

Czech Republic – national procedures for mutual legal assistance in criminal matters

Updated 29/08/2014

The information contained in this table should be updated on a yearly basis.

| | |
|---|---|
| The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance: | <p>Pre-trial stage: Supreme Public Prosecutor’s Office Department of International Affairs Jezuitská 4 660 55 Brno Tel No.: +420 542 512 330 Fax No.: +420 542 512 350 e-mail: mo@nsz.brn.justice.cz</p> <p>Trial stage: Ministry of Justice of the Czech Republic International Department for Criminal Matters Vyšehradská 16 128 10 Praha 2 Tel No.: +420 221 997 435 Fax No.: +420 221 997 986 e-mail: mot@msp.justice.cz</p> |
| If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available): | |
| Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other): | Unless stipulated otherwise by the European Convention on Mutual Assistance in Criminal Matters, Additional Protocols thereto or a bilateral treaty, according to Section 8 of the Act on International Judicial Cooperation in Criminal Matters the judicial authorities will liaise with foreign authorities through their central authorities. The central authorities will liaise with foreign authorities via diplomatic channels. |
| Means of communication (e.g. by post, fax, e-mail ¹): | Unless stipulated otherwise by the European Convention on Mutual Assistance in Criminal Matters, Additional Protocols thereto or a bilateral treaty, authorities in the Czech Republic may initiate proceedings on the basis of a request from an authority of a foreign State delivered by telephone, fax or electronically by the means of |

¹ Please indicate if encryption or electronic signature is required.

| | |
|---|--|
| | <p>international police cooperation, personally or otherwise in accordance with the relevant legal provisions, provided they have no doubts regarding its authenticity and the case does not allow for delay. The original of the request must be submitted subsequently within the time limit determined by the requested authority.</p> |
| | |
| <p>Language requirements:</p> | <p>Unless stipulated otherwise by the European Convention on Mutual Assistance in Criminal Matters, Additional Protocols thereto or a bilateral treaty the translation into Czech language is required.</p> |
| | |
| <p>Double criminality requirement, if applicable:</p> | <p><i>Reservation of the Czech Republic to Article 5 of the European Convention on Mutual Assistance in Criminal Matters, Strasbourg, 20/4/1959:</i></p> <p>Under the terms of Article 5.1.a and 5.1.c the execution of letters rogatory for search or seizure of property will be executed on conditions that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the Czech Republic and the execution of the letters rogatory is consistent with the law of the Czech Republic.</p> |
| | |
| <p>Limitation of use of evidence obtained:</p> | <p>See Article 26 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.</p> <p>Section 20 of the Act on International Judicial Cooperation in Criminal Matters – Consent to Use of Information:</p> <p>(1) Information obtained within the framework of police cooperation from another Member State of the European Union or an associated may be used as evidence in criminal proceedings only on the basis of a consent of the competent authority of this state. Requesting such a consent lies within the competence of the public prosecutor and after lodging an indictment, the court; when requesting the consent, it will be proceeded mutatis mutandis in accordance with provisions of Part three, Chapter I, Sub-chapter 1. Requesting the consent is not necessary, if the competent authority of the foreign state has already granted the consent in the course of providing the information or if the national law of the foreign state does not require such a consent.</p> |

| | |
|--|---|
| | <p>(2) For using the information provided within the framework of police cooperation to another Member State of the European Union or an associated state as evidence in criminal proceedings is necessary to have a consent of the judicial authority. Provisions of Part three Chapter I Subchapter 2 will apply accordingly to granting the consent. Granting the consent lies within the competence of the Regional Court, and in case pre-trial proceeding is being conducted in the foreign state, the Regional Public Prosecutor's Office, in the jurisdiction of which is stationed the police authority that obtained the information.</p> <p>(3) The consent referred to Sub-section (2) cannot be granted if:</p> <p>a) using such information as evidence would be inadmissible for the purposes of criminal prosecution in the Czech Republic, or</p> <p>b) there is a risk that using such information as evidence would thwart criminal proceedings conducted in the Czech Republic or seriously imperil another significant interest.</p> <p>(4) Information obtained or provided within the framework of cooperation between administrative authorities of the Czech Republic and authorities of the foreign state may be used as evidence in criminal proceedings only under the conditions stipulated by an international treaty. Procedure according to Sub-section (1) to (3) will apply accordingly also in case of information obtained or provided within the framework of cooperation between administrative authorities of the Czech Republic and authorities of the foreign state, provided that such a procedure is enabled by an international treaty.</p> |
| Other particularly relevant information (e.g. documentation required for special types of assistance): | - |
| Links to national legislation, national guides on procedure: | The Act on International Judicial Cooperation in Criminal Matters, 104/2013 Coll., contains the relevant provisions and is accessible on the website of the PC-OC (in English). |
| | |

| | |
|--|--|
| Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests | |
|--|--|