has now been evaluated and updated four times.<sup>3</sup>

The National Action Plan to Combat Terrorism is a key public access document that sets forth the basic tasks the Czech Republic must fulfil to increase the nation's readiness to respond to a possible terrorist attack against its interests both at home and abroad.

The document is prepared, evaluated and updated by the Ministry of the Interior. All the ministries and many other central administration authorities are involved in the preparation and evaluation process.

The National Action Plan to Combat Terrorism is currently divided into four pillars (specific areas of measures):<sup>4</sup>

- 1: Improvement of communication and co-operation between the authorities involved in

the fight against terrorism and ensuring better conditions for their work.

- Co-operation involving domestic justice and interior affairs specialists and their foreign counterparts.
- Scope of activity of the intelligence services of the Czech Republic: specification of the scope of competence of intelligence services and the Police of the Czech Republic given that one of the basic prerequisites to successfully fight against terrorism is the ability of the intelligence services to obtain timely information about the structure of terrorist organisations, their activities and their possible sources of support.

- 2: Protection of the population and critical infrastructure.
  - Crisis management, integrated rescue system and protection of the population.
  - Protection of specific groups which are the potential targets of terrorist attacks.
  - Co-operation with the general public; information and media policy. (Attention is paid to the development of comprehensible recommendations for the general public in the Czech Republic describing desired conduct in the event of an emergency.)
- 3: Prevention against the development of non-transparent immigrant communities and the radicalization of their members.
- 4: Foreign policy in the area of the fight against terrorism.

There are also other strategic documents, which cover the topic of the fight against terrorism, for example the Security Strategy of the Czech Republic, Optimisation of the Security System of the Czech Republic, etc.<sup>5</sup>

The Government declared the fight against terrorism one of the top priorities of the security community of the Czech Republic.

The following threat analyses are conducted in the Czech Republic:

<sup>1</sup> No terrorist attacks have been recorded in the area of the Czech Republic. Following September 2001, several cases of *apologie* of terrorism (either verbal, printed or posted on the Internet) have been recorded, usually associated with extremist groups (extreme left/right wing groups and fundamentalists). Some of these incidents have been examined to determine whether a crime has been committed under Section 164 of the Criminal Code (incitement) or Section 165 (advocating a crime). Nobody has been convicted of a terrorism-related crime.

As for the interests and citizens of the Czech Republic abroad, there have been several terrorist attacks against representatives of the Czech Republic in Iraq and Afghanistan (with no fatalities). One of the citizens of the Czech Republic died during the terrorist attack in Sharm El Sheikh (Egypt, July 2005).

<sup>2</sup> Before the Nation Action Plan was drawn up, a confidential document called "Study of the Preparedness of the Czech Republic to Solve the Problem of Terrorist Attacks" (2000) was the first document devoted to strategic analysis at interministerial level.

<sup>3</sup> Government Resolutions No. 385 of 10 April 2002 (for 2002), No. 361 of 14 April 2003 (for 2003), No. 479 of 19 May 2004 (for 2004) and No. 1466 of 16 November 2005 (for 2005-2007), No. 129 of 11 February 2008 (for 2007-2009).

<sup>4</sup> Full versions of the relevant documents are accessible via internet: <http://www.mvcr.cz/dokument/index.html#teror>.

<sup>5</sup> [http://www.army.cz/files/8492/bezpe\\_nostrn\\_strategie\\_\\_r\\_-\\_prosinec\\_2003.pdf](http://www.army.cz/files/8492/bezpe_nostrn_strategie__r_-_prosinec_2003.pdf)

- general (framework) threat analysis, prepared by all the members of the Common Intelligence Group in co-operation, once a year;
- the Organised Crime Unit of the Police of the Czech Republic prepares a situation analysis twice a year;
- analysis for the purposes of the North Atlantic Treaty Organisation (NATO) (basically prepared by the military intelligence structures);
- analysis for the purposes of the European Union (EU threat assessments, etc.);
- ad hoc analysis, prepared according to need (for example, for the NATO Summit in Prague, for the situation during the Iraq Campaign, fiction analysis for the purposes of certain kinds of manoeuvres, CMX, etc.)

## LEGAL FRAMEWORK

### Penal law

There is currently no special "anti-terrorism act" in the Czech Republic. The legal basis for anti-terrorist action is generally contained in Act No. 140/1961 Coll., Penal Code, as amended.

The key provision in this regard is **Section 95, "Terrorist Attack"**, which also includes sanctions on the financing of terrorism:

#### **Section 95: Terrorist Attack**

(1) A person who, with the intention of damaging the Republic's constitutional system or defence capability, of undermining or destroying the fundamental political, economic or social structures of the Republic or those of an international organisation, of seriously intimidating the population or of unlawfully compelling the government or another body of public power or an international organisation to perform, omit or tolerate something,

- a) commits an attack against the life or health of a person with the intention of causing death or serious bodily harm;
- b) takes hostages or commits abduction;
- c) destroys or seriously damages public utilities, transport or telecommunication systems, including information systems, fixed platforms on the continental shelf, electric energy and water supplies, the health service or other important facilities, public sites or public property with the intention of endangering human life, the safety of the facilities, systems or sites or of exposing such property to the risk of major damage;
- d) disrupts or stops the supply of water, electric energy or other basic natural resources with the intention of endangering human life or of exposing property to the risk of major damage;

- e) seizes or controls an aircraft, vessel or other means of passenger or freight transport, and/or destroys, seriously damages or seriously interferes with the operation of navigation systems or facilities; or provides false information on important facts, thus endangering human life and health, the safety of the means of transport or exposing property to a risk of major damage;
- f) without due authorisation, manufactures or otherwise acquires, stores, imports, transports, exports or otherwise delivers or uses explosives, nuclear, biological, chemical or other weapons of mass destruction; and/or engages in unauthorised research into and development of nuclear, biological, chemical or other weapons or combat means or explosives prohibited by law or by an international treaty; or
- g) exposes human beings to a danger of death or serious bodily harm, or exposes the property of other persons to a risk of major damage by causing a fire or flood or the harmful effects of explosives, gas, electricity or similarly dangerous substances or forces; or commits a similarly dangerous act; or aggravates an imminent danger or obstructs efforts to counter or alleviate it,

shall be sentenced to a term of imprisonment of five to fifteen years, and alongside this punishment, perhaps even to forfeiture of property.

(2) The same sentence shall be imposed on a person,

- a) who threatens to commit an act (conduct) under paragraph 1; or
- b) who provides financial, material or other support to such an act (conduct).

(3) The offender shall be sentenced either to imprisonment for a term of twelve to twenty years, and alongside this punishment perhaps even to forfeiture of property, or to exceptional punishment,

- a) if he/she commits the act as a member of an organised group;
- b) if he/she causes serious bodily harm or death;
- c) if as a result of his/her act a considerable number of people are made homeless;
- d) if he/she causes serious disruption to the transport system;
- e) if he/she causes very considerable damage by this act;
- f) if he/she commits such a crime with the intention of acquiring great benefit;
- g) if, by this act, he/she endangers the international position of the Czech Republic or of an international organisation of which the Czech Republic is a member;
- h) if he/she commits the act during a state of emergency or state of war.

(4) Protection under paragraphs 1 to 3 is also afforded to foreign states.

The other relevant provisions of the Penal Code relating to the perpetration of terrorist acts are: Terror;<sup>6</sup> Common danger;<sup>7</sup> Endangering the safety of an aircraft or civil vessel;<sup>8</sup> Unlawful taking of an aircraft abroad;<sup>9</sup> Sabotage;<sup>10</sup> Damage and endangerment of public utilities;<sup>11</sup> Murder;<sup>12</sup> Taking hostages;<sup>13</sup> Extortion;<sup>14</sup> Illegal armament or possession of arms;<sup>15</sup> Illegal manufacturing and possession of nuclear and hazardous substances<sup>16</sup> and Spreading of untrue alert messages.<sup>17</sup>

In addition, Section 10 on Participation in a Completed Crime, or an Attempt to Commit a Crime, applies to all offences.

The Czech Republic constantly monitors the measures (legislative and other changes) adopted by other member states of the Council of Europe with a view to combating manifestations of support for terrorism or the spreading of religiously-motivated hate crimes. It also continuously studies the possibilities of applying foreign experience to the conditions in the Czech Republic, including specifying and tightening the current legal regulations in relation to the fight against terrorism.

In particular, the possibility for a more precise qualification of activities that can be considered as verbal approval of terrorist attacks, promotion of terrorism and incitement to terrorism (e.g. describing suicide assassins as martyrs) is being evaluated. These can already be sanctioned, in particular as incitement<sup>18</sup> to or approval<sup>19</sup> of a given crime. Due to the danger of such conduct (incitement to or approval of a particularly dangerous crime), consideration is being given to the establishment of new qualified categories of offences which would enable severe (in any case unconditional) sentences of imprisonment to be imposed.

---

<sup>6</sup> Section 93.

<sup>7</sup> Sections 179-180.

<sup>8</sup> Section 180a and b.

<sup>9</sup> Section 180c.

<sup>10</sup> Section 96.

<sup>11</sup> Section 182.

<sup>12</sup> Section 219.

<sup>13</sup> Section 234a.

<sup>14</sup> Section 235.

<sup>15</sup> Section 185.

<sup>16</sup> Section 186.

<sup>17</sup> Section 199.

<sup>18</sup> Section 164 of the Penal Code.

<sup>19</sup> Section 165 of the Penal Code.

## Other relevant legislation

### Human rights

From a human rights point of view, it should be mentioned that the Czech Republic is, according to its Constitution, a sovereign and democratic state, based on the rule of law that assures the freedoms and rights of man.<sup>20</sup> Fundamental rights are listed in the Charter of Fundamental Rights and Freedoms, while other rights are protected by Article 10 of the Constitution which provides for the priority application of ratified and published international human rights agreements over normal domestic acts.

According to Article 4.2 of the Charter of Fundamental Rights and Freedoms, fundamental rights and freedoms can only be limited by law and in accordance with the Charter. The lawful limitations on these rights must be the same in all the relevant cases. Such limitations cannot be misused for purposes other than those for which they were established.

The limitation of the fundamental rights listed in the Charter is permitted only when there are more important reasons, and only where it is inevitable. Any breach of such human rights or freedoms may be appealed to the Constitutional Court, and then to the European Court on Human Rights in Strasbourg.

The legal conditions for the interception of telecommunications for the purposes of a criminal prosecution are explained in Act 141/1961 Coll., on criminal proceedings. Interception can be authorised by the presiding judge or a judge at the request of the state prosecutor in the case of an intentional and especially serious crime or in the case of another intentional crime, which is being prosecuted under the terms of an international treaty. If the owner of the telecommunication station which is being monitored agrees with the interception, it is also possible to have the telecommunication recorded.

The interception and the recording of telecommunications are carried out by the Police of the Czech Republic on behalf of all the authorities active in criminal proceedings. Some of the intelligence services are also authorised - in accordance with the legal conditions and within the framework of their legal competencies - to carry out the interception and the recording of telecommunications.<sup>21</sup>

---

<sup>20</sup> Article 1 of the Constitution.

<sup>21</sup> Act 154/1994 Coll. on the Security Information Service and Act 67/1992 Coll. on the defence intelligence services of the Army.

The authorisation of the relevant bodies and the liabilities of operators in connection with the recording and interception of telecommunications are regulated by Act 141/1961 Coll., Act 283/1991 Coll. on the Police of the Czech Republic, Act 154/1994, Act 67/1992 Coll and Act 127/2005 Coll. on electronic communications.

### **Potential future developments in the legal framework of the Czech Republic:**

From the viewpoint of the fight against terrorism, the scope of the legislative conditions facilitating the effective execution of intelligence and law enforcement activities is a very key issue.

The role of the intelligence services can be considered as crucial from the viewpoint of obtaining and evaluating information, but their current possibilities are rather limited in comparison with their foreign counterparts.

Along with the specification of the current legal powers of the relevant institutions, it is also necessary to strengthen their mutual co-operation, not only at the national level, but also at the international level. Without the sharing of necessary information and co-operation between individual authorities, the fight against this phenomenon cannot be successful.

The proposed specification of the existing legal powers of the intelligence services and the Police of the Czech Republic fully respond to the aforementioned requirements and are conceived in such a way that the intelligence services and the Police of the Czech Republic are able to combat effectively the threats of international terrorism and to respond to the initiatives and requests of relevant foreign authorities. It is also necessary to underline that all the proposed measures are conceived, above all, in a preventive way. Their primary goal is to prevent terrorist attacks and they are, therefore, directed at enabling the intelligence services to detect in time the signs and indications of a possible terrorist threat.

All the counter-terrorism measures prepared in the Czech Republic are drafted with due respect to the protection of the fundamental human rights and freedoms. Every single measure included in the National Action Plan to Combat Terrorism accentuates the balance of two crucial aspects, which are the security and freedom of the individual.

A constant priority of the government of the Czech Republic in relation to the intelligence services is also the elaboration and adoption of the Act on the control of the intelligence services.

To establish the criminal liability of legal persons in the legal order of the Czech Republic is, in the long-term, also necessary in view of the Czech Republic's efforts to accede to other international instruments for which its adoption is compulsory.<sup>22</sup>

### **Extradition/Transfer of Citizens of the Czech Republic for Criminal Prosecution or the Execution of Sentences Abroad**

To date only two cases of extradition related to terrorist activity have been reported in the Czech Republic.

European Arrest Warrant became effective in the Czech Republic on 1 November 2004, on the basis of the Act No. 539/2004 Coll. On 14 January 2005, the Czech Republic made a declaration in relation to the relevant article of the European Convention on Extradition of 1957 at the Council of Europe so that it could apply the Framework Decision on the European Arrest Warrant instead of the aforementioned Convention between the EU member states.

On the basis of Act No. 253/2006 Coll., since 1 July 2006 the European Arrest Warrant can also be used in respect of criminal acts committed before 1 November 2004.

### **The fight against the financing of terrorism**

The main institutions responsible for fighting the financing of terrorism are the Financial Analytical Unit (FAU), the Police of the Czech Republic and the Office of the Public Prosecutor. The Czech National Bank (CNB), the Ministry of Finance and the Czech Securities Commission (CSC) are the primary financial regulators.

Some aspects of the fight against the financing of terrorism are investigated by the specialised police forces (Organised Crime Unit, Anti-Corruption Unit).

Informal negotiations in the area of the fight against money laundering, financing of terrorism and other forms of serious economic crime also take place in an interdepartmental group known as the Clearing House of the Czech Republic (CH), which has been operating under the guidance of the Ministry of Finance since 2002. The members of the CH are:

- representatives of the Ministry of Finance – Financial Analytical Unit (chair)
- representatives of the Ministry of the Interior, including the Police of the Czech Republic;

---

<sup>22</sup> It also applies with regard to the Czech Republic's efforts to accede to another key international instrument containing certain elements related to the fight against terrorism, the United Nations Convention against Transnational Organised Crime (and its protocols).

- representatives of the Ministry of Justice;
- representatives of the Ministry for Foreign Affairs;
- representatives of the Czech National Bank;
- representatives of the Czech Banking Association.

Legislation in the Czech Republic complies with most of the 40 Financial Action Task Force (FATF) Recommendations. Amendments to existing legislation are still to be adopted by the Parliament, which, if enacted, would bring the Czech Republic into compliance with the 40 + 9 FATF Recommendations.

As regards the legislation in force, the freezing of funds may be ordered in the course of criminal proceedings under Section 79a, b, c of the Penal Code. If there are grounds to believe that funds deposited in a bank account have been (or are intended to be) used to commit a crime, or that they are the proceeds of crime, the presiding judge (or a public attorney in pre-trial proceedings) may order the freezing of such funds. Securities may also be frozen. In urgent cases, the freezing of such funds may be ordered by the police; however the police order must be presented to a public attorney for approval or cancellation within 48 hours.

The main framework for the functioning of the Financial Analytical Unit (FAU) is set out in Act No. 61/1996 Coll. on certain measures against the laundering of the proceeds of crime. (AML Act). This Act also establishes an obligation to report suspicious transactions to the FAU and other obligation in this respect. Following an amendment in 2005, suspicious transactions also covers the financing of terrorism.

In situations not related to criminal proceedings, the freezing of assets and funds may be ordered under Article 6 of the AML Act. The suspension of a client order (freezing of funds) is only possible for a total period of 72 hours. This period serves the specific purpose of allowing the FAU sufficient time to investigate the transaction in question and make a qualified decision as to whether there are grounds to suspect it may be related to the commission of a crime. If there are sufficient grounds, then it submits a criminal notification to the police bodies, in which case the transaction is suspended for a further three days to allow the police bodies to decide on further measures; this is no longer within the competence of the FAU.

According to Regulation No. 183/2002 Coll. of the Czech National Bank, banks are obliged to ascertain the purpose of payments to their clients' accounts from abroad and from such accounts abroad.

The freezing of funds under international sanction regimes in the Czech Republic is regulated by Act No. 61./2006 Coll. on the Implementation of International Sanctions. This Act was drafted by the FAU, together with other relevant bodies, and was discussed by all the relevant state bodies in the course of 2005 and should come into effect. The new act regulates the whole issue of international sanctions (EU and UN) in the Czech Republic and designates one concrete body with appropriate responsibilities to coordinate general sanction measures (the FAU).

The Czech Republic supports and, according to the valid legislative frameworks, implements the outcomes of relevant international organisations (Austral Group, Zangger Committee, Wassenaar Agreement, etc.) In accordance with the relevant Government Decree of 18 November 2002, the Czech Republic joined the International Code of Conduct against Ballistic Missile Proliferation (The Hague, 25 November 2002).

The legal order of the Czech Republic requires so-called obliged persons in the Czech Republic to request the identification of the client in every transaction exceeding a certain amount. The amount for banks is set at 100,000 Czech Crowns (CZK, 1 EUR = 25 CZK, 2008) (by Act No. 21/1992 Coll. on Banks, as amended by later regulations) and for exchange offices, the amount is also set at CZK 100,000 by Regulation No. 434/2002 Coll. of the Czech National Bank.

The Czech National Bank's measures for the internal management and control system of the bank with the aim of preventing the laundering of proceeds from criminal activity takes into account the requirements contained in the Basle Banking Supervision Committee document: "Customer Due Diligence for Banks", in particular the application of the principle "Know Your Customer".

Bearer's savings books were abolished by amendment to the Civil Code, effective as of 1 January 2001.<sup>23</sup> An amendment to the Banking Act<sup>24</sup> abolished all deposits acknowledged by bearer's savings books as of 31 December 2002.

The results of research into the potential misuse of the non-profit sector in the Czech Republic are expected to be published before the end of 2008.

<sup>23</sup> Executed by Act No. 367/2000 Coll. which amends Act No. 40/1964 Coll. the Civil Code, as amended by later regulations.

<sup>24</sup> Executed by Act No. 126/2002 Coll.

**President of the Republic**

The Czech Republic is a parliamentary regime. The President of the Republic appoints the Prime Minister and, on the Prime Minister's suggestion, the other members of Government.

**Parliament of the Czech Republic**

The legislative branch consists of two Chambers, the Chamber of Deputies (200 deputies, elected for a term of four years) and the Senate (81 senators, elected for a term of six years), which compose the Parliament.

**Government of the Czech Republic**

The Government, as the supreme executive body, is responsible for safeguarding the security of the State and for the management and functioning of the whole security system of the Czech Republic. The Government:

- evaluates (in general) risks and threats in the field of security and takes the necessary measures to reduce and/or eliminate such risks and decides on measures for the effective functioning of the security system of the Czech Republic;
- is authorized to declare a state of emergency in the event of natural disasters, ecological or industrial disasters, accidents or any other danger that threatens lives, health or property values or internal order and security to a considerable extent. Where there is a danger in delay, a state of emergency can be declared by the Prime Minister. His/her decision shall be approved or cancelled by the Government within 24 hours of the declaration;<sup>25</sup>
- must determine, along with the declaration of a state of emergency, which fundamental rights and freedoms shall be restricted and what duties shall be imposed;
- proposes to the Parliament to declare a state of endangering the State, where the sovereignty or territorial integrity or democratic foundations of the State are immediately endangered.

As regards international co-operation, the Government may decide to send the Armed Forces outside the territory of the Czech Republic or to allow the armed forces of foreign countries to stay within the territory of the Czech Republic for a maximum period of 60 days if it concerns the performance of obligations arising from international

---

<sup>25</sup> A state of emergency can only be declared for a certain period of time and in respect of a certain territory, where and when is it reasonable.

treaties on joint defence against aggression, participation in peace-keeping operations according to a decision made by an international organisation of which the Czech Republic is a member, upon consent by the receiving state, or participation in rescue operations during natural, industrial or ecological disasters.

With the consent of the Foreign Committee of the Chamber of Deputies, the Government may determine, amend, suspend, cancel or renew international sanctions by a decree.

The Prime Minister has overall responsibility and the ministers involved in the fight against terrorism in their respective fields of competence are answerable to him/her. He/she is the Chairperson of the National Security Council and also chairs, in particular, the Intelligence Activity Committee within the National Security Council.

**The National Security Council and its committees**

The National Security Council<sup>26</sup> (NSC, chaired by the Prime Minister), is the co-ordinating body at ministerial level. It is a governmental standing working body, which, in particular, deals with security matters, including terrorism, and the co-ordination of intelligence activities (in the counter-terrorism area and in other areas). It usually meets once a month.

The main task of the National Security Council is to define and to participate in the formation of a national security system, to assess current risks and threats in the area of security, to deal with the preparation of appropriate measures and crisis situations when they occur. From this perspective, it ensures the co-ordination of and control over the measures aimed at safeguarding the security of the Czech Republic and its compliance with international obligations. It co-ordinates and evaluates issues relating to the security of the Czech Republic and proposes appropriate measures to be implemented

---

<sup>26</sup> The National Security Council was established pursuant to Article 9 of Constitutional Act No. 110/1998 Coll. on the Security of the Czech Republic. See also Resolution No. 391 of the Government of the Czech Republic of 10 June 1998 on the National Security Council and on Planning of Measures to Ensure Security of the Czech Republic, as amended by Resolution No. 813 of the Government of the Czech Republic of 22 August 2001, Resolution No. 741 of the Government of the Czech Republic of 24 July 2002, Resolution No. 164 of the Government of the Czech Republic of 12 February 2003, Resolution No. 980 of the Government of the Czech Republic of 1 October 2003, Resolution No. 828 of the Government of the Czech Republic of 1 September 2004, Resolution No. 1109 of the Government of the Czech Republic of 10 November 2003, Resolution No. 1174 of the Government of the Czech Republic of 11 October 2006 and Resolution No. 54 of the Government of the Czech Republic of 17 January 2007. The current NSC Statute is valid since 22 August 2001.

by the Government (it cannot decide or act by itself). For that purpose, the National Security Council includes four standing working committees as follows:

- **Committee for Foreign Security Policy Co-ordination** (FSPCC, chaired by the Minister of Foreign Affairs). The main task of FSPCC is to co-ordinate the foreign security policy of the Czech Republic with an emphasis on the international position of the Czech Republic and its relations with international security organisations.<sup>27</sup>
- **Defence Planning Committee** (DPC, chaired by the Minister of Defence) whose main task is to co-ordinate the planning of measures to secure the defence of the Czech Republic.<sup>28</sup>
- **Civil Emergency Planning Committee** (CEPC, chaired by the Minister of the Interior). The main tasks of this committee are: to co-ordinate and plan measures to secure the protection of the internal security of the State, its citizens and the economy, of essential infrastructure; to secure preventive measures against the use of weapons of mass destruction, including solutions for dealing with the consequences of the use of such weapons; and to co-ordinate the requirements for the civilian resources necessary to safeguard the security of the Czech Republic.<sup>29</sup>
- **Intelligence Activity Committee** (IAC, chaired by the Prime Minister; the executive vice-chairman is the Minister of the Interior). The main role of this committee is to co-ordinate the activities of the intelligence services of the Czech Republic and to plan measures to secure intelligence activities and the co-operation of governmental bodies that acquire, collect and evaluate the information necessary to safeguard the security of the Czech Republic.<sup>30</sup>

### Common Intelligence Group

The Common Intelligence Group is a permanent working body of the IAC, which is designed for the exchange of intelligence information and to ensure coordination between the intelligence services of the

---

<sup>27</sup> The FSPCC was created by Resolution No. 32 of the Government of 11 January 1999, as amended. The Statute of the FSPCC is valid since 22 August 2001, based on NSC Resolution No. 205 of 24 July 2001.

<sup>28</sup> The DPC was created by Resolution No. 391 of the Government of 10 June 1998, as amended. The Statute of the DPC is valid since 29 March 2006, based on Resolution No. 319 of the Government of 26 March 2006.

<sup>29</sup> The CEPC was created by Resolution No. 391 of the Government of 10 June 1998, as amended. The Statute of the CEPC is valid since 14 May 2004, based on NSC Resolution No. 205 of 24 July 2001.

<sup>30</sup> The IAC was created by Resolution No. 423 of the Government of 3 May 2000, as amended. The Statute of the IAC is valid since 22 August 2001, based on NSC Resolution No. 205 of 24 July 2001.

Czech Republic, the Police of the Czech Republic, the Ministry of the Interior and the Ministry for Foreign Affairs. The members of the Group are:

- representatives of all the intelligence services of the Czech Republic;
- the Police of the Czech Republic (representatives of the Criminal Police and Investigation Service and the Organised Crime Unit);
- the Ministry of the Interior (representatives of the Security Policy Department);
- the Ministry for Foreign Affairs (representatives of the Common Foreign Security Policy Department).

Representatives of the other central administration units, as well as other experts, can also be invited to join sessions, where necessary.

### Central Crisis Staff

In addition, the National Security Council also includes a **Central Crisis Staff**, which is a working body for providing solutions to crisis situations or other serious situations concerning the security interests of the Czech Republic. The Central Crisis Staff, which is not an executive body, is chaired, according to the nature of the crisis, either by the Minister of Defence, or by the Minister of the Interior.

An Expert Working Group for Biological Protection has been established within the Central Emergency Staff to handle emergency events and emergency situations relating to bio-terrorism and public health protection.

The National Security Council can also set up ad hoc expert groups, always chaired by a permanent member, in domains falling within its competence and may request information and analyses relating to safeguarding security from all the ministers and the heads of other administrative authorities

### National Security Council (NSC)

The secretariat and staff of the NSC are provided by the Defence and Security Department of the Office of the Government.

There are 12 permanent members of the NSC:

- Prime Minister (chair),
- Minister of Labour and Social Affairs,
- Minister of Regional Development,
- Minister of the Interior,
- Minister of European Affairs,
- Minister of Environment,
- Minister of Foreign Affairs,
- Minister of Defence,
- Minister of Finance,
- Minister of Industry and Trade,
- Minister of Transportation,

- Minister of Health.

The sessions of the NSC are also attended by the governor of the Czech National Bank, the Head of the State Material Reserve Administration and the Head of the Office of the Government. The President of the Republic also has the right to attend the sessions of the NSC.

The other members of the government, the chairpersons of the Chamber of Deputies and of the Senate of the Parliament and representatives of the other central administration units, as well as other experts, can also be invited to join the sessions of the NSC, where necessary.

The NSC must be called together at least once every three months.

**Foreign Security Policy Coordination Committee (FSPCC)**

The secretariat and staff of the Committee are provided by the Security Policy Department of the Ministry for Foreign Affairs.

There are 18 permanent members of the FSPCC:

- Minister of Foreign Affairs (chair),
- Deputy Minister of Foreign Affairs (executive chair),
- Deputy Minister of European Affairs,
- Deputy Minister of Defence,
- Deputy Minister of the Interior,
- Deputy Minister of Finance,
- Deputy Minister of Health,
- Deputy Minister of Agriculture;
- Deputy Minister of Regional Development,
- Director of the Independent section of the NSC Secretariat of the Office of the Government,
- Deputy Head of the State Material Reserve Administration,
- Deputy Governor of the Czech National Bank
- Representative of the Office of the President of the Republic,
- Director of the National Security Office,
- Director of the Office for Foreign Relations and Information,
- Director of the Security Intelligence Service,
- Director of the Military Intelligence.

Representatives of the other central administration units, as well as other experts, can also be invited to join the sessions of the FSPCC, where necessary.

The FSPCC must be called together at least once every three months.

**Defence Planning Committee (DPC)**

The secretariat and staff of the Committee are provided by the Ministry of Defence.

There are 14 permanent members of the DPC:

- Minister of Defence (chair),
- 1st Deputy Minister of Defence (executive chair),
- Deputy Minister of Foreign Affairs,
- Deputy Minister of Agriculture,
- Deputy Minister of the Interior,
- Deputy Minister of Finance,
- Deputy Minister of Industry and Trade,
- Deputy Minister of Transportation,
- Deputy Minister of Labour and Social Affairs,
- Deputy Minister of Health,
- Deputy Head of the State Material Reserve Administration,
- Deputy Governor of the Czech National Bank,
- Director of the Independent Section of the NSC Secretariat of the Office of the Government,
- Chair of the Czech Telecommunications Authority.

Representatives of the other central administration units, as well as other experts, can also be invited to join the sessions of the DPC, where necessary. Very often the director of the NSC Secretariat is invited.

The DPC must be called together at least once every three months.

**Civil Emergency Planning Committee (CEPC)**

The secretariat and staff of the Committee are provided by the Ministry of the Interior (General Directorate of the Fire Rescue Service of the Czech Republic).

There are 19 permanent members of the CEPC:

- Minister of the Interior (chair),
- Deputy Minister of the Interior, responsible for the civil emergency planning agenda,
- Director General of the Fire Rescue Service of the Czech Republic (executive chair),
- Deputy Minister of Foreign Affairs,
- Deputy Minister of Agriculture,
- Deputy Minister of Defence,
- Deputy Minister of Finance,
- Deputy Minister of Industry and Trade,
- Deputy Minister of Transportation,
- Deputy Minister of Labour and Social Affairs,
- Deputy Minister of Culture,
- Deputy Minister of Environment,
- Deputy Minister of Education, Youth and Sports,
- Deputy Minister of Health,
- Deputy Minister of Justice,
- Chair of the State Office for Nuclear Safety,
- Deputy Governor of the Czech National Bank
- Head of the State Material Reserve Administration,
- Director of the National Security Office.

Representatives of the other central administration units, as well as other experts, can also be invited to join the sessions of the CEPC, where necessary.



The CEPC must be called together at least once every three months.

### **Intelligence Activity Committee (IAC)**

The secretariat and staff of the Committee are provided by the Office of the Government (Independent section of the IAC Secretariat).

There are 9 permanent members of the IAC:

- Prime Minister (chair),
- Minister of the Interior (executive chair),
- Minister of Foreign Affairs,
- Minister of Defence,
- Minister of Labour and Social Affairs,
- Director of the Security Information Service,
- Director of the Office for Foreign Relations and Information,
- Director of the Military Intelligence,
- Director of the Office of the Government.

Representatives of the other central administration units, as well as other experts, can also be invited to join the sessions of the IAC, where necessary. Very often the Director of the Military Defensive Intelligence Service, the Director of the Military Intelligence Service and the Head of the Secretariat of the IAC are invited.

The IAC must be called together at least once every three months.

### **Central Emergency Staff (CES)**

According to the nature of the emergency situation, the staff of the secretariat is provided either by the Ministry of the Interior, or the Ministry of Defence (so far, all the "real" - not manoeuvres - sessions were organised by the Ministry of the Interior).

There are about 30 potential members of the CES from whom, according to the nature of the current situation, the members who will be invited to the individual session are chosen: deputy ministers, directors or other representatives of all the separate ministries, the Police of the Czech Republic (Police President), the army (Chief of Staff), the directors of all the intelligence services, the State Office for Nuclear Safety, the National Security Office, the Office of the Government, the State Material Reserve Administration, the Czech National Bank, the Office of the President of the Republic, the Czech Telecommunications Authority, the Supreme State Attorney, the General Directorate of the Fire Rescue Service of the Czech Republic, the Penitentiary Service of the Czech Republic, the State Veterinary Supervision Body, the Supreme Sanitation Authority of the Czech Republic, the Czech Hydro-Meteorological Institute and the Red Cross of the Czech Republic.

Representatives of the other central administration units, as well as other experts, can also be invited to join the sessions of the CES, where necessary. According to the character of emergency situation, the Prime Minister designates as chair of the CES:

- the Minister of Defence (in the case of a military emergency or if the Republic accompanies its allies on a military operation or on a peace-keeping operation)
- the Minister of the Interior (in the case of a non-military emergency, e.g. floods, mass unrest, terrorist attacks, etc.)

The CES must be called together at least once every three months.

### **The most important ministries and other central administration authorities responsible for the fight against terrorism:**

No minister is formally appointed as co-ordinator of the fight against terrorism. If a broad definition of terrorism (and the fight against terrorism) is used, it becomes evident that all the separate ministries, the intelligence services and many other central administration authorities are involved in the fight against terrorism.

### **The Ministry of the Interior (including the Police of the Czech Republic and the Fire Rescue Service of the Czech Republic)**

The Ministry of the Interior carries out tasks in the area of public order and security, including terrorism-related issues, and coordinates the proposed measures in the field of combating terrorism with other ministries and with the requirements arising from international co-operation. It also carries out tasks in the field of asylum-seekers, refugees, the entry and stay of aliens, the integration of aliens, and Schengen co-operation; deals with the control mechanisms on the trading and other handling of weapons, ammunition and military equipment, including exports and imports of goods and technologies subject to international control regimes; and develops relevant analytical and conceptual documents.

The Police of the Czech Republic are under the Ministry of the Interior and the Police President is, as the head of the Police of the Czech Republic, responsible to the Minister of the Interior.<sup>31</sup>

Police responsibility in the field of the fight against terrorism is based on the Police Act<sup>32</sup> and on other internal rules and regulations. The structure of the

---

<sup>31</sup> New police legislation is expected to come into force on 1 January 2009.

<sup>32</sup> Police Act, No. 283/1991 Coll.

Police of the Czech Republic is centralised. There are:

- a) territorially organised units (seven regions + the capital, Prague);
- b) specialised units with specific responsibilities over the whole territory of the state (which also have regional branches).

The Organisation Statute of the Police of the Czech Republic, as well as the Orders of the Police President, describe the roles of all the individual parts of the Police of the Czech Republic (the main aspects of the fight against terrorism lies with the Organised Crime Unit). In addition, other specialised police units contribute to the fight against terrorism (Protection Service for VIP protection, Bomb Disposal Department, Rapid Response Unit, etc). In the field of international co-operation, mention should be made of the International Police Co-operation Department which is a common platform for the Interpol national bureau, the Europol national unit, the SIRENE office, the international relations department, etc.

### **Ministry for Foreign Affairs**

The Ministry for Foreign Affairs ensures the relations of the Czech Republic with other states and international organisations; co-ordinates activities resulting from bilateral and multilateral co-operation; co-ordinates the foreign-relations activities of other ministries and the central administrative authorities, within their sphere of competence; and assists in fulfilling the obligations resulting from international agreements and from the Czech Republic's membership of international organisations. The Ministry for Foreign Affairs also ensures contacts with the authorities of other states residing in the Czech Republic or abroad. With regard to international agreements, the Ministry for Foreign Affairs co-ordinates and ensures the preparation, negotiation and intrastate consultation of the ratification process of international agreements. The Department for EU Foreign and Security Policy, which is responsible for coordinating the fight against international terrorism within the Ministry for Foreign Affairs, ensures the Czech Republic's attendance at the Council Working Party on Terrorism (COTER).

### **Ministry of Justice and the judiciary system**

The Ministry of Justice has jurisdiction over judicial co-operation, in particular the issues of extradition and mutual legal assistance in both civil and criminal matters. As regards legislation, the Penal Code and Criminal Procedure Code fall under its responsibility.

The judiciary system in the Czech Republic consists of the Supreme Court, the Supreme Administrative Court, two high courts, eight regional courts and 86 district courts. In Prague, the district court and the municipal court respectively carry out the tasks of the district and regional courts. In addition, the legal system also consists of the Constitutional Court, which forms a separate part of the judicial system and serves to protect the constitutional order of the state and to ensure respect for constitutional rights and freedoms.

The Code of Criminal Procedure (CCP) gives jurisdiction in criminal matters to the district courts, regional courts (municipal court in Prague), high courts and the Supreme Court. The district courts rule in the first instance in all criminal matters except where the CCP assigns jurisdiction to the regional courts (i.e. where the minimum possible punishment exceeds five years' imprisonment, or where an "exceptional punishment" (15 to 25 years' or life imprisonment) may be imposed). The main task of the regional courts is to serve as the court of appeal for the district courts. They also examine the legality of decisions by administrative bodies in cases stipulated by law

The two high courts (located in Prague and Olomouc) supervise the interpretation of laws and other legal regulations in cases set out in procedural law. They also give opinions on the interpretation used in judicial decisions of courts within their jurisdiction. In addition, the high courts serve as courts of appeal in criminal cases where the first instance proceedings were conducted before a regional court.

The Supreme Court is the highest judicial body in matters falling under the jurisdiction of the courts, with the exception of matters decided by the Constitutional Court or the Supreme Administrative Court. Located in Brno, the Supreme Court oversees the enforceable judgements of the high courts, and ensures the legality of the decision-making process among the higher courts and the lower courts within their territorial jurisdiction. It rules on extraordinary corrective measures, such as complaints concerning breaches of law filed by the Minister of Justice, forms opinions on the interpretation of laws and other legal regulations, and decides in some other cases stated by law.

A public prosecutor, whose office is independent of the court, represents the public prosecution in criminal proceedings. There are 86 District Prosecutor's offices, 14 offices at regional level, two at the level of the high courts and the Supreme State Prosecutor's Office is located in Brno. Among his/her functions, the Public Prosecutor prepares and submits accusations to the courts and supervises the

legality of the preliminary phase of the criminal procedure. Public prosecutors also monitor the work of investigators and have the right to be present during investigations.

There is no specific criminal procedure that applies to the prosecution of terrorists and to the investigation of terrorist acts/activities. Furthermore, there are no specialised prosecutors in this area: each prosecutor is the competent authority under the control of his/her superior Public Prosecutor's Office and the Supreme Public Prosecutor's Office. The prosecutors in each office specialize in specific criminal fields, however. In this respect, the Supreme Public Prosecutor issued a binding Instruction of a general nature concerning the specialisation of prosecutors,<sup>33</sup> according to which there are prosecutors specialised in serious violent criminality.

### **Intelligence services**

The intelligence services of the Czech Republic are governmental bodies responsible for the acquisition, collection and evaluation of important information for protection of the Constitution, significant economic interests, security and defence of the Czech Republic. Three intelligence services operate in the Czech Republic:

- Security Information Service (SIS, civilian counterintelligence);
- Office for Foreign Relations and Information (OFRI, civilian intelligence);
- Military Intelligence (MI, military intelligence and counterintelligence).

The SIS secures information about: conspiracies and activities aimed against the democratic foundations, sovereignty and territorial integrity of the Czech Republic; foreign intelligence services; activities endangering classified information; activities which may endanger the security or significant economic interests of the Czech Republic, relating to organised crime and terrorism. The income and expenses of the Security Information Service make up a separate chapter of the state budget.

The OFRI secures information originating abroad which is important for the security and protection of the foreign political and economic interests of the Czech Republic. The budget of the OFRI is part of the budget chapter of the Ministry of the Interior.

MI secures information originating abroad, important for the defence and security of the Czech Republic, relating to foreign intelligence services in the field of defence; conspiracies and activities aimed against

the defences of the Czech Republic; and activities endangering classified material relating to the defence of the Czech Republic. MI is a part of the Ministry of Defence.

The basic legal regulation in this field is Act No. 153/1994 Coll. on the Intelligence Services of the Czech Republic. This Act particularly regulates the position, powers, coordination, co-operation and control of the intelligence services of the Czech Republic, of the assignment of tasks to the intelligence services, reporting by such services and the disclosure of information to intelligence services.

The use of specific means, the acquisition of information and the keeping of records containing the data of persons in the SIS and MI, as well as the position of members of the intelligence services and their status are regulated by special statutes.<sup>34</sup>

### **Civil protection / consequence management**

The Czech Republic has a very detailed and comprehensive system in this area which has various levels and is based on the principle of subsidiarity. Crises must be solved at the right level and in particular at local level that involves the mayor, the local chief of police, the Fire Rescue Service and the Health Service. Mayors chair territorial crisis management bodies. Via the operation centres of the fire rescue, police and health services, the bodies at local level can ask for assistance and help from the bodies at regional level where the leading body is the crisis management body or regional crisis staff which is chaired by the regional administrator.

With regard to major crises, there is a government programme on critical infrastructure protection which includes all national systems and assets in ten areas whose incapacity would have an impact on national security, the economy and the maintenance of basic national functions in crisis situations.

The **Integrated Rescue System** of the Czech Republic (IRS) is designed as an autonomous mechanism, that will act autonomously in the event of a terrorist threat or terrorist attack. There are "models of work" for the police or IRS, based on law or on some sub-law norms (orders of the Police President, etc.), that are used as a framework for action in emergency situations. The first unit (either the police or fire rescue service) confronted with the emergency situation starts to co-ordinate the necessary steps until the moment direction comes from the Central Emergency Staff (or National Security Council) or from some other relevant supreme body (the local unit must contact the

<sup>33</sup> Instruction No. 3/2000, as amended.

<sup>34</sup> Act No. 154/1994 Coll. on the Security Information Service and Act No. 289/2005 Coll. on the Military Intelligence Service.

relevant supreme body immediately, in case there is a need to postpone the responsibilities of the specialised unit, etc.)

### Public awareness

Activities to improve public awareness in the Czech Republic are based on the:

- Security Strategy of the Czech Republic;<sup>35</sup>
- National Action Plan to Combat Terrorism: current wording for the years 2007-2009;
- outcomes of respective manoeuvres.

Public awareness became one of the priorities of the security community of the Czech Republic (including the Integrated Rescue System). Foreign experiences were studied thoroughly. In the Czech Republic there is a large amount of information that can be used in the respective areas (brochures, leaflets, manuals, internet pages), tailored to the widest public and describing the recommended behaviour during emergency situations. This information is currently being summarised and educational courses are being prepared for representatives of the security community and self-governing units in the Czech Republic, which are designed to help in the area of public awareness. The issue of public awareness and communication with the public is integrated into all crisis management manoeuvres. Some specialised campaigns were initiated recently: "Safe Travelling: 112 Save Lives", "Journalists and Disasters",<sup>36</sup> etc.

### Assistance to victims of terrorism<sup>37</sup>

The Czech Republic, in general, supports a general approach to the victims of serious crime, including the victims of terrorism. As for case studies, the mechanism for the assistance of citizens abroad has been initiated only once, in relation to the **Sharm El Sheikh incident in July 2005**. The Ministry for Foreign Affairs of the Czech Republic was in charge of general emergency management and the general coordination of psychosocial support was coordinated under the Ministry of the Interior of the Czech Republic, which is connected to the Central Crisis Staff. The major co-operative partners were: the Ministry for Foreign Affairs, the Ministry of Defence, the Ministry of Health, Czech Airlines, psychosocial intervention teams of the Czech Republic, and the Czech Association of Clinical Psychologists. One citizen died, one citizen was seriously injured and medically treated and several other citizens were slightly injured. Altogether 164 citizens of the Czech Republic and 12 citizens of Slovakia were repatriated to Prague.

<sup>35</sup> Resolution No. 1254 of the Government of 10 December 2003.

<sup>36</sup> See [http://www.mvcr.cz/zpravy/2006/prirucka\\_nn.html](http://www.mvcr.cz/zpravy/2006/prirucka_nn.html).

<sup>37</sup> The article was prepared by Dr Štěpán Vymetal, chief-psychologist of the Ministry of the Interior.

## INTERNATIONAL CO-OPERATION

The Czech Republic supports all international efforts in the field of fight against international terrorism, disarmament and arms control, including the verification of the non-proliferation of weapons of mass destruction and their means of delivery. This process is a long-term priority of foreign policy of the Czech Republic. With regard to the threat from international terrorism, the Czech Republic is obviously involved in depth in the activities of relevant international organisations, e.g. the UN and NATO in particular, as well as in those arising from bilateral agreements with foreign countries.

The Czech Republic has ratified all of the 13 United Nations conventions and protocols relating to terrorism.<sup>38</sup>

The procedure for the ratification of the amended Convention on the Physical Protection of Nuclear Material is expected to be finalised during the course of 2008.

The Czech Republic has also ratified the European Convention on the Suppression of Terrorism and signed the **Amending Protocol to the European Convention on the Suppression of Terrorism** (27 November 2007, on the basis of Resolution No. 1135 of the Government of 10 October 2007).

The Czech Republic has signed a number of bilateral treaties concerning combating terrorism and other forms of serious criminality. All of them cover police co-operation.

The police units and intelligence services of the Czech Republic, within the scope of their legal powers, exchange information with their foreign partners. The priority of such international co-operation is the fight against terrorism.

Besides bilateral exchanges, the Czech Republic's security community is also involved in multilateral platforms in the sphere of the exchange of intelligence information. The Organised Crime Unit of the Police of the Czech Republic is involved in the Police Working Group on Terrorism; the Security Information Service is engaged in the activities of NATO's Terrorism Threat Intelligence Unit (TTIU), the Counter-Terrorism Group (CTG), associating civil counterintelligence services of the member states of the European Union, Norway and Switzerland, and is a member of the Evaluation Committee of the group of chairmen who submit proposals for improving and

<sup>38</sup> For the complete UN-CTC report on the Czech Republic, see: [http://www.un.org/docs/sc/committees/1373/submitted\\_reports.html](http://www.un.org/docs/sc/committees/1373/submitted_reports.html).

specifying the activities of the international organisation MEC, which brings together the intelligence and security services of many European countries. Regarding international co-operation, the Military Intelligence Service is actively involved in exchanges of intelligence information within NATO and the EU.

The Czech Republic contributes to the more effective operation of the centre for the analysis of intelligence information which is being developed within the central bodies of the European Union (the so-called SitCen). Already during 2004, the intelligence services and the Ministry for Foreign

Affairs contributed their data to some partial SitCen analyses.

The most active exchanges of information take place with countries which face similar problems to the Czech Republic (EU and NATO member states). Co-operation must be important and fruitful for both sides. The most common topics of exchanges of information are the fight against terrorism, the proliferation of CBRN, the proliferation of arms and ammunition, counter-intelligence and the fight against illegal migration.

<b>Relevant Council of Europe conventions – Czech Republic</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on the Suppression of Terrorism (ETS 90)	13/02/92	15/04/92
Amending Protocol (ETS 190)	27/11/07	
European Convention on Extradition (ETS 24)	13/02/92	15/04/92
First Additional Protocol (ETS 86)	18/12/95	19/11/96
Second Additional Protocol (ETS 98)	18/12/95	19/11/96
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	13/02/92	15/04/92
First Additional Protocol (ETS 99)	18/12/95	19/11/96
Second Additional Protocol (ETS 182)	18/12/03	01/03/06
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	13/02/92	15/04/92
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	15/10/99	08/09/00
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	18/12/95	19/11/96
Convention on Cybercrime (ETS 185)	09/02/05	
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)		
Council of Europe Convention on the Prevention of Terrorism (ETS 196)		
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)		

