



# CZECH REPUBLIC

April 2007

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## NATIONAL ACTION PLAN TO COMBAT TERRORISM<sup>1</sup>

Security Policy Department, Ministry of the Interior  
Prague 2005

### I

#### RESOLUTION OF THE GOVERNMENT OF THE CZECH REPUBLIC No. 1466 of 16 November 2005 On the National Action Plan to Combat Terrorism (current wording for 2005 - 2007)

#### I. approves

"The National Action Plan to Combat Terrorism (current wording for 2005 - 2007)", set forth in section III of document ref. No.: 1782/05 (hereinafter "the Action Plan");

#### II. charges

- 1) the 1st Deputy Prime Minister and Minister of Finance, the Deputy Prime Minister and Minister of Justice, the Deputy Prime Minister and Minister of Transportation, the Ministers of Interior, Defence, Foreign Affairs, Industry and Trade, Culture, Education, Youth and Sports, Health and Informatics, the Chairmen of the Czech Mining Office, the Administration of State Material Reserves and the Board of the Czech Telecommunication Office, the Chairwoman of the State Office for Nuclear Safety, the Directors of the Security Information Service and the National Security Office and the Head of the Office of the Government of the Czech Republic,
  - a) with elaborating tasks ensuing from the Action Plan - Schedule of Measures of the Czech Republic in the Fight against Terrorism presented in the annex to this Resolution within the authority of the body directed by them, into individual steps with the dates of their execution;
  - b) with informing the Minister of Interior by 30 September 2006 about the execution of the tasks ensuing from the Action Plan within their authority.
- 2) the Minister of Interior to monitor the level of the counter-terrorism measures in the Czech Republic and, if required, to evaluate and update the Action Plan;

#### To be executed by:

The 1st Deputy Prime Minister and Minister of Finance,  
the Deputy Prime Minister and Minister of Justice,  
the Deputy Prime Minister and Minister of Transportation,

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<sup>1</sup> Current wording for 2005-2007. Any questions related to this document can be sent to: [oak@mvcz.cz](mailto:oak@mvcz.cz).



For further information please see the Country profiles on counter-terrorism capacity at [www.coe.int/gmt](http://www.coe.int/gmt).  
Pour plus de renseignements, veuillez consulter les Profils nationaux sur la capacité de lutte contre le terrorisme: [www.coe.int/gmt](http://www.coe.int/gmt).



the Ministers of Interior, Defence, Foreign Affairs, Industry and Trade, Culture, Education, Youth and Sports, Health and Informatics, the Chairmen of the Czech Mining Office, the Administration of State Material Reserves and the Board of the Czech Telecommunication Office, the Chairwoman of the State Office for Nuclear Safety, the Directors of the Security Information Service and the National Security Office, the Head of the Office of the Government of the Czech Republic.

**The Prime Minister  
Ing. Jiří PAROUBEK, in his own hand**

### **Annex**

#### **Schedule of Measures of the Czech Republic in the Fight against Terrorism: Proposal of Tasks for 2005 – 2007**

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In the current security policy situation the only possibility of diminishing the vulnerability of the territory of the state and its foreign interests to terrorism is to establish a complete framework of measures dedicated to all the aspects of potential risks.

These measures, summarised in the National Action Plan to Combat Terrorism, also clearly declare the resolution of the Czech Republic to comply with its obligations towards the international community.

The document National Action Plan to Combat Terrorism (current wording for 2005 – 2007) is arranged in thematic chapters that besides the introductory and concluding passages describe the current situation in specific areas and give reasons for further measures.

#### **Chapter Two: International Policy Aspects of the Involvement of the Czech Republic in the Current Global Efforts to Combat Terrorism:**

Besides acceding to the key international treaties it is necessary to pay attention to the involvement of the Czech Republic in the foreign policy projects diminishing and preventing risks of terrorism.

It is also necessary to ensure the relevant participation of the Czech Republic in the activities carried out by the member states of the EU for the purpose of strengthening of counter-terrorism capacities of priority third countries.

#### **Chapter Three: International Commitments of the Czech Republic and Internal Legislative Arrangement Related to the Fight against Terrorism, with Special Regard to the Agenda of the Fight against Financing Terrorism:**

The fight against financing terrorism is one of the key aspects of the whole fight against terrorism. For this reason it is necessary to make more effective the system of cooperation of the responsible institutions. For the same reason attention will be paid to the legislative regulation of operation of foundations and other social organisations, with special regard to their financial management.

Organisational and institutional conditions will be set in the sphere of prosecution for deeper specialisation for the fight against organised crime and terrorism including determining unambiguous and rapid methods of assigning supervising prosecutors.

#### **Chapter Four: Co-operation Involving Domestic Justice and Interior Affairs Specialists and Their Foreign Counterparts:**

After signing the agreement between the Ministry of Interior and the Ministry of Foreign Affairs on operation of police migration specialists at selected embassies it is necessary to discuss the possibility of covering the issue of the fight against terrorism in a similar way.

It is necessary to solve the issue of delegating police officers to foreign embassies by concluding an interdepartmental agreement. In the same way it is proposed to specify the scope of activity of the anti-terrorist intervention units of the Czech Republic.

#### **Chapter Five: The Scope of Activity of the Intelligence Services of the Czech Republic:**

The key role in the terrorism issues is played by prevention. Precisely this aspect falls within the competence of intelligence services and other security forces. One of the basic prerequisites of a successful fight against terrorism is the ability of the intelligence services to obtain timely information about the structure of terrorist organisations, their activities and possibilities of their support.

For a timely and complex review of the character of threats it is necessary to specify certain powers of intelligence services and the Police of the Czech Republic for obtaining information. Along with specifying the scope of competence of intelligence services and the Police of the Czech Republic it is necessary that the Parliament of the Czech Republic draw up a bill on supervision of intelligence services.

#### **Chapter Six: Protection of Specific Groups of Potential Targets of a Terrorist Attack:**

The current video surveillance systems will be used more intensively. A complex document will be drawn up mapping the issue of cybernetic threats from the viewpoint of the security interests of the Czech Republic and possible solutions of these issues. Another priority is seen in further advances in the sphere of controlled transport of dangerous cargoes, as well as the protection of other potential targets of a terrorist attack (air traffic, embassies).

#### **Chapter Seven: Measures in the Sphere of Research, Development and Introduction of New Technologies Related to Some Aspects of the Fight against Terrorism:**

Due to the fact that terrorist groups and criminal groups in general more frequently use modern technologies, with the possibility of abuse of chemical, biological, radiological and nuclear materials, it is necessary to pay attention to the research in this sphere.

#### **Chapter Eight: Handling of Weapons and Ammunition, Controls of the Export and Import of Military Weapons, Equipment and Dual Use Goods and Technologies:**

It is necessary to improve the legal framework of the national control regime related to dangerous materials as well as ensure its uncompromising implementation.

#### **Chapter Nine: Crisis Management, Integrated Rescue System and Protection of the Population:**

The readiness of the rescue components of the integrated rescue system and selected crisis management bodies of the crisis management system for dealing with potential threats and possible crisis situations resulting from them must be continuously tested, including organising relevant exercises and their uncompromising evaluation.

#### **Chapter Ten: Customs, Migration and Asylum:**

It is necessary to tighten and make more effective the principles related to the customs and visa policies in the sense of improving the control system at the points of entry to the Czech Republic. With regard to the expected accession of the Czech Republic to the Schengen System it is necessary to ensure co-ordinated proceedings at the level of the whole European Union.

#### **Chapter Eleven: Co-operation with the General Public; Information and Media Policy**

One of the priorities of the EU, with the participation of the Czech Republic, is the active prevention of radicalisation of enclosed immigration communities and their inclination to terrorist activities. Further attention will be paid to the development of comprehensible recommendations for the general public in the Czech Republic describing desired conduct in case of occurrence of emergency situations.

**Chapter Two:  
International Policy Aspects of the Involvement of the Czech Republic in the Current Global  
Efforts to Combat Terrorism:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
2.1	To ratify and fully implement UN Convention on Suppressing the Financing of Terrorism.	immediately	Ministry of Foreign Affairs, Ministry of Justice, Ministry of Interior, Ministry of Finance according to their competencies
2.2	To carry out fully COUNCIL REGULATION (EC) No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.	continuously	Ministry of Finance, Ministry of Foreign Affairs, Intelligence services
2.3	<p>To ensure adequate participation of the Czech Republic in the activities carried out by the member states of the EU for the purpose of strengthening of counter-terrorism capacities of priority third countries.</p> <p>To build a database of international co-operation projects which involve individual central administrative offices of the Czech Republic.</p> <p>To build a system which facilitates involvement of Czech Republic's specialists, dedicated to various aspects of the fight against terrorism, in projects of technical assistance to third countries financed by the European Commission.</p> <p>To ensure routing of development assistance in accordance with the priorities of the common foreign and security policy.</p>	depending on development in foreign political situation, continuously	co-ordination: Ministry of Foreign Affairs, Ministry of Finance, Ministry of Interior, Ministry of Justice, possibly other subjects

**Chapter Three:  
International Commitments of the Czech Republic and Internal Legislative Arrangement  
Related to the Fight against Terrorism, with Special Regard to the Agenda of the Fight against  
Financing Terrorism:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
3.1	To create conditions for increasing effectiveness of the system of obtaining information about owners of accounts administered by banks and other financial institutions operating in the Czech Republic for the needs of relevant public bodies (including the Police of the Czech Republic and intelligence services).	30 September 2006	Ministry of Finance
3.2	To analyse the legal regulation of operation of foundations and other social organisations with special regard to their financial management. Following the conclusions of the analysis to formulate relevant recommendations in this sphere.	submission of possible proposals to the government: 31 January 2006	co-ordination: Ministry of Interior in co-operation with the Ministry of Finance and possibly other subjects
3.3	In the sphere of prosecution to set organisational and institutional conditions for deeper specialisation for the fight against organised crime and terrorism.	depending on personnel conditions, by 30 June 2006 at the latest	Ministry of Justice (Attorney General), Ministry of Interior (Police of the Czech Republic), General Directorate of Customs

**Chapter Four:  
Co-operation Involving Domestic Justice and Interior Affairs Specialists and Their Foreign  
Counterparts:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
4.1	After signing the agreement between the Ministry of Interior and the Ministry of Foreign Affairs on operation of police migration specialists at selected embassies it is necessary to discuss the possibility of covering the agenda of the fight against terrorism in a similar way.	30 March 2006	Ministry of Foreign Affairs, Ministry of Interior
4.2	To conclude an interdepartmental agreement on activity of antiterrorist emergency units of the Czech Republic with special regard to the need for unambiguous determination of responsibility and competence between the Rapid Response Unit of the Police of the Czech Republic and Group 601 of the special forces of the Army of the Czech Republic.	30 March 2006 (propose a solution on the basis of the evaluation of relevant theme exercises)	Ministry of Interior, Ministry of Defence

**Chapter Five:  
The Scope of Activity of the Intelligence Services of the Czech Republic:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
5.1	<p>In relation to the activity of the Joint Intelligence Group to evaluate possibilities of further strengthening the co-operation among subjects which are predominantly involved in the territory of the Czech Republic in the issues of the fight against terrorism on operational level, especially with regard to the following topics:</p> <ul style="list-style-type: none"> <li>- a) improving and strengthening co-ordination and co-operation in the sphere of sharing information related to terrorism, including providing feedback among the individual subjects (whether this information comes from the individual intelligence services of the Czech Republic, the Police of the Czech Republic, the Customs Administration of the Czech Republic, other bodies of state administration in the Czech Republic or from other sources, including information provided by foreign subjects);</li> <li>- b) ensuring that the information related to the issues of terrorism was effectively collected and effectively used (processed and analysed), including the possibility of creating a common database and evaluating system (common "knowledge fund");</li> <li>- c) possibility to create a translating station of sufficient translating capacity (especially in regard to languages frequently used in the fight against terrorism) which would serve the needs of all the members of the Joint Intelligence Group and possibly also other subjects involved in the fight against terrorism in the Czech Republic.</li> <li>- d) evaluate the need and, possibly, ensure broader use of existing networks of autonomous facilities for mutual communication of the security forces.</li> </ul>	<p>submission of the first concrete proposals for the Intelligence Activity Committee by 31 March 2006 and consequently on an ongoing basis</p>	<p>The Office of the Government, all the members of the Joint Intelligence Group, members of the Intelligence Activity Committee, possibly other subjects (i.e. Customs Administration)</p>
5.2	<p>Submit legislative proposals for making more effective the competencies of intelligence services and the Police of the Czech Republic in relation to the fight against terrorism.</p> <ul style="list-style-type: none"> <li>- a) In accordance with the conclusions of the "Analysis of the Scope of Legal Competencies of the Intelligence Services and the Police of the Czech Republic Necessary for Execution of Their Tasks Related to Combating International Terrorism" (which was acknowledged by the government by Resolution No. 737 of 15 June 2005).</li> <li>- b) In relation to further identified needs mentioned in Chapter 5.3: Improving the Legislative Conditions for Work of Intelligence Services and Security Forces of the Czech Republic, passage The Czech Republic in the Fight against Terrorism.</li> </ul>	<p>by 30 September 2006 submit to the government proposals of amendments of the relevant legislation</p>	<p>Ministry of Interior, Ministry of Informatics, General Customs Directorate, intelligence services of the Czech Republic</p>

No.	Measure	Schedule	Responsible
5.3	To introduce the relevant legislative changes related to operation of electronic communications, important in terms of the fight against terrorism according to the Chapter 5.3: Improving the Legislative Conditions for Work of Intelligence Services and Security Forces of the Czech Republic, passage The Czech Republic in the Fight against Terrorism.	by 31. 1. 2006 draw up proposals of amendments of the relevant legislation	Ministry of Informatics in co-operation with the Ministry of Interior, Ministry of Defence, Ministry of Finance (General Customs Directorate) and Security Information Service
5.4	To draw up a bill on supervision of intelligence services by the Parliament of the Czech Republic.	30 September 2006	Prime Minister, Ministry of Interior, Ministry of Defence, Security Information Service
5.5	To analyse the need and the possible way of introducing the obligation of carriers - providers of delivery services - to actively report to relevant authorities the so-called suspicious deliveries (suspicious deliveries can be characterised for the providers e.g. in terms of their contents which are detected by means of providers' own security measure or by the sender or the addressee).	30 September 2006	according to their competence: Ministry of Transportation, Ministry of Informatics, Czech Telecommunication Office and Security Information Service
5.6	To ensure as soon as possible the functionality of the government secret communication and other mechanisms which enable prompt exchange of open and classified information within the state and local administration.	in conformity with the schedule stipulated in Resolution of the Government No. 855 of 7 July 2005	Ministry of Interior and the National Security Office
5.7	To ensure conveying classified and open information at the international level and conveying information from and to embassies including classified information from the COREU network (ensuring conveying classified and non-classified information from abroad to the domestic system).	on an ongoing basis	Ministry of Foreign Affairs, National Security Office, Ministry of Interior and other subjects according to their competence

**Chapter Six:  
Protection of Specific Groups of Potential Targets of a Terrorist Attack:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
6.1	To broaden and intensify the use of the current video surveillance systems in the fight against terrorism (in particular in the sphere of public transport).	on an ongoing basis; submission of possible proposals of legislative changes to the Government: 31 September 2006	Ministry of Interior (the Police of the Czech Republic), in co-operation with local authorities, private subjects and private security services
6.2	To develop and update continually the list of the most threatened objects according to the categories of critical infrastructure (traffic nodes, objects of electronic communications, power plants, water resources, manufacturing or storage objects, administrative objects in the Czech Republic and abroad etc.) including modelling various forms of attacks at these objects and proposals for their protection.	on an ongoing basis, following the schedule of work of the Civil Emergency Planning Committee	individual departments and other central bodies of state administration
6.3	To carry out practical examination of the functionality of safety measures.	whenever necessary, continuously	Ministry of Interior
6.4	To draw up a complex document mapping the issue of cybernetic threats from the viewpoint of the security interests of the Czech Republic.	30 June 2006	Ministry of Interior
6.5	To analyse the situation in the sphere of the safety of persons, property and environment during transport of hazardous goods in the Czech Republic and propose concrete steps in this sphere. To inform the State Security Council about implemented measures.	31 December 2006	Ministry of Transportation, in co-operation with Ministry of Interior, Ministry of Finance (General Customs Directorate) and intelligence services
6.6	In relation to the currently discussed amendment to the law on civil aviation to update the National Security Programme for the Protection of Civil Aviation of the Czech Republic against Illegal Acts. To implement the currently necessary measures in this sphere.	1 July 2006	Ministry of Transportation (Civil Aviation Authority, air carriers), in co-operation with Ministry of Interior, Ministry of Defence, Security Information Service and the National Security Office



<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
6.7	To initiate the process of ratification of the Convention on the Physical Protection of Nuclear Material.	immediately	State Office for Nuclear Safety and Ministry of Foreign Affairs according to their competencies
6.8	To amend Regulation No. 144/1997 Coll., on registration and storage of data of persons entering nuclear objects in the territory of the Czech Republic.	31 December 2005	State Office for Nuclear Safety, Ministry of Informatics (Office for Personal Data Protection), and, if required, intelligence services
6.9	<p>To make more effective the monitoring at the discharge of plants processing and producing drinking water by introducing new technological methods tested abroad (e.g. introducing and diffusion of microbiological filters for the elimination of pathogenic micro-organisms).</p> <p>Consequently, to reassess the effectiveness of regime measures in waterplants.</p>	on an ongoing basis, continuously	Ministry of Health
6.10	To build the Operation and Information Centre (OIC) not only for internal needs of the department, but also for providing information to the public and other departments. If required, the OIC will participate in the interdepartmental co-ordination of coping with an emergency situation abroad. The centre should be comparable in its scope and functionality to similar units in the Ministries of Interior and Defence.	31 December 2006	Ministry of Foreign Affairs
6.11	<p>To increase the security of the embassies of the Czech Republic and continually check their physical protection (object security), the availability of personal protective equipment and continually ensure readiness of the embassies of the Czech Republic and their staff in case of use of chemical, biological, radiological and nuclear materials or at industrial accidents.</p> <p>At the level of the Ministry of Foreign Affairs to develop a system of pre-departure security training and ensure personal security training of all the staff of the Ministry of Foreign Affairs sent abroad.</p> <p>To solve the problem of security of the staff of embassies and persons sent for foreign service (unlike the persons sent abroad pursuant to the service law there is no adequate system e.g. in case of death.</p>	immediately, continuously	Ministry of Foreign Affairs in co-operation with Ministry of Interior (Police of the Czech Republic, General Directorate of the Fire-Fighter Rescue Corps of the Czech Republic), Ministry of Health, State Office for Nuclear Safety and intelligence services, and possibly other interested bodies

**Chapter Seven:  
Measures in the Sphere of Research, Development and Introduction of New Technologies  
Related to Some Aspects of the Fight against Terrorism:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
7.1	To consider the use of automated system of monitoring frequency spectrum which is being built and will be operated by the Czech Telecommunication Office on the basis of bilateral agreements with the Ministry of Interior (to consider the possibility of co-operation with the Security Information Service).	predicted use from the end of 2007	Czech Telecommunication Office in co-operation with Ministry of Interior, and possibly with intelligence services
7.2	To support research in the field of weather modelling and consequently of modelling of expansion of dangerous radioactive, chemical and biological substances which spread into the atmosphere following a terrorist attack or as a consequence of industrial accidents.	continuously	Ministry of Interior (General Directorate of the Fire-Fighter Rescue Corps of the Czech Republic), Ministry of Defence, State Office for Nuclear Safety, Czech Hydro-meteorological Institute, other interested subjects

**Chapter Eight:  
Handling of Weapons and Ammunition, Controls of the Export and Import of Military Weapons,  
Equipment and Dual Use Goods Technologies:**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
8.1	To amend Act No. 119/2002 Coll., on weapons, as amended by later regulations, which would improve the supervision and control of compliance with the regulations of this act.	31 December 2006	Ministry of Interior, General Customs Directorate
8.2	To prepare legislative changes in relation to the control of handling of explosives in the territory of the Czech Republic, within the EU and during their export and import to and from third countries (among others Act No. 61/1988 Coll., on mining, explosives and the state mining administration, as amended by later regulations) with the aim of improving effectiveness of the control system, in particular in relation to the measures prepared in the European Union (including assessment of sufficient implementation of the Montreal Convention on the Marking of Explosives into the legal order of the Czech Republic).	31 September 2006	Ministry of Industry and Trade, Czech Mining Office, Ministry of Interior, Ministry of Foreign Affairs, General Customs Directorate, National Security Office

No.	Measure	Schedule	Responsible
8.3	To consider suitability of stipulating the condition for physical persons and members of a statutory body, or members of supervisory board and secretaries of legal persons operating business in the fields regulated by Acts No. 228/2005 Coll. and No. 61/1998 Coll., to be holders of a valid document pursuant to Act. No. 148/1998 Coll.	31 December 2005	Ministry of Defence, Ministry of Interior and Ministry of Industry and Trade, Ministry of Finance (General Customs Directorate), in co-operation with other relevant departments and intelligence services of the Czech Republic
8.4	To propose possibilities of improving the national and control regime of handling selected high risk commodities including the unified regulation of the relevant administrative proceedings and control mechanisms.	31 December 2006	co-ordination: Ministry of Interior, in co-operation with Ministry of Industry and Trade, Ministry of Finance (General Customs Directorate), intelligence services, National Security Office and other relevant subjects
8.5	To ensure that, if required, information be exchanged between intelligence services, the National Security Office and the Licensing Administration of the Ministry of Industry and Trade about applicants for a permit or a licence and about holders of permits or licences.	on an ongoing basis; to be checked twice a year	intelligence services, National Security Office, Ministry of Industry and Trade
8.6	To improve the equipment of the Police of the Czech Republic and the General Customs Directorate with dogs specialised in detection of explosives.	immediately	Ministry of Interior (Police of the Czech Republic), General Customs Directorate

#### Chapter Nine:

#### Crisis Management, Integrated Rescue System and Protection of the Population:

No.	Measure	Schedule	Responsible
9.1	<b>To develop a strategy of the crisis readiness in public health which would create a means of conceptual management of public health readiness including the system of critical public health infrastructure for adequate reaction to the occurrence of emergency and crisis situations in the Czech Republic and abroad.</b>	2006	Ministry of Health

No.	Measure	Schedule	Responsible
9.2	To improve continuously software tools for data communication between the bodies of crisis management. To carry out relevant theme exercise for testing said communication.	<ul style="list-style-type: none"> <li>- by 1 June 2006;</li> <li>- theme exercise:</li> <li>- by 30 November 2006</li> </ul>	<p>co-ordination: Administration of State Material Reserves, in co-operation with emergency management bodies of all levels</p> <p>the goal can be financed from the allotted budget funds of the Administration of State Material Reserves and the Ministry of Informatics</p>
9.3	To procure necessary protective devices in the event of occurrence of an emergency situation connected with escape of hazardous substances for operational units of the Integrated Rescue System (not only the General Directorate of the Fire-Fighter Rescue Corps of the Czech Republic and State Office for Nuclear Safety).	on an ongoing basis, continuously	Ministry of Interior, Ministry of Health, Ministry of Defence, Ministry of Finance, State Office for Nuclear Safety, and possibly other subjects
9.4	To propose a means of securing the availability of iodine prophylaxis for the population outside zones of accident planning in the event of emergency situations of large proportions (radiation accident).	31 December 2006	Ministry of Health, State Office for Nuclear Safety, according to its competence
9.5	<b>To develop and submit to the Ministry of Interior methods which would enable the capacities of the Customs Administration to have more intense involvement in prevention (detection of preparations) and disposal of consequences of possible terrorist attacks.</b>	31 December 2005	Ministry of Finance (General Customs Directorate)

**Chapter Ten:  
Customs, Migration and Asylum:**

No.	Measure	Schedule	Responsible
10.1	To analyse the necessity of amendment to the Act on the Residence of Aliens in the Territory of the Czech Republic, the Asylum Act and further relevant legislation in relation to the risk of international terrorism.	immediately, continuously	Ministry of Interior

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
10.2	To tighten and make more effective the principles related to the customs and visa policies in the sense of improving the control system in the entry points to the Czech Republic including checks of suspicious deliveries at the customs offices (border and inland) by means of investments into high quality technical equipment, training of competent staff, more intense use of specially trained dogs, etc.	on an ongoing basis, continuously	Ministry of Interior (Police of the Czech Republic), General Customs Directorate
10.3	To improve the protection of personal identification documents and visas against forgery, e.g. by means of building a control (verification) database of biometric data which could be used in case of suspicion that a concrete travel document has been altered or forged (the current legal regulation states that the biometric data shall be erased from the database after 60 days).	submit proposals by 30 March 2006	Ministry of Interior, in co-operation with intelligence services of the Czech Republic and the Office for Personal data Protection
10.4	At the level of the EU to support consistently the process which would anchor in the Qualification Directive that planning of a terrorist attack constitutes a reason for revoking residence permit including conceded asylum.	in conformity with the development at the level of the EU	Ministry of Interior, in co-operation with Ministry of Foreign Affairs and intelligence services of the Czech Republic
10.5	To initiate the process of legalisation of the possibility to eject from the Czech Republic a foreign national spreading religious hate and supporting extremism as a method of enforcing religious goals.	immediately	Ministry of Interior, in co-operation with Ministry of Foreign Affairs and intelligence services of the Czech Republic
10.6	To regulate uniformly the participation of intelligence services of the Czech Republic in administrative proceedings on granting citizenship, asylum, visas, on permitting residence pursuant to the Act No. 326/1999 Coll. on registration of unincorporated associations and religious societies and on granting licences for organisations with an international element (Act. No. 116/1985 Coll.) including on-line access to relevant databases.	submit proposals to the Government by 30 January 2006	Ministry of Interior, in co-operation with Ministry of Foreign Affairs, Ministry of Industry and Trade, Ministry of Culture and intelligence services of the Czech Republic

**Chapter Eleven:  
Cooperation with the General Public; Information and Media Policy**

<b>No.</b>	<b>Measure</b>	<b>Schedule</b>	<b>Responsible</b>
11.1	To study reasons for radicalisation of certain population groups living in the territory of the Czech Republic and actively prevent situations which lead an individual to approve terrorism or to participate in terrorist activity (media campaigns, continuous information of the general public, education in the sphere of the integration of aliens, etc.)	<ul style="list-style-type: none"> <li>- initiate work on preparation of the system in 2005</li> <li>- put into operation by the end of 2006</li> </ul>	Ministry of Interior, in co-operation with intelligence services of the Czech Republic, Ministry of Defence, Ministry of Culture, Ministry of Education, Youth and Sports and the Council for Radio and Television Broadcasting
11.2	To draw up recommendations for the public in the Czech Republic about conduct in the event of emergency situations and ensure their publication.	31 December 2005	coordination: Ministry of Interior

## **THE CZECH REPUBLIC IN THE FIGHT AGAINST TERRORISM**

*Measures aimed at minimalisation of risks and consequences of potential terrorist attacks in the territory of the Czech Republic and against interests of the Czech Republic abroad*

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### **1 Introduction: The Fight against Terrorism as a Permanent Priority of the Czech Republic**

The Czech Republic is a country with no open demonstrations of domestic or international terrorism. However, it would be irresponsible to consider the current situation as permanent and to pay the issue of the fight against terrorism no adequate attention. Intelligence services have information that our country is used for communication of persons supporting terrorism who transfer funds related to their activities across our territory. These persons can travel to the Czech Republic, seek various forms of support for their activities and cover them up.

The fight against current terrorism must be understood globally. All the countries involved in the fight must have available sufficiently effective, qualitatively comparable and compatible tools and means for combating this phenomenon. The countries which in this regard are not sufficiently prepared are weak, easily exploitable places. It must be said that the Czech Republic is not one of them, but on the other hand it must be admitted that even in our security system there are certain partial handicaps in this regard.

The necessity of improving the current authority of the security forces (including intelligence services) and its amending ensues not only from the National Action Plan to Combat Terrorism, but also from many international documents, European Community directives and political obligations of the member states of the European Union. Many European and non-European countries have already begun to revise this authority. The Czech Republic, like surrounding countries, must react to the current situation and take measures in order to deal effectively with terrorist threats at the national and international level.

The risk of a terrorist attack against the territory of the Czech Republic or its interests abroad could be connected with the orientation of the country's foreign policy, specifically with its involvement in the Common Foreign and Security Policy of the European Union, with its membership in the North Atlantic Treaty Organisation or with the participation of the Army of the Czech Republic in foreign military missions. It is also necessary to mention the threat which the Czech Republic faces in relation to potential violence connected with religious fundamentalism or various forms of political extremism.

The attention of the security community of the Czech Republic has been long focussed on all the forms of the fight against organised crime including trafficking in drugs, weapons and human beings, against

corruption and all the forms of material support of terrorism. In this regard it is necessary to consider as highly dangerous the plans of some terrorist groups for obtaining weapons of mass destruction or making the so-called dirty bomb. To prevent the terrorist group from obtaining weapons of this kind is a priority goal of the current global counter-terrorism efforts.

Part of a broader approach of the Czech Republic to the fight against terrorism is promotion of basic values such as democracy, principles of a democratic state respecting the rule of law and respect for human rights. At the same time, the Czech Republic sees as an integral part of the complex form of fight against terrorism the attempts at diminishing negative consequences of economic, social, cultural and religious differences between people in various parts of the world which can be, along with political or security situation in some countries, identified as factors contributing to the strengthening of terrorism.

## **2 International Policy Aspects of the Involvement of the Czech Republic in the Current Global Efforts to Combat Terrorism**

Terrorist attacks, affecting recently many places all over the world, emphasise further need for effort of the whole international community to fight against this threat. A national or regional response is not sufficient in the combat against global terrorist networks and the worldwide co-operation becomes an issue of vital importance.

Therefore, an active approach of the Czech Republic to the international co-operation in the fight against terrorism is not only a demonstration of solidarity with other members of the global community, but also an essential contribution for heightening of security of the Czech Republic.

The Czech Republic by its accession to the European Union in 2004 undertook to fully participate in all activities taking place in the European Union in regard to the fight against terrorism. The fight against terrorism is in the European Union a cross-sectional agenda that is reflected to a certain measure in most aspects of the European integration.<sup>2</sup> The vital priority for the Czech Republic is implementation of relevant legislative and political acts, which are adopted, in the European Union in the sphere of the fight against terrorism. During preparation of the National Action Plan to Combat Terrorism for 2005-2007 the Czech Republic followed the ongoing updates of the wording of the EU Action Plan on Combating Terrorism and other documents identifying counter-terrorism measures whose fulfilling is monitored in relation to the central bodies and institutions of the European Union and also at the level of individual member states. The National Action Plan for 2005-2007 also reflects the conclusions of the EU Peer Evaluation regarding the level of counter-terrorism measures in the Czech Republic, which took place on 23-25 November 2004.

The Czech Republic also participates in efforts of relevant international organisations dealing with individual aspects of the fight against terrorism. Prominent amongst them are the United Nations (including its specialised agencies, such as the World Health Organisation and others), the North Atlantic Treaty Organisation, the Council of Europe, the Organisation for Security and Co-operation in Europe and the Organisation for Economic Co-operation and Development.

The Czech Republic, in conformity with its allied commitments, constantly monitors and analyses the dynamically developing international political situation with the aim of finding ways how to support, according to its possibilities, the international counter-terrorism efforts by participation in foreign missions of military and non-military character.

During 2004 the Czech Republic participated in these foreign military missions:<sup>3</sup>

- Afghanistan: a bomb disposal unit as part of the NATO ISAF contingent, a contingent of special forces of the Army of the Czech Republic participating in the counter-terrorism operation Enduring Freedom.
- Iraq: a contingent of the Military Police of the Army of the Czech Republic participating in the allied forces' operation aimed at stabilising the security situation and reconstruction of the Republic of Iraq. The contingent contained also by a field surgical team serving in a British field hospital. On 28 June

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<sup>2</sup> In overwhelming majority of cases these are steps whose implementation is contained in the directly binding documents drawn up at the EU level. For this reason they are not directly repeated in the text of the National Action Plan.

<sup>3</sup> E.g. members of the rapid response units, medical staff, chemical-analytic team, members of mine disposal unit, topographers, meteorologists and the Military Police staff.



2004 the sovereignty of the Iraqi Republic was re-established and simultaneously the mission was renamed from IZ SFOR to Multinational Forces.

- Greece: a chemical unit providing security at the XXVIII. Summer Olympic Games and the XII. Paralympics participating in the operation Distinguished Games. A contingent of the Army of the Czech Republic participated in the operation on the basis of Resolution of the Government No. 654 of 23 June 2004, Consent of the Chamber of Deputies of the Parliament of the Czech Republic No. 1235 of 30 June 2004 and Consent of the Senate of the Parliament of the Czech Republic No. 381 of 13 July 2004.
- Serbia/Kosovo: mechanised battalion as part of the Joint Guardian NATO operation (KFOR).
- Bosnia and Herzegovina: a group of staff officers in the command of the mission as part of the Joint Forge operation (SFOR II). The operation Joint Forge (SFOR II) was ended in December 2004 and was replaced by the EU operation named Althea (EUFOR) and by a contingent of the Army of the Czech Republic whose main part was a guard platoon.

For 2005, on the basis of Resolutions of the Government No. 754 of 28 July 2004, No. 903 of 15 September 2004 and No. 68 of 12 January 2005 and following discussion in both chambers of the Parliament of the Czech Republic, the Army of the Czech Republic received a mandate to participate in the following missions:

- Afghanistan: Deployment of a bomb disposal unit as part of the NATO ISAF contingent. From March 2005 a contingent of the Army of the Czech Republic (guard and escort platoon with light technology, eventually the Military Police) is expected to participate within the Province Reconstruction Team led by Germany.
- Iraq: Deployment of a contingent of the Military Police of the Army of the Czech Republic participating in the allied forces' operation aimed at stabilising the security situation and reconstruction of the Iraqi Republic. The contingent will contain also a field surgical team which will serve in a British field hospital.
- Serbia / Kosovo: Deployment of a mechanised battalion as part of the Joint Guardian NATO operation (KFOR). The contingent of the Army of the Czech Republic is planned to be kept at the current level at least until the end of June 2005.
- Bosnia and Herzegovina: In the EUFOR forces within the Task Organisation North the Czech Republic will participate in the joint Czech Republic - Austria guard unit and in the EUFOR team. Furthermore, the Czech Republic will dispatch to EUFOR two helicopters Mi-17 with crew (up to 25 soldiers). Up to four soldiers are to be deployed in the NATO headquarters in Sarajevo.

Deployment of less numerous contingents into more parallel operations corresponds with the current character of the international community involvement.

The Czech Republic participates in an adequate way also in foreign non-military missions, whose goal is e.g. to strengthen the capacities of democratic state respecting the rule of law and stability in post conflict regions. The Police of the Czech Republic take part in the EU stabilising operations in Bosnia and Herzegovina and Macedonia and participate in the training of Iraqi policemen in the territory of Jordan.

Mention should also be made of the Czech Republic's humanitarian and development aid projects. In addition to the public sector, private subjects and non-governmental organisations from the Czech Republic are also known to contribute liberally to the provision of this type of assistance. In actual fact, this applies especially to the Czech Republic's participation in the reconstruction of Afghanistan and Iraq.

Besides strengthening political contacts with the newly elected representation of both countries the Czech Republic is involved significantly in many projects regarding provision of humanitarian assistance addressed to both countries (with either direct aid, such as distribution of food and pharmaceuticals to the population, or by participation in the project of education and health service development in Afghanistan and in the programme of humanitarian evacuations of seriously ill citizens of the Republic of Iraq). Another significant form of humanitarian aid is the operation of the Czech Republic's military health facilities in both countries which have treated thousands of civilians during their involvement.

Relevant databases help to arrange more clearly the potential of persons who could be dispatched from the Czech Republic for participation in humanitarian operations or some forms of rescue operations including disposal of consequences of terrorist attacks. In this regard processes of selection of difficult professions staff are under way (assessment centre). The following subjects play the key role:

- Save and Rescue Team of the Czech Republic (SAR), specialised in disposal of consequences of natural or other catastrophes. The SAR Team of the Czech Republic guarantees the prerequisite of readiness to be dispatched abroad within the fixed limit of 240 minutes.

- Trauma Team, established by the Traumatological Hospital in Brno, is ready to be dispatched abroad within the fixed limit of 48 hours. The team is conceived as a mobile reinforcing medical unit designated for provision of surgical, traumatological and resuscitation assistance at the spot of a major accident with the expected length of deployment for 4-6 days.
- engaging of other potentially serviceable teams (chemical-analytic team, medical team, military rescue formation) to the Central Alarm Plan of the Integrated Rescue System (and consequently their deployment abroad) is still under discussion.

The afore-mentioned units and facilities may be sent abroad also within ad hoc special rescue groups, however their set-up needs to observe longer time limits for reaching their readiness: 12, 24 or 48 hours.

Involvement of the Czech Republic in supplies for needs of humanitarian distribution systems of major international organisations (United Nations Association, European Organisation for Nuclear research, etc.) also complies with relevant standards.

In the future it is also necessary to ensure an adequate participation of the Czech Republic in EU projects in the sphere of "technological assistance to third countries" (building capacities for the fight against terrorism in selected countries).

### **3 International Commitments of the Czech Republic and Internal Legislative Arrangement Related to the Fight against Terrorism, with Special Regard to the Agenda of the Fight against Financing Terrorism**

#### **3.1 Legislative Covering of Terrorist Activities by the Legal Order of the Czech Republic**

The legislative regulation of the Czech Republic directed against terrorist activities strives for compliance with the contents of relevant materials of the European Union, in particular with Council Framework Decision 2002/475/JHA on combating terrorism. Before 2001 the Criminal Act of the Czech Republic contained a group of crimes coming under crimes against the Republic or operating with the term "common danger".<sup>4</sup> These have been complemented by the new section of the offence "Terrorist Attack", which includes also the sanction for financing terrorism (Act No. 537/2004 Coll., amendment to the criminal act and the act on firearms), effective as of 22 October 2004.

The Czech Republic is eliminating the remaining obstacles preventing it from effective implementation of the contents of some international agreements as well as handicaps in the sphere of the fight against financing terrorism.

The Czech Republic is constantly monitoring measures (legislative and other changes) adopted by other member states of the European Union in the sphere of combating manifestations of the support of terrorism or spreading religiously motivated hate. It also continuously judges the possibilities of applying foreign experience in the conditions of the Czech Republic including specifying and tightening the current legal regulations in relation to the fight against terrorism.

Judged is especially the possibility of more precise qualification of the activity that could be considered as verbal approval of a terrorist attack, promotion of terrorism and incitement to it (e.g. describing suicide assassins as martyrs). These can be already sanctioned in particular as incitement (Section 164 of the Criminal Act) or approval of the given crime (Section 165 of the Criminal Act). Due to the danger of such conduct (incitement or approval of a particularly dangerous crime) establishing new qualified bodies of offence is considered which would enable to impose severe (in any case unconditional) sentences of imprisonment.

Furthermore, attention is paid to the possibility to legislatively ensure a longer duration of sentence for selected crimes (e.g. spreading false news pursuant to the provision of Section 199) which were committed during the threat of a terrorist attack.

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<sup>4</sup> Such activity which usually involves threat to life or public health or threat of a large damage to property of another.

On the other hand, it must be remembered that the Czech Republic is in an awkward situation as regards the regular evaluation of the state of implementation of principal legislative regulations in the individual member states of the European Union. E.g. as for the "European Arrest Warrant" according to the Commission Report on the Implementation of the Framework Decision on the European Arrest Warrant and Surrender Procedures between Member States published on 23 February 2005 (document 6815/05 ADD 1) this framework decision is not correctly implemented in some member states (including the Czech Republic).

At the same time it is pointed out that the Czech Republic is able to set up Joint Investigation Teams, but only with those countries with which it is bound by an international agreement regulating activities of these teams (currently the Parliament is discussing the ratification of the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union from 2000 and its Additional Protocol from 2001 and also the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 8 November 2001 which enable the set-up and activity of these teams).

### **3.2 Accession and Ratification of International Legal Instruments in the Fight against Terrorism**

The Czech Republic is a State Party of most relevant international legal instruments containing the arrangements about the issue of terrorism: twelve out of the thirteen so-called "sectored" counter-terrorism conventions of the United Nations<sup>5</sup> and the European Convention on the Suppression of Terrorism (Council of Europe instrument).

Simultaneously, the Czech Republic constantly monitors the development of works in relevant international organisations of which it is a member, regarding the preparation of eventual new multilateral counter-terrorism instruments.

In 2005 the Czech Republic acceded to the Convention for the Suppression of Acts of Nuclear Terrorism. The Czech Republic also expressly supports the efforts for creating the UN Comprehensive Convention against Terrorism.

It applies particularly to the Convention on Prevention of Terrorism which was opened for signing on 16-17 May 2005 at the Summit of Heads of State and Government of the Council of Europe in Warsaw. Responsible for domestic preparation of signing and the eventual ratification of the Convention is the Ministry of Interior.

The only existing relevant international counter-terrorism document which has been signed by the Czech Republic, but as yet not ratified, is the United Nations Convention for the Suppression of the Financing of Terrorism, negotiated on 9 December 1999 and effective as of 10 April 2002.

Due realisation of commitments ensuing from the Convention (and some framework decisions of the Council of the European Union harmonising certain spheres of criminal substantive law) and regarding the liability of legal persons was originally expected to be covered by the draft law on criminal liability of legal persons and proceedings against them which was submitted to the Parliament of the Czech Republic in 2004. However, the Chamber of Deputies voted down the draft law in the first reading by its Resolution No. 1327 of 2 November 2004.

For this reason the year 2004 saw the elaboration of "The Analysis of Obstacles Preventing the Ratification of the United Nations Convention for the Suppression of the Financing of Terrorism" with the conclusion that the legal order of the Czech Republic already provides possibilities which can be used for meeting the obligations ensuing from the Convention for the Czech Republic, by means of administrative law, business

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<sup>5</sup> As of 10 March 2005 the Czech Republic became a State Party of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

With the aim to meet the domestic criteria for ratification of the two instruments the recodification of the criminal substantive law prepares an amendment to the provision of Section 267 (Seizing Control of an Aircraft, a Civil Vessel and a Fixed Platform) and Section 268 of the new Criminal Code so that these provisions also cover criminal acts related to fixed platforms on the continental shelf.

law and civil law instruments sanctioning legal persons financing terrorism and which can be provisionally used until the Czech Republic introduces the institute of the criminal liability of legal persons.

To anchor the criminal liability of legal persons in the legal order of the Czech Republic is, from the long-term perspective, necessary also because of the Czech Republic's efforts at accession to other international contract instruments which compulsorily request its adoption.<sup>6</sup>

On the basis of the afore-mentioned discoveries the proposal for ratification of the Convention was submitted to the government which approved it by its Resolution No. 171 of 9 February 2005.

It is necessary to ratify the Convention as soon as possible, in particular since the current situation makes untrustworthy the Czech Republic's involvement in the current phase of the global efforts in the fight against terrorism. The Czech Republic is the only member state of the European Union which has not yet ratified the Convention.<sup>7</sup>

### **3.3 Effective involvement of the Czech Republic in Applying Sanction Regimes of the United Nations and the European Union**

The year 2004 saw significant progress in the sphere of domestic legislative and organisational changes facilitating the bodies of the Czech Republic a more effective fight against the financing of terrorism or fulfilling legislative regulations of international institutions whose decisions or recommendations are binding for the Czech Republic and which impose and execute sanctions against concrete persons suspected from engaging in terrorist activities. These are in particular the following:

- The EU Council Regulation 2580/2001, implementing the Common Position 2001/931/CFSP, on Specific Measures in the Fight against Terrorism, full text: both acts are based particularly on the United Nations Security Council Resolution No. 1373 (2001);
- The Common Position 2002/402/CFSP and the EU Council Regulation 881/2002; both acts are based particularly on the United Nations Security Council Resolution No. 1267 (1999).

The effective application of the sanction regime consists in that:

- all the funds, another financial property and economic resources belonging to, owned or held by the specific sanctioned person are frozen;
- the funds, another financial property and economic resources must not be either directly or indirectly made available to the specific sanctioned person or in their benefit;
- provision of financial services to the specific sanctioned person or in their benefit is prohibited.

The effective execution of the afore-mentioned rules, although in many cases ensuing from the contents of the documents which are immediately binding for the Czech Republic<sup>8</sup>, had to be laid out in the legal order of the Czech Republic so that it could be approached in practice. Consequently, the draft new sanction law has been submitted to the government on 28 February 2005. Its wording is currently discussed by the Parliament of the Czech Republic.

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<sup>6</sup> It also applies in regard of the Czech Republic's efforts at accession to another key international contract instrument containing certain elements related to the issue of the fight against terrorism, which is the United Nations Convention against Transnational Organised Crime, signed on 12 December 2000 (responsible body: the Ministry of Interior in co-operation with the Ministry of Justice; the document has been signed by Czech Republic but not ratified), complemented by three protocols: a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (responsible body: the Ministry of Interior, the document has been signed by Czech Republic but not ratified); b) Protocol against the Smuggling of Migrants by Land, Sea and Air (responsible body: the Ministry of Interior, the document has been signed by Czech Republic but not ratified); c) Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (responsible body: the Ministry of Interior in co-operation with the Ministry of Industry and Trade, the Czech Republic has not acceded to the document yet).

Besides the afore-mentioned issue of the criminal liability of legal persons the ratification requires the introduction of new bodies of offence dealt with in the framework of the currently discussed recodification of the criminal substantive law.

<sup>7</sup> See "Implementation of the Legislative Instruments Listed in the Declaration on Terrorism of the European Council of 25 March 2004 – state as on 4 February 2005".

<sup>8</sup> Or for the physical persons and legal persons operating in the Czech Republic, such as banks, other financial institutions, insurance companies, and also physical persons providing insurance or financial services, etc.

Besides, in 2004 other steps (necessary also from the viewpoint of effective implementation of the aforementioned United Nations Convention for the Suppression of the Financing of Terrorism) were taken regarding the sphere of the fight against the financing of terrorism:

- Adopted was Act No. 284/2004 Coll., which amends Act No. 61/1996 Coll., on some measures against legalisation of proceeds from criminal activity and on changing and supplementing of related laws, as amended by later regulations and some other laws, which became effective as of 1 September 2004 (and which, among other provisions, specifies and supplements the definition of legal persons and physical persons subject to the regime of this law and also involves other bodies in the control of its compliance; moreover, the law, in relation to new techniques used during transactions, facilitates identification of participants in transactions by means of subjects that are authorised by law to verify signatures and deeds).
- The Ministry of Justice has drawn up amendment to Act No. 141/1961 Coll., on judicial criminal proceedings and Act No. 140/1961 Coll., criminal law, adjusting some security institutes and institutes of forfeiture and seizure of a thing and the replacement value in compliance with the requisites of the relevant framework decisions of the Council of the European Union. This amendment has already been submitted to the government of the Czech Republic. In a similar sense, an amendment is proposed to the draft new criminal code which is currently discussed by the Chamber of Deputies of the Parliament of the Czech Republic<sup>9</sup>. Simultaneously, the draft criminal code increases deterrent effect of the sanction in relation to processes legalising proceeds from criminal activity (duration of the maximum sentence is proposed to be 4 years of imprisonment, unless the legalisation is related to a crime punishable by a moderate sanction).
- The Czech Securities Commission drew up "The Guidelines for Preventing Legalisation of Proceeds from Criminal Activity and the Financing of Terrorism" with the aim of providing licensed persons with a guide for conduct in the sphere of the fight against legalisation of the proceeds from criminal activity and the financing of terrorism.
- As of 1 July 2004 a new police unit with nationwide jurisdiction was set up, whose activity also encompasses the issue of the fight against the financing of terrorism and which works in close cooperation with the Financial Analytical Unit of the Ministry of Finance: The Unit for the Detection of Illegal Proceeds and Tax-Related Criminality of the Service of Criminal Police and Investigation of the Police of the Czech Republic.

Within the Czech Republic relevant databases are administrated, containing the specification and identification signs of persons placed on the so-called sanction lists, created especially within the United Nations Association and the European Union.

The legal order of the Czech Republic imposes the so-called obliged persons<sup>10</sup> in the Czech Republic to require the identification of the client in every transaction exceeding a certain amount. With banks the amount is set to be Czech Crowns (CZK, 1 EUR = 29 CZK, 2005) 100,000 (by Act No. 21/1992 Coll., on banks as amended by later regulations)<sup>11</sup> and with exchange offices the amount is set by Regulation of the Czech National Bank No. 434/2002 Coll., to be CZK 100,000 as well.

Furthermore, the law imposes on the obliged persons, i.e. also the banks and other financial institutions, the duty to verify all the transactions (regardless of their financial value), whether any signs of a suspicious transaction are involved. If this proves to be the case, the pertinent financial institution is obliged to identify the participants in the transaction and report to the Financial Analytical Unit<sup>12</sup> (this also applies to credit

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<sup>9</sup> It enables to impose the punishment of forfeiture of the replacement value in the event that the offender destroys, damages, steals, makes unserviceable or utilises, especially consumes, a thing before the imposition of the punishment, or if he or she frustrates in another way the forfeiture of a thing. The institute of seizure of the replacement value can be used in cases of encumbrance of a thing by the right of third parties.

<sup>10</sup> The term "obliged person" is defined in the provision of Section 1a (7) of Act No. 61/1996 Coll. on some measures against legalisation of proceeds from criminal activity. Obligated persons are especially banks and the Czech National Bank, investment companies and investment funds, pension funds, traders and organisers of securities trading, stock exchange, insurance companies and some other institutions.

<sup>11</sup> Request to prove client's identity is a prerequisite also for hiring safe-deposit boxes.

<sup>12</sup> Financial Analytical Unit deals with prevention of money laundering pursuant to Act No. 61/1996 Coll., on some measures against legalisation of proceeds from criminal activities, full text. According to Section 6 of that Act execution of a client's order may be delayed by 72 hours at most, which is a time given by law to the Financial Analytical Unit for completing its investigation of a suspicious transaction and for filing notice in the given matter. If facts are established within the stipulated period of time indicating that a criminal offence has been committed, an information on crime is filed.

transactions which are invariably preceded by client identification). According to Regulation of the Czech National Bank No. 183/2002 Coll. the banks are obliged to ascertain the purpose of the payment to the accounts of clients to and from abroad.

The measure of the Czech National Bank for internal management and control system of the bank in the sphere of forestalling legalisation of proceeds from criminal activity takes into account the requirements contained in the document of the Basle Banking Supervision Committee called "Customer Due Diligence for Banks" whose organic part is 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 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 Act executed by Act No. 126/2002 Coll., abolished all deposits acknowledged by bearer's savings books as of 31 December 2002.

The European Commission proposal of 26 July 2005 mentions the necessity to draw up a new regulation strengthening control over the flow of financial funds in EU member states by means of the obligatory identification of the submitter of the payment order.

It is necessary to follow the afore-mentioned development, in compliance with the content of the relevant task (To Ensure Effectiveness of the EU Mechanisms Created for the Purpose of the Freezing of Property of Terrorists and Terrorist Organisations and the Identification of Holders and Real Users of Bank Accounts Regardless of Their Place of Abode) of the Action Plan of the European Union, by a newly proposed task regarding improving the system of obtaining information about owners of bank accounts which are administered by banks and other financial institutions operating in the Czech Republic, for the needs of the relevant public bodies.

In many other member states of the European Union the said situation merited a far more radical measure, i.e. creation of a central register of bank accounts (Germany, France) which can be accessed by selected police and intelligence units.

### **3.4 Improving Organisational Framework for Investigating Cases of Terrorism**

One of the Recommendations of the Evaluating Mission of the Council of the European Union against Terrorism, which visited the Czech Republic in November 2004, was a proposal to establish the position of a specialised state prosecutor who would be responsible at the national level for co-ordinating judicial activities regarding the cases of terrorism.

To be taken into account is the solution by means of ensuring deeper specialisation for the fight against organised crime and terrorism at the level of state prosecution. Only in this way it will be possible to solve situations regarding the issue of the fight against terrorism without unnecessary delays, or to determine unambiguous and rapid methods of assigning supervising prosecutors (especially in cases of justified suspicion of the financing of terrorism). Simultaneously, it is desirable to organise training courses which would unambiguously clarify convenient practices in this sphere.

### **3.5 The Issue of Extraditing/Transfer of Citizens of the Czech Republic for Criminal Prosecution or Execution of Punishment Abroad**

For the purpose of implementation of the Framework Decision to the European Arrest Warrant the Ministry of Justice drew up amendments to Act No. 141/1961 Coll. on judicial criminal proceedings, Act No. 140/1961 Coll., Criminal Act, and the Charter of the Fundamental Rights and Freedoms. However, the Chamber of Deputies voted down the amendment to the Charter in the first reading so that discussed was only the amendment to the Criminal Procedure Code and the Criminal Act.

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The pertinent financial institution (e.g. bank), where the funds have been blocked, is notified, which imposes its legal obligation not to carry out the client's order for a period of another three days so that the police authorities can take measures for additional blocking of the account concerned. Unless the Financial Analytical Unit files an information on crime, the pertinent financial institution has no legal obligation to delay the client's order (for instance to withdraw or transfer financial means) any longer.

The amendment was approved on 24 September 2004 and became effective as of 1 November 2004. On 14 January 2005 the Czech Republic made a declaration in relation to the relevant article of the European Convention on Extradition from 1957 at the Council of Europe so that it could apply the regulation on the European Arrest Warrant instead of the afore-mentioned Convention.

The afore-mentioned regulation was reviewed by the constitutional court from the viewpoint of compatibility of the relevant provisions of the Criminal Procedure Act and the Criminal Act with Art. 1, Art. 4 (2), Art. 14 (4) and Art. 39 of the Charter of the Fundamental Rights and Freedoms.

Further proceedings will be determined depending on the eventual legal opinion of the Constitutional Court as well as depending on further negotiations about the new extradition agreement with the United States of America and in the context of the Agreement of Extradition between the United States of America and the European Union.

Another complication with implementation of the Framework Decision in the Czech Republic ensues also from the fact that on the basis of the approved legislative regulation the European Arrest Warrant can be used only for criminal acts committed since 1 November 2004, which is criticised by evaluation reports of the European Union and raises application problems between member states of the European Union (most member states of the European Union use the European Arrest Warrant for criminal acts committed after the approval of the framework decision itself).

Due to the fact that the European Arrest Warrant is a principal tool of judicial co-operation in the European Union and its non-application virtually rules out an effective persecution of criminals in the Schengen Territory, it is highly probable that the insufficient implementation of the afore-mentioned Framework Decision in the Czech Republic will be reflected in the evaluation of the Czech Republic regarding the readiness for the application of the Schengen acquis. For the said reasons it is necessary to immediately solve the current situation by an amendment to the Criminal Procedure Code removing the restrictions of its force which is at variance with the relevant Framework Decision.

#### **4 Cooperation Involving Domestic Justice and Interior Affairs Specialists and Their Foreign Counterparts**

An important element of counter-terrorism effort is the co-operation of domestic law enforcement bodies with their foreign counterparts including their sharing of relevant information. In this respect an important role is played by the National Centre Interpol Prague which communicates, besides general communication channels, with the Fusion Task Force of the Interpol General Assembly devoted exclusively to the problem of terrorism.<sup>13</sup>

As of 1 September 2004 became effective for the Czech Republic the Convention on the Establishment of the European Police Office (Convention on Europol) based on Art. K.3 of the Treaty on European Union and two out of five related protocols. Two protocols amending the Convention on Europol have not yet been ratified by all the fifteen original member states of the European Union and therefore, have not yet become effective. The Parliament of the Czech Republic has already approved and the president of the Czech Republic has ratified another protocol amending the Convention on Europol approved by the Council of the European Union in November 2003.

The central role in the communication between the Czech Republic and Europol is played by the Europol national unit and two liaison officers of the Czech Republic in the Europol headquarters in the Hague. Apart from the exchange of operative information, the Czech Republic receives via Europol other materials related to the issue of terrorism (weekly and monthly overviews of events, specialised analyses, etc.). In the Czech Republic the Europol contact point for terrorism is the Unit for the Detection of Organised Crime of the Service of Criminal Police and Investigation of the Police of the Czech Republic.

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<sup>13</sup> National Centre Interpol Prague uses a communication system based on the technology I-24/7 which provides a faster and superior transmission of data and pictorial information and also facilitates a direct (on-line) access to databases of the Interpol General Assembly in Lyon, which is planned to be granted to selected departments of the Police of the Czech Republic.

The Unit for the Detection of Illegal Proceeds and Tax-Related Criminality of the Service of Criminal Police and Investigation of the Police of the Czech Republic actively monitors and evaluates contents of analytical files<sup>14</sup> existing within Europol and related to the issue of the fight against the financing of terrorism.

Since 7 May 2004 the Czech Republic has been connected to the BdL network (Bureau de Liaison) which is the official communication system interconnecting officials of member states in the EC Working Group on Terrorism (E 12).

With the aim of implementing the European Council Decision No. 2002/187/JHA of 28 February 2002 on the Establishment of the European Unit for Judicial Co-operation (Eurojust) the Czech Republic amended Act No. 283/1993 Coll. on public prosecution. As a national representative of the Czech Republic in the structure of Eurojust has been designed since the Czech Republic's accession to the European Union the state prosecutor of the International Department of the Supreme State Prosecution. The position of the national Eurojust correspondent on terrorism has been held by a member of the Unit for the Detection of Organised Crime of the Service of Criminal Police and Investigation of the Police of the Czech Republic.

The Czech Republic is also a member of the Police Working Group on Terrorism comprising counter-terrorism units of the member states of the European Union, Norway and Switzerland. Electronic classified communication between the members of the Police Working Group on Terrorism is provided by the information system TOMAS.

The European Commission established by its Decision No. 1999/352 of 28 April 1999 the European Anti-Fraud Office (OLAF - Organisation de la lutte anti-fraude). This office started its operation on 1 June 1999. The sphere of action of the OLAF is regulated by those directives of the European Union and its member states that are related to the fight against fraud, corruption or any other irregular activity affecting financial interests of the European Communities. Due to the fact that the OLAF is obliged to co-operate closely with relevant authorities of the members states, especially the police and other investigative, prosecuting and adjudicating bodies it can effectively help in the fight against the financing of terrorism and in detection of other crimes related to it. The OLAF contact person for the Czech Republic is the state prosecutor of the Supreme State Prosecution.

In the sphere of customs the international co-operation is based on many international bilateral agreements on co-operation in customs issues. In case there are no bilateral international agreements, the member states of the European Union exercise their mutual co-operation on the basis of Council Directive No. 515/1997 of 13 March 1997 on mutual assistance between customs administrations of the member states and their co-operation with the Commission for ensuring due application of customs and agricultural regulations. Documents regarding the issue of the fight against terrorism are discussed at the regular meetings of the Customs Co-operation Working Group.

Besides the Europol headquarters in The Hague, the liaison officers of the Police of the Czech Republic operate in Moscow, Kiev and Bratislava. Since 1 September 2005 a liaison officer of the Police of the Czech Republic has operated also in the Interpol headquarters in Lyon. A liaison officer of the Customs Administration of the Czech Republic currently operates in Cologne.

Many formal and informal meetings of representatives of the Police of the Czech Republic and their foreign counterparts take place during specialised conferences. These are often meetings financed from the pertinent funds of the European Union earmarked for strengthening co-operation in the sphere of justice and domestic affairs (AGIS, TAIEX).

Due attention is paid also to the cooperation of the Police of the Czech Republic with the security attachés of foreign diplomatic missions in Prague.

As for specialised forms of international police co-operation in the sphere of the fight against terrorism it is necessary to mention the co-ordination exercises of the Rapid Response Unit of the Police Presidium of the

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<sup>14</sup> AWF 99-008 – Islamic Terrorism = analytical working file on Islamic terrorism in relation to the European Union, AWF 03-029 – Dolphin = analytical working file on terrorism, AWF 01-001 – SUSTRANS = analytical working file on detection, tracing and identification of suspicious transactions.



Czech Republic and its counterparts from the member states of the European Union associated in the working group Atlas.

On 28 April 2004, during celebrations of the 10th anniversary of public prosecution in the Czech Republic, was signed the Memorandum on Co-operation between the Supreme State Prosecution of the Czech Republic, the General Prosecution of the Republic of Hungary, the General Prosecution of the Republic of Poland and the General Prosecution of the Slovak Republic which expressly states that the subject of co-operation of the new member states of the European Union is also international judicial co-operation covering the fight against organised crime and terrorism.

## **5 The Scope of Activity of the Intelligence Services of the Czech Republic**

### **5.1 International Co-operation**

The co-operation of intelligence services of individual countries (including co-operation with police forces, structures of Europol, Eurojust and other relevant institutions of the European Union) is a key prerequisite for an effective fight against international terrorism. This fact is pointed out in many documents drawn up at the level of the European Union.

Intelligence services of the Czech Republic, within the scope of their legal powers<sup>15</sup>, exchange information with their foreign partners. The priority of thus conceived international co-operation is the fight against terrorism.

Besides bilateral exchanges the Czech Republic's intelligence community is involved also in multilateral platforms in the sphere of exchange of intelligence information. The Security Information Service is engaged in the activities of the 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 activities of the international organisation MEC, associating intelligence and security services of many European countries. Regarding international co-operation, the Military Intelligence is actively involved in exchange of intelligence information within the North Atlantic Treaty Organisation and the European Union. On the behalf of the intelligence community of the Czech Republic the Office for Foreign Relations and Information is involved in the warranting process within the European Union, based on the exchange of information about international terrorist groups conducting to freezing their property.

The Czech Republic contributes to a more effective operation of the centre for analysis of intelligence information which is developed within the central bodies of the European Union (the so-called SitCen). Already during 2004 the intelligence services and the Ministry of Foreign Affairs contributed with their data to some partial SitCen's analyses.

### **5.2 Domestic Co-ordination of Activities of Intelligence Services**

Pursuant to Act No. 153/1994 Coll., on intelligence services, responsibility for activities of intelligence services of the Czech Republic lies with the government of the Czech Republic. Important tasks in this sphere are executed by the State Security Council and its Intelligence Activity Committee.

In 2005 the formalised Common Intelligence Group became the working platform on terrorism for individual intelligence services, the Ministry of Interior (including the Police of the Czech Republic) and the Ministry of Foreign Affairs. In 2005 testing of the system of intelligence agenda co-ordination was initiated by the Board of Directors of Intelligence Services and the Working Group of the Co-ordinator of Intelligence Services. In December 2005 existing experiences with the afore-mentioned co-operation will be evaluated.<sup>16</sup>

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<sup>15</sup> Mutual co-operation of intelligence services of the Czech Republic is regulated by Act No. 153/1994 Coll., on intelligence services, which determines their co-operation on the basis of agreements concluded with the approval of government. Pursuant to the afore-mentioned act the individual intelligence services of the Czech Republic can co-operate with foreign intelligence services only upon approval of the government of the Czech Republic.

<sup>16</sup> Among other aspects, the evaluation will concentrate on improving of the feedback between intelligence service and the users of their findings.

One of the top priorities of the Czech Republic in the fight against terrorism is to set in operation the government's classified communication<sup>17</sup> and other mechanisms facilitating a flexible exchange of open and classified information within the state and local administration. Furthermore, it is necessary to co-ordinate the transfer of information at the international level (interconnection of international communication systems with the communication systems within the Czech Republic) and the transfer of information in the visa process from and to the diplomatic missions of the Czech Republic.

### **5.3 Improving Legislative Conditions for the Work of Intelligence Services and Security Corps of the Czech Republic**

From the viewpoint of the fight against terrorism, the scope of legislative conditions facilitating an effective execution of intelligence and law enforcement activities, is a key issue monitored also at the level of the European Union.<sup>18</sup>

In reaction to terrorist attacks many European and non-European countries have reviewed legal powers of relevant security units and have taken such measures that these units be able to act effectively against terrorist threats at the national and international level.

In 2004 the Ministry of Interior, in co-operation with intelligence services and the Police of the Czech Republic, drew up the document "Analysis of the Scope of Legal Powers of Intelligence Services and the Police of the Czech Republic Necessary for the Execution of Their Tasks Concerning the Suppression of International Terrorism". The document describes the current legal powers of the pertinent Czech authorities in comparison with the scope of legal powers of their foreign partner authorities.

The document was approved by the Resolution of the Intelligence Activity Committee No. 94 of 22 July 2004 and by the Resolution of the State Security Council No. 9 of 7 October 2004. On 10 November 2004 the Analysis was submitted to the government which took it into account by its Resolution No. 737 of 15 June 2005.

On the basis of the conclusions of the afore-mentioned document and on the basis of other proposals of responsible institutions, it is necessary to adopt relevant legislative or non-legislative measures which would ensure the necessary changes or specifications, especially:

- a) In compliance with the conclusions of the document "Analysis of the Scope of Legal Powers of Intelligence Services and the Police of the Czech Republic Necessary for the Execution of Their Tasks Concerning the Suppression of International Terrorism".
- a.1) To redefine the legal powers of intelligence services to access information conducted by public administration authorities in the Act on intelligence services.
- a.2) To facilitate obtaining further information from public administration subjects and some private subjects for the needs of intelligence services, the Police of the Czech Republic and the Customs Administration of the Czech Republic (e. g. information from tax proceedings, information from banks and other financial institutions) - (in particular information about account numbers and their holders and about ongoing bank transactions, information about names, addresses and account numbers of participating persons) - information from the systems of social security or health insurance, information from private air carriers or other selected private firms and companies, information from providers of postal services, information about securities trading, etc.). To define the possibility of long-distance and non-stop access to the existing databases of the afore-mentioned institutions and subjects.
- a.3) To expand the reporting duty of the Ministry of Finance so that it shall report information defined by law about some suspicious transactions also directly to the intelligence services of the Czech Republic.
- a.4) To anchor that towards the Foreign Relations and Information Office it is not possible to invoke the duty to maintain confidentiality pursuant to Section 7 of Act No. 61/1996 Coll., on some measures

<sup>17</sup> "Comprehensive Concept of the Government's Classified Communication", approved by the Government in its Resolution No. 112 on 4 February 2004, as amended by Resolution of the Government No. 855 of 7 July 2005, is carried out in 2004-2007.

<sup>18</sup> Concrete recommendations concerning the expansion of legal powers of intelligence services are contained in the document "Ongoing Report on Evaluation of Domestic Counter-terrorism Mechanisms" (14306/2004 and following), which ensued from the progress of the evaluation missions of the Council of the European Union in the 15 "old" member states of the European Union

- against the legalisation of proceeds from criminal activity and on changing and supplementing of related laws, as amended by later regulations.
- a.5) To anchor the duty of the Ministry of Finance (Financial Analytical Unit), on the basis of a report of the relevant intelligence service on findings indicating suspicious transactions, to immediately initiate necessary investigations and inform the relevant intelligence service about their results.
  - a.6) To set the rules of the exchange of necessary information between the Police of the Czech Republic, customs authorities and intelligence services of the Czech Republic and the mutual use of services and skills between these authorities (monitoring of suspicious persons, wiretapping and recording telecommunication operations, etc.)
  - a.7) Under precisely determined conditions, in case of danger of delay (the issue cannot be postponed and it is not possible to act in any other way), to enable:
    - to use legal powers of police authorities to wiretap and record information of telecommunication operations and monitor of persons and things pursuant to the Criminal Procedure Code;
    - to use intelligence technology by the relevant intelligence services of the Czech Republic;
  - immediately, while the pertinent permission for such measure would have to be obtained additionally, within certain, precisely determined time limit.
  - a.8) To anchor, or specify, the legal powers of the Police of the Czech Republic to require, under conditions determined by law, the provision of accompanying data of telecommunication operations, pursuant to the Act on the Police of the Republic, outside criminal proceedings.
  - a.9) In the Act on Intelligence Services to define, in relation to the pertinent legal power of the intelligence service to provide information, also the duty of the pertinent requested subject to provide this information.
  - a.10) After the Czech Republic's accession to the Schengen Information System to ensure for intelligence services the access to information about movement of suspicious persons across the outside borders of the Schengen Area.
  - a.11) To renew for intelligence services of the Czech Republic the exception concerning processing of sensitive data pursuant to Act No. 101/2000 Coll., on protection of sensitive data as amended by later regulations, (introduce for all intelligence services the legal power to obtain personal data including sensitive information).
- b) In relation to other identified needs,
- b.1) To anchor in the Act on intelligence services of the Czech Republic the legal power of the Office for Foreign Relations and Information for the purpose of:
    - the protection of its employees, objects and information sources against activities threatening their safety,
    - the execution of security checks of its employees or job applicants,
    - the examination of intelligence sources necessary for fulfilling tasks in their competence,
    - fulfilling tasks with foreign security or foreign policy significance for the Czech Republic
  - b.2) To anchor in the Act on intelligence services of the Czech Republic the legal power of the Office for Foreign Relations and Information to obtain information by means of wiretapping and recording information from electronic communication networks, if it can be obtained by this method, that is following a previous written permission of the relevant chairman of the senate of the High Court. By wiretapping and recording information from electronic communication networks, which is subject to permission, is not meant recording, listening, monitoring and evaluating information which is transmitted in such way that it can be accessed by a previously undefined circle of persons;
  - b.3) To anchor in the Act on intelligence services of the Czech Republic the legal power of the Office for Foreign Relations and Information to obtain, in the scope of its competence, information from electronic communication networks in international operation for the purpose of fulfilling a specific task ensuing from the priorities of the operation of intelligence services approved by the government of the Czech Republic, if it is necessary for fulfilling the specific task and the necessary information cannot be obtained in time by any other method, without the necessity of a judicial approval.
  - b.4) In the Electronic Communication Act to anchor physical persons or legal persons pursuing communication operation on the basis of the request of the Office for Foreign Relations and Information, approved pursuant to the Act on intelligence services of the Czech Republic, to establish and ensure in the points of their electronic communication network determined by the Office for Foreign Relations and Information the connection of devices for wiretapping and recording information, on their own expenses.
  - b.5) To anchor the legal power of the Office for Foreign Relations and Information to seek, open and analyse transported mail shipments.

Furthermore, it is necessary to anchor relevant legislative changes concerning the operation of electronic communication, which are important from the viewpoint of the fight against terrorism, while it is necessary to take the following measures:

- a) For legal persons or physical persons providing publicly accessible telephone service to set the duty to provide authorised government bodies (including intelligence services) with information from the database of all their users of publicly accessible service.
- b) To discuss possibilities of creating a common database of numbers of all users of publicly accessible telephone service and solving the problem concerning the introduction of number portability between individual carriers. On the basis of the executed evaluation to propose necessary legislative changes and other necessary measures.
- c) To analyse possibilities and consequences of the introduction of legal powers of relevant authorities (including intelligence services), under conditions determined by law, to interfere with and switch off electronic communication networks, and propose necessary legislative changes and other necessary measures.
- d) To ensure the proportionality of covering expenses spent in relation to wiretapping and recording information so that the coverage of expenses be shared between the state and the legal persons and physical persons operating public communication networks or providing publicly accessible services of electronic communication.
- e) To ensure the customs authorities the possibility of using the existing legal powers related to the sphere of electronic communication.
- f) With the use of foreign experiences to consider the possibility of the introduction of obligatory registration of sales, or registered activation of prepaid mobile telephone cards (including the introduction of the duty to report to the carrier the transfer and the loss of a card); the introduction of a sanction to the user for not reporting the transfer or the loss of the SIM mobile telephone card; to enable relevant government authorities (including intelligence services) to obtain the afore-mentioned information about registered cards as well as about "long-term lending" of the SIM cards (telephone sets with a mobile telephone network) in case of telephones with a fixed payment tariff (contract with the carrier).
- g) To consider the possibility of the introduction of obligatory filing not only of the data on made calls, but also the data on not made calls (also in case of fixed lines), including the possibility of the access of relevant government authorities (including intelligence services) to these data.
- h) To consider tightening sanctions mentioned in the Electronic Communication Act.

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The proposed specifications of the existing legal powers of intelligence services and the Police of the Czech Republic fully respond to the afore-mentioned requirements and are conceived in such a way that intelligence services and the Police of the Czech Republic were able to combat effectively the threats of international terrorism, to respond to impulses and requests of relevant foreign authorities. It is also necessary to underline that all the following proposed measures are conceived above all in a preventive way. Their primary goal is to prevent terrorist attacks and are, therefore, directed at enabling intelligence services to detect in time the signals and indicia of a possible terrorist threat.

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

While drafting the afore-mentioned act, it would be suitable to use the document "Summary of Factual Solutions of the Control of Intelligence Services by the Parliament of the Czech Republic", which was last year drafted by the expert working group within the Intelligence Activity Committee under the guidance of the head of the department of the Prime Minister of the Office of the Government of the Czech Republic and on 18 November 2004 discussed and approved by the Intelligence Activity Committee. This document expects the establishment of a control authority concerning all the intelligence services of the Czech Republic. Experiences from abroad were used during the preparation of this document, not only from legislative regulations of the member states of the European Union, but also from the United States, Canada, Australia and New Zealand.

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The role of 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 sharing necessary information and co-operation of individual authorities the fight against this phenomenon cannot be successful.

The legal powers of intelligence services, including the current powers, must be precisely defined as to their purpose, the conditions of their application and phenomena that are related to. All the legal competencies of intelligence services must be subjected to an effective and independent control particularly by legislative and judicial branches of government.

During the preparation of the draft "Schedule of Measures of the Czech Republic in the Fight against Terrorism", valid or currently implemented measures of other countries (especially member states of the European Union) were studied. The draft new measures often concern especially preventive measures.

For example, the expansion of legal powers of relevant security bodies and intelligence services concerning obtaining information was approved in the Netherlands, Luxembourg, the United Kingdom, Germany, Italy, Hungary, Denmark, Sweden, Malta, Estonia and the United States of America.

Many countries concentrate on the strengthening of co-operation of relevant security bodies (intelligence services, police authorities, financial analytical units, etc.) An example can be found in Austria, Luxembourg, United Kingdom, Denmark, Sweden, Malta, Estonia, Belgium, Germany, Slovenia, etc.

An effective availability of some investigation techniques (e.g. monitoring and wiretapping) has become reality in some countries, while others are taking this measure, as, for example, Belgium, the Netherlands, Luxembourg, the United Kingdom, France, Austria, Germany, Italy, Portugal, Hungary, Poland, Finland, Denmark, Sweden, Turkey. In relation to telecommunication operations, mention should be made of the existence of common databases of users of telecommunication operations and provision of information from them (Germany, Italy, Denmark), the proportionality of covering expenses (e.g. Belgium, the Netherlands, United Kingdom, Austria, Poland, Denmark, Sweden, Turkey) and the deanonymisation of telephone cards (the United Kingdom, Germany, Slovenia, Slovakia, Italy, Switzerland). An analogy of the proposal to interfere with or switch off electronic communication networks can be found in the Netherlands, Germany, Poland, Finland, etc.

In reaction to terrorist attacks in the United States (2001) and Spain (2004), many countries began to adopt the so-called antiterrorist laws. After the terrorist attacks in London this trend has continued. A legal order expansion concerning adequate legal powers is currently made in the United Kingdom, the Netherlands, Italy, Denmark, etc.

## **6 Protection of Specific Groups of Potential Targets of a Terrorist Attack**

### **6.1 Potential Targets of Terrorist Attacks in the Czech Republic**

As was mentioned above, The Czech Republic is a country with no open demonstrations of domestic or international terrorism. However, a potential threat of a politically motivated attack against the Czech Republic's territory or interests abroad (committed or prepared by structures of international terrorism or domestic extremism) could be closely related to the foreign policy orientation of the country.

For the above-mentioned reasons, there is a continuous intensive co-operation of the Police of the Czech Republic, intelligence services of the Czech Republic and, if required, of the Army of the Czech Republic, in obtaining information necessary for prevention of public order and security threats during mass social events (top political events, sporting and cultural events, etc.) organised in the Czech Republic or abroad with the participation of representatives of the Czech Republic (e.g. 2004 Summer Olympic Games in Athens).

In due intervals, the Rapid Response Unit of the Police Presidium of the Czech Republic and intervention units of administrations of police regions and the Prague Police perform co-ordination exercises with the goal of assessing and improving the continuity of mutual operations, the organisation of preparations, and the

process of intervention against terrorists and kidnappers, and detecting weak points in organisation and material readiness during interventions. The results of these exercises confirm the possibility of common deployment of more intervention units in solving incidents of this type anywhere in the Czech Republic.

Concerning other specific spheres of targets of potential terrorist attacks, for whose protection specific measures are taken, let us mention these:

## **6.2 Protection of Critical Infrastructure in the Projects of Combating Terrorism**

The goal of the protection of critical infrastructure is to ensure functioning of systems and means for needs of the population and maintaining functionality of the public administration. The protection of critical infrastructure is discussed at all levels including negotiations with international organisations.

One of the possible alternative threats to the elements of critical infrastructure is their deliberate damaging (i.e. of subjects as well as objects), by a planned deliberate attack. In this regard, the documents of international organisations (the European Union and the North Atlantic Treaty Organisation) and individual countries, which deal intensively with these issues, mention adopted and planned preventive measures forestalling this possibility.

Within NATO the protection of critical infrastructure is generally discussed in the working group for the protection of critical infrastructure which was established as part of the activities of the Civil Protection Committee for whose operation within the Czech Republic is responsible the Ministry of Interior (the General Directorate of the Fire-Fighter Rescue Corps of the Czech Republic). In regard to the Czech Republic's membership in the European Union, this issue was discussed within the European Union particularly at the end of 2004 and the responsible party is also the Ministry of Interior (the General Directorate of the Fire-Fighter Rescue Corps of the Czech Republic). Besides, the protection of critical infrastructure is part of working obligations of the Civil Emergency Planning Committee, the working committee of the State Security Council.

Simultaneously, there is a continuous monitoring of the development in the sphere of the protection of critical infrastructure with regard to the measures of international organisations (the European Union, the North Atlantic Treaty Organisation and others). In this regard, relevant measures are taken at the domestic level. In 2005 it is also necessary to set up the programme Critical Infrastructure Warning Information Network, which represents the main security system of rapid warning combining systems of rapid reaction. Information about tasks and measures ensuing from the document of the European Union concerning the protection of critical infrastructure in the fight against terrorism was provided to the Parliament of the Czech Republic in connection with the legislative proposal of ES/EU. Following the report of the European Union concerning the protection of critical infrastructure in the fight against terrorism, it is necessary by the end of 2005 to define critical infrastructure within the Czech Republic and analyse information obtained from various sources about the basic elements of critical infrastructure and their mutual dependence. Furthermore, it will be necessary to take measures to ensure co-operation and partnership between the owners and operators of the subjects of critical infrastructure and the competent authorities.

In November 2004, as part of examination of the state of security of the Czech Republic, the participants of the Peer Evaluation of the Council of the European Union were informed about the state of the protection of critical infrastructure in the Czech Republic. The results of the Czech Republic in this sphere were acknowledged as very good and the general approach to the solution of the issue of the protection of critical infrastructure is considered to be highly professional.

In the following period it will be necessary to, in compliance with conceptual tasks of the European Union, to direct attention mainly at tackling the issues of analysis of mutual dependencies, from the general viewpoint of threats to elements of critical infrastructure, not only from the position of deliberate menace. Since it is a very demanding process in scope and the number of participants and their mutual bonds and relationships (public and private sector), its solution will continue in the working group for the protection of critical infrastructure set up within the Civil Emergency Planning Committee. Henceforth, the issue of the protection of critical infrastructure will be handled in a complex way, in compliance with the obligations of the Czech Republic towards the international community.

In building new, potentially hazardous objects the maximum protection of their perimeter with pertinent construction elements is safeguarded in advance.

### **6.3 The Issue of Cybernetic Threats**

It must be said that the Czech Republic's public sphere at present lacks a certain subject which would in some cases replace private subjects in the sphere of the protection of the so-called "cyberspace", since with some methods and systems there is a danger of disclosing know-how and the subsequent frustration and weakening of the system of protection against cybernetic threats. For this reason, it is necessary to draw up a comprehensive document which would map the issue of cybernetic threats from the viewpoint of security interests of the Czech Republic and propose a solution of concrete diagnosed weak points.

### **6.4 The Issue of Crisis Management in Transport**

The document "Strategy of Crisis Management in Transport Until 2013", approved by the Resolution of the State Security Council No. 70 of 19 July 2005, observes increase in control over threats and risks in transport, including control over carriage of certain types of shipments of dangerous goods.

An analysis is under way comparing the surveillance of road and railway transport of dangerous goods in selected countries of the European Economic Space.

The carriage of dangerous materials in road transport is regulated by Act No. 111/1994 Coll., on road transport, as amended by later regulations. Pursuant to this Act it is permitted to transport by road only the dangerous goods specified in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), under conditions stipulated by it. The Agreement introduces a list of highly dangerous goods abusable in terrorist activities. Carriers, dispatchers and other participants in transport, involved in carriage of highly dangerous goods must accept, apply and meet the safety plan whose terms are stipulated by the ADR.

Among other factors, the safety plan must contain a list of the specified dangerous goods or groups of dangerous goods, the measures which need to be taken for diminishing security risks, the methods of reporting threats, breach of safety or of conduct in such situations, the measures for ensuring physical security of transport information contained in the safety plan. The vehicles must have installed means, devices and systems for the protection against theft of the vehicle and its cargo. The ADR contains provisions on traffic limitations which can be introduced for other reasons than the safety during transport. Of these limitations the United Nations Organisation and the European Union must be informed.

By railway it is possible to transport dangerous goods specified in the Convention Concerning International Carriage by Rail (COTIF) which sets unified legal regulations for the agreement on international carriage of goods by rail. These provisions contain Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID). It means that the same rules apply for the domestic and international carriage of dangerous goods.

The goal of the proposed further measures in this sphere is to increase the awareness of the Police of the Czech Republic about transports of dangerous goods in the territory of the Czech Republic and assess the sufficiency of international road carriage regulations (ADR) and railway carriage regulations (RID) from the viewpoint of security risks of the Czech Republic, as for example:

- to impose the duty of the interested business subjects via competent government authorities to ensure the surveillance and protection of transports of goods regulated by laws;
- to impose the duty to the authorities responsible for issuing permissions to handling the aforementioned goods to report in a timely fashion transports of these goods from the Czech Republic abroad and from abroad to the Czech Republic also to intelligence services;
- to clear imported and exported sensitive goods mentioned above through selected customs authorities.

### **6.5 Ensuring Security of Civil Aviation**

The basic documents concerning the security of civil aviation in the Czech Republic are:

- National Security Programme for the Protection of Civil Aviation of the Czech Republic against Illegal Acts, approved by the State Security Council on 16 January 2004 and published by the Ministry of

Transportation in April 2004 as the Annex A to the Aviation Regulation L 17, effective as of 1 May 2004. Their content is in compliance with the Directive of the European Parliament and the Council of the European Union No. 2320/2002 of 16 December 2002 that lays down common rules in the civil aviation sector.

- Directive of the Government No. 31 of 8 December 2004 which lays down a list of sensitive activities for civil aviation.
- Resolution of the Government No. 1237 of 8 December 2004, on the Directive of the Government which lays down a list of sensitive activities for civil aviation.
- National Programme for Security Training in Civil Aviation.
- National Quality Management Programme for Security Measures in Civil Aviation.
- Act No. 49/1997, on civil aviation, whose amendment will be discussed in compliance with the plan of legislative work of the government for 2005.

On their basis and in compliance with rules of the European Union, the European Civil Aviation Conference, and the International Civil Aviation Organisation, the Czech Republic harmonises proceedings whose goal is to increase security standards at airports and on board aircraft.

The Czech Republic continuously tests security competence of groups of persons performing at airports reserved for commercial air transport activities whose abuse could lead to threats to the state security or another important state interest (these are, for example, persons performing personal checks of passengers, baggage and carried cargo, persons performing security pre-flight checks of aircraft, guarding airports, etc.)

Effective as of 1 July 2004, a department of aircraft escorts was established within the Alien and Border Police Service of the Police of the Czech Republic, charged with providing transport of foreigners across Prague - Ruzyně Airport, security checks of the Czech Airlines aircraft heading for selected destinations and performing armed security escorts for flights selected as risky.

## **6.6 Protection of Information Systems Not Handling Classified Data**

In the Czech Republic, information systems not handling classified data are at present safeguarded at the level of the current protection of a local computer network.

With the goal of strengthening information security in the sphere of communication and information infrastructure of the Czech Republic and in compliance with Section 4 (1b) of Act No. 365/2000 Coll., on public administration information systems, are drafted strategic documents in the sphere of the protection of public administration information systems of the Czech Republic, even from the viewpoint of their possible menace by a terrorist attack. These are in particular:

- "National Strategy of Information Security of the Czech Republic", which sets tasks in the sphere of building trustworthy information and communication systems in the conditions of the Czech Republic.
- Draft directive of the government for fulfilling tasks set by the "National Strategy of Information Security of the Czech Republic" on the part of public administration authorities and organisations and subjects of critical infrastructure.
- "Concept of Transfer of Classified Information by the Czech Republic's Public Administration Communication Infrastructure" which responds to the constantly increasing requirements for transfer of certain, especially classified, information determined by legal regulations.<sup>19</sup> The document proposes a solution via integration of the information systems into a universally usable secure public administration communication system providing the access to networks of other countries of the European Union.
- "Security Policy of Transfer of Classified Information by the Czech Republic's Public Administration Communication Infrastructure" describing, in compliance with the Resolution of the State Security Council No. 84 of 18 November 2003, the security goals of the public administration communication infrastructure and the methods of their meeting, as well as the basic management structures of the system, their role and the area of responsibility during enforcing the afore-mentioned security principles. The content of the document is conceived so that the resulting system met security

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<sup>19</sup> Quantity of these regulations and inconsistencies in their interpretation lead to projecting and developing many intentionally directed and interdependent systems.



requirements of the EU communication system S-TESTA and the Czech Republic's crisis management information systems.

- "Proposal of Protection Levels of the Information Systems Necessary for Functioning of the Critical Infrastructure of the Czech Republic".
- Amendment to Act No. 101/2000 Coll., on personal data protection and on changing some laws, as amended by later regulations (439/2004 Coll.), Section 13 (2), which says that the administrator or processor is obliged to process and document the adopted and realised technical and organisational measures for ensuring personal data protection in compliance with the law and other legal regulations.

On the basis of the order, ensuing from the Resolution of the State Security Council No. 59 of 27 May 2003, the Ministry of Informatics submitted in 2004 the introductory study of the document "Proposal of Protection Levels of the Information Systems Necessary for Functioning of the Critical Infrastructure in the Czech Republic", which specifies strategic requirements for technical solution of the order and requirements for departmental interaction. The Ministry of Informatics, in cooperation with the National Security Office, prepares a unification of the system of security classification of information and subsequently the allocation of the requirement for ensuring an adequate level of security endurance to the individual information and communication systems and sub-systems.

### **6.7 The Issue of the Protection of Information Systems Handling Classified Data<sup>20</sup>**

Information rated in the classified data category are in the Czech Republic currently processed in several dozens of information systems some of which are run as belonging to independent personal computers without networking, some of them comprising local area networks (LAN) without connection with other networks, and part of them being run as large-scale computer networks (interconnection of several LANs in different localities, interconnection with embassies of the Czech Republic abroad, etc.).

The Czech Republic is also connected to systems interconnecting member states of the European Union (Extranet, COREU, BdL) and NATO (Cronos, Minerva) and other international organisations.

In all these cases an adequate protection of classified data and the systems themselves is provided in compliance with law and by the afore-mentioned regulations. The individual systems are certified by the National Security Office, the condition for issuing the certificate being also providing protection of communication by certified cryptographic devices and the protection of the system against external attacks. Anti-virus protection is invariably part of the protection.

The possibilities of a terrorist cyber-attack or a routine attack on the afore-mentioned systems are practically eliminated. A residual risk is also posed by a natural disaster or an attack using brutal force. Adequate protection against such risks is very difficult in view of the high investment costs and prevailing building restrictions (objects protected under the regime of the preservation of architectural monuments, etc.).

### **6.8 The Issue of Collection of Data on Location and Amount of Dangerous Substances**

Data on the location and the quantity of selected dangerous chemical substances and preparations, the technical documentation for the prevention of the outbreak of serious industrial accidents are in the Czech Republic constantly collected on the basis of provisions anchored in Act No. 353/1999 Coll., on prevention of serious accidents caused by selected dangerous chemicals and chemical preparations and on changing Act No. 425/1990 Coll., on district offices, regulation of their competence and on some other related measures, as amended by later regulations (the Act on prevention of serious accidents). The afore-mentioned act also imposes the duties ensuing from adopting the Convention of the UN European Economic Commission on the effects of industrial accidents transcending state frontiers.

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<sup>20</sup> Handling classified data in the Czech Republic is regulated by the following rules:

- Act No. 148/1998 Coll., on the protection of classified facts and change of some laws;
- Regulation No. 56/1999 Coll., on providing for the safety of operational systems;
- Regulation No. 339/1999 Coll., on the security of objects, and
- Regulation No. 136/2001 Coll., on securing cryptographic protection of classified facts, certification of cryptographic means and elements of certificates.

By the authority of law the executive regulation No. 373/2004 Coll. was issued, stipulating details on the scope of security measures of physical protection of objects or devices classified in the "A" or "B" category. The regulation became effective as of 1 August 2004.

Another legal instrument regulating the collection of data on waste (registration of waste and reporting of waste) is the Ministry of the Environment's Regulation No. 383/2001 Coll., on details pertaining to the handling of waste, drawn up on the basis of the provisions of Act No. 185/2001 Coll., on wastes and changing some laws, as amended by later regulations.

## **6.9 Ensuring Physical Protection of Nuclear Material and Nuclear Facilities**

In early July 2005 the diplomatic conference in Vienna unanimously approved the draft amendment to the Convention on the Physical Protection of Nuclear Material. In compliance with the statement of the European Union on immediate initiation of the process of ratification in member states, it is necessary that the Ministry of Foreign Affairs in co-operation with the State Office for Nuclear Safety initiate the demanding process of ratification of the amendment to the Convention by the President of the Czech Republic. The requirements for increasing the level of physical protection of nuclear material and nuclear facilities are already practically implemented in current legislation - Regulation No. 144/1997 Coll.

An interdepartmental working group was established, consisting of representatives of the Security Information Service, the Ministry of Interior (including the Police of the Czech Republic), the Ministry of Transportation, the Ministry of Industry and Trade, the ČEZ a. s. (Czech Energetic Arrangements), and the State Office for Nuclear Safety. The working group drew up the document ref. No. D3/3.1/2005 "Project Basic Threat to Nuclear Facilities and Nuclear Material Including Transports of Nuclear Material in the Czech Republic". Consequently, the above-mentioned departments and other subjects were, within their competence, asked for co-operation in ensuring physical protection of nuclear facilities and nuclear material in the Czech Republic and ensuring activities ensuing from the implementation of the newly defined project basic threat to nuclear facilities and nuclear material including transports of nuclear material. The implementation of this document will call for an amendment to Regulation No. 144/1997 Coll.

The National Security Office continuously assesses security competence of nuclear security inspectors and radiation protection inspectors pursuant to Section 39 (2) of Act No. 18/1997 Coll., on the peaceful use of nuclear energy and ionizing radiation (Nuclear Act) and on changing and supplementing some laws, as amended by later regulations.

The modernisation of technical systems of physical protection of the said objects was practically finished in 2004, when, for example, the microwave barriers on the perimeter of the guarded space around Dukovany Nuclear Power Plant were replaced by more reliable and efficient detectors. Due to increasing requirements for physical protection of nuclear material and nuclear facilities, in compliance with the draft amendment to the Regulation No. 144/1997 Coll. It is necessary to initiate preparations for another stage of the modernisation of technical systems of physical protection of Dukovany Nuclear Power Plant consisting in adding biometric identification of persons to the protective system.

In physical protection of nuclear material during its transports by rail and by road participates also the Police of the Czech Republic. The afore-mentioned transports in the territory of the Czech Republic have never been disturbed in any way, thanks to uncompromising secrecy about their schedules and routes.

## **6.10 Security of the Diplomatic Missions of the Czech Republic Including their Personnel and Family Members during Emergency Situations in Foreign Countries or during Declaration of a State of Emergency or a State of General Menace in the Czech Republic**

The principal document concerning the afore-mentioned issue, is the document "The Guidelines for the Activities of Diplomatic Missions of the Czech Republic during Extraordinary Events, Emergency Situations and in a State of War", on the basis of which the evacuation plan, the operation plan, the action capability plan, the communication plan, the warning and information plan and the health security plan were drawn up by April 2005 for each of Czech diplomatic missions. The plans will be updated at least once a year - and additionally, after every personal or organisational change in the diplomatic mission.

Currently under way is processing of a comprehensive analysis of security protection of selected foreign diplomatic missions of the Czech Republic, which will continue throughout 2005.

During 2004 a review of the level of availability of equipment of individual civil protection (e.g. ballistic protective vests, ballistically enhanced vehicles, protective chemical equipment) was performed in selected foreign diplomatic missions of the Czech Republic. The review will continue also throughout 2005 and in years to come. Consequently, inadequate equipment of individual civil protection will be replaced and supplemented on an ongoing basis.

Constant improvements of construction and technical conditions will continue to be effected in individual diplomatic missions, with the goal of increasing their security from the viewpoint of the protection of persons and also the protection of classified data. In 2005 the security categorisation of Czech diplomatic missions will be introduced which will directly affect pre-departure and follow-up training of the staff of diplomatic missions and their family members.

The Resolution of the State Security Office No. 133/2000 concerning the document "Draft Binding Procedure for Coping with Emergency Situations Relating to Terrorism Occurring Abroad and Concerning the Interests of the Czech Republic, as amended by later regulations" defines proceedings in the event of a threat to the safety of physical persons and legal persons from the Czech Republic during emergency situations in a host country.

The Resolution of the State Security Office No. 127/2004 of 13 July 2004 approved the document "The Principles of Co-operation for the State Authorities under a Threat to the Rights and Interests of the Czech Republic and their Citizens in Case of a Deteriorated Security Situation Abroad or in Case of an Emergency Situation Abroad" which is a basis for concluding interdepartmental agreements specifying the spheres of mutual cooperation between the Ministries of Foreign Affairs, Interior, Defence and Health with the Czech Airlines a.s. Updated "Principles" were discussed by the State Security Council on 4 October 2005.<sup>21</sup>

"The Guidelines for the Activities of Diplomatic Missions of the Czech Republic during Extraordinary Events, Emergency Situations and in a State of War" also incorporate the document of the Council of the European Union No. 15754/2003 of 4 December 2003 entitled "Directive on Consular Protection of the EU Citizens in Case of a Crisis in Third Countries" which, among other things, introduces new model procedures at the diplomatic missions of the Czech Republic, facilitating a better way of ensuring security and protection to physical persons and legal persons bodies from the Czech Republic through diplomatic missions of any member state of the European Union (and vice versa – if needed, the diplomatic missions of the Czech Republic provide protection to citizens of any member state of the European Union).

In preparatory stages is also a document devoted to solving cases of Czech citizens whose safety is jeopardised in a host country in hygienically and epidemiologically unsafe areas and in regions posing potential risks following the use of warfare agents or in the event of an accident involving their escape.

## **7 Measures in the Sphere of Research, Development and Introduction of New Technologies Related to Some Aspects of the Fight against Terrorism**

### **7.1 Military Research**

In the sphere of military research the research stage of the project "Elektron (Electron) - The System and the Method of Use of Mobile and Stationary Devices for the Protection of Objects in Field Conditions" was concluded during 2004. The project "Energie (Energy) - Directed Energy Weapons; Directed Energy Weapon Systems" continues in compliance with the concluded agreement until 2006. The provisional results are partially used in the project of the research "APPM II (AAPM II - Alternative to Anti-personnel Mines). Furthermore, 2004 saw the initiation of the international project "TRAM - Research and Development of New Transparent Armoured Materials" with its expected termination in 2007.)

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<sup>21</sup> Among other provisions, the document defines basic security risks the individual diplomatic missions of the Czech Republic should be prepared to cope with. The document includes among emergency situations abroad also deteriorated security situations that can occur in a Czech diplomatic mission during declaration of a state of emergency in the Czech Republic. Following the approval of the document by the State Security Council individual model proceedings for these emergency situations are expected to be elaborated.

Research in the sphere of improving personnel protection against the effects of weapons of mass destruction was concluded in projects "Dálka" (Distance), "Sedativa" (Tranquilizers), "Expres", "Imunis", "Specmun", "Sarin", "Burneti", "Protilátky (Antidotes) and Biomonitoring". Research projects "AB-AGENS" and "C-AGENS" is planned to be finished in 2005. The results of the project "Dálka" are used in the international research project "Dáldet - Distance Detection of Chemical and Biological Substances", started in 2004. The results of the project "Protilátky" are used in the research project "Protilátky II - Immunosensors of the Warfare Chemical Substances and Warfare Biological Agents". The results of the finished research projects in the sphere of improving personnel protection against the effects of weapons of mass destruction are used in other development projects.

As part of the research project "Terror", since 2001 the Army of the Czech Republic has been executing research tasks related to specific aspects of the fight against terrorism (the protection of information systems and military hardware against the effects of directed energy weapons, improving personnel protection against the effects of weapons of mass destruction, distance detection of chemical and biological substances, development of new transparent armoured materials, etc.) whose results can be used also in civil areas.

## **7.2 Research in the Sphere of Crisis Management, Protection of the Population, Integrated Rescue System and Fire Protection**

The priorities of the current research programme follow these strategic directions:

- warning of the population,
- analyses, detection and decontamination of highly toxic and dangerous substances including chemical, biological, radiological and nuclear substances,
- evaluation of radiation and chemical situation,
- crisis management and critical infrastructure,
- devices of the protection of the population,
- communication and information systems of the protection of the population.

The Resolution of the Government No. 661 of 1 June 2005 approved the document "Long-term Basic Research Directions". The long-term basic research directions are understood to be the principal sources for the elaboration of the draft National Policy of Research and Development. Their goal is to define the priorities of perspective research directions from the viewpoint of the most important contributions for the economy and its competitive strength and the sustainable growth of the society. This is the first attempt in the sphere of research and development in the Czech Republic when the government is proposed topics which can play the dominant role. Simultaneously, this project strengthens efforts for the concentration of financial, personal and other resources for solving a limited number of the most important priorities. The long-term basic research directions contain the total of seven thematic directions including the so-called security research.

On the basis of the Civil Emergency Planning Committee's Resolution No. 215 of 22 March 2005 the expert working group for co-ordination of the security research was established. The creation of this group and the initiation of interdepartmental discussion of representatives of departments and experts from scientific and education institutions will set the foundation stones of a co-ordinated approach to the issue of the security research in the Czech Republic and to providing expert support to the Research and Development Committee.

On 13 July 2005 the Research and Development Committee discussed the draft research programme "Security Research 2006-2010". The goal of the programme, comprising two relatively independent subprogrammes, is to produce proposals of measures, methodologies, and practical tools which could be used for optimisation in the sphere of security and the protection of the population in the conditions of the Czech Republic. The first subprogramme concentrates on the sphere of crisis management, civil emergency planning, protection of the population, integrated rescue system and fire protection. The research will include diagnostics of situations, analyses, evaluations and predictions of further development of processes, producing measures, methods, and practical tools for coping with the undesirable development of processes related to the security of the Czech Republic. Therefore, the research support will immediately touch the principal functions of the state, critical infrastructure, protection of lives and health of the population in case of possible extraordinary events and critical situations. The research activity will expand the current

knowledge base and will create conditions for an effective direction and co-ordination of the activities of individual parts of the Integrated Rescue System in management of rescue operations and will be also directed at the issue of technological development and material equipment. The subprogramme is drawn up conform to the current trends of the security research in the Czech Republic and responds to the approved documents of the EU and NATO.

"The 7<sup>th</sup> Framework Programme of the European Community for Research, Technological Development and Demonstrations for 2007-2013" is currently prepared in the European Union. One of the priorities is the sphere of security with the goal of developing technologies and knowledge for building capacities necessary for ensuring security of citizens against possible threats. The EU security strategy "Safe Europe in a Better World", adopted by the Council of Europe, concentrates on the necessity of building a system of general security which includes civil as well as military security measures. The lines of the research are directed at:

- protection against terrorism and criminal activities: providing technological solutions for the awareness of threat (e.g. of chemical, biological, radiological and nuclear substances), detection, prevention, identification, protection, neutralisation and diminishing consequences of terrorist attacks and criminal activities,
- security of infrastructures and public services: analysis and securing the current and future public and private critical/interconnected infrastructure (e.g. in transport, energetics), systems and services (including financial and administrative services),
- security at borders: concentration on technologies and capabilities for increasing effectiveness and efficacy of all systems, facilities, tools and processes required for improving the security of European land and coastal borders including the issues of border checks and protection of frontiers,
- re-establishment of security in case of crisis: concentration on technologies supporting various operations for the management of extraordinary situations (such as civil protection, humanitarian and rescue tasks) and on issues such as co-ordination and communication between organisations, distributed architecture and human factors.

### **7.3 Technical and Organisational Measures to Protect Personal Documents against Forging and Altering and their Abuse in Case of Theft**

In an effort to enhance the protection of personal documents of the Czech Republic (identity cards, passports, driver's licenses, alien documents) against forgery, altering and abusing in case of theft, such documents are being gradually exchanged for variants protected under the EU standards and meeting the relevant recommendations of Interpol (protective features, materials, etc.). Since the documents are machine-readable the process of handling documents at border crossings will be faster and more accurate. Simultaneously, one of the goals of the current improvement of the level of the protection of personal documents is to forestall the so-called modern types of criminal activities in the form of the so-called identity theft.

Since July 2000 a system of central personification of machine-readable documents has been operating in the Czech Republic, producing machine-readable passports and identity cards with a printed likeness and a printed signature of the holder of the document. Machine-readable identity cards and passports are produced and personified for the whole Czech Republic at a single venue, under the most stringent security precautions. In this way, any illicit manipulation with non-personified documents is practically ruled out, while uniform presentation of the documents is ensured. The validity of identity cards without machine-readable data, issued until 31 December 2003, is expected to expire by 31 December 2008 at the latest.

Within the overall information system of the Police of the Czech Republic its "Doklad" (Document) system includes complete records on stolen and lost gun permits and arms certificates, and incomplete records on stolen and lost passports for the period since January 2000, invalid identity cards and stolen motor vehicles. The database also covers data on applications, issued travel documents, on retention of travel documents, on denials to issue travel documents or revocation of travel documents. Pursuant to Act No. 328/1999 Coll., on identity cards, as amended by later regulations, and Act No. 329/1999 Coll., on travel documents and on changing Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations, (Travel Documents Act), as amended by later regulations, which became effective on 1 July 2000, the information system of identity cards collects data on lost, stolen or invalid travel documents. These data are used by local authorities with extended powers authorised to issue identity cards or travel documents, or by the Police of the Czech Republic.

Since January 2005 the afore-mentioned database can be used also by external subjects (e.g. banks) which can in this way obtain information whether a given document is registered as invalid, and if it proves to be the case, these subjects can also obtain information on the date of reporting the loss or theft of the document.<sup>22</sup>

The Ministry of Foreign Affairs keeps a file and electronic records on lost or stolen diplomatic and service passports. Requests for blocking such passports are sent to the Ministry of Interior. Furthermore, the Ministry of Foreign Affairs co-ordinates proceedings in matters involving evaluation of lost, stolen or forged visa labels. Acting on an ongoing basis, the Ministry of Foreign Affairs (its Consular Department) sends information on lost, stolen or forged visa labels to the Alien and Border Police Directorate of the Police of the Czech Republic.

Further development in the sphere of unambiguous identification of persons is connected with the process of introducing biometric data whose schedule ensues from the Council Regulation (EC) No. 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by member states (with the annex "The Minimum Security Standards of Passports and Travel Documents Issued by Member States"), effective as of January 2005. The session of the Justice and Home Affairs Committee of 25 - 26 October 2004 set the following schedule of further development:

- the first biometric identifier (digital facial image) will be mandatory and the time limit for its introduction will be 18 months (with the deadline of 1 September 2006);
- the second biometric identifier (digital procession of fingerprints) will be mandatory as well and the time limit for its introduction will be 36 months (36 months will be counted from the approval of the specifications by the Committee, which is expected within days; the deadline can, therefore, be set for the end of 2008).

#### **7.4 Automated System of Monitoring the Frequency Spectrum**

The automated system of monitoring the frequency spectrum is built in compliance with the requirements related to the Czech Republic's accession to the European Union and will be operated by the Czech Telecommunication Office. Performing this activity is imposed to the Czech Telecommunication Office by Act No. 127/2005 Coll., on electronic communications and on changing some related laws (Electronic Communications Act). The system has already been included among elements of non-military defence infrastructure within the Operation Preparation of the Territory of the State.

The completion of the "System" and its launching is scheduled for 2007 when it will cover with its stationary and mobile devices the whole territory of the Czech Republic. The completion of the whole system, or possibly its acceleration, depends on securing sufficient financial funds in the state budget in 2006-2008 in the chapter of the Czech Telecommunication Office.

The system is designed for a continuous monitoring of the radio spectrum and the examination of observing the conditions set for the operation of radio devices including acquiring information about unauthorised radio transmitting devices and about sources of interference with the operation of the authorised radio transmitting devices (e.g. operated by a terrorist or other criminal/espionage group.)

A temporary co-operation between the Ministry of Interior, the Ministry of Defence and the Czech Telecommunication Office has already taken place during preparations and ensuring security of the NATO summit and the session of the International Monetary Fund and the World Bank in Prague.

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<sup>22</sup> The issue is regulated by Act No. 559/2004 Coll. changing Act No. 328/1999 Coll., on identity cards, as amended by later regulations, Act No. 329/1999 Coll., on travel documents and on changing Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations, (Travel Documents Act), as amended by later regulations, Act No. 200/1990 Coll., on infractions, as amended by later regulations, and Act No. 326/1999 Coll., on the residence of aliens in the territory of the Czech Republic and on changing some laws, as amended by later regulations.

## **8 Handling of Weapons and Ammunition, Controls of the Export and Import of Military Weapons, Equipment and Dual Use Goods and Technologies<sup>23</sup>**

### **8.1 Legislative Framework**

Acquisition, ownership, holding, carrying and using arms and ammunition in the Czech Republic are governed in compliance with the EU legislation, while - at the same time - taking into account the requirements of the European Convention on the Control of Acquisition and Possession of Firearms by Individuals (of 28 June 1978, 1978; the Czech Republic is a State Party to the Convention as of 8 January 2002). The Czech Republic's key legal document in this respect is Act No. 119/2002 Coll., on weapons, ammunition and on changing some laws, which also regulates the performance of pyrotechnic research in the civilian sector. Related to the contents of the act is the amendment to the Ministry of Interior's Regulation No. 384/2002 Coll., governing the principles of verifying the professional competence of applicants for firearms permits.

The sphere of the export and import of military weapons, equipment and dual use goods and technologies is currently regulated by the following valid and prepared legislative rules:<sup>24</sup>

- Act No. 594/2004 Coll., implementing the European Community regime for the control of exports of dual use items and technologies, which is together with the implementing regulation (Directive of the Government No. 595/2004 Coll.) a useful tool of the national control regime in the sphere of foreign trade with dual use items and technologies and which fully implemented:
  - EC Regulation No. 1334/2000 setting up a Community regime for the control of exports of dual use goods and technologies;
  - Resolution of the UN Security Council No. 1540/2004;
- Act No. 38/1994 Coll., on foreign trade with military material, full text, which is currently revised in the sense of requirements of the EC, the Resolution of the State Security Council No. 6 of 7 October 2004 and the Resolution of the Government No. 14 of 5 January 2005; it is done by the document "Proposals for Further Improvement of Act No. 38/1994 Coll., on foreign trade with military material and on supplementing Act No. 455/1991 Coll., on business in trade (Trade Act), as amended by later regulations, and Act No. 140/1961 Coll., Criminal Act, as amended by later regulations", which should be a basis for drafting legislative amendments to Act No. 38/1994 Coll., designed for bridging potential legislative gaps in the afore-mentioned act, by 31 October 2005;<sup>25</sup>
- Act No. 228/2005 Coll., on control of trade in products whose possession is limited in the Czech Republic for security reasons, and on changing some laws;
- Act No. 61/1988 Coll., on mining, explosives and state mining administration, as amended, whose further draft amendments are currently discussed;
- Ministry of Industry and Trade's Regulation of 12 April 1994 implementing some provisions of Act No. 38/1994 Coll., on foreign trade with military hardware, as amended;

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<sup>23</sup> The intelligence services of the Czech Republic continuously inform the Prime Minister and the relevant authorities of the public administration (the Ministry of Industry and Trade, the Ministry of Foreign Affairs, State Office for Nuclear Safety) about the relevant facts, having regard to the illegal handling with the military material or weapons of the mass destruction.

In the individual cases of securing hazardous or nuclear substances (for example to localise the place of transport of hazardous materials or performing rapid intervention with the aim to disable, store or destroy such substances), takes place the immediate co-operation between the State Office for Nuclear Safety and the Unit for the Detection of Organised Crime of the Service of Criminal Police and Investigation (V2 Section).

The Customs Administration in co-operation with the State Office for Nuclear Safety continuously performs control activities, with the aim to detect illegal import and export of weapons, ammunition, military hardware, nuclear material and dual use goods and technologies.

<sup>24</sup> The summary of their provisions is contained in the document "On the Czech Legal Regulations Governing Foreign Trade with Military Material" which is together with the document entitled "The EU Code of Behaviour in Arms Exports" and other documents (e.g. the text "EU Common Action in Fighting the Destabilising Stockpiling and Proliferation of Firearms", including its amended and extended version) available on the website of the Ministry of Industry and Trade of the Czech Republic.

<sup>25</sup> In compliance with the wording of the resolution of the government the system of the so-called simplified procedure of processing applications for export or import licences concerning military material was established in early March 2005. Representatives of the Ministry of Industry and Trade, the Ministry of Interior and the Ministry of Foreign Affairs regularly meet to consider individual applications.

The issue of export and import of goods is generally regulated by the Community Customs Code - Council Regulation (EEC) No. 2913/1992, general legal powers of Customs Authorities of the Czech Republic in controlling import and export of goods ensuing from Act No. 13/1993 Coll. (Customs Act), as amended.

Currently under preparation is also a new act on handling some things designed for defence and security purposes in the territory of the Czech Republic and on changing some laws (Handling of Military Material Act).

## **8.2 Domestic Handling of Weapons, Ammunition and Explosives**

Handling of weapons and ammunition is regulated by Act No. 119/2002 Coll., on weapons, as amended by later regulations, handling of explosives is regulated by Act No. 61/1988 Coll., on mining, explosives and state mining administration, as amended by later regulations.

Pursuant to the Weapons Act the Police of the Czech Republic executes the state administration in regard to weapons and ammunition which is explicitly entrusted to it by this act. As part of the execution of the state administration the Police of the Czech Republic, among other tasks, permits entrepreneurs in the weapons and ammunition sector the transport of weapons and ammunition designed for export, import or transit, and executes supervision on complying with the Weapons Act with the holders of firearms permits. Therefore, the Police of the Czech Republic permits such transport, but simultaneously, the Weapons Act does not authorise it to perform checks of the transported weapons and ammunition. The Weapons Act also does not regulate permitting transports of weapons and ammunition within the Czech Republic and checks of such transport.

The Weapons Act also does not explicitly authorise the Police of the Czech Republic to perform general supervision or control over complying with its provisions. In practice this drawback causes problems especially at checks of weapons and ammunition transports and of holders of firearms permits handling weapons and ammunition.

Another of risks factors is the possession of prohibited weapons, prohibited ammunition and prohibited weapon accessories. The Weapons Act stipulates in its Section 9 (1) that it is prohibited to take into possession, hold or carry a weapon of "A" category, however, an exception can be made from this prohibition for holders of firearms permits or firearms certificates performing activities stated in Section 9 (2). Pursuant to the provision of Section 10 (1,f) of the Weapons Act the application must specify the purpose and reason of the requested exception. However, the current legislative regulation does not define how the applicant for the exception should substantiate their application and leaves the degree of substantiation only to the applicants, which does not afford the administrative body the opportunity to duly judge granting the exception from the viewpoint of security risks with respect to the applicant's needs. With some applicants the reasons given for obtaining the exception are only pragmatic and the weapons are consequently used predominantly for other purposes (in particular with collectors for firing at shooting grounds) that those declared in the application.

Pursuant to the current legislative regulation the administrative body can reject the application for the exception only in cases when the request threatens public order and security, and it is left to the administrative body to duly substantiate the rejection of the application. The draft amendment will switch proving the substantiation of the exception to the applicant, the institute of granting exception will, therefore, have its reason and it will be possible to grant the exceptions only exceptionally in duly substantiated cases. It is necessary to approach the amendment to the institute of granting exceptions for taking into possession, holding or carrying a weapon of "A" category also from the viewpoint of the current global security situation, when a weapon of "A" category can, with respect to its technical parameters, be abused for terrorist attacks.

The current wording of Act No. 61/1988 Coll., on mining, explosives and state mining administration, as amended ("Explosives Act") does not permit complex, thorough and effective control of handling of explosives, not even on the part of the Czech Mining Office which is responsible for these issues. These facts are generally well-known and therefore, the State Security Council, on the basis of the document "Information about Control of Imports and Exports of Explosives", drawn up and presented for discussion of the State Security Council by the Ministry of Foreign Affairs, charged the Minister of Industry and Trade to develop an analysis of the current state and submit it to the State Security Council for discussion.



The Minister of Industry and Trade invited the Chairman of the Czech Mining Office to develop the aforementioned analysis, which gave rise to the document "Evaluation of the Control System of Handling of Explosives for Civilian Use in the Territory of the Czech Republic, Particularly from the Viewpoint of the Regulation and Registration of Their Imports and Exports." Its goal was to assess the current state of the control of handling of explosives in the territory of the Czech Republic, particularly from the viewpoint of the regulation and registration of their imports and exports, and on the basis of the analysis to propose an effective control system (including legislative and organisational measures) which would ensure the security requirements of the Czech Republic, its foreign policy priorities and obligations towards its partners and allies. The afore-mentioned document was discussed by the State Security Council on 19 July 2005, and the State Security Council charged by its Resolution No. 68 the Minister of Industry and Trade to submit it at a meeting of the government by 31 August 2005 with the recommendation of the State Security Council.

After the discussion of the afore-mentioned document by the State Security Council it was discovered that the authorisations of transports pursuant to the Explosives Act do not apply to explosives which are not marked by the relevant verification mark for use in the civilian sector. These are, in particular, explosives generated by delaboration of redundant ammunition of the Army of the Czech Republic. Similarly, it was discovered that in the generally binding legislative regulations the authorisations for supervising transports of explosives are not unambiguously stated. Therefore, these issues must also be solved immediately.

With the aim to improve the possibilities of performing increased supervision over handling of weapons, ammunition and explosives, especially from the viewpoint of elimination of heightened security risks.

### **8.3 Foreign Trade in Military Material**

At export and import of military weapons the Czech customs authorities inspect whether the trade in military material is carried out only by those legal persons which were granted a licence pursuant to Act No. 38/1994 Coll. and whether it is carried out in the scope and under conditions set by the relevant licences. At trading in dual use goods and technologies the Customs Administration of the Czech Republic makes inspections only at export of these goods and observes whether all the conditions of the export licences are fulfilled.

Intelligence services continually and thoroughly audit the staff and other persons moving on the premises where military weapons, equipment and dual use goods are produced, stored and used, as well as persons coming into contact with sensitive data on technologies used for producing military weapons, equipment and dual use goods (scientists from research and development institutes, other personnel).

The issues of expanding the significance of involvement of the Czech Republic's intelligence services with respect to their share in decision-making about results of administrative proceedings on export and import of goods and technologies subject to international control regimes, are embedded in the document "Analysis of the Scope of Legal Powers of Intelligence Services and the Police of the Czech Republic Necessary for the Execution of Their Tasks Concerning the Suppression of International Terrorism." (see Chapter 5.3).

In the sphere of handling of military material the continuous attention is paid to controlling companies dedicated to foreign trade in military material as well as seeking other ways of tightening the conditions under which the foreign trade in military material is performed.

The National Security Office continuously verifies the security competence of physical persons involved in the foreign trade in military material pursuant to Section 7 (1b) of Act No. 38/1994 Coll., on foreign trade in military material and on supplementing Act No. 455/1991 Coll., on business in trade (Trade Act), as amended by later regulations.

At the end of 2003 the pertinent ministers signed an "Agreement on Co-operation between the Ministry of Industry and Trade and the Ministry of Interior on the Implementation of Measures to Upgrade the Quality of the National Control Regime of Foreign Trade in Military Material, Realised Pursuant to Act No. 38/1994 Coll. In this way, the Ministry of Industry and Trade obtains an overview of the type of military material, methods of its acquisition and its owners at the time an export application is submitted. Under that agreement, all the applications for granting licences for trading in military material have been, since the beginning of 2003, judged by the Ministry of Interior (including the Police of the Czech Republic) in co-operation with intelligence services, also from the viewpoint of security interests of the Czech Republic.

A more well-arranged and operative electronic system for reviewing applications for export licences from the foreign policy viewpoint began to operate at the Ministry of Foreign Affairs. In 2004 the Czech Republic, already as a member state of the European Union, got actively involved in preparations of regular annual reports of the European Union on meeting the EU Code for Arms Exports and also published its report on the control of export of military material for 2003. The Czech Republic has begun to use the institute of rejected transactions ("denials") through which the member states of the European Union are mutually informed about rejected applications and which is important from the viewpoint of the operation of the Common Foreign and Security Policy of the European Union in the sphere of arms exports.

#### **8.4 Fight against Proliferation of Nuclear, Radiological, Chemical, Bacteriological (Biological) and Toxin Weapons**

In the sphere of the fight against proliferation of nuclear weapons the Ministry of Foreign Affairs, the Ministry of Industry and Trade, the Ministry of Interior, the Ministry of Finance, the Ministry of Defence, the State Office for Nuclear Safety and intelligence services realise control activities in compliance with Act No. 18/1997 Coll., on the peaceful use of nuclear energy and ionising radiation (Nuclear Act), as amended by Act No. 13/2002 Coll. and within the intentions of Regulation No. 145/1997 Coll., on the registration and control of nuclear materials and their closer specification in the intentions of Regulation No. 316/2002 Coll. and pursuant to Regulation No. 179/2002 Coll., listing selected items and dual-use items in the nuclear sector. The ratification process of the Additional Protocol to the Agreement between the Czech Republic and International Agency for Atomic Energy on the application of guarantees pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons was completed. The Additional Protocol came into effect on 1 July 2002. The so-called initial declaration pursuant to the Additional Protocol was drawn up on 27 December 2002. Under the terms of the declaration the Czech Republic (its State Office for Nuclear Safety) has been meeting all its obligations, within stipulated terms, in keeping with the relevant provisions of the Additional Protocol.

After the Czech Republic's accession to the European Union the State Office for Nuclear Safety submitted to the European Commission the basic technical characteristics of all facilities in which the Czech Republic handles nuclear materials and the initial declaration concerning nuclear materials under the jurisdiction of the Czech Republic. The verification of the basic technical characteristics and the submitted initial declaration was started by the inspectors of the European Union already in 2004. The past results of the verification, as well as the results of the verification process by the International Agency for Atomic Energy, confirm a high level of the control activities of the State Office for Nuclear Safety in the sphere of the control of non-proliferation of nuclear weapons and meeting all the international obligations ensuing for the Czech Republic from the relevant international agreements.

In 2004, with the aim to minimise the threat of abuse of sources of ionising radiation for making the so-called radiological ("dirty") weapon the International Agency for Atomic Energy in Vienna completed the Code of Conduct on the Safety and Security of Radioactive Sources. Similarly, the European Union adopted the Council Directive 2003/122/Euratom on Control of High-activity Sealed Radioactive Sources and Orphan Sources. Even if the legislation in the sphere of radiation protection is in the Czech Republic not only fully harmonised with the legislation of the European Union, but also introduced in daily practice, some measures, in particular of technical and organisational character (documentation with the holders of sources, method, form of their stocktaking) are being introduced into Regulation of the State Office for Nuclear Safety No. 307/2002 Coll., on radiation protection (with the deadline by the end of 2005.)

As for the fight against proliferation of chemical weapons, the monitoring activities of the State Office for Nuclear Safety of the Czech Republic are being continuously increased pursuant to Act No. 19/1997 Coll., on some measures connected with the chemical weapons ban, as amended by later regulations.

Beyond the scope of legislative requirements declared in Regulation of the State Office for Nuclear Safety No. 307 (Chapter VIII - Records of Sources of Ionising Radiation and Other Facts Important from the Viewpoint of Radiation Protection; Chapter II, Section 33 - Conditions of Secure Operation of the Sources of Ionising Radiation, Facilities and Work Places with Them) were addressed permit-holders (pursuant to the Nuclear Act) handling high-activity sources of ionising radiation and radioactive substances (exporters, distributors, users), was underlined the necessity of checking the state, inventory and security of these sources of ionising radiation and radioactive substances and the requirement to immediately destroy disused sources of ionising radiation and radioactive substances. During 2005 the State Office for Nuclear Safety will

pay particular attention to currently disused and stored sources of ionising radiation in the work places of permission-holders<sup>26</sup>. On the basis of the effected analysis the State Office for Nuclear Safety will draw up a document evaluating, from the viewpoint of the security of these sources, the current state and will propose a solution (administrative proceedings concerning destruction of these sources, the economic and technical security of the destruction process).

On 1 May 2004 became effective Act No. 186/2004 Coll., changing some laws in relation to the adoption of the Act on the Customs Administration of the Czech Republic. The adoption of this Act regulates the duties of the carriers of the defined chemical substances from or to the territory of the Czech Republic during the supervision or control activity by the customs office.

Besides this partial amendment which will markedly improve the control activities of the State Office for Nuclear Safety, in 2004 continued the preparations of the amendment to Act No. 19/1997 Coll. and the related Regulation No. 50/1997 Coll., to this Act from the viewpoint of the Czech Republic's accession to the European Union, the implementation of measures adopted by the Conferences of the States Parties of the Organisation for the Prohibition of Chemical Weapons and the State Office for the Nuclear Safety's own experiences from its control activities. The draft amendment No. 19/1997 Coll. will be submitted to the government in May 2005.

In the sphere of the fight against proliferation of bacteriological (biological) and toxin weapons the control activities of the State Office for the Nuclear Safety are advancing pursuant to Act No. 281/2002 Coll., on some measures connected with the ban on bacteriological (biological) and toxin weapons, as amended by Act No. 186/2004 Coll. On 1 May 2004 became effective Act No. 186/2002 Coll., changing some laws in relation to the adoption of the Act on the Customs Administration of the Czech Republic. The adoption of this Act regulates the duties of the carriers of biological substances and toxins from or to the territory of the Czech Republic during the supervision or control activity by the customs office.

## **8.5 Activities in the Sphere of Harmonisation and Common Policy in International Control Regimes**

A high degree of harmonisation and common policy in international control regimes of non-proliferation of weapons of mass destruction, conventional weapons and dual use items is in the member states of the European Union present in the sector of the dual use items. EC Regulation No. 1334/2000, as amended, setting up a Community regime for the control of exports of dual use goods and technologies, is a legal regulation which can be directly applied in the member states of the European Union. A list of controlled goods forms part of the Council Regulation (Annex I). Usually once a year the changes of items approved in the individual international control regimes are reflected in the list, the updated wording is published full text. In the Czech Republic the Regulation is currently the basic legislation which is laid down by Act No. 594/2004 Coll., which implements this regime of the European Community. Section 20 of this Act anchors a close co-operation of the Ministry of Industry and Trade with other responsible bodies, namely with the State Office for Nuclear Safety, the General Customs Directorate, the Ministry of Interior, and the Office for Foreign Relations and Information, on the basis of mutual co-ordination agreements.

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<sup>26</sup> Pursuant to Section 3 (2,u) the State Office for Nuclear Safety decides on handling of sources of ionising radiation and radioactive substances which are handled contrary to legislative regulations or where the resulting state is not being eliminated, i.e. wherever a forlorn, abandoned source of ionising radiation and radioactive substances is detected, found, it is possible, pursuant to the decision of the State Office for Nuclear Safety, to declare such source as radioactive waste and pursuant to Section 26 (2,k) and Section 31 (4) of the Nuclear Act to designate over such source a provisional administration, i.e. to ensure its secure storing or depositing by means of the Administration of Radioactive Waste Deposits. A more problematic situation occurs in cases when the source of ionising radiation and radioactive substances has an owner who acquired (used) it before the Nuclear Act was adopted, but who currently does not use it, stores it and does not have financial funds for its destruction (depositing). The Nuclear Act allows for the possibility of granting a subsidy for destruction of the so-called old burdens which can include radioactive waste originated from substances, objects, facilities of contaminated radionuclide before the privatisation of originators of this waste (Section 28 [2,c,d]). However, this option cannot be directly applied to state organisations (for example hospitals) where the disused sources are not always correctly stored. In the afore-mentioned directive No. 2003/122/EURATOM it is underlined that no financial difficulties must hinder an adequate protection of disused sources of ionising radiation and radioactive substances. Also the participation of the state is recommended in this sphere. For this reason the State Office for Nuclear Safety prepares the afore-mentioned document which will assess the situation in the sphere of disused sources of ionising radiation and radioactive substances in the Czech Republic.

The new Act became effective on 3 December 2004, and cancelled Act No. 21/1997 Coll. and all related legislative regulations (Act No. 204/2002 Coll. and implementing Regulations No. 397/2003 Coll. and 398/2004 Coll.) The implementing regulation unifying the form of the permit application is Directive of the Government No. 595/2004 Coll.

Since 2003 the Ministry of Foreign Affairs has regularly presented to the government by 31 March "Information about Conclusions of Annual Sessions of the International Control Regimes of Non-Proliferation of Weapons of Mass Destruction, Conventional Weapons and Dual Use Items" with the aim to inform the government about the current directions of development and about measures adopted within the international control regimes including their fulfilling at the national level and about increasing activities in the sector of export controls after the Czech Republic's accession to the European Union. Simultaneously, the document should contribute to strengthening the existing framework of the domestic implementation at the executive level and the interdepartmental co-ordination, underlining the role of the central authorities of the public administration responsible for domestic fulfilling of international obligations in this sphere and alert to the necessity of a balanced approach between a responsible fulfilling of international policy obligations in the sphere of control of export and the protection of the country's commercial interests, particularly under the increasing pressure for exercising the principle "catch all" (i.e. exercising the control of export for items which are not present in the control list, but could be abused for production of weapons of mass destruction).

The adopted measures targeted against proliferation of weapons of mass destruction comply with the principles of foreign policy the Czech Republic which is a State Party of all important international agreements in the sphere of non-proliferation of weapons of mass destruction, disarmament and arms control, a full-fledged member of all existing international control regimes<sup>27</sup> and since 2004 also of the new international initiatives created with the aim to strengthen the control of export and transit (Proliferation Security Initiative – PSI), accelerate the destruction of weapons of mass destruction (Global Partnership G-8) and diminish the risk of global threat of weapons of mass destruction (Global Threat Reduction Initiative - GTRI).

## **9 Crisis Management, Integrated Rescue System and Protection of the Population**

### **9.1 The System of Crisis Management**

The mission of the system of crisis management is, in the event of declaration of a state of danger, an emergency situation, a state of threat to the country or a state of war, to facilitate applying extraordinary (crisis) measures which can ensure functioning of the country under the conditions of military or non-military threat including cases of risk or eliminating consequences of a large-scale terrorist attack.<sup>28</sup>

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<sup>27</sup> According to their focus we distinguish between five international control regimes: in the sphere of non-proliferation of nuclear weapons it is the Zangger Committee and the Nuclear Suppliers Group, in the sphere of non-proliferation of chemical and biological weapons it is the Australia Group, in the sphere of missile carriers of weapons of mass destruction it is the Missile Technology Control Regime strengthened by the International Code of Conduct against Ballistic Missile Proliferation and in the sphere of conventional weapons it is the Wassenaar Arrangement.

<sup>28</sup> The following are the legal regulations concerning the issue:

- Constitutional Act No. 1/1993 Coll., the Constitution of the Czech Republic, as amended by later regulations;
- Resolution of the Presidium of the Czech National Council No. 2/1993 Coll., on declaration of the Charter of Fundamental Rights and Freedoms as part of the Constitutional Order of the Czech Republic, as amended by Constitutional Act No. 162/1998 Coll.;
- Constitutional Act No. 110/1998 Coll., on security of the Czech Republic, as amended by Constitutional Act No. 300/2000 Coll.;
- Act No. 218/1999 Coll., on scope of compulsory enrolment and on military administrative offices (Conscription Act), as amended by later regulations;
- Act No. 219/1999 Coll., on armed forces of the Czech Republic, as amended by later regulations;
- Act No. 222/1999 Coll., on ensuring defence of the Czech Republic, as amended by Act No. 320/2002 Coll.;
- Act No. 240/2000 Coll., on crisis management and on changing some laws, as amended by Act No. 320/2002 Coll. ("Crisis Act");
- Act No. 241/2000 Coll., on economic measures for crisis states and on changing some related laws, as amended by Act No. 320/2002 Coll.;
- Directive of the Government No. 462/2000 Coll., for implementing Sections 27 (8) and 28 (5) of Act No. 240/2000 Coll., on crisis management and on changing some laws;

The Ministry of Interior, in compliance with the provision of the Crisis Act, coordinates preparations for crisis states (crisis situations) and their solutions (unifying proceedings of the state administration bodies, legal persons and entrepreneurs, organising briefings, training courses and other preparations for crisis management personnel, inspecting crisis plans drawn up by other ministries and regional crisis plans, administering the central register of data on temporary changes of residence).

In compliance with "Schedule of Preparation and Processing of Crisis Plans", approved by Resolution of the State Security Council No. 295/2002 Coll. and its specification in Resolution of the State Security Council No. 79/2003, the Ministry of Interior published Methodology for Processing Type Plans, Methodology of Processing Crisis Plans pursuant to Sections 15 and 16 of Directive of the Government No. 462/2000 Coll. and also List - Overview of Methodologies for Analysis of Risks. A Terminological Dictionary covering crisis management and country protection planning was issued and distributed, approved by the Defensive Planning Committee and consequently submitted for information of the State Security Council

The type plans, processed pursuant to Resolution of the State Security Council No. 295/2002 Coll. for selected types of threats, were sent for use to the central state administration bodies, district authorities and regional fire rescue corps.

For coping with crisis situations, the relevant subjects drew up and approved crisis plans including a summary of crisis measures and proceedings. Their drawing up ensues from Act No. 240/2000 Coll., on crisis management and on changing some laws (Crisis Act), as amended by later regulations, and from Directive of the Government No. 462/2000 Coll., for implementing Sections 27 (8) and 28 (5) of the Crisis Act, as amended by Directive of the Government No. 36/2003 Coll.

To set the unified rules and organisational arrangement of the crisis staff of a district or a community, its alerting, administering documentation and some of its details, the Ministry of Interior issued a new directive which replaces Directive of the Ministry of Interior No. 9/2001 (Bulletin of the Government for District and Community Bodies, Chapter 4, of 16 November 2004).

In 2004 the interdepartmental team drew up "Analysis of the Security System of the Czech Republic", which contained an identification of the system's deficiencies and proposals for measures of legislative as well as non-legislative character. The Conclusions from the Analysis of the Security System of the Czech Republic were approved by the State Security Council's Resolution No. 2/2004 of 7 October 2004 and were submitted to the government of the Czech Republic for discussion. By its Resolution No. 1203/2004 concerning "Information about the Conclusions from the Analysis of the Security System of the Czech Republic and the Proposal for Amending Resolution of the Government No. 1140 of 13 November 2002" the government of the Czech Republic charged the Ministers of Interior, Foreign Affairs and Defence to draw up, in co-operation with the heads of other central state administration bodies and regional administrators and on the basis of the Conclusions from the Analysis of the Security System of the Czech Republic, approved by the State Security Council, the Proposal for Optimisation of the Current Security System of the Czech Republic (hereinafter "Proposal"). The State Security Council by its Resolution No. 65 of 19 July 2005 took the submitted Proposal into account and simultaneously charged the Minister of Interior, the Minister of Foreign Affairs and the Minister of Defence to submit this Proposal for discussion at a meeting of the government.

A condition for the activity of an operational structure of crisis management at all levels of the public administration is the development and operation of an educational system<sup>29</sup>, which would ensure interrelationship and permeability of the individual educational elements and forms, while maintaining continuity with the general system of training of the state and local administration staff. Currently, the education in the sphere of crisis management and protection of the population in civilian sectors of the society is carried out, in compliance with Resolution of the State Security Council No. 93/2004, at three levels:

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- Regulation of the Administration of State Material Reserves No. 498/2000 Coll., on planning and execution of economic measures for crisis states, as amended by regulation No. 542/2002 Coll.

<sup>29</sup> In compliance with the contents of Resolution of the State Security Council No. 14 of 16 November 2004 concerning the Concept of Education in the Sphere of Crisis Management.

- preparation of personnel involved in the issue of the crisis management and protection of the population is ensured by means of courses, training and seminars in the training centres of the Ministry of Interior (furnished, for example, by the Institute for the Protection of the Population Lázně Bohdaneč, training centres of the regional fire rescue corps and the Institute for Local Administration) and other administrative offices;
- secondary education, higher technical schools,
- graduate education (e.g. University of Economics - Institute of Crisis Management, Police Academy, Technical University Ostrava - Faculty of Safety Engineering),

Another necessary condition of the correct operation of the system of crisis management within the Czech Republic is to ensure the existence of functional relations between information systems run by individual authorities engaged in the system of crisis management. At present the individual subjects usually run their own information systems which do not permit mutual interconnection or use by other bodies of crisis management.

The solution of this problem was addressed by the government during the discussion about the "Intent of Developing Information System of Crisis Management of the Czech Republic", which is conceived as an umbrella information system, enabling the mutual connection of the existing information systems for the support of crisis management and their interconnection with necessary databases including the support of the prepared geographical information system of the integrated rescue system. For further proceedings in this issue the government adopted Resolution No. 127 of 11 February 2004 by which it imposed to draw up the "Study of Workability of Information System of Crisis Management of the Czech Republic" (hereinafter "Study") and to submit its conclusions to the government of the Czech Republic. The drawn up study proposed the possibility of developing a unified information system of crisis management in three alternatives (maximum, optimal, minimum), in regard to the amount of funds required by the individual alternatives (CZK 100 - 300 million, according to the selected solution). The government of the Czech Republic, in compliance with the recommendation of the State Security Council, approved the execution of the minimum alternative of development of the information system of crisis management of the Czech Republic and by its Resolution No. 572 of 11 May 2005 charged, among other things, the members of the government, the heads of other central state administration bodies and the heads of state administration bodies with nation-wide competence to execute concrete tasks ensuring the building of the information system of crisis management of the Czech Republic.

An integral part of checking the readiness of rescue components of the integrated rescue system and selected bodies of crisis management of the system of crisis management for coping with potential threats and consequent possible crisis situations are exercises at the international level (e.g. exercises organised by NATO and the European Union: CMX, CME, etc.) as well as domestic, or republic and regional level (e.g. Beskydy 2004, Migrace, Horizont, Podzim 2005, etc.)

## **9.2 Integrated Rescue System**

Integrated Rescue System (IRS) is a mechanism ensuring co-ordinated proceedings in preparations for emergency situations and in execution of rescue and removal operations.<sup>30</sup>

The principal task and the priority of the integrated rescue system, in relation to the threat of terrorism, is providing effective help to the population hit by terrorist attacks, the minimisation of the consequences of contingent terrorist attacks for the society, and the preparation of the population for the possibility of these attacks. In order to fulfil its general mission it is necessary:

- To provide adequate technical and material supplies to the components of the Integrated Rescue System facilitating operations responding to acts of terrorism (in particular explosions) and simultaneously ensuring the maximum possible safety for the intervening persons with a view to the possible presence of dangerous agents at the place of the intervention.
- To introduce a suitable structure of available rescue teams at the national and regional level, facilitating an immediate co-ordinated reaction to terrorist attacks.

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<sup>30</sup> The operation of the Integrated Rescue System is regulated by Act No. 239/2000 Coll., on integrated rescue system and on changing some laws, as amended by later regulations.

- To create an organisational condition for deploying some teams for possible mutual assistance between the member states of the European Union.
- To set up alarm plans of the Integrated Rescue System and new documentation of the Integrated Rescue System which can be used during interventions in the events of various types of terrorist attacks and to test them during exercises.
- To ensure the public awareness of the steps necessary for the individual protection of the population and to provide psychological assistance to victims of terrorist attacks and to the intervening personnel of the Integrated Rescue System.

In 2004 model action activities of the components of the integrated rescue system during a joint intervention were approved: Set of Model Action Activities (SMAA) 01 IRS: Executed and Confirmed Use of a Radiological Weapon, which was tested in September 2004 by the international exercise of the integrated rescue system named Beskydy 2004, with the participation of 400 rescue corps trainees from the Czech Republic, Poland and Slovakia.

In 2005 STA 02 IRS - demonstration of a suicide intent - was approved and tested at the exercise of secondary schools of the components of IRS named BABYKA 2005. Into the framework of these model action activities were included differences in the approach to persons suspected of the intent of committing a suicide terrorist attack contrary to the approach to common suicides.

In course of completion, with anticipated termination in 2005, are other model action activities of the components of the integrated rescue system in regard to the situation before or after terrorist attacks. They are:

- SMAA - Notification of placement of an explosive device, discovery of an explosive device, discovery of unexploded ammunition, discovery of a blasting device and failure of a charge during blasting works on surface: the proceedings in coping with improvised explosive devices installed by terrorists will be handled as part of this model action activity,
- SMAA - Air accident: the proceedings in coping with air accidents caused by a terrorist act will be handled as part of this model action activity; to test this model action activity the exercise of interested components of the integrated rescue system AIR ACCIDENT 2005 is planned for October 2005,
- SMAA - Emergency situation with suspicion of a terrorist attack by high-risk biological agents or toxins (working title based on already drawn up document).

### **9.3 Protection of the Population**

The protection of the population in the Czech Republic is organised on the principles applied in the member states of the European Union. Resolution of the Government No. 417 of 22 April 2002 approved a document called "Concept of the Protection of the Population until 2006 with an Outlook for 2015", with an annex including the schedule of the execution of basic measures for the protection of the population.

By its Resolution No. 21 of 5 January 2005 the government took into account the information of fulfilling the afore-mentioned Concept with proposals for its partial amendment and approved, among other things, the proposal for creating a system of detection, transfer, evaluation and use of data on radiation, chemical and biological situation in the Czech Republic and a proposal for setting requirements for the protection of the population in projection of buildings where large numbers of people gather.

Resolution of the Government No. 1276 of 15 December 2004 approved "Schedule of Further Proceedings with Establishing Responsibility for Fulfilling Individual Tasks in Detection, Transfer, Evaluation and Use of Data on Radiation, Chemical and Biological Situation in a State of Menace or in a State of War, in Coping with Crisis Situations Connected with Terrorist Attacks and in Coping with Emergency Situations Abroad". The execution of tasks ensuing from the Schedule will create conditions for an effective response in the event of a terrorist attack using chemical, biological, radiological and nuclear weapons, devices or substances, also in relation to similar measures adopted by the European Union and NATO.

The Czech Republic's Unified Warning and Notification System is ensured and operated on the basis of Regulation No. 380/2002 Coll., on preparation and execution of tasks concerning the protection of the population. For the purpose of early warning of potential dangers it is possible to use a network of sirens facilitating the transmission of warning signal to 85% of the territory of the Czech Republic. The operability

of the country's Warning and Notification System is usually checked at noon on each first Wednesday of the month. Services of the Czech Radio and Czech Television may also be used for emergency notification.

An early warning system concerning the safety of food (RASSF, Rapid Alert on Food and Feed System) is operated in the sector of the Ministry of Health and the Ministry of Agriculture.

Necessary tools and means for ensuring an adequate treatment are systematically created for diminishing medical consequences of large-scale extraordinary situations in the territory of the Czech Republic, in particular in the event of a radiation, chemical and biological threat and other accidents. In cases of coping with extraordinary and crisis situations requiring the support of mental health, the Ministry of Interior coordinates assistance of professional as well as voluntary experts.

The Ministry of Environment in co-operation with the Ministry of Agriculture and the Ministry of Interior is preparing methodical proceedings for drawing up a plan of the protection of the territory under selected water reservoirs in the event of a special flood. The afore-mentioned guidelines concern coping with crisis situations from the viewpoint of the security of the reservoir, defects of the barrier construction, security and outlet facilities of the reservoir and damage to the retaining dam of the reservoir. Coping with large-scale floods is currently regulated pursuant to Act No. 254/2001 Coll., on waters, as amended by later regulations. In the event of a crisis situation the Flood Central Staff becomes a part of the Crisis Central Staff.

A network of the Centres of Specialised Health Care for Persons Exposed in Radiation Accidents and Events has been established. A multifunction mobile medical station with the capacity of up to 75 beds for medical support to coping with large-scale extraordinary events with the possibility of air transport has been established at Thomayer Hospital in Prague. As part of the activities of the Medical Assistance at Emergency Situations, subsidiary part of the Ministry of Health, are prepared, with the use of the so-called auxiliary hospitals, civilian hospitalisation bases for mass affections of health during terrorist attacks using chemical, biological, radiological and nuclear weapons.

Resolution of the Government No. 461 of 12 May 2003 concerning the System of the Protection of Czech Citizens against Very Dangerous and High-Risk Biological Agents and Toxins in the Health Sector, imposes the duty of establishing a station that would be able, within the Czech Republic, to diagnose high-risk biological agents, treat persons exposed to these agents and ensure epidemiological measures for restricting further expansion of these agents.

At the Institute for the Protection of the Population Lázně Bohdaneč an operational position of a specialist for execution of rescue and salvage operations during emergency situations with the occurrence of B agents has been established.

#### **9.4 Addressing the Problems of Detection of Radioactive Material, the Functioning of the National Radiation Monitoring Network (NRMS)**

In relation to the process of the Czech Republic's accession to the EU the Czech Republic adopted Act No. 13/2002 Coll., amending Act No. 18/1997 Coll., (Nuclear Act) pursuant to which the Ministry of Finance, the Ministry of Defence, the Ministry of Interior, the Ministry of Agriculture, and the Ministry of the Environment have been commissioned to participate in the activities of the so-called National Radiation Monitoring Network (NRMS), directed by the State Office for Nuclear Safety, which in co-operation with other involved departments and the National Radiation Protection Institute draws up and regularly publishes annual reports on monitoring the radiation situation in the territory of the Czech Republic.

In case of a radiation accident occurring in the territory of the Czech Republic or abroad, on the basis of results of measurements made by the National Radiation Monitoring Network background materials will be obtained on the strength of which measures may be initiated for the protection of the population threatened by a possible radiation situation.

Since the National Radiation Monitoring Network had not been built for the purpose of monitoring under military situations (there are different requirements for securing the network's vital resistance, the scope of measurements, the density of monitoring points, data interpretation, etc.), it is necessary - in keeping with the ongoing reform of the Czech Republic's armed forces - to ensure the completion of a military monitoring



network including a network of early warning, and integrate it fully into the National Radiation Monitoring Network.

Reconstruction of the National Radiation Monitoring Network pursuant to Resolution of the Government No. 478/2001 and in compliance with the co-ordinating and managing activity of the State Office for Nuclear Safety under the provisions of Regulation No. 319/2002 Coll. continues unabated. Another ongoing project is the exchange or transfer of data on the radiation situation or findings signalling the outbreak of an emergency situation, both by foreign partners (based on bilateral agreements concluded in particular with the Czech Republic's neighbours) and on the basis of a co-ordination agreement signed by the State Office for Nuclear Safety and the Ministry of Interior (General Directorate of the Fire-Fighter Rescue Corps) and by the State Office for Nuclear Safety and the Ministry of Defence of the Czech Republic.

Mobile groups are also one of the components of the National Radiation Monitoring Network. Participating in their activities are the State Office for Nuclear Safety, the Ministry of Defence, the Ministry of Finance (the General Customs Directorate) and the Ministry of Interior (the General Directorate of the Fire-Fighter Rescue Corps and the Police of the Czech Republic) which execute tasks in the framework of the National Radiation Monitoring Network on an ongoing basis during normal as well as emergency situations.

An important role in monitoring the radiation situation and finding sources of possible contamination is played by airborne monitoring groups run by the State Office for Nuclear Safety, the Ministry of Defence and the Ministry of Interior. The airborne monitoring groups form an integral part of the National Radiation Monitoring Network and can operate during normal as well as emergency or crisis situations.

The Customs Administration, for the needs of the National Radiation Monitoring Network, ensures the operation of the network's emergency units, the so-called measuring points at border crossings, to obtain data on radionuclide contamination of persons, transport vehicles, goods, objects and materials at border crossings.

In the work of the National Radiation Monitoring Network participates also a mobile group operating as part of the department dedicated to the issues of radioactive and nuclear materials and the issues of chemical/toxic and biological materials of the Section of Trade in Arms of the Unit for the Detection of Organised Crime of the Service of Criminal Police and Investigation (which deals in particular with detection and identification of perpetrators of crimes connected with illegal trading, possession and other unlawful handling of radioactive materials, monitoring of emergency radiation situations, participation in exercises and involvement in the sphere of methodology and material support, etc.). The afore-mentioned mobile group, along with the State Office for Nuclear Safety, the State Institute for Nuclear, Chemical and Biological Protection, the Nuclear Research Institute Řež, etc., participates in the monitoring of captures and findings of dangerous materials, nuclear, chemical and biological waste and in safe transport of these dangerous materials for further analyses and evaluations.

## **9.5 Participation in International Civil Protection Activities**

The international co-operation in the sphere of civil protection includes particularly activities ensuing from the Czech Republic's membership in the European Union and NATO. Representatives of the Czech Republic regularly attend all the relevant meetings and exercises at the NATO and EU levels concerning the civil protection sector. In particular, this is the participation of the Czech Republic in the EU Solidarity Programme on the Consequences of Terrorist Threats and Attacks and in the preparation of optional guidelines and minimum standards of NATO in the afore-mentioned sphere.

An important part of the Czech Republic's crisis system is the "NATO Precautionary System" (NPS)<sup>31</sup>, a system of civilian and military crisis management measures which ensures the overall readiness of individual member countries to engage forces and funds in support of NATO military as well as non-military campaigns. According to the needs and development of the situation and in compliance with the allied obligations of the Czech Republic, all the departments and other central state administration bodies, which are charged with the tasks ensuing from the NPS, are ready to fulfil these tasks.

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<sup>31</sup> Its transformation in NATO Crisis Response System (NCRS) is expected.

The Operation and Information Centre of the Ministry of Interior (OIC) - the General Directorate of the Fire-Fighter Rescue Corps of the Czech Republic - plays in the Czech Republic the role of a "liaison spot" towards the European Union - MIC EU (Monitoring and Information Centre), towards NATO - EADRCC (Euro Atlantic Disaster Response Co-ordination Centre), for the system EU ECURIE of the "national warning place" for the International Agency for Atomic Energy. The service of an adequate non-stop emergency is prepared in co-operation of the Ministry of Health and the OIC following establishing a unified warning system within the European Union in the sphere of biological security (Early Warning and Response System and Rapid Alert System for Biological and Chemical Attacks and Threats).

## **10 Customs, Migration and Asylum**

### **10.1 Protection of the State Frontiers in Compliance with the Schengen Requirements**

Checks of persons crossing the state border of the Czech Republic through border crossings and the systematic protection of the state border are, among other regulations, performed pursuant to Act No. 216/2002 Coll., on the protection of the state border, and the Schengen Action Plan of the Czech Republic approved by Resolution of the Government No. 544 of 4 June 2003 which is regularly amended (for the current version see Resolution of the Government No. 562 of 11 May 2005).

At border crossings the Alien and Border Police Service checks persons and motor vehicles entering and leaving the Czech Republic. Aliens from third countries are always subjected to thorough checks aimed at inspecting all the prerequisites for entering and staying in the territory of the Czech Republic and are checked against data in all the available police registers. Special attention is paid to aliens from high risk countries. Citizens of the member states of the European Union are subjected to a simplified check consisting in verifying their identity against their travel document. However, even in these cases a thorough inspection, including the check against police registers, may be carried out on the basis of an individual suggestion.

In relation to the prepared European Parliament and Council Regulation which establishes the Community Borders Code as regards Movement of Persons (Schengen Borders Code) and which will be directly applicable, it will be necessary to review the Act on the protection of the state border in the broader context of several other laws. The European Parliament approved the draft Regulation in the first reading on 23 June 2005 (expected effectiveness as of 2006).

Resolution of the State Security Council No. 85 of 6 January 2004 approved the document "Action Plan to Combat Illegal Migration", containing measures designed for eliminating all illegal activities in the sphere of international migration, including explicit references to measures concerning the issue of the fight against terrorism.

Intelligence services of the Czech Republic, in co-operation with the Ministry of Interior, significantly participated in drafting the document "Emergency Plan in Case of a Large Scale Migration Wave."

International agreements on co-operation of police authorities and authorities involved in the protection of state borders in border zones help to improve checks of persons at the state border and the fight against organised cross-border crime. Such agreements have already been concluded with the Federal Republic of Germany, Slovakia and Austria; an agreement with Poland is under preparation. In this context it is necessary to immediately conclude the agreement with Poland and also analyse the existing valid agreements with neighbouring countries. In the light of the current security situation, the institutes contained in the afore-mentioned agreements are a significant factor facilitating effective measures in the fight against possible criminal activities of all types.

Further use of the objects vacated in regard to meeting the Schengen requirements shall be considered and executed in such a way that conditions for their preferential use by relevant state authorities during emergency situations be maintained.

## **10.2 The Role of the Schengen Information System II and the Visa Information System in the Fight against Terrorism**

During the discussions within the relevant EU Council working groups the Czech Republic strives for the rapid termination of the discussion about the functionality of the Schengen Information System II (SIS II) and the Visa Information System (VIS) so that both systems could be launched, including the implementation of the contents of the Council Regulation (EC) No. 871/2004 of 19 April 2004 concerning the introduction of some new functions of the Schengen Information System, including in the Fight against Terrorism.

The execution of related tasks is at the national level continuously co-ordinated within the Committee for Implementing Schengen and the Working Group Evaluation of Schengen of the Czech Republic.

## **10.3 Checks Performed by the Customs Authorities at Imports and Exports of Goods Which May be Used in Terrorist Attacks**

The Czech Republic's accession to the European Union has significantly changed the rules for the control of the export and import of dual use goods. If these goods head for the member states of the European Union, they are not subject to customs procedure any longer, and similarly imports from the member states of the European Union are not presented to the customs authorities. The inspection function of the customs administration is always the same with the export of dual use goods outside the member states of the European Union and with imports from third countries (other than those of the European Union). In the event that the customs office has doubts about the accuracy and integrity of an export licence issued by the pertinent authority of another country, it can check such export licence on the basis of Council Resolution (EC) No. 1334/2000. The same is also the inspection function of the customs administration in trade in military material both between the member states of the European Union and in the trade with third countries.

The General Customs Directorate meets the Framework of Standards to Secure and Facilitate Global Trade, prepared by the World Customs Organisation as part of the fight against terrorism. In this context it is necessary to thoroughly engage the customs administration (especially the mobile supervision groups and some investigation units) in a comprehensive control of transported goods and financial funds which could be abused for the financing or preparation of terrorist acts.

## **10.4 Harmonising the Czech Republic's Visa Policy with that of the EU**

The visa policy of the Czech Republic is fully harmonised with the common list of third countries whose nationals must be in possession of visas of a member state pursuant to Council Regulation (EC) No. 539/2001, as amended by later regulations (Annex 1/(I) - the so-called "black list"). Harmonisation of the Czech Republic's visa policy with the common list of third countries whose nationals are exempt from the obligation to be in possession of a visa of a member state pursuant to Council Regulation (EC) No. 539/2001, as amended by later regulations (Annex 1/(II) - the so-called "white list") has been practically achieved. Argentina, Romania and Singapore are a partial exception. Negotiations have been led, or already terminated, with these countries, concerning renegotiations of the existing agreements on lifting the visa obligation, which is facilitated to the Czech Republic by the Treaty of Accession to the European Union.

## **10.5 Technical Measures in the Modernisation of the Visa Process**

Tasks in the sector of granting visas are executed, in compliance with the standards of the European Union, by the system VMP/EVC (Visa Modernisation Process). Following the Czech Republic's accession to the European Union and the transition to using visa labels according to the example set by the European Union, a new version of the system VMP/EVC2b has been installed in the diplomatic missions. The system will be further developed and complemented by the system VISION which enables consultations of visa applications with pertinent authorities of other states parties of the Schengen agreement. The system's test operation was initiated at the Consulate General in Dresden on 1 June 2004. Interconnection of diplomatic missions is being improved so that the quality and speed of connection of the visa process meet the requirements of the European Union.

A new application for granting visa of the Czech Republic was introduced, which is fully harmonised with the unified form of the Schengen visa application. In September 2004 a form of an application for granting visa of the Czech Republic for the internet was introduced in the information system of the Ministry of Foreign Affairs. Applicants can print and fill in the application after choosing an appropriate language version.

An important role in the process of granting visas of the Czech Republic is played by security aspects. For this reason the process of granting visas involves also intelligence services of the Czech Republic.

The Czech Republic participates in building the Visa Information System (VIS) whose national part will replace the system VMP/EVC in the future. Besides maintaining the existing functionality of the national visa information system, it will enable consultation of the visa data of other member states of the European Union.

## **10.6 Implementing the Community Law on Asylum**

Subject to a thorough analysis is the effectiveness of proceedings in asylum procedures for the prevention of entering and further operation of terrorists and their supporters, nationals of foreign countries in the territory of the Czech Republic. This sphere draws on a close co-operation of the Czech Republic with member states of the European Union possessing long experience in this regard. It is necessary to adopt from these countries their relevant tested procedures and tools (ensuing especially from the pertinent legislation and definitions of terms "terrorism" and "support of terrorism"). At the same time it is necessary:

- To pay more attention to nationals of "high-risk" countries who advise their intention to stay in the Czech Republic for the purpose of study (possibility of abuse of "student" visas).
- To require the nationals of "high-risk" countries to submit their visa applications in their country of origin, or in the country of their permitted residence.
- To develop the close co-operation between the Police of the Czech Republic and the Ministry of Foreign Affairs in the sphere of visa policy in high-risk countries.

As for the asylum policy and the asylum legislation of the Czech Republic, as its reflection, it cannot be ignored that it is markedly limited or better defined by the European asylum laws as laws binding for the Czech Republic as a member state of the European Union.

In this regard we may refer to some of them (some already form part of the valid laws of the Czech Republic, some are, within the ongoing 24-month transposition period, included in the draft amendment to the Asylum Act). For example, it is already possible to apply reasons precluding granting asylum, which are based on the Article 1F of the Geneva Convention (the so-called exclusive clause), which mentions crimes against peace, war crimes or crimes against humanity or acts contrary to the purposes and principles of the United Nations. In regard to the prepared transposition of the so-called Qualification Directive, it would be possible, both in case of the asylum protection and the subsidiary protection, to lift it in the event that the asylum-seeker were excluded from the possibility of receiving asylum pursuant to Section 15 or in the event that there are justified reasons to consider the asylum-seeker as a threat to the state security or the public order, or in the event that he or she were condemned of an extremely serious offence<sup>32</sup>. After the adoption of the draft amendment to the Asylum Act (term of transposition: 10 October 2006) these facts ought to represent an effective tool in the fight against terrorism.

The process of harmonisation of the law of the Czech Republic with the currently valid Community asylum law was performed by the amendment to the Asylum Act effective as of 1 February 2002 and by adopting Act No. 221/2002 Coll., the so called Euro-amendment to the Act on the Residence of Aliens.

The issue of interpreting selected articles of the 1951 Convention on the Legal Status of Refugees and the 1967 New York Protocol is regulated primarily by drafting new legal changes in the sphere of granting asylum at the level of the European Union, particularly by defining minimum standards for the application for asylum procedures.

The Dublin Centre in the Czech Republic performs tasks ensuing from the Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State

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<sup>32</sup> Similar defence mechanisms are stipulated also in the valid Act on temporary protection of aliens.

responsible for examining an asylum application lodged in one of the Member States by a third-country national.

The Eurodac centre<sup>33</sup>, whose software (AFIS system - Automated Fingerprint Identification System) meets the requirement for compatibility with systems used in the member states of the European Union, has effectively worked since the Czech Republic's accession to the European Union at the Institute of Criminology in Prague.

### **10.7 Monitoring of the Situation in Facilities for Refugees and Asylum-Seekers**

The situation in the facilities for refugees and asylum-seekers is daily monitored through daily reports and official records. Under special observation are signals of possible crime activities in relation to international terrorism or organised crime.

During execution of tasks pursuant to the Asylum Act and pursuant to special legal regulations, the police and intelligence services are authorised to access registers kept in relation to asylum procedures and use the registered data, including personal data.

### **10.8 Harmonisation of the Czech Republic's Asylum, Extradition and Expulsion Practices with its Human Rights Obligations**

Harmonisation of the Czech Republic's extradition and expulsion practices with its human rights obligations is based on the relevant decisions of the UN Committee for Human Rights, the UN Committee against Torture and the European Court of Human Rights, documents from the deliberations of the Steering Committee for Human Rights and the Multidisciplinary Group on International Action against Terrorism of the Council of Europe

Compliance with the standards of the international protection of human rights in the sphere of asylum is, among other things, monitored by the Ministry of Foreign Affairs, which also, via the diplomatic missions of the Czech Republic, obtains information and standpoints necessary for reliable judging the actual state and condition of the matter in asylum procedure (Section 87 [1] of the Asylum Act) and information on the actual status of human rights compliance in the countries of origin of the potential expatriates, especially in connection with the application of the principle of nonreturn (Article 3 of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 7 of the International Pact of Civic and Political Rights), or the principle of non-refoulement pursuant to Article 33 of the Convention Relating to the Legal Status of Refugees.

The afore-mentioned issues were judged as part of the process of amending Act No. 326/1999 Coll., on the residence of aliens in the territory of the Czech Republic, as amended by later regulations. It was established, and subsequently repeatedly noted in standpoints responding to initiatives by various non-governmental organisations, that neither the legal provisions nor their practical application in the Czech Republic run counter to international law.

### **10.9 Integration of Aliens**

A successful integration of long-time residents of foreign origin is the best prevention of births of ethnic, nationality, religious and cultural conflicts which can develop in consequence of migration. Therefore, it is very important to create conditions for achieving social consensus for the co-existence of domestic and immigrant population. A way to do it is related with informing the public about the migration issues, about the positives and negatives it entails, the education for intercultural communication, for understanding the differences of other cultures, for awareness that the culture of every community living in our territory enriches the whole civic community, that immigrants are bearers of creative potential which can contribute to creating a more flexible labour market and to boosting the country's economic activity. This knowledge

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<sup>33</sup> Eurodac is a common EU electronic database containing fingerprints of asylum-seekers, foreign nationals detained for illegal crossing of the external border of the European Union, or, as selected by a member state, also foreign nationals detained during their illegal residence.

can serve for establishing a positive or neutral attitude towards foreigners, for eliminating prejudices, and racist and xenophobic attitudes. The possibility to maintain and develop the proper culture also improves the quality of life of the foreigners in our country and helps a faster adaptation to a new environment and living conditions.

In 1999 the 15-item Principles of the Concept for the Integration of Aliens in the Territory of the Czech Republic were drawn up and approved by the government of the Czech Republic and on their basis was drawn up the Concept for the Integration of Aliens in the Territory of the Czech Republic, adopted in 2000. In this way a necessary prerequisite for gradual establishing a targeted and systematic policy of the integration of aliens has been created. The final objective of the relevant activities is to approximate the position of aliens resident in the territory of the Czech Republic to the legal position of Czech nationals and strengthen the principle of equal opportunities of these aliens in terms of employment, business, social security, education, health care and housing.

In 2004 the co-ordination of the execution of the Concept for the Integration of Aliens was transferred from the Ministry of Interior to the Ministry of Labour and Social Affairs. The transfer of the agenda was approved by Resolution of the Government No. 1252 of 10 December 2003, on transfer of the agenda concerning the co-ordination of the execution of the Concept for the Integration of Aliens in the Territory of the Czech Republic from the Ministry of Interior to the Ministry of Labour and Social Affairs.

Resolution of the Government No. 126 of 11 February 2004 concerning the execution of the Concept for the Integration of Aliens in 2003 and its further development in relation to the Czech Republic's accession to the European Union (which included also the departmental Analysis of the Situation and Status of Aliens Living in the Territory of the Czech Republic on a Long-term Basis) and Resolution of the Government No. 5 of 5 January 2005 concerning the execution of the Concept for the Integration of Aliens until the end of 2004 and its further development in 2005 (which included also the independent multi-source Analysis of the Status of Aliens in the Czech Republic) enable to project the priorities of the Czech Republic into the policy of the integration of aliens at the level of the European Union and effectively use the existing and future financial resources of the European Union assigned to the integration of aliens.

Each Ministry has drawn up and regularly updates the Plan of Integration Policy and Draft Legislative and Practical Measures. These also include fulfilling the goals of the integration by means of financial support from the state budget in subsidiary proceedings announced for projects of non-governmental non-profit organisations.

The Ministry of Labour and Social Affairs annually announces the subsidiary Programme of Support for the Integration of Aliens focussed on:

- providing socio-legal consultancy to aliens,
- support of activities designed for the integration of vulnerable groups of immigrants, especially women,
- support of development of relations between communities.

The Ministry of Interior annually announces subsidiary proceedings for the integration of aliens, focussed on socio-legal consultancy and development of relations of aliens and their communities with citizens, the Ministry of Education announces subsidiary programmes for the integration of aliens and for programmes of multicultural learning and education. A subsidiary tender for the support of the integration of aliens is annually announced also by the Ministry of Local development and the Ministry of Health.

The Ministry of Culture's activities in the sphere of the integration of aliens are based on Resolution of the Government No. 40 of 10 January 2001 concerning the update of the Strategy of the State Support of Culture. Following the afore-mentioned Resolutions of the Government, since 2001 the Ministry of Culture has announced programmes of support for the integration of aliens living in the Czech Republic. The contents of the grants are focussed on:

- cultural, religious or religious-cultural activities of aliens living for a long time in the Czech Republic and the presentation of these activities to the majority society in the form of education;
- creating a real media picture about relationships between culturally and religiously diverse communities in the Czech Republic.

The grants are designed for the support of publicly beneficial projects which significantly contribute to spreading cultural values, protection of human rights, development of democracy and humanism, toleration and harmonious coexistence in the multicultural society. The projects could contain publishing and documentary activities, production of cinematographic works, radio and television programmes as well as multiethnic cultural events.

The projects of the individual Ministries are usually focussed not only on aliens themselves, but also on the majority society, since the integration is a two-way process involving both the aliens and the majority society. It can be expected that the expansion of knowledge about cultures of other ethnic groups and the approximation of their differences lead to elimination of prejudices and overcoming of xenophobic and racist attitudes.

It is of interest to note that in 2004, within "Projects to Support Activities in the Sphere of the Integration of Aliens in the Territory of the Czech Republic" the elementary-school textbook "Human Protection in Emergency Situations" was published also in Russian, Ukrainian and Vietnamese.

Let us mention that as part of the agenda of the Intelligence Activity Committee on 19 December 2005 was included "Information about Islamic Subcultures in the Member States of the European Union and the Risk of their Radicalisation in regard to the Analysis of the Possibilities of Prevention of Radicalisation of Enclosed Ethnic Minorities in the Czech Republic."

## **11 Co-operation with the General Public; Information and Media Policy**

An integral part of the counter-terrorism agenda in the Czech Republic is ensuring early, expert and co-ordinated informing the general public in the event of an emergency situation (including events related to terrorism) and ensuring co-operation of the state and local administration authorities with media in such situation.

In case of extremely serious events of over-departmental character (unexpected threat to the country during natural and industrial disasters, sudden health risks jeopardising a major number of inhabitants, serious military threats to the country's security, including terrorist attacks) the Government Centre for Media response will be activated<sup>34</sup>. Simultaneously, a close co-operation is expected between the Press Department of the Office of the Government and the relevant departments of the concrete interested Ministries.

In compliance with their specific competencies, the individual departments and other central government authorities prepare models of media responses to potential terrorist threats which would be applied at the times when the Central Emergency Team is not in session.<sup>35</sup>

In most government departments and other central government authorities the issue of informing the media in case of terrorist activities is not covered independently, but forms part of internal guidelines for media relations.

The population is informed about desirable conduct in confrontation with various types of threat and about existing measures for the protection of the population on an ongoing basis by means of mass media. At the same time this information is included in the internet presentation of the Ministry of Interior and is also available via a non-stop service telephone information line.

An information campaign related to the issue of the fight against terrorism (with special attention to the civil protection agenda) is also part of the co-operation of the security community of the Czech Republic with academic circles and non-government organisations. As part of suitable lectures and seminars the representatives of the security community can present the results of their work and obtain feedback from

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<sup>34</sup> Until now this measure has been taken on two occasions: during the flood in August 2002 and during the NATO summit in Prague at the end of 2002.

<sup>35</sup> In case of a situation whose solution falls within the competence of several government departments, their proceedings are jointly co-ordinated.

other experts and lay public. Attention is paid to aspects of the fight against terrorism also in announcing offers for scientific grants for solving tasks of analytical nature.<sup>36</sup>

The issue of human protection during emergency situations and providing first aid has been integrated to syllabi or educational programmes by all elementary schools and a vast majority of secondary schools. In most schools the level of instruction is positively influenced by their co-operation with the components of the Integrated Rescue System. Suitable didactic tools and expert materials related to the human protection during emergency situations, which in an adequate way cover also the issue of terrorism, are gradually distributed to schools.

## **12 Conclusion: Priorities of the Czech Republic in the Fight against Terrorism for 2005-2007**

The degree of readiness of the Czech Republic for a potential terrorist attack in its territory or against its interests abroad, can be said to corresponding to the geostrategic position of the country and the level of its involvement in the current stage of the global counter-terrorism efforts.

The contribution of the Czech Republic to the activities of the relevant international organisations, of which it is a member and which concern the issue of the fight against terrorism, must be rated as significant and comprehensive. The co-operation of the members of the security community with their foreign counterparts, particularly in the member states of the European Union, is adequate as well.

Out of the currently implemented measures the progress in the sphere of domestic legislative and organisational regulations must be highly evaluated, since they facilitate to the Czech Republic's authorities a more effective fight against the financing of terrorism and execution of the legal acts of international institutions whose decisions and recommendations are binding for the Czech Republic and which impose and apply sanctions towards specific persons.

Many measures of organisational, technical and research nature which are implemented in the Czech Republic and which are at least partially related to the issue of the fight against terrorism, exceed the standard levels of other member states of the European Union. This applies, in particular, to the system of crisis management and the Integrated Rescue System including prevention and readiness for coping with consequences of a terrorist attack employing chemical, biological, radiological or nuclear substances. As superior and requiring only improving on an ongoing basis following the current global development it is necessary to evaluate the measures in ensuring safety of areas or targets potentially threatened by a terrorist attacks and the regulation in the sphere of control of export and import of military weapons and hardware and dual use goods and technologies.

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The key role in the terrorism issues is played by prevention. Precisely this aspect falls within the competence of intelligence services and other security forces. One of the basic prerequisites of a successful fight against terrorism is the ability of the intelligence services to obtain timely information about terrorist organisations, their financing, activities and prepared attacks. The role of intelligence services can be seen as crucial from the viewpoint of obtaining and evaluating information, however, their current possibilities are rather limited in comparison with their foreign counterparts.

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

The legal powers of intelligence services, including the current powers, must be precisely defined as to their purpose, the conditions of their application and phenomena that they are related to. All the legal

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<sup>36</sup> For example, in 2004 the Ministry of Foreign Affairs financed two research projects, directly related to the issue of terrorism: RM 01/01/04 "Perception of the Security Policy by the Czech Public - Sociological Research" and RM 01/06/04 "Communication Strategy of the Czech Republic in the Sphere of the Security and Military Policy", which have been complemented in 2005 by RM 01/04/05 "Media/Communication Strategy of the Fight against Terrorism.



competencies of intelligence services must be subjected to an effective and independent control particularly by legislative and judicial branches of government.

Besides tasks of permanent, long-term or ongoing nature, whose execution is based on concrete laws, resolutions of the government, of the State Security Council, etc., regulations of individual ministries and other offices and their other internal directives, the priorities of the Czech Republic for the fight against terrorism in 2005-2006 are definitely the following measures:

- Ratification and full implementation of the contents of the United Nations Convention for the Suppression of the Financing of Terrorism; the current situation when the Czech Republic is the only member state of the European Union which has not yet ratified the Convention makes fundamentally untrustworthy the measure of our country's involvement in the current stage of the global counter-terrorism efforts.
- Provision of such level of relevant legal powers of intelligence services and the Police of the Czech Republic concerning the fight against terrorism which would correspond with the level of their partners in other member states of the European Union and take into account the current standard of modern technologies hugely abused by criminal structures including the terrorists.
- Elaboration of a comprehensive document mapping the issue of cybernetic threats from the viewpoint of the security interests of the Czech Republic.
- Elaboration of comprehensible recommendations for the general public in the Czech Republic concerning the conduct in case of emergency situations.
- As soon as possible to set into operation the government's classified communication and other mechanisms facilitating a flexible exchange of open and classified information within the state and local administration including the co-ordination and the transfer of information at the international level (interconnection of international communication systems, in particular systems containing classified information, with the communication systems within the Czech Republic) and the transfer of information from and to the diplomatic missions of the Czech Republic.
- Readiness of rescue components of the integrated rescue system and selected bodies of crisis management of the system of crisis management for coping with potential threats and consequent possible crisis situations must be continuously and permanently checked including organising relevant exercises and their thorough evaluation.
- To handle the execution of the whole counter-terrorism agenda of the Czech Republic at the material and personal levels.

All the counter-terrorism measures that have been and will be taken in the Czech Republic are conceived with the respect for the protection of the fundamental human rights and freedoms.

## **NATIONAL ACTION PLAN TO COMBAT TERRORISM: FREQUENTLY ASKED QUESTIONS**

### **WHAT IS THE NATIONAL ACTION PLAN TO COMBAT TERRORISM?**

The National Action Plan 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.

At the same time, the document is also a clear declaration of the nation's ability to meet its obligations ensuing from membership in the North Atlantic Treaty Organisation, its efforts to become a member of the European Union and its participation in most international organisations that form the mainstays of world order at the beginning of the 21<sup>st</sup> century.

### **IS NAP A ONE OF DOCUMENTS WITH LIMITED DURATION?**

The National Action Plan to Combat Terrorism (hereinafter "NAP") not only reflects developments in the current situation in this country and around the world, but is also a basic programme document that the Government of the Czech Republic will update as of 31 December each calendar year in response to developments in the field of combating terrorism and adopted internal political measures.

### **IS THIS A SPECIFIC DOMESTIC MATTER OR ARE SIMILAR DOCUMENTS BEING CREATED ELSEWHERE IN THE WORLD?**

NAP was modelled on the "The Resolution and Action Plan of the Extraordinary Session of the European Council", published on 21<sup>st</sup> September 2001 in Brussels. The wording of this document followed on from "The Common Euro-American Ministerial Declaration on Combating Terrorism", also adopted in Brussels on 20<sup>th</sup> September 2001.

These theses were further elaborated in the so-called "Road Map" of the European Council of 17<sup>th</sup> October 2001, which included a series of specific recommendations. This document became the model on which some EU and candidate countries (e. g. Hungary) based their action plans. After the attacks in Madrid (March 2004) was the "Road Map" transformed into the EU Action Plan against Terrorism, that is updated at least once during the every Presidency.

Yet it has to be emphasised that not all EU countries have created their own action plans, and many have contented themselves with simply implementing the collective EU Action Plan.

Nor are these European documents the only anti-terrorist action plans in the world. The Commonwealth of Independent States has had an anti-terrorist action plan since 2000; The Action Plan to Combat Cybernetic Terrorism (USA) also has a long tradition and so on.

As well as these, many international organisations also have periodically renewed or newly created action plans post 11<sup>th</sup> September 2001 (The Euro-Atlantic Partnership Council, The Organisation for Security and Co-Operation in Europe, etc). Their form and sophistication however differ significantly.

### **WHAT WAS THE NAP WORK SCHEDULE LIKE?**

Analytical work commenced at the Ministry of Interior immediately after 11<sup>th</sup> September 2001 by mapping measures that had been implemented as part of the current anti-terrorist campaign both at home and abroad.

On 25<sup>th</sup> September 2001, National Security Council Decree No. 208/D charged the Minister of Interior with the task of evaluating the "Common Euro-American Ministerial Declaration on Combating Terrorism" (hereinafter the "Declaration"), which was accepted in Brussels on 20<sup>th</sup> September 2001. At the same time it also proved necessary to evaluate the "Resolution and Action Plan of the Extraordinary Session of the European Council" (hereinafter the "Resolution") of 21<sup>st</sup> September 2001, which is a practical and concrete specification of the above "Declaration".

At the Central Crisis Staff Meeting on 27<sup>th</sup> September 2001, the Minister undertook to carry out the analysis of the aforementioned "Declaration" and "Resolution" by the next Central Crisis Staff meeting on 5<sup>th</sup> October 2001. This task was carried out (the result was the unpublished document "Analysis of the Consequences of the "Common Euro-American Ministerial Declaration on Combating Terrorism" of 20<sup>th</sup> September 2001 and the "Resolution and Action Plan of the Extraordinary Session of the European Council" of 21<sup>st</sup> September 2001 for the Czech Republic").

In the second phase, the Ministry of Interior prepared a similar analysis in cooperation with other ministries. By the end of 2001 this basic data was incorporated into a document entitled "Evaluation of the readiness of the Czech Republic to fulfil tasks ensuing from the "Common Euro-American Ministerial Declaration on Combating Terrorism" of 20<sup>th</sup> September 2001 and the "Resolution and Action Plan of the Extraordinary Session of the European Council" of 21<sup>st</sup> September 2001" (hereinafter the "Evaluation").

Another document dealing with the issue of combating international terrorism was the Czech Republic's Report on the Fulfilment of Its Obligations Arising from UN Security Council Resolution No. 1373 (2001) on combating international terrorism, which was based on Government Resolution No. 1045 of 10<sup>th</sup> October 2001. The Ministry of Interior played a major role in the preparation of this document and became the co-presenter of the Report. The Report was presented to the UN Security Council.

In view of developments in events, the evaluation process to map the Czech Republic's readiness to combat terrorism grew into a decision to create a document that would clearly set forth required objectives, paths to achieving these objectives, those responsible for these measures and their dates of implementation.

In Decree No. 1364 of 19<sup>th</sup> December 2001, the Government charged the Minister of Interior with the preparation and submission of the "National Action Plan to Combat Terrorism" by the end of March 2002. The above "Evaluation" formed the direct basis for the structure of this document and was incorporated into NAP in full.

NAP was subsequently circulated in intra-ministerial and inter-ministerial comment proceedings and its content was consulted with numerous experts and continually updated in response to developments around the world.

The Government of the Czech Republic approved NAP on 10<sup>th</sup> April 2002 in Decree No. 385 and charged the Minister of Interior with updating NAP every year as of 31<sup>st</sup> December.

The first NAP evaluation process therefore relates to 31<sup>st</sup> December 2002. The result of this process is the document "National Action Plan to Combat Terrorism /Current Wording for 2003/", which was approved by Government Decree No. 361 of 14<sup>th</sup> April 2003.

The second NAP evaluation process therefore relates to 31<sup>st</sup> December 2003. The result of this process is the document "National Action Plan to Combat Terrorism /Current Wording for 2004/", which was approved by Government Decree No. 479 of 19<sup>th</sup> May 2004.

The third NAP evaluation process relates to the September 2005 (where there was visible some impact of the London blasts in July 2005). The result of this process is the document "National Action Plan to Combat Terrorism /Current Wording for 2005-2007/", which was approved by Government Decree No. 1466 of 16<sup>th</sup> November 2005.

### **WHO IS THE AUTHOR OF THE NAP DOCUMENT?**

The Security Policy Department of the Ministry of Interior is the coordinator of all activities related to NAP preparation, evaluation and annual updating. The Ministry of Foreign Affairs is co-coordinator of the document and the author of the Preamble of the document. The Ministry of Interior would like to take this opportunity to thank all Ministry of Foreign Affairs employees involved in the preparation of the document for their helpful, responsible and conscientious cooperation with the Ministry of Interior. We would also like to thank Ministry of Foreign Affairs, Police of the Czech Republic and many other experts from the other individual ministries for their help in processing background material and their expert consultation on individual measures.

### **HOW DOES NAP COMPARE TO SIMILAR FOREIGN DOCUMENTS?**

The chosen scope and intensity of measures adopted by other individual countries – if they created an action plan to combat terrorism at all – was based on a number of factors (their size, population, geo-strategic location, risk assessment, their involvement in retaliatory measures, etc.).

Some action plans were conceived very generally and more than action plans were more a summary of visions. The generality of the EU Council "Road Map" is largely due to the supranational position of the EU in which it must coordinate the interests of all member countries. In comparison to other anti-terrorist action plans, the NAP of the Czech Republic appears to be the most complex document to have been created in this area to date.

Also the expert, that took place during the Peer evaluation of the Czech Republic in the November 2004, were very impressed by the scale and the comprehensives of the NAP.

### **WOULD IT BE FAIR TO SAY THAT NAP WOULD NOT HAVE BEEN CREATED WITHOUT INTERNATIONAL PRESSURE?**

The Ministry of Foreign Affairs began work on secret conceptual material related to the issue of terrorism as early as the year 2000. This document was entitled "The Study of the Preparedness of the Czech Republic to Solve the Threat of Terrorist Attack."

Developments in events after 11<sup>th</sup> September 2001 significantly accelerated and intensified work in this area. The current situation however required a re-evaluation of certain hitherto planned steps and their close coordinated with steps being undertaken elsewhere in the world, especially European Union countries. This material was one of the foundations for the creation of NAP.

Material similar to NAP would undoubtedly have still been created without the events of 11<sup>th</sup> September 2001, but it would have taken place at a much slower pace, it would have been structured differently, had a different title and would probably not have been accessible to the public. In the long-term, the Czech Republic would not have been able to do without such a document. The scope and depth of NAP as an open document in the area of combating terrorism has no precedent in the Czech Republic.

### **IS THERE A DANGER THAT NAP COULD BE MISUSED AS AN INSTRUMENT TO REPRESS HUMAN RIGHTS AND FREEDOMS?**

It is a sad fact that some countries and international organisations have used the current constellation of events to solve their limited interests and have attempted to exploit it to at least "gain their own capital" to some degree. The Czech Republic cannot be considered as a country that would use the current wave of anti-terrorist measures to implement draconic measures against the personal freedoms of its citizens. NAP itself underwent a series of comment proceedings, which among other things ensured its legislative compatibility with commitments in the area of human rights and freedoms by which the Czech Republic is bound.

We are aware of the need for a balanced approach to certain sensitive issues. Despite thorough security measures, absolute security is impossibility.

We understand that in striving for perfect security it is very easy to set off along the dangerous road to a police state. That would be the end of normal life for our citizens. And by restricting our normal life we would be ultimately handing victory to the terrorists.

The effort to maintain "normal life" for our society, even in these trying times where the risk of terrorist attack cannot be underestimated, is a challenge for the whole community of democratic countries. For truly democratic countries freedom and security must go hand in hand.

**AREN'T THESE STEPS COMPLETELY UNNECESSARY GIVEN THAT  
THE CZECH REPUBLIC DOES NOT FACE ANY THREAT FROM INTERNATIONAL TERRORISM?**

It would be a mistake to believe that the Czech Republic is the centre of the world and that it is the target of every terrorist group, just as it would be to believe that we can avoid all danger in this respect. The Czech Republic is currently involved in the anti-terrorist campaign to such an extent (deployment of medical staff and soldiers in the Middle East, holding the NATO summit in 2002, etc) that the risk cannot be minimised.

Even before the attacks against the USA, new concepts for so called crisis management had already begun to be formulated in the Czech Republic and surrounding countries. This involves planning measures against various types of security risks that threaten modern society, including terrorism. The attack against the World Trade Centre demonstrated that those who felt that any attempt to invest in crisis management was a waste of money, or even hysteria, were wrong. The terrorist attacks that took place in the world, witnesses to arguments emphasising the need for this - relatively new - system.