

## CZECHIA

- **Do you share our analysis concerning the current state of the settlement of disputes of a private character to which an international organization is a party?**

Czechia generally agrees with the analysis. We believe that the scope of immunity of international organizations from civil jurisdiction, in addition to the domestic legislation and multilateral agreements, depends to the great extent on a bilateral agreement that such international organization has concluded with a particular host State. Also the choice of alternative methods of settlement of disputes is usually derived from a concrete provision of such agreement.

- **What is your experience with the settlement of disputes of a private character to which an international organization is a party in your legal system?**

To the knowledge of the Ministry of Foreign Affairs of Czechia there has not been any such dispute so far.

Regarding bilateral agreements, for instance, the host Agreement on Site and Support, Privileges and Immunities between the Government of Czechia and the European Global Navigation Satellite System Agency sets forth the immunity of the Agency from criminal, civil and administrative jurisdiction and execution except in case of an express waiver of such immunity by the Agency in particular case. In civil cases concerning damage caused by an accident of a motor vehicle belonging to or operated on behalf of the Agency and in respect of motor traffic offence involving such a vehicle the immunity of the Agency is not applicable. The Agreement does not contain any provision regarding settlement of disputes of a private character.

The Agreement between Czechia and the United Nations on the United Nations Information Centre in Prague contains the exact same provisions regarding immunities and settlements of disputes of a private law character as the Convention on Privileges and Immunities of the United Nations (Section 29).

- **In particular, are there examples in your legal system of perceived shortcomings in the settlement of disputes of private character to which an international organization is a party leading claimants to turn to the member States?**

Having regard to the fact that there are no such cases, no shortcomings have been identified.

- **Do you consider that the strengthening of the settlement of disputes of a private character to which an international organization is a party merits attention?**

Czechia agrees that the issue merits attention. Immunities of international organizations are essential for proper work of such organizations as has been recognized also by the European Court of Human Rights (ECtHR). Needless to say, the ECtHR decisions were always based on factual circumstances of the cases concerned and thus do not exclude any ruling that would find violation of Article 6 of ECHR (right to access to court) by rejecting a dispute of a private character by a court on the basis of immunity of international organization. As confirmed by the ECtHR it is necessary to avoid the risk of a denial of justice and to provide an alternative means of redress. With growing number of cases of such disputes elsewhere it seems undeniable that there is a need for finding a suitable mechanism that would pose the correct balance between the right to access to court and proper functioning of the international organizations. In this regard, alternative settlement of disputes is perceived as a fitting means for this aim.

- **Specifically in respect of settlement of private claims in UN peace operations, how do you see the merits of the possible measures described above?**

Concerning UN peace operations, the Dutch paper seems as a good starting point for a more complex discussion which should take into account all particularities of these specific activities. For instance it might be useful to try to identify reasons why the standing claims commissions have never been established. In addition, the waiver of immunity of international organizations in selected cases deserves further consideration. On the other hand, establishing an ombudsperson does not solve the problem as the ombudsperson could make only recommendations, however, he does not take a final decision in the case and establishing another body that would resolve the dispute would still be a necessity.