



FSC.EMI/274/08

27 June 2008

ENGLISH only

*Permanent Mission of the Czech Republic
to the United Nations, OSCE and other
International Organizations
in Vienna*

No: 1456/2008

NOTE VERBALE

The Permanent Mission of the Czech Republic to the United Nations, OSCE, and other International Organisation in Vienna presents its compliments to all Missions and Delegations to the OSCE in Vienna and to the Conflict Prevention Centre and, in accordance with the decision 4/03 of the Forum for Security Co-operation, has the honour to transmit herewith the reply of the Czech Republic to the Questionnaire on the Code of Conduct on Political-Military aspects of Security.

The Permanent Mission of the Czech Republic to the United Nations, OSCE, and other International Organisation in Vienna avails itself of this opportunity to renew to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

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Vienna, June 26, 2008



To: all OSCE Delegations and Missions
the Conflict Prevention Centre

V i e n n a



**Information Exchange on the OSCE Code of Conduct
on Politico-Military Aspects of Security**

Czech Republic

2007

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end (Paragraph 6):

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

The Czech Republic is state party to all five United Nations conventions on terrorism deposited with the Secretary-General and all (8) multilateral conventions deposited with other depositaries.

The Czech Republic is state party to the following international instruments related to the fight against terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973);
- International Convention Against the Taking of Hostages (New York, 17 December 1979);
- Convention of the Physical Protection of Nuclear Materials (Vienna, 3 March 1980);
- Protocol for the Suppression of Unlawful Acts of Violence at Airport Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991);
- International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997);
- International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999);
- International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13 April 2005).

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

The Czech Republic is state party to 33 bilateral agreements on mutual cooperation in the area of the fight against terrorism. It is also state party to many multilateral international instruments of political and technical nature, finalised within the framework of the various international organizations.

European Union

The Czech Republic has been supporting the operation EUFOR ALTHEA in Bosnia and Herzegovina since its very beginning. In connection with EU overall reduction of military capabilities in this operation, the Czech Republic concluded its participation within Multinational Task Force – North (MNTF – N) in July 2007. In 2008, the Czech Republic assigns up to 5 officers to the Headquarters EUFOR in Sarajevo. This task will be concluded in June 2008.

Since November 2007 the Czech Republic has been contributing its forces to operation EUFOR TCHAD/RCA. In 2008, the Czech Republic provides up to 3 officers who participate in both Operational Headquarters in France and Force Headquarters in Tchad.

North Atlantic Alliance (NATO)

The Czech Republic has been providing its units for operation Kosovo Force (KFOR) since 1999. For 2008, the Czech Parliament approved the mandate up to 550 persons to be deployed to Kosovo within Multinational Task Force – Centre (MNTF – C). The main component of the Czech contingent represents a manoeuvre mechanized company which is crowd and riot control (CRC) capable and trained as well as ready for Kosovo-wide operations.

Another part of this contingent consists of officers working at KFOR Headquarters (HQ KFOR) and personnel assigned for MNTF – C Headquarters (HQ MNTF – C).

Further contribution made by the Czech Republic represents a Reserve Company consisting of 116 troops, which is again crowd and riot control trained and equipped. This Reserve Company is placed in the Czech Republic, prepared to be deployed on 5-days notice, and was used twice during the 2007 (in the period of June 11 to 24 and November 5 to December 16, 2007). The Czech Republic imposes no restrictions on use of its troops in Kosovo.

The Czech Republic has been actively involved in Afghanistan since 2002, when the Czech Field Hospital operated in Kabul. The ISAF mandate for 2008 consists in total of 415 persons. Current contribution of the Czech Republic to International Security Assistance Force (ISAF) operation is based on four contingents:

The first one operates at the province of Loghar in the eastern part of Afghanistan where the Czech Republic leads its own Provincial Reconstruction Team (PRT). The main role of the PRT Loghar is to carry out reconstruction projects, conduct training and education for the Afghans, communicate with local administration and population, and support the ISAF mission. The Government of the Czech Republic approved the intention to operate the PRT for a period of 3 – 5 years. Nevertheless, the actual length of the operation is subject to a number of variables. The task of the military component of the PRT is to provide security in the area, to protect international units, and to cooperate with local people in reconstruction of their homeland. The current military contingent size is approximately 180 troops. The civilian element of the contingent comprises up to 10 experts.

The second contingent is deployed at the Kabul International Airport (KAIA) and consists of Field Hospital Role 2E, Light Nuclear Biological and Chemical Reconnaissance Unit and Group of Meteo and Air Traffic Control Support. Part of this contingent is also an Operational Mentoring and Liaison Team (OMLT), which was deployed to KAIA in connection with Czech donation of 6 Mi-17 and 6 Mi-24 helicopters to Afghan National Army (ANA). The first three helicopters were delivered to the Afghan side in November 2007. The other nine helicopters will be handed over in the course of 2008 and 2009. The total number of troops deployed at KAIA is approximately 120. The main task of the Field Hospital is to provide medical service to ISAF personnel, especially transit of patients and preservation of their conditions prior to strategic evacuation. In this connection the Czech Republic has assumed the role of the lead nation of the Role 2E and the lead nation role of the Chemical, Biological, Radiological and Nuclear Defence (CBRN). The OMLT was deployed to KAIA to train the ANA Air Force personnel.

The third Czech contingent operating in Afghanistan is Special Operations Group of Military Police (SOG MP) consisting of 35 troops. It has been operating in Afghanistan since April 2007.

The fourth contingent will be deployed to the province of Uruzgan in the south of Afghanistan in the middle of 2008. The contingent will cooperate with Netherlands' Task Force in Deh Rawod and will consist of approximately 80 troops.

Currently there are up to 100 troops deployed in Iraq. Part of the contingent operates within Multi National Force – Iraq (MNF – I) in Basra and its task is to protect the Basra Airport Base. This task will be concluded in June 2008. From July 2008, the contingent will provide training of the Iraqi tank and armoured personnel carrier crews. Another part of the contingent is assigned for duties in NATO Training Mission - Iraq (NTM – I) in Baghdad.

Organisation for Security and Co-operation in Europe (OSCE)

The Czech Republic assumed the commitments arising from the Bucharest Declaration of December 2001 and took part in drafting the OSCE Charter on Preventing and Combating Terrorism, adopted in Porto in December 2002. Currently the Czech Republic participates in the OSCE Counter – Terrorism Network established by Decision No. 6/2003 to facilitate information – sharing between counter-terrorist officials in OSCE participating states and the OSCE ATU (Action against Terrorism Unit). The representative of the Czech Republic in the network is the counter-terrorist liaison officer at the Ministry of Foreign Affairs.

Organisation for Economic Co-operation and Development (OECD):

Since 1995, the Czech Republic has been a member of the OECD. The broad range of the OECD's activities includes some aspects of the fight against international terrorism, e.g.:

- Prevention of terrorism in the context of development assistance (see *Security System Reform and Governance* document approved within the OECD Development Assistance Committee in spring 2004);
- Insurance – in 2004, the OECD Council adopted the *Recommendation of the Council on the Establishment of a Check-list of Criteria to Define Terrorism for the Purpose of Compensation* - C(2004)63/REV2, defining terrorism for the purpose of compensation through insurance. The criteria, which can be taken into consideration, are summed up in the annex to the document. They are e.g.: means and effects, intention, technical, economic and legal/regulatory insurability, and compensation through non-insurance
- mechanisms. The annex contains a table of definitions used for this purpose in OECD Member Countries including the Czech Republic. In the Czech Republic, the recommendation is implemented through internal regulations of insurance companies and the Office of State Supervision in Insurance and Pension Funds;
- Travel security;
- Biotechnology, etc.

Financial Action Task Force (FATF)

The Czech Republic has intensified its contacts with the FATF Secretariat and seeks to increase its involvement in FATF activities. The Czech Republic strictly observes FATF recommendations concerning money laundering and terrorism financing, and accepts them as a reference framework for legislative action in these spheres.

International Financial Institutions – World Bank (WB) and the International Monetary Fund (IMF)

The Czech Republic has taken an active part in the first round of WB/IMF assessments of compliance with international standards for fighting money laundering and terrorist financing. WB/IMF experts examined the implementation of the relevant international instruments in the Czech Republic, especially FATF recommendations and IOSCO (International Organization of Securities Commissioners) instruments.

National authorities consult and coordinate their policies at the informal meetings of the Clearing House, an interministerial group working under the guidance of the Finance Ministry since 2002 (the group comprises representatives of the Finance Ministry, interior Ministry including the Police of the Czech Republic, Czech National Bank, Czech Banking Association, Ministry of Justice, Ministry of Foreign Affairs).

Council of Europe

The Czech Republic is a party to the 1977 European Convention on the Suppression of Terrorism. It has actively contributed to the process of amending the Convention. In November 2007 the Czech Republic also signed the Additional protocol of the respective Convention (ETS 196). The Czech Republic contributes to the work of the Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL, formerly PC-R-EV).

Central European Initiative (CEI)

The Czech Republic takes part in the Working Group on Combating Organised Crime, which serves as a forum for exchanging information on national anti-terrorist legislation. The Working Group explores possibilities for increasing the cooperation in this field, especially as regards the harmonization of laws and support for operational activities concerning transnational crime in the CEI region.

Bilateral Agreements:

The Czech Republic is state party to 33 bilateral agreements on mutual cooperation in the area of the fight against terrorism.

Treaties of the law enforcement cooperation, which include the aspect of the fight against terrorism

Belgium

1. Police Cooperation – memorandum, exchange of letters between the ministers (November 1997 – February 1998);

Bulgaria

2. Intergovernmental Agreement; Date and place of signature: Sofia, 17. III. 1999

Europol

3. Cooperation Agreement; Date and place of signature: Prague, 5. III. 2002;
4. Amendment – exchange of notes (The Hague – 13. II. 2002; Prague – 5. III. 2002).

France

5. Intergovernmental Agreement; Date and place of signature: Prague, 2. IV. 1997

Chile

6. Intergovernmental Agreement; Date and place of signature: Santiago, 23. IX. 1996

Croatia

7. Intergovernmental Agreement; Date and place of signature: Prague, 30. XI. 1999

Italy

8. Intergovernmental Agreement; Date and place of signature: Prague, 22. III. 1999

Kazakhstan

9. Intergovernmental Agreement; Date and place of signature: Almaty, 9. IV. 1998

Kyrgyzstan

10. Intergovernmental Agreement; Date and place of signature: Biskhek, 8. IV. 1998

Cyprus

11. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 7. XII. 1992

Lithuania

12. Agreement about the co-operation between MoI's; Date and place of signature: Vilnius, 29. III. 1996

Latvia

13. Intergovernmental Agreement; Date and place of signature: Prague, 14. XI. 2000

Hungary

14. Accord about the co-operation between MoI's; Date and place of signature: Budapest, 11. XI. 1991
15. Intergovernmental Agreement; Date and place of signature: Prague, 16. II. 1996

The Netherlands

16. MoU between MoI's; Date and place of signature: Prague, 5. 10. 1993

Poland

17. Agreement about the cooperation in regard to the fight against criminal activities, protection of the public order and cooperation in the border areas, 2. VIII. 2007.
18. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 5. IX. 1991
19. Protocol about the co-operation between MoI's; Date and place of signature: Warsaw, 12. IV. 1995;
20. Accord about the change of the annex to the abovementioned Protocol (12. IV. 1995).

Austria

21. Intergovernmental Agreement; 21. VI. 1988

Romania

22. Intergovernmental Agreement; Date and place of signature: Prague, 13. XI. 2001

Russian Federation

23. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 21. IV. 1997

Slovakia

24. Agreement about the co-operation and mutual assistance between MoI's; 20. XI. 1992 (with three additional protocols: Bratislava, 21. XI. 1994; Bratislava, 17. III. 1995; Date and place of signature: Bratislava, 18. XI. 1994)

Slovenia

25. Intergovernmental Agreement; Date and place of signature: Ljubljana, 22. V. 1998

Germany

26. Intergovernmental Agreement; Date and place of signature: Prague, 13. IX. 1991

27. Intergovernmental Agreement about the police co-operation in the border area; Date and place of signature: Berlin, 19. IX. 2000

28. Agreement about the co-operation between MoI of the Czech Republic and the MoI of the Free State Bavaria; Date and place of signature: Munich, 26. II. 1991 (with additional protocol – exchange of letters: 14. X. 1993 and 11. XI. 1993)

Tunisia

29. Agreement about the co-operation between MoI's; Date and place of signature: Prague, 10. V. 1999

Turkey

30. Agreement about the co-operation between MoI's; Date and place of signature: Ankara, 17. I. 1997

Ukraine

31. Intergovernmental Agreement; Date and place of signature: Kiev, 30. VI. 1997 (with additional Protocol, Date and place of signature: Kiev, 5. XI. 1999)

Uzbekistan

32. Intergovernmental Agreement; Date and place of signature: Tashkent, 17. VI. 1998

United Kingdom

33. Intergovernmental Agreement; Date and place of signature: Prague, 23. VII. 1990

(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;

The Czech Republic has no special anti-terrorism legislation.

Currently, terrorism related offences are covered i.a. by the following provisions of the Criminal Code (see ANNEX): Section 92 (subversion of the Republic), Section 93a (terror), Section 95 (terrorist attack), Section 179 (public danger), Section 180a (endangering the safety of aircraft and civil vessels), Section 180c (hijacking an aircraft to a foreign country), Section 10 (complicity - including terrorist financing), etc. Other relevant provisions involve sabotage (Sections 96 and 97), participation in a criminal conspiracy (Section 163a), endangering of public utilities (Section 182), murder (Section 219), taking hostages (Section 234a), extortion (Section 235), unauthorized acquisition or possession of arms (Section 185), unauthorized production and possession of radioactive material and highly dangerous substances (Section 186), spreading of alarming information (Section 199), etc.

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);

The Government of the Czech Republic approved the National Action Plan to Combat Terrorism (Government Decree No. 385 of 10 April 2002). The National Action Plan to Combat Terrorism was up-dated in 2003 (Government Decree No. 361 of 14 April 2003), in 2004 (Government Decree No. 479 of 19 May 2004) and in 2005 (Government's Decree No. 1466 of 16 November 2005). Current version was approved by the Government Decree No. 129 of 11. February 2008.

Its text goes along with the EU Action Plan on the Fight against Terrorism, as well as with the EU Counterterrorism Strategy.

(e) Roles and missions of the armed and security forces in preventing and combating terrorism;

In the territory of the Czech Republic: the Armed Forces may assist the Police in guarding important places and institutions.

Outside the territory of the Czech Republic - see point 1 (b)

The agenda of the fight against terrorism in the Czech Republic falls especially within the competence of the Ministry of Interior, the Police of the Czech Republic and the intelligence services of the Czech Republic. Certain functions and activities in this field require the co-operation of the Ministry of Defence, Ministry of Health and the Ministry of Foreign Affairs. In fact, all the ministries, many other central state authorities, as well as regional authorities, private companies and in fact every resident, can play some role in the counterterrorism activities in the Czech Republic.

The role of the national authorities related to the fight against terrorism is the following:

The Government of the Czech Republic:

- On the recommendation of the National Security Council, adopts necessary measures to ensure the Czech Republic's security, including anti-terrorist measures;
- Reviews the implementation of the adopted anti-terrorist measures in the Czech Republic;
- Co-operates with the main bodies of the EU, NATO and other international organizations in the fight against terrorism.

The National Security Council:

- Regularly reviews current security measures related to the fight against terrorism in the Czech Republic at its meetings attended by senior officials of the Czech Republic,
- Adopts specific security measures in all areas relevant to the Czech Republic's security, in relation to the implementation of Article 5 of the Washington Treaty;
- Makes recommendations to the Government concerning security measures within its field of competence defined by the Government;
- Co-operates with the Central Crisis Management Staff and Regional Security Councils.

Central Crisis Staff is a body that particularly ensures operational coordination, monitoring and evaluation of the state of implementation of measures taken by the Government, by ministries and other administrative authorities to manage crisis situation supports crisis management bodies' activities of territorial administrative authorities and of territorial self-government bodies.

Central Crisis Staff was created by the Resolution of the Government of 11th January 1999 No. 33 (under the originally name "Inter-ministerial Crisis Staff") according to § 4 of Act No. 240/2000 Coll., on the Crisis Management.

According to the character of emergency situation, the prime minister designs as a chair of the Central Crisis Staff:

- Minister of defence (in the case of the military emergency or in the time, when the Republic goes along with its allies to the military operation or the peace-keeping operation).
- Minister of interior (in the non-military emergency cases – floods, mass unrests, etc.).

Central Crisis Staff is a structure, which operates solely at the national level. But there are established many connections between the Central Crisis Staff and regional crisis staffs (in all of the 14 regions of the Czech Republic). For example, regional crisis staff can ask the national level for assistance in case of lack of sources in regional level. Respective regional crisis staff also sends daily reports when crisis situation is proclaimed in the respective region.

Several other platforms have been set up at its suggestion, including:

Common Intelligence Group - It is (since 1st July 2005) formalised as a permanent working body of Intelligence Activity Committee of the National Security Council focussed to the issue of terrorism. Its task is to assist in the exchange of the intelligence information and ensuring the coordination among the respective authorities.

The Ministry of Interior:

- Prepares analyses and formulates policies concerning public order and security, including terrorism; coordinates proposed anti-terrorist measures with the activities of other government authorities and with the Czech Republic's obligations arising from international cooperation;
- Participates in control mechanisms for trade in and use of arms and ammunition, including exports and imports of goods and technologies subject to international export control regimes;
- Performs tasks concerning asylum, refugees, entry and stay of aliens, integration of aliens and co-operation in the context of the Schengen *acquis*;
- Performs tasks in the field of civil emergency planning, including civil protection, fire protection and the Integrated Rescue System.

The Police of the Czech Republic:

The Organised Crime Unit:

- Participates in international police co-operation in investigating attacks and detecting terrorist networks;
- Monitor the presence and activities of individuals and organizations suspected of terrorism in the Czech Republic;
- Co-operates with the Aliens Police Service during border checks at the international airports on persons and in the visa issuance procedure;
- Provides intelligence concerning the security of persons and buildings guarded by the Police of the Czech Republic (Protection Service);
- Provides intelligence and carries out inquiries concerning the proliferation of weapons of mass destruction;
- Provides intelligence in connection with NATO activities;
- Co-operates with the Office for Foreign Relations and Information and the Security Information Service in the above-mentioned fields.
- Since the 1st January 2007 is the unit also handling with the topic of the fight against financing of terrorism (because of merger with the respective department of the abolished Illegal Proceeds and Tax Crime Combating Unit).

The Protection Service:

- Protects individuals, diplomatic buildings, special status buildings; provides protection against toxic agents and other health risks and, in cooperation with other police departments, provides explosive ordnance clearance services.

The Rapid Response Unit:

- Conducts operations against terrorists, kidnappers and hijackers, dangerous offenders involved in organized crime and perpetrators of serious intentional crimes, especially for the purpose of their detention. Participates in the preparation of type plans.

The International Police Cooperation Department - Interpol Prague:

- Coordinates the requests of the Police of the Czech Republic for co-operation and information exchange with foreign law enforcement authorities; coordinates the co-operation between the Police of the Czech Republic and EUROPOL.

The General Crime Department:

- Investigates cases involving bomb attacks and activities of extremist groups and their possible links with terrorist organizations.

The Fire Rescue Brigade:

- Performs tasks within the framework of the Integrated Rescue System (general management of the system and preparedness for emergencies, organization of the Czech Republic's contributions to international rescue operations and humanitarian assistance abroad, coordination of rescue operations and post-disaster relief, guidance for the emergency planning process, development of type and crisis management plans for the full range of emergencies);
- Performs tasks related to prevention of serious accidents caused by dangerous substances, fire prevention, civil protection, civil emergency planning (e.g. harmonizes the national procedures with the EU and NATO and, in consultation with the Ministry of Foreign Affairs, cooperates with the UN, OSCE and other organizations in this field); serves as the national contact point to which requests for assistance can be addressed.

The intelligence services:

The Security Information Service:

- Collects intelligence on terrorist threats against the Czech Republic's interests or against its senior representatives and senior foreign visitors; collects information necessary to protect the interests of the Czech Republic and its partner countries against terrorist attacks and activities;
- Collects information on proliferation of weapons of mass destruction and their means of delivery;
- Represents the Czech Republic on the NATO Special Committee.

Office for Foreign Relations and Information:

- Collects foreign intelligence concerning security and protection of the foreign policy and economic interests of the Czech Republic;
- Produces a summary report on the intelligence obtained from all available sources concerning developments related to terrorist attacks, for the use of the Crisis Management Staff of Ministry of Interior;
- Pays special attention to any indications of threat to NATO interests worldwide;
- Processes foreign intelligence (e.g. concerning individuals suspected of terrorist activities), analyses indications of possible terrorist threats and distributes such information to the Government, the Police of the Czech Republic and other responsible authorities.

The Military Intelligence Service:

- Collects intelligence related to any plans and activities constituting a military threat to the Czech Republic;
- Collects data on foreign intelligence services in the field of defence;
- Collects intelligence on plans and activities aimed against the Czech Republic's defence;
- Collects intelligence on activities endangering classified information related to the Czech Republic's defence.

Regional Offices

- Through their respective Regional Security Councils (Regional Crisis Management Staffs) adopt the necessary measures to ensure security in the region;
- Co-operate with the National Security Council, the Central Crisis Management Staff and the respective Regional Security Councils (Regional Crisis Management Staffs) in respect of anti-terrorist measures.

General Customs Directorate

- Controls the imports and exports of non-military weapons, ammunition, military material, fissile material and dual use goods and technologies,
- Implements the Agreement between the Ministry of Interior of the Czech Republic and the Ministry of Finance of the Czech Republic on joint action, mutual assistance and cooperation in the fight against crime,

2. Description of national planning- and decision-making process – including the role of the Parliament and Ministries – for the determination/approval of

(a) the military posture

The Constitution of the Czech Republic and the Constitutional Law on Security (Act No. 110/1998) define the role of the President of the Republic, the Parliament, the Government including the Ministry of Defence, Ministry of Interior and other ministries and government authorities in the planning and decision-making process.

All substantive issues and documents concerning national security are considered by the National Security Council, the Government's principal advisory body in this field. The Government's policy concepts, such as the Security Strategy of the Czech Republic and the Military Strategy of the Czech Republic, are also taken into account in the planning and decision-making process.

The following package of defence legislation was approved by the Czech Republic Parliament on 14 September 1999 and entered into force on 1 December 1999:

- Act No. 218/1999 on the Scope of Defence Service and the Military Administrative Authorities;
- Act No. 219/1999, on the Armed Forces of the Czech Republic;
- Act No. 220/1999, on the Compulsory Service or Alternative Service and Military Exercises and the Status of Reserve Soldiers
- Act No. 221/1999, on the Professional Military Personnel;
- Act No. 222/1999, on the Defence of the Czech Republic.

Other relevant legislation includes Act No. 310/1999 on the Stay of Foreign Armed Forces in the Territory of the Czech Republic, approved on 18 November 1999 and effective from 1 January 2000; Act No. 309/2000 on Defence Standardisation, Cataloguing and State-Controlled Quality Testing of Products and Services Designed for National Defence Purposes, approved on 9 August 2000 and effective from 1 April 2001; Act. No. 174/2005 on Transfer of Some Useless Military Property and Property Managed by Interior Ministry from the Possession of the Czech Republic to Self-governing Regions, approved on 21 May 2003 and effective from 1 June 2003; Act. No. 122/2004 on War Graves and Reverent Places, approved on 20 February 2004 and effective from 1 July 2004; Act No. 214/2004 on Foundation of University of Defence, approved on 2 April 2004 and effective from 1 September 2004, and Act. No. 289/2005 on Military Intelligence, approved on 16 June 2005 and effective from 1 August 2005.

(b) defence expenditures

According to Act No. 360/2007, on the Czech Republic's national budget for 2008 (approved by the Czech Parliament), the funds allocated to the MoD total CZK 54,169,408,000, which is an increase by CZK 263,008 million compared with the previous year.

3. Description of

(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary and internal security forces as well as intelligence services and the police;

military forces

Political control is exercised through the parliamentary mechanism for approving the state budget, including the defence budget. In order to investigate a matter of public concern, the Chamber of Deputies may establish an investigating commission at the request of at least one fifth of Deputies.

paramilitary forces

The Czech Republic has no paramilitary forces.

internal security forces

See point 3. c

intelligence services

The Act on the Intelligence Services of the Czech Republic (Act No. 153/1994), the Act on the Security Information Service (civilian counter-intelligence, Act No. 154/1994) and the Act on Military Intelligence (Act No. 289/2005) constitute a legal framework for the activities of intelligence services in the Czech Republic. The intelligence services of the Czech Republic (namely the Office for Foreign Relations and Information, the Security Information Service, the Military Intelligence) fall within the responsibility of the Government. The Intelligence Activity Committee represents a permanent body of the National Security Council for the management, coordination and control of the intelligence activities. The intelligence services are also subject to the control of the Parliament through its Subcommittee for Intelligence Services and two permanently established commissions - the Permanent Commission for the Control of the Military Counter-Intelligence and the Permanent Commission for the Control of the Security Information Office.

The most actual Government decrees, regarding the area of the intelligence services are:

- On coordination of activities of the intelligence services of the Czech Republic during evaluation of the information, important for the security of the Czech Republic, with special regard to the fight against terrorism (Governments Decree on 13th September 2006, No. 1060);
- On authorising of the members of the Government with a coordination and information functions toward some central state administration bodies that are not directed by member of the Government and toward Security Information Service (Governments Decree on 13th September 2006, No. 1068).

police

The primary legislation governing the Police of the Czech Republic is the Act on the Police of the Czech Republic (Act No. 283/1991). The act has been amended many times (i.e. by Act No. 60/2001 effective from 19 February 2001); the amendments are summed up in Act No. 122/2001 (effective from 4 April 2001). New amendment is expected to come into force soon. The act authorizes police officers to act in the capacity of armed security forces in specified situations relating to public order and security to the extent defined by law. It enables the Police of the Czech Republic to co-operate with international organisations and with the police authorities and security forces of other states.

The above-mentioned Act No. 60/2001 amending the Act on the Police of the Czech Republic, aligns the rules for police work with the EU police legislation (e.g. the establishment of trans-border observation and pursuit). It regulates the handling of personal data processed by the police and provides for bilateral co-operation with Europol. The Police of the Czech Republic makes other organisational, staffing and technical arrangements in the context of co-operation with the above-mentioned institutions and cross-border police co-operation with compliance with the Convention implementing the Schengen Agreement.

The role of the Police of the Czech Republic in criminal proceedings is governed by the Code of Criminal Procedure (Act No. 141/1961, as amended). The Code defines the responsibilities of each law enforcement authority in detecting and investigating crimes and in punishing the offenders.

(b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;

military forces

Effective democratic political control of the Armed Forces (as well as their intelligence services) is primarily ensured by the Parliament, in particular the Committee on Defence and Security of the Chamber of Deputies (lower chamber of the Parliament) and the Committee on Foreign, Defence and Security Policy of the Senate (upper chamber of the Parliament).

paramilitary forces

The Czech Republic has no paramilitary forces.

internal security forces

See point 3. c

intelligence services

See point 3. a

police

The work of the Police of the Czech Republic is controlled through internal control mechanisms, i.e. the Police Headquarters, Control and Complaints Department, and senior police officers. External control is exercised by the Interior Minister's Inspection and the competent departments of the Ministry of Interior (e.g. in the field of small arms). As a law enforcement authority, the Police of the Czech Republic is supervised by prosecuting attorneys. The Police is also subject to the control of the Parliament of the Czech Republic (Control Commission to Supervise the Use of Operative Technology). Members of the Parliament also have the right to submit interpellations. In criminal proceedings, the police is also supervised by a prosecuting attorney. There also exists general control by the independent judiciary.

(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

military forces

The constitutional framework in this field is established by the Constitutional Law on Security (No. 110/1998). Effective control of the Armed Forces is exercised through bodies established within this framework and should be further improved in the process of legislative amendments.

paramilitary forces

The Czech Republic has no paramilitary forces.

internal security forces

The Penitentiary Service of the Czech Republic operates strictly within its field of competence defined by the Constitution and by Act No. 555/1992 on the Penitentiary Service and Court Guards, as amended. The responsibility of the Penitentiary Service is to ensure the execution of detention and prison sentences, and to maintain order and security in the exercise of judicial powers and court administration and in the work of the prosecuting attorneys' offices and the Ministry of Justice.

The Penitentiary Service of the Czech Republic comprises the Penitentiary Service Headquarters, detention facilities, prisons and the Penitentiary Service Training Institute.

The Penitentiary Service operates in the territory of the Czech Republic, unless provided otherwise by special legislation or by an international treaty, which is binding on the Czech Republic and the ratification of which was approved by the Parliament of the Czech Republic.

The Penitentiary Service collaborates with the armed security structures of the Czech Republic, with other government authorities, municipal authorities, as well as with similar institutions abroad. In cases of emergency, where the Penitentiary Service is unable to ensure order and security in detention facilities and prisons by its own means, the above law authorizes it to request the assistance of the Police of the Czech Republic.

Penitentiary Service officers may be ordered by the government to fulfil the tasks of the Riot Police or the Protection Service of the Police of the Czech Republic for a necessary period of time, if the Police of the Czech Republic lacks sufficient means and forces to ensure internal order and security. In such case, Penitentiary Service officers have the same powers and duties as Police of the Czech Republic officers.

The Penitentiary Service has some other tasks defined by special legislation, e.g. by Sections 16 and 20 of Act No. 169/1999 regulating the execution of prison sentences and amending some related acts, as amended, Section 15 of Act No. 293/1993 regulating the execution of detention, as amended, Section 63 of Act No. 186/1992 regulating the service of the Police of the Czech Republic officers, as amended, Section 9 of Act No. 240/2000 regulating crisis management and amending some other acts (Crisis Act), as amended.

intelligence services

See point 3. a

(d) public access to information related to the armed forces:

Public access to information on the tasks and activities of the Armed Forces is the responsibility of the Ministry of Defence.

The obligation of the executive branch to inform the public about its activities is established by Act No. 106/1999 on Free Access to Information (passed on 11 May 1999, effective from 1 January 2000). According to this act, government authorities must respond to any questions from the general public, except for questions concerning classified information.

In addition, the press and other mass media receive timely information on developments and decisions concerning armament and equipment purchases for the Czech Armed Forces, on the location and deployment of forces or on major military exercises and activities. The Czech MoD's public information activities include also public visits to military schools and military bases and public demonstrations of new weapon and equipment systems introduced in the Czech Army. At the academic level, conferences and seminars are organised to promote transparency and public awareness of the Armed Forces.

Information on the implementation of the Code of Conduct, in particular its Paragraph 22, can be found in the Defence Planning Journal which publishes data on major weapons/equipment systems and their reductions. Public information about the activities of the Armed Forces relating to the implementation of the CFE Treaty, Vienna Document 1999, Open Skies Treaty and Chemical Weapons Convention is distributed via the MoD Press Department and the Internet web site www.army.cz.

4. Stationing of armed forces on the territory of other participating States in accordance with their freely negotiated agreement as well as in accordance with international law.

Act No. 310/1999 on the Stay of Foreign Armed Forces in the Territory of the Czech Republic was approved by the Parliament of the Czech Republic on 18 November 1999 and entered into force on 1 January 2000. This Act i.a. implements the relevant NATO instruments, including NATO SOFA (Status of Forces Agreement), in connection with military exercises. At present in the territory of the Czech Republic there is stationed "British Military Advisory and Training Team in the Czech Republic" ("BMATT") with maximum of 30 permanent persons. In relation to their training courses there might be stationed up to 100 persons coming from NATO and PfP member states and up to 50 persons for maximum period of 3 months for members of Armed Forces of Afghanistan, Algeria, Iraq, Morocco and Tunisia.

The Czech Republic is a Party to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done in London on 19 June 1951, and the Agreement among the States Parties to the North Atlantic Treaty and other States Participating in the Partnership for Peace regarding the Status of their

Forces, done in Brussels on 19 June 1995. These agreements have been published in the Collection of Laws under No. 297/1996 and No. 1/2002.

Article 43 of Constitutional Act No. 1/1993 provides the following:

(1) The Parliament shall decide on the declaration of the state of war if the Czech Republic has been attacked or if it is necessary to fulfil the commitments arising from international treaties concerning collective defence in case of an attack.

(2) The Parliament shall decide on the participation of the Czech Republic in the defence systems of an international organization of which the Czech Republic is a member.

(3) The Parliament shall give its consent to:

(a) the sending of the Armed Forces of the Czech Republic outside the territory of the Czech Republic,

(b) the stationing of the armed forces of other States in the territory of the Czech Republic, unless such decisions are within the exclusive power of the Government.

(4) The Government shall decide on the sending of the Armed Forces of the Czech Republic outside the territory of the Czech Republic and on the stationing of the armed forces of other States in the territory of the Czech Republic for a period not exceeding 60 days for the purposes of

(a) fulfilment of the commitments arising from international treaties on collective defence in case of an attack,

(b) participation in peacekeeping operations in accordance with a decision of an international organization of which the Czech Republic is a member, subject to the consent of the receiving State,

(c) participation in rescue operations in the event of natural disasters, industrial or environmental accidents.

(5) The Government shall also decide on

(a) the transit of the armed forces of other States through the territory of the Czech Republic or on their overflight over the territory of the Czech Republic,

(b) the participation of the Armed Forces of the Czech Republic in military exercises outside the territory of the Czech Republic and on the participation of the armed forces of other States in military exercises in the territory of the Czech Republic.

(6) The Government shall promptly advise both chambers of the Parliament of the decisions under paragraphs 4 and 5. The Parliament may annul the decision taken by the Government; to annul the Government decision, rejection by a resolution of either chamber approved by a simple majority of all members of the chamber shall suffice.

5. Description of

(a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

military forces

In connection with the end of the general conscription system and introduction of fully professional armed forces on 1 January 2005, Acts No. 218/1999 (*National Service Act*) and No. 220/1999 (*Compulsory Service or Alternative Service and Military Exercises and the Status of Reserve Soldiers*) have been repealed and, concurrently, Act No. 585/2004 on national service and its securing (*National Service Act*) has been adopted.

The basic rules of the National Service Act are:

Duration of national service

The national service obligation starts on the day following the citizen's 18th birthday and terminates on the day of his/her 60th birthday. The citizen fulfils the obligation in time of national emergency or in time of war.

Voluntary national service

In time of national emergency or in time of war, a citizen who is not subject to the national service obligation, and a citizen of a nation participating in the defence systems of international organisations of which the Czech Republic is a member, can voluntarily perform his/her national service, on the basis of a written application, starting from the day following his/her 18th birthday.

Voluntary performance of the national service

In situations other than national emergency or time of war, a citizen or a soldier in mandatory reserve can voluntarily perform national service if he/she applies in writing for admission as a regular soldier.

In situations other than national emergency or time of war, a citizen or a soldier in mandatory reserve can voluntarily perform national service if he/she applies for inclusion into the active reserve. This is possible from the day following his/her 18th birthday.

The active reserve contract is concluded for the period of 3 years.

The national service terminates:

- on the effective date of the decision issued after completion of the recruitment procedure saying that the citizen is not fit for active military service,
- on the effective date of the decision issued in the revision procedure saying that the citizen is not fit for active military service,
- on the effective date of the decision which deprived the citizen or the soldier of legal capacity or limited his/her legal capacity, or
- on the day the citizen or the soldier loses citizenship of the Czech Republic.
- The service of regular soldiers is governed by Act No.221/1999, on Regular Soldiers.

paramilitary forces

The Czech Republic has no paramilitary forces.

internal security forces

Recruitment of Penitentiary Service officers is regulated by Act No. 186/1992 on the service of Police of the Czech Republic officers. The act defines conditions for admission of a candidate, as well as the conditions of the service itself, duties and entitlements, etc. (e.g. compensations of costs connected with the service, support and assistance to the personnel, compensation of damages incurred in service).

Within the framework of missions of OSCE, which represents above all the regional (European) international and political institution focused mainly on security policy and security co-operation and in relation to goals resulting from Code of Conduct to Political and Military Aspects of Security, the Penitentiary Service of the Czech Republic is not involved.

During 2002 – 2005 one member of the Penitentiary Service of the Czech Republic participated in the observatory mission of UN (UNMIBH) in Bosnia and Herzegovina as the officer for human rights.

From the standpoint of the larger institutional framework of European security, in the future the Penitentiary Service of the Czech Republic intends to use possibility to send its employees or members to missions of the European Union (Rule of Law – CIVCOM).

police

Conditions for the admission of police officers are set by the Police Headquarters, Personnel and Training Department. An act regulating the service of members of security services, which is currently under preparation, will apply also to police officers and firemen.

Because of its special status, the service of police officers is regulated by several laws, namely Act No. 186/1992 on the service of police officers, and Interior Minister's Directive No. 287/2002.

The police officer, member of the Police of the Czech Republic, must:

- be a citizen of the Czech Republic;
- be older than 18 years of age;
- have no previous criminal record;
- have the required qualifications;
- be physically and mentally healthy;
- successfully pass the admission examination.

(b) exemptions or alternatives to compulsory military service, if applicable;

Not applicable

(c) legal and administrative procedures protecting the rights of all forces personnel;

military forces

The status of Armed Forces personnel is governed by a package of laws, brought into force in 1999. The Criminal Code of the Czech Republic does not make difference between the Armed Forces personnel and civilian population. However, in case a member of the Armed Forces breaches disciplinary rules, he is liable to disciplinary sanctions imposed by his superior.

police

See 3 b.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations:

System of military preparation in the Czech Republic consists of career training of an individual, regular daily training of individuals or units and ad-hoc training, be it specialised courses for individuals or pre-deployment training of particular units. IHL is included in the current general training programs. Furthermore, a special IHL training manual for instructors has been issued in January 2008. With relation to this manual, in May 2008 there will be held a specialized one week course dedicated to IHL issues, apart from ordinary course structure.

In result, it is guaranteed that every individual military professional meets IHL since the very beginning of his or her career, during regular annual training, whenever he or she wants to step up in the rank chart and before any deployment to a real operation.

As a necessary complement to the training, there is an education of officers. It is especially important with respect to the fact that international humanitarian law imposes special obligations on commanders. With this regard a handbook on IHL for commanders has been issued in December 2007. In the Czech Republic, military academic education is centralised within the Defence University located in Brno. This institution provides appropriate education, including mandatory lectures of IHL to all future commanders and members of their staffs. There is a significant amount of these lectures both in Bachelor's curriculum and Master's curriculum.

7. Any other information:

None.

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

Section 95: Terrorist Attack

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

- a) commits an attack against the life or health of a person with the intention of causing death or serious bodily harm;
- b) takes hostages or commits abduction;
- c) destroys or seriously damages public utilities, transport or telecommunication systems, including information systems, fixed platforms on the continental shelf, electric energy and water supplies, the health service or other important facilities, public sites or public property with the intention of endangering human life, the safety of the facilities, systems or sites or of exposing such property to the risk of major damage;
- d) disrupts or stops the supply of water, electric energy or other basic natural resources with the intention of endangering human life or of exposing property to the risk of major damage;
- e) seizes or controls an aircraft, vessel or other means of passenger or freight transport, and/or destroys, seriously damages or seriously interferes with the operation of navigation systems or facilities; or provides false information on important facts, thus endangering human life and health, the safety of the means of transport or exposing property to a risk of major damage;
- f) without due authorisation, manufactures or otherwise acquires, stores, imports, transports, exports or otherwise delivers or uses explosives, nuclear, biological, chemical or other weapons of mass destruction; and/or engages in unauthorised research into and development of nuclear, biological, chemical or other weapons or combat means or explosives prohibited by law or by an international treaty; or
- g) exposes human beings to a danger of death or serious bodily harm, or exposes the property of other persons to a risk of major damage by causing a fire or flood or the harmful effects of explosives, gas, electricity or similarly dangerous substances or forces; or commits a similarly dangerous act; or aggravates an imminent danger or obstructs efforts to counter or alleviate it,

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

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

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

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

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

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

The penalty may be even higher if the offender commits the act a member of an organized group; if he or she causes serious bodily harm or death; if as a result of his act a considerable number of people have become homeless; if he or she causes extensive damage; if he or she endangers the international position of the Czech

Republic or of an international organization of which the Czech Republic is a member; if he or she commits the act during the state of emergency or state of war. The same penalties would be imposed on a person who threatens to commit a terrorist attack or a person who knowingly provides support, especially financial, for activities included on the above list. Such support might be classified as aiding and abetting.

Section 93a: Terror

(1) Whoever takes persons as hostages and threatens to kill them, or to harm their health or to cause them another harm, and does so in order to enforce fulfillment of conditions detrimental to the constitutional order of the Republic, shall be sentenced to a term of imprisonment of from three to ten years.

(2) An offender shall be sentenced to a term of imprisonment of from five to twelve years:

- a) if he or she commits an act under subsection (1) as a member of an organized group;
- b) if a person under eighteen years of age is taken as a hostage when such act is committed;
- c) if two or more persons are taken as hostages when such act is committed; or
- d) if he or she causes severe injury to someone's health when such act is committed.

(3) An offender who causes someone else's death when committing an act under subsection shall be sentenced to imprisonment for a term of from ten to fifteen years, or to an exceptional term of imprisonment.

Section 92: Subversion of the Republic

(1) Whoever, acting with intent to undermine the constitutional order, territorial integrity or defense capability of the (Czech) Republic or to destroy its independence, participates in violent acts against the Republic or its organs shall be sentenced to a term of imprisonment of from eight to twelve years.

(2) An offender shall be sentenced to imprisonment for a term of from twelve to fifteen years or to an exceptional punishment (a term of imprisonment):

- a) if he or she commits an act under sub-provision (1) as a member of an organized group;
- b) if he or she causes by such act severe injury to the health of two or more persons, or if he or she causes someone's death;
- c) if he or she causes by such act large-scale (extensive) damage or other particularly severe consequences; or
- d) if he or she commits such act at the time of a state defense emergency.

Section 96: Diversionist activity

(1) Whoever, acting with intent to damage the constitutional order or defense capability of the (Czech) Republic destroys, damages or makes useless another person's or his own thing shall be sentenced to a term of imprisonment of from three to ten years.

(2) An offender who commits an act stipulated in sub-provision (1) at the time of a state defense emergency shall be sentenced to a term of imprisonment of from ten to fifteen years or to an exceptional punishment (an exceptional term of imprisonment).

Section 97: Sabotage

(1) Whoever, acting with intent to damage the constitutional order or defense capability of the Republic, abuses his employment, profession, position or office, or commits some other act for the purpose of:

- a) frustrating or obstructing fulfillment of an important task by a state organ, the armed forces or an security

corps, or by an economic organization or other institution; or
b) causing a breakdown in the work of such organ or organization, or causing serious damage to it;

shall be sentenced to imprisonment for a term of from three to ten years.

(2) An offender shall be sentenced to a term of imprisonment of from eight to twelve years,

a) if he or she commits an act stipulated in sub-provision (1) as a member of an organized group, or
b) if he or she commits such act at the time of a state defense emergency.

(3) An offender shall be sentenced to imprisonment for a term of from ten to fifteen years or to an exceptional punishment (an exceptional term of imprisonment),

a) if he or she causes severe injury to the health of two or more persons, or someone's death, by an act under sub-provision (1);
b) if he or she causes large-scale (extensive) damage or some other particularly serious consequence; or
c) if he or she organizes such act at the time of a state defense emergency.

Section 163a - Participation in a criminal conspiracy

(1) A person who instigates a criminal conspiracy, or who participates in, or supports such conspiracy, shall be sentenced to imprisonment for a term of from two to ten years or forfeiture of property.

(2) An offender shall be sentenced to imprisonment for a term of from three to ten years if he or she commits an act under sub-provision (1) in relation to a criminal conspiracy intended or focusing on committing of terror (section 93a) or terrorist attack (section 95).

(3) An offender shall be sentenced to imprisonment for a term of from five to fifteen years, if he or she is a leading person or a representative of a criminal conspiracy intended or focusing on committing of terror (section 93a) or terrorist attack (section 95).

(4) The provisions of provisions 43 and 44 shall not apply to a person who commits an act under sub-provision (1).

Section 163b

The liability to punishment of a person who commits an act under provision 163a shall be voided if he or she reports such criminal conspiracy to the state prosecutor's office or to a police organ, at a time when it was still possible to eliminate the danger which arose from an act (other than that under provision 163a) to an interest protected by this Code. A soldier may also make a report to his commander or superior officer in such a situation.

Section 163c

(1) A police officer who undertakes assignments as an agent under a special Act, and as a result takes part in or supports a criminal conspiracy, shall not be liable to punishment if the purpose of his act under provision 163a is to reveal a perpetrator of criminal activity committed as part of such criminal conspiracy.

(2) Liability to punishment shall not be voided in the case of an agent who instigated or organized a criminal conspiracy.

Section 89 Sub-section (17): Definition of criminal conspiracy

„Criminal conspiracy“ shall mean a group of several persons, when such group has its own internal organizational structure with a division of roles (among individual persons) and their activities are aimed at attaining a profit by a systematic involvement in deliberate criminal activity.

Section 91: High treason

A citizen of the Czech Republic who is in contact with a foreign power or a foreign agent and commits the crime of subversion of the Republic, terror, terrorist attack, diversionist activities or sabotage shall be sentenced to a term of imprisonment of from twelve to fifteen years or to an exceptional punishment.

Commentary on Section 91:

Only a citizen of the Czech Republic can commit this crime.

Section 179 and 180: Common danger

179

(1) Whoever intentionally exposes people to the danger of death or severe injury to health, or exposes another person's property to the danger of large-scale damage, by causing a fire or flood or damage by the use of explosives, gas, electricity or similarly dangerous substances, or forces or commits another similarly dangerous act, or whoever increases common danger or obstructs its prevention or mitigation, shall be sentenced to imprisonment for a term of from three to eight years.

(2) An offender shall be sentenced to imprisonment for a term of from eight to fifteen years if:

- a) he or she commits an act under subsection (1) as a member of an organized group;
- b) he or she commits such act repeatedly within a short period of time; or
- c) by such act he or she causes serious injury to the health of two or more people, death, large-scale damage or another especially serious consequences.

(3) An offender shall he or she sentenced to imprisonment for a term of from twelve to fifteen years or an exceptional term of imprisonment if:

- a) he or she intentionally causes death by an act under subsection (1); or
- b) he commits such act during a state defense emergency.

Commentary on Section 179:

Common danger is caused by an intentional criminal act perpetrated in order to expose people to the immediate danger of serious injury or death and/or property to the danger of large-scale damage.

180

(1) Whoever, through negligence, causes or increases common danger or makes its prevention or mitigation more difficult, shall be punished by imprisonment for a term of up to one year or prohibition from a specific activity.

(2) An offender shall be punished by imprisonment for a term of up to three years or prohibition of a specific activity if:

- a) he or she causes severe injury or death by an act under subsection (1);
- b) he or she commits such act by breaching an important duty arising from his employment, profession or office, or by breaching a duty imposed on him under law; or
- c) he or she causes substantial damage by such act.

(3) An offender shall be punished by imprisonment for a term of from one to five years or a pecuniary penalty if by an act under subsection (2)(b) he or she causes:

- a) large-scale damage; or
- b) severe injury to health or death.

(4) An offender shall be sentenced to imprisonment for a term of from three to ten years if, by an act under subsection (2)(b), he causes severe injury to the health, or the death, of two or more persons.

Commentary on Section 180:

An offender who causes common danger by negligence, or who aggravates it or makes its prevention or mitigation more difficult, is sentenced under Section 180.

Section 180a and 180b: Endangering the safety of an aircraft or civil vessel

180a

(1) A person who, while on board an aircraft or civil vessel, with intent to acquire or exercise control over such means of transport:

- a) uses violence or a threat of immediate violence against another person;
- b) threatens another person with death, injury to health or an act causing large-scale damage; or
- c) abuses the defenselessness of another person;

shall be punished by imprisonment for a term of from eight to fifteen years or by forfeiture of property.

(2) An offender shall be punished by imprisonment for a term of from twelve to fifteen years or exceptional terms of imprisonment and possibly also forfeiture of property,

- a) by his act under subsection (1) he or she causes death; or
- b) he or she commits such act during a state defense emergency.

Commentary on Section 180a:

The Czech Republic is a signatory to international conventions intended to prevent illegal seizures of means of transportation.

180b

A person who provides false information which can endanger the safety or operation of an aircraft during flight or of a civil vessel during its voyage shall be punished by imprisonment for a term of up to three years or a pecuniary penalty.

Commentary on Section 180b:

Section 180b is intended to protect both the safety and operation of aircraft and civil vessels during flights and voyages.

Section 180c: Unlawful taking of an aircraft abroad

(1) A person who without authorization seizes or uses an aircraft entrusted to him in order to take it unlawfully abroad shall be punished by imprisonment for a term of from three to ten years or forfeiture of property.

(2) An offender who causes death by an act under subsection (i) shall be sentenced to imprisonment for a term of from ten to fifteen years or to an exceptional term of imprisonment and possibly also forfeiture of property.

Section 185: Unauthorised arming

(1) A person who, without authorisation, makes (produces) or obtains for himself or another person a firearm, or keeps it (in his possession), shall be punished by imprisonment for a term of up to one year or pecuniary penalty or forfeiture of a thing.

(2) A person, who without authorisation:

a) obtains for himself or another person, or keeps (in his possession), an explosive, a weapon of mass destruction or components (parts) which are required for the use of such weapon; or

b) accumulates, makes or obtains for himself or another person weapons or ammunition,

shall be sentenced to imprisonment for a term of up to three years.

(3) A sentence under sub-Section (2) shall be also imposed on a person who designs, constructs and uses (illegally) facilities for the production of chemical weapons.

(4) An offender shall be sentenced to imprisonment for a term of from one to five years if:

a) he or she commits an act under sub-Sections (2) and (3) as a member of an organized group;

b) commits such act to a significant extent; or

c) commits such act at the time of a state defense emergency.

Commentary on Section 185:

Under the Annex to the Trades Licensing Act, development, manufacture, repair, modification, purchase, sale and destruction of weapons, and ammunition for such weapons, require special licenses.

Section 185a: Development, production and possession of prohibited combat equipment

(1) A person who develops, produces, imports, transits, exports, keeps or accumulates combat equipment or explosive prohibited by law or by international convention that is bound for the Czech Republic or who otherwise disposes of them, shall be punished by imprisonment for a term of from one to five years.

(2) The same sentence shall be imposed on a person who projects, builds or uses a plant designated to development, production or stocking of arms, combat equipment or explosive stipulated in sub-Section 1.

Section 186: Unauthorised production and possession of radioactive material and other highly dangerous substances

(1) A person who produces, imports, transits, exports or keeps for, or obtains for, another person, radioactive material or a highly dangerous substance or objects for its production, shall be punished by imprisonment for a term of from one to five years, prohibition of a specific activity or a pecuniary penalty.

(2) An offender shall be sentenced to imprisonment for a term of from two to ten years if:

a) by such act he or she causes serious injury to health;

b) by such act he or she acquires a substantial benefit.

(3) An offender shall be sentenced to imprisonment for a term of from eight to fifteen years if:

a) by his act under sub-Section (1) he or she causes serious injury to two or more persons, or death;

b) by such act he or she acquires a large-scale benefit; or

c) he or she commits such act as a member of an organized group.

Commentary on Section 186:

Under an amendment by Act No. 19/1997 Coll. the scope of Section 186 was extended to include highly dangerous substances and objects for their production.

Section 187, 187a and 188: Unauthorised production and possession of narcotic and psychotropic substances and poisons

187

(1) A person who produces, imports, exports, transits, offers, mediates, sells or otherwise obtains, or keeps for another person, narcotic or psychotropic substance, a preparation containing a narcotic or psychotropic substance, a precursor or a poison, shall be sentenced to imprisonment for a term of from one to five years.

(2) An offender shall be sentenced to imprisonment for a term of from two to ten years if:

- a) he or she commits an act under sub-Section (1) as a member of an organized group, or on a significant scale; or
- b) he or she commits such act against a person under eighteen years of age.

(3) An offender shall be sentenced to imprisonment for a term of from eight to twelve years if:

- a) by an act under sub-Section (1) he or she acquires a substantial benefit;
- b) he or she commits such act against a person under fifteen years of age; or
- c) by such act he or she causes serious injury to health.

(4) An offender shall be sentenced to imprisonment for a term of from ten to fifteen years if:

- a) by an act under sub-Section (1) he or she causes serious injury to the health of two or more persons or death;
- b) by such act he or she acquires a large-scale benefit; or
- c) he or she commits such act in association with an organized group active in two or more countries (states).

Commentary on Section 187:

Act No. 112/1998 Coll. introduced the present wording of Section 187 and added Section 187a.

Section 187a

(1) A person who keeps, without authorization, a narcotic or psychotropic substance or poison in a quantity greater than small shall be punished by imprisonment for a term of up to two years or by a pecuniary penalty.

(2) An offender shall be sentenced to imprisonment for a term of from one to five years if he or she commits an act under sub-Section (1) on a significant scale.

Commentary on Section 187a:

The phrase „a quantity greater than small“ is interpreted as meaning a larger amount of a narcotic or psychotropic substance than a person would require for his own use. Courts will consider each case individually.

Section 188

(1) A person who produces, or obtains or keeps (in his possession), for himself or someone else, an object determined for unauthorized production of a narcotic or psychotropic substance, a preparation containing a narcotic or psychotropic substance, or poison shall be punished by imprisonment for a term of from one to five years, prohibition from a specific activity, a pecuniary penalty or forfeiture of a thing.

(2) An offender shall be sentenced to imprisonment for a term of from two to ten years if:

- a) he or she commits an act under sub-Section (1) on a significant scale;
- b) he or she commits any act against a person under eighteen years of age;
- c) by such act he or she acquires a substantial benefit.

Commentary on Section 188:

The present wording of Sections 188 and 188a results from amendments introduced by Act No. 112/1998 Coll.

Section 235: Extortion

(1) A person who forces another by violence, the threat of violence or the threat of another serious detriment to do something, to desist from doing something or to tolerate something, shall be sentenced to a term of imprisonment of up to three years.

(2) An offender shall be sentenced to a term of imprisonment of two to eight years if:

- a) he or she commits an act under sub-Section (1) as a member of an organized group;
- b) he or she commits such act with at least two other persons;
- c) he or she commits such act with a weapon;
- d) by such act he or she causes severe harm to health or substantial damage;
- e) he or she commits such act against a witness, expert or interpreter in connection with performance of his duties; or
- f) he or she commits such act against another person because of such person's race, nationality, political conviction, religion or lack of religious faith.

(3) An offender shall be sentenced to a term of imprisonment of from five to twelve years if by an act under sub-Section (1) he or she causes death or large-scale damage.

Commentary on Section 235:

An offender commits extortion when he or she forces someone else by violence or the threat of violence or another serious detriment to do something, to desist from doing something or to tolerate something, irrespective of whether the offender attained his objective or not.

Section 216: Abduction

(1) Whoever takes away a child or a person suffering from a mental breakdown or being mentally retarded from the care of the person who under the law or an official decision is bound to take care of such child or person shall be punished by a term of imprisonment of up to three years or by a pecuniary penalty.

(2) An offender shall be sentenced to a term of imprisonment of from two to eight years if:

- a) he or she commits an act under sub-Section (1) with intent to obtain material benefit for himself or someone else; or
- b) by such act he or she endangers the moral development of the abducted person.**

(3) An offender shall be sentenced to a term of imprisonment of from three to ten years if he or she causes severe injury, death or some other especially serious consequence by an act under sub-Section (1).

Commentary on Section 216:

It is irrelevant for an abductor's liability to punishment under Section 216 whether the abducted child or a person went with the abductor voluntarily or not.

Section 234a: Hostage-taking

(1) A person who seizes another as a hostage and threatens to kill him or cause injury to his health or some other serious detriment, with the aim of forcing a third party to do something, desist from doing something or tolerate something, shall be sentenced to a term of imprisonment of from two to eight years.

(2) An offender shall be sentenced to a term of imprisonment of from three to ten years if:

- a) he or she commits an act under sub-Section (1) as a member of an organised group;
- b) he or she seizes a person under the age of eighteen years as a hostage;
- c) he or she takes two or more persons as hostages; or
- d) he or she causes severe injury to health by such act.

(3) An offender shall be sentenced to a term of imprisonment of from ten to fifteen years if he or she causes death by an act under sub-Section (1).

Commentary on Sections 234a:

Sections 234a was introduced into the Criminal Code in connection with implementing the International Convention on Hostage-Taking.

Section 219: Murder

(1) Whoever intentionally kills another person shall be sentenced to a term of imprisonment of from ten to fifteen years.

(2) An offender shall be sentenced to a term of imprisonment of from twelve to fifteen years or to an exceptional punishment (an exceptional term of imprisonment) if he or she commits an act under sub-Section (1):

- a) against two or more persons;
- b) in an especially brutal or harrowing manner;
- c) repeatedly;
- d) against a pregnant woman;
- e) against a person under the age of fifteen years;
- f) against a public official performing his duties or as a result of his performance of his duties;
- g) against a person because of his race, nationality, political conviction, religion or lack of religious faith; or
- h) with intent to acquire material benefit or to facilitate some other crime, or for some other especially despicable reason.

Section 233: Abduction abroad

(1) A person who takes another abroad (abducts him) shall be sentenced to a term of imprisonment of from three to eight years.

(2) An offender shall be sentenced to a term of imprisonment of from five to twelve years if:

- a) he or she commits an act under sub-Section (1) as a member of an organized group;
- b) he or she commits such act against a person under the age of fifteen years, or a person suffering from mental disorder or a mentally retarded person; or

c) if by such act he or she causes severe injury to health, death or some other especially serious consequence.

Commentary on Section 233:

The offender's crime consists in taking someone else abroad against that person's will.

Section 171a and 171b: Illegal crossing of the state border

171a

(1) A person who organizes for another person or enables such person to make an illegal crossing of the state border of the Czech Republic shall be punished by imprisonment for a term of up to one year or by a pecuniary penalty.

(2) An offender shall be sentenced to imprisonment for a term of from six months to three years if:

- a) he or she commits an act under sub-Section (1) with intent to conceal or facilitate another crime;
- b) he or she commits such an act for remuneration; or
- c) he or she commits such an act as a member of an organized group.

171b

(1) Whoever crosses the state border (frontier) by using force (violence) or the threat of immediate force shall be punished by imprisonment for a term of from one to five years or by forfeiture of his property.

(2) An offender shall be punished by imprisonment for a term of from two to eight years or by forfeiture of his property if:

- a) he or she organises an act under sub-Section (1);
- b) he or she commits such act with a weapon or together with at least two other persons;
- c) he or she commits such act with intent to conceal or facilitate another crime;
- d) by such act he or she causes a serious injury to health or some other especially serious consequence; or
- e) he or she commits such act during a state defense emergency.

(3) An offender shall be sentenced to imprisonment for a term of from eight to fifteen years if he or she causes death by an act under sub-Section (1), or if he or she commits such act as a soldier during a state defense emergency.

Commentary on Section 171b:

Unlawful crossing of the state border without the use of force (violence) or the threat of force is regarded as a misdemeanor.

Section 171c: Breach of sections on international flights

Whoever breaches the Sections on international flights by breaking into the air space of the Czech Republic (without permission) shall be sentenced to imprisonment for a term of from six months to three years.

Sections 124a–124c: Violation of statutory sections on the disposal of goods and technologies liable to control procedures

Section 124a

(1) A person violating a prohibition or restrictions on the disposal of goods or technologies under special Sections (Note 2) shall be sentenced to a term of imprisonment of up to three years or to a pecuniary penalty.

(2) A person who, without permission (authorization, license), exports goods or technologies liable to control procedures under special statutory Sections (Note 2), or who transfers such goods or technologies to a foreign country or an organization which has its seat (registered office) abroad, or to a foreign representative (official), shall be sentenced to a term of imprisonment of from three to eight years, or to a pecuniary penalty or forfeiture of property.

Commentary on Section 124a:

The Sections of section 124a relate to the Act Regulating the Exportation and Importation of Goods and Technologies Liable to International Control Procedures (No. 21/1997 Coll.) and its Implementing Decree (No. 43/1997 Coll.). The control procedure under Act No. 21/1997 Coll. applies to:

- equipment, sets, products, their parts and components, materials, software, chemical and biological materials, viruses and precursors;
- technologies, by which is understood information and know-how recorded in documentation or on carriers (media) for data transmission, models, prototypes, technical drawings and sketches, diagrams, collotypes or manuals, or educational and technical sets which can be used in the preparation of design plans for the manufacture, use or modification of goods, including software and technical data, but not the goods themselves,
- if, taking into consideration their character, these can be used for civilian and military purposes (hereafter referred to as „controlled goods“).

Section 124b

(1) A person who breaches or does not fulfill an important duty relating to his employment, profession, position or office, so that an authorization (permission, license) is unjustifiably issued for disposal of goods and technologies which are subject to control procedures under special statutory Sections (Note 2), or so that such goods are not entered in the records kept on such goods and technologies, shall be sentenced to imprisonment for a period of up to three years, to prohibition from his professional activity or to a pecuniary penalty.

(2) An offender shall be sentenced to a term of imprisonment of from six months to five years or a pecuniary penalty, if:

- a) goods reach a foreign country as a consequence of an act under sub-Section (1);
- b) he or she commits such crime with the intention of acquiring a substantial benefit; or
- c) he or she causes substantial damage or some other substantial detriment.

(3) An offender shall be sentenced to a term of imprisonment of from three to eight years or a pecuniary penalty, if:

- a) he or she commits a crime under sub-Section (1) in association with an organised group active in other countries;
- b) he or she commits such crime with the intention of acquiring a large-scale (extensive) benefit; or
- c) by committing such a crime, he or she causes large-scale damage or large-scale detriment.

Commentary on Section 124b:

Section 124b relates in particular to the Sections of the Act Regulating the Exportation and Importation of Goods and Technologies Liable to International Control Procedures and its implementing Decree (No. 43/1997 Coll.).

Section 124c

(1) A person who, on the basis of false or incomplete information, obtains a document required by the authorities responsible for controlling goods and technologies under special statutory Sections (Note 2) shall be sentenced to a term of imprisonment of up to two years or to a pecuniary penalty.

(2) The same sentence shall apply to a person who destroys, damages, conceals or makes unusable any documents required for registration of goods and technologies subject to special statutory Sections (Note 2), or who does not keep such records, or who interferes with computer hardware or software used to record such goods or technologies.

Some relating Sections of other Acts:

- Act Regulating the Exportation and Importation of Goods and Technologies Liable to International Control Procedures;
- Decree implementing the Act Regulating the Exportation and Importation of Goods and Technologies

Liable to International Control Procedures;

- Decree introducing a general importation licence for controlled goods;

Commentary on Section 124c:

- Section 124c (together with Section 124a and 124b) was introduced into the Criminal Code by Act No. 545/1990 Coll. with effect as of 1 February 1991.

Section 124d: Violation of statutory sections on foreign trade in military materiel

(1) A person who, without permission (authorization) or a license, engages in foreign (external) trade in military materiel shall be sentenced to a term of imprisonment of from one to eight years, or to prohibition of his (business, professional) activity or to a pecuniary penalty.

(2) An offender who commits a crime under sub-Section (1) shall be sentenced to a term of imprisonment of from three to ten years, or to prohibition of his (business, professional) activity, to forfeiture of property or pecuniary penalty, if:

- a) he or she commits the crime in association with an organized group;
- b) he or she commits the crime during a state defense emergency;
- c) he or she commits such kind of crime repeatedly;
- d) he or she obtains substantial benefit by the crime; or
- e) by committing the crime he or she causes large-scale damage or some other especially serious consequence.

Commentary on Section 124d:

- The Sections of sections 124d to 124f were introduced into the Criminal Code by the Act on Foreign Trade in Military Materiel (No. 38/1994 Coll.) with effect as of 1 April 1994. Transactions with foreign contractual partners concerning the export or import (or re-export or re-import) of military materiel may be undertaken only by a legal entity, which has a registered office in the Czech Republic and obtained an authorization (subsequently, a specific license) to conclude a contract. The application for an authorization of this kind is submitted to the Licensing Administration of the Ministry of Industry and Trade. The authorization specifies the territory/territories and commodity/commodities, as well as the period of time (not exceeding five years) for which it is valid.
- Subsequently, a separate specific license had to be applied for in the case of each contract involving import or export of military materiel into/from the Czech Republic. The Licensing Administration of the Ministry of Industry and Trade decides on such applications within 60 days. An application for a license may be rejected if the circumstances warrant this. A preliminary application may be submitted in respect of an extensive deal(s), resulting, if approved, in the award of a preliminary license.
- Under Act No. 38/1994 Coll., a fine of up to CZK 5 million may be imposed on a person who concludes a contract involving military materiel without having an appropriate license. In exceptional cases, the fine may be increased to CZK 30 million.
- Section 124d of the Criminal Code stipulates further sanctions for unauthorized trade in military materiel with a partner abroad.

Section 124e

(1) A person who breaches or does not fulfill an important duty relating to his employment, profession, position or office, so that an authorization is unjustifiably issued for dealing in military materiel or for trading in military materiel with foreign countries, or who issues a false or incomplete document on the basis of which such an authorization (permission) or license for a particular deal in certain military materiel is issued unjustifiably, shall be sentenced to a term of imprisonment of from six months to three years, or prohibition of his (professional) activity or to a pecuniary penalty.

(2) An offender who commits a crime under sub-Section (1) shall be sentenced to a term of imprisonment of from two to five years or to a pecuniary penalty, if:

- a) the military materiel reaches its destination abroad;

- b) he or she commits such crime with the intention of acquiring a substantial benefit;
- c) by committing such a crime he or she causes substantial damage or some other comparable consequence;
- d) he or she commits such a crime in association with an organized group.

(3) An offender who commits a crime under sub-Section (1) shall be sentenced to a term of imprisonment of from three to ten years or a pecuniary penalty, if:

- a) he or she commits the crime in association with an organized group active in other countries;
- b) he or she commits the crime with the intention of acquiring a substantial benefit; or
- c) by committing the crime he or she causes large-scale damage or some other comparable (especially serious) consequence.

Commentary on Section 124e:

- The requisites of an application for granting an authorization for the import or export of military materiel are contained in Section 9 of the Act on Foreign Trade in Military Materiel, while Section 15 of the same Act states the requisites of an application for granting a license to conclude a specific deal in military materiel with a contractual party abroad.
- Unlawful issue of documents related to foreign trade in military materiel is subject to sanctions under Section 124e of the Criminal Code.

Section 124f

(1) A person who submits an application for an authorization or license for dealing in military materiel and encloses with such application a false or incomplete document, or who conceals facts relevant to the issue of such authorization or license, shall be sentenced to a term of imprisonment of up to three years or to a pecuniary penalty.

(2) The same sentence shall be imposed on a person who destroys, damages, conceals or makes unusable records (data) of foreign deals in military materiel, or who does not keep such records, or who interferes with computer hardware or software used for storing data (records) of foreign trade in military materiel.

Commentary on Section 124f:

Sub-Section (1) contains the sanctions to which a person who fraudulently acquires an authorization or a license for foreign trade in military materiel is liable. Sub-Section (2) deals with the special case of misrepresentation of data in economic and business records (see Section 125).