

CZECH REPUBLIC

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NATIONAL POLICY

All the involved Authorities pay great attention to emerging threats and menaces that are likely to endanger the security of Czech Republic. The Czech Republic constantly continues to analyse ways how to improve its abilities to prevent, stop and fight radicalization and recruitment.

The law enforcement authorities do not underestimate the dangers of the phenomenon of radicalization. Following the terrorist attacks of 11 September 2001, the Czech Republic initiated a National Action Plan to Combat Terrorism,¹ which was first approved in April 2002 and has been updated four times².

In the following years substantial measures were adopted. The authorities of the Czech Republic effectively combat those who exacerbate division by inciting racism and xenophobia. The last publicly accessible document dedicated to key principles of fight against terrorism in the specific conditions of Czech Republic is Counter-terrorism Strategy 2010 to 2012.

The document builds on the "National Action Plan to Combat Terrorism – updated for the period 2007 – 2009". However, it is conceptually different from the previous documents. That is why it is published under the new title of „Counter-terrorism Strategy for 2010 – 2012“.

The Strategy was drafted as a general document intended to make its reader familiar with the key principles of counter-terrorism efforts in the Czech Republic. It provides insights into the main areas concerned in the context of the fight against terrorism and points out, to the extent given by its nature, to the current shortcomings of the Czech security system.

Aforementioned Strategy 2010 to 2012 defines key areas of counter-terrorism in the Czech Republic:

- No. 1: Enhanced communication and cooperation among bodies involved in counterterrorism, improved conditions in support of their efforts.

¹ 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.

² 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).

- No. 2: Protection of the public, the critical infrastructure and other potential terrorist targets.
- No. 3: Security related research, education, and public awareness of the principles of counter-terrorism.
- No. 4: Prevention of radicalization and efforts to counter recruitment to terrorist groups
- No. 5: Legislative issues and aspects related to international law.

The current version of the governmental Counter-terrorism Strategy is going to be newly revised during the turn of the year 2012/2013.

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:

- 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;
- 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

LEGAL FRAMEWORK

Penal law

Although the Czech Republic does not have a special "counter-terrorism act", procedural powers of law enforcement are stipulated by Criminal Procedure Code (Act No. 141/1961 Coll., as amended). On the 1st January 2010, the act No. 40/2009 Coll., the Criminal Code, came into effect. Comparing with 2008, slight changes were adopted on terrorism related crimes.

The crime of terrorist attack (basically taken over from European legislation) is defined by Section 311 of the Criminal Code (Act No. 40/2009 Coll., as amended). Financial, material and other support is also penalized

pursuant to paragraph (2) of this Section. The preparation of terrorist attack is also criminalized.

The relevant provisions of the Criminal Code contain offences such as Terror³, Common Danger⁴, Endangering the safety of an aircraft or civil vessel⁵, Unlawful taking of an aircraft abroad⁶, Sabotage⁷, Damage and endangerment of public utilities⁸, Murder⁹, Taking of hostages¹⁰, Extortion¹¹, Illegal armament or possession of arms¹², Illegal manufacturing and possession of nuclear and hazardous substances¹³, and Spreading of untrue alert message.¹⁴

Even before the investigations start formally, Police may use powers pursuant to Act on Police (Act No. 273/2008 Coll., as amended). In short, all law enforcement and investigative powers afforded to Police by domestic legislation are available in cases of terrorism.

Very important step forward in the view of the Czech Republic's efforts to accede to other compulsory international instruments is an Act establishing the criminal liability of legal persons, which after long debate came into effect on the 1st January 2012¹⁵.

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.¹⁶

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 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.¹⁷

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 273/2008 Coll. on the Police of the Czech Republic, Act 154/1994, Act 253/2008 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. Current cooperation of Czech intelligence services with their foreign counterparts works efficiently. Hence any future changes have to

³ section 312

⁴ section 272

⁵ section 290

⁶ section 292

⁷ section 314

⁸ section 296

⁹ section 140

¹⁰ section 174

¹¹ section 175

¹² section 279

¹³ section 281

¹⁴ section 357

¹⁵ 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).

¹⁶ Article 1 of the Constitution.

¹⁷ Act 154/1994 Coll. on the Security Information Service and Act 67/1992 Coll. on the defence intelligence services of the Army.

be carefully considered, especially with regard to possible unintended duplication.

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 Counter-terrorism Strategy for 2010 – 2012 accentuates the balance of two crucial aspects, which are the security and freedom of the individual.

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

To date only a few 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;
- 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. As regards the legislation in force, the freezing of funds may be ordered in the course of criminal proceedings under Sections 78–81b of the Criminal Procedure 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. 253/2008 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. 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.

The freezing of funds under international sanction regimes in the Czech Republic is regulated by Act No. 69/2006 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. 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 (including banks, investment funds, brokers, insurance companies, auditors and lawyers) to request the identification of the client in every transaction exceeding 1000 EUR. In case of any suspicion there is no limit of certain amount. (by Act No. 253/2008).

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 2001¹⁸. An

¹⁸ Executed by Act No. 367/2000 Coll. which amends Act No. 40/1964 Coll. the Civil Code, as amended by later regulations

amendment to the Banking Act¹⁹ abolished all deposits acknowledged by bearer's savings books as of 31 December 2002.

INSTITUTIONAL FRAMEWORK

President of the Republic

The Czech Republic is a parliamentary regime with the directly elected President²⁰. 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;²¹
- 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

¹⁹ Executed by Act No. 126/2002 Coll.

²⁰ Constitutional Act No. 71/2012 Coll. which amends Article 56 and 58 of the Constitution.

²¹ 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.

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 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 Council²² (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 coordination of intelligence activities (in the counterterrorism area and in other areas). It usually meets once a month.

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

²² 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.

of the Government. There are 10 permanent members of the NSC:

- Prime Minister (chair),
- Minister of Foreign Affairs
- Minister of the Interior,
- Minister of Environment,
- Minister of Defence,
- Minister of Finance,
- Minister of Industry and Trade,
- Minister of Transportation,
- Minister of Health.

Deputy Prime Minister, President of the Legislative Council and Chair of the Governmental Committee to coordinate the fight against corruption. 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 others central administration units, as well as other experts, can also be invited to join the sessions of the NSC, when necessary. The NSC must be called together at least once every three months.

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

➤ **Foreign Security Policy Coordination Committee (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.²³

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,
- Deputy Minister of Industry and Trade
- 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)**

Chaired by the Minister of Defence; its main task is to co-ordinate the planning of measures to secure the defence of the Czech Republic.²⁴

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)**

Chaired by the Minister of the Interior; the main tasks of this committee are: to coordinate 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.²⁵

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 22 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,

²³ 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.

²⁴ 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.

²⁵ 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.

- 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,
- Chair of the Board of the Council of the Czech Telecommunication Office,
- Director of the National Security Authority,
- Deputy Governor of the Czech National Bank
- Head of the State Material Reserve Administration,
- Director of the National Security Office,
- Police President.

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)**

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.²⁶

The secretariat and staff of the Committee are provided by the Office of the Government (Independent section of the IAC Secretariat). There are 8 permanent members of the IAC:

- Prime Minister (chair),
- Minister of Foreign Affairs (executive chair),
- Minister of the Interior,
- Minister of Defence,
- 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.

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

➤ **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 27 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 Emergency Staff (CES)**

In addition, the National Security Council also includes a Central Emergency 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 Emergency 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.

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

²⁶ 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.

manoeuvres – sessions were organised by the Ministry of the Interior).

There are 17 members and 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 peacekeeping 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.

National Focal (Contact) Point for Terrorism

The primary interest of the Police of the CR is public service. The police protect the safety of people, property and public order, prevent crime and perform other activities under the relevant legislation. Due to constant development of the domestic and foreign criminal scene and the need to respond to modern security threats such as terrorism and international organized crime, the police adopted various measures to reduce the level of security risk and achieve its mission.

This key measure called National Focal Point for Terrorism (NFPT) was established in March 2009 as specialized center of communication, information and analytical department of the Czech Police. The

main part of its work is to deal with collection, evaluation, analysis and processing information identified by the Police of the Czech Republic about the terrorists and persons reasonably suspected of being linked to terrorist organizations. NFPT is connected with all departments of Police and also cooperates with other interior or foreign security authorities. The main objectives and tasks are:

- collect and analyze information related to terrorism,
- prevent and eliminate harmful effects of terrorist activities,
- Provide appropriate central point of contact for domestic and foreign partners on issues of mutual cooperation,
- provide trustworthy and discreet contact point for citizens of the Czech Republic and enable them to participate in law and security enforcement,
- monitor and evaluate the threats posed by terrorism.

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.²⁷

Police responsibility in the field of the fight against terrorism is based on the Police Act²⁸ and on other internal rules and regulations. The structure of the 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; coordinates 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. in listed cases, or where the minimum possible punishment exceeds five years' imprisonment, or where an "exceptional punishment" (20 to 30 years' or life imprisonment) may be imposed according to No. 40/2009 Coll. 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,

²⁷ New police legislation is expected to come into force on 1 January 2009.

²⁸ Police Act, No. 283/1991 Coll.

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,²⁹ 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.³⁰

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.

²⁹ Instruction No. 3/2000, as amended.

³⁰ Act No. 154/1994 Coll. on the Security Information Service and Act No. 289/2005 Coll. on the Military Intelligence Service.

➤ **Integrated Rescue System of the Czech Republic (IRS)**

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 coordinate 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 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;³¹
- Counter-terrorism Strategy 2010 to 2012;
- 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. The issue of public awareness and communication with the public is integrated into all crisis management manoeuvres.

Some specialised campaigns were initiated: "Safe Travelling: 112 Save Lives", "Journalists and Disasters",³² etc. Recently there are examined possible opportunities for other efficient activities.

Assistance to victims of terrorism³³

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.

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.

The Czech Republic has 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 cooperation is the fight against terrorism.³⁴

³¹ Resolution No. 1254 of the Government of 10 December 2003.

³² See http://www.mvcr.cz/zpravy/2006/prirucka_nn.html

³³ The article was prepared by Dr Štěpán Vymetal, chief-psychologist of the Ministry of the Interior.

³⁴ Eg. Agreement between governments of the Czech Republic and United States about strengthening of cooperation in preventing and combating serious crime activities (2010), which helps with provision of information including personal data, to prevent and combat serious

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 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). Cooperation 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.

crimes – particularly terrorism and crimes associated with terrorist group or organization activities.

Relevant Council of Europe conventions – Czech Republic	Signed	Ratified
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)		