

## **Implementation of the General Assembly resolution 74/181 of 18 December 2019 by the Czech Republic**

The Czech Republic provides hereinafter updated information concerning criminal accountability of United Nations officials and experts on mission and supplements its information transmitted in previous years.

### **Ad para 10**

The Criminal Code was amended in the Section 7(1) which establishes jurisdiction over foreign nationals for having committed any of the acts mentioned in said Section by terrorism related offences (Section 312a to 312f):

#### ***Section 7***

##### ***Principle of Protection and Universality***

*(1) The Czech law shall apply when determining the liability to punishment of Torture and Other Inhuman and Cruel Treatment (Section 149), Forgery and Alteration of Money (Section 233), Uttering Counterfeited and Altered Money (Section 235), Manufacturing and Possession of Forgery Tools (Section 236), Unauthorised Production of Money (Section 237), Subversion Against the Republic (Section 310), Terrorist Attack (Section 311), Terror (Section 312), Participation in a terrorist group (Section 312a), Terrorism financing (Section 312d), Support and promotion of terrorism (Section 312e), Threat by terrorist criminal act (Section 312f), Sabotage (Section 314), Espionage (Section 316), Violence Against an Public Organ (Section 323), Violence Against a Public Officer (Section 325), Forgery and Fraudulent Alteration of an Official Document (Section 348), Genocide (Section 400), Attack on Humanity (Section 401), Apartheid and Discrimination against a Group of People (Section 402), Preparation of Aggressive War (Section 406), Using Prohibited Means of Combat and Unlawful Warfare (Section 411), War Cruelty (Section 412), Persecution of a Population (Section 413), Plundering in the War Area (Section 414), Misuse of Internationally Acknowledged Symbols and Signs and State coat of Arms (Section 415), Misuse of a Flag and Cease-Fire (Section 416), Assaulting a Parliamentary (Section 417) even if such crime has been committed abroad by a foreign national or a stateless person with no permanent residence status in the Czech Republic.*

### **Ad para 12**

The international cooperation is covered by the Act No. 104/2013 Coll., on International Judicial Cooperation in Criminal Matters, which has entered into force on 1 January 2014. The Act includes various provisions concerning international judicial cooperation including obtaining information and evidence or interviewing witnesses. The cooperation may be based on the principle of reciprocity in case of absence of a relevant international treaty.

#### ***Section 4***

##### ***Guarantee of Reciprocity***

*(1) Unless the international judicial cooperation between the Czech Republic and a foreign state is regulated by an international treaty, the competent judicial authority will grant the request of the foreign state authority for international judicial cooperation only in case the foreign state provides a guarantee of reciprocity, which the Minister of Justice will accept, or in case the foreign state has formerly accepted a guarantee of reciprocity from the part of the Czech Republic in a similar case. The Ministry will secure the request for guarantee of reciprocity from the foreign state.*

*(2) If the foreign state conditions granting the request for international judicial cooperation by a guarantee of reciprocity, the Minister of Justice will provide it, having considered all decisive matters of fact; in pre-trial proceedings he will do so upon a motion of the Supreme Public Prosecutor's Office.*

*(3) The Minister of Justice may accept or provide a guarantee of reciprocity only after a previous consultation with the Ministry of Foreign Affairs, and in case such a guarantee concerns also the kind of international judicial cooperation, for which the Supreme Public Prosecutor's Office is the central authority, then also after a previous consultation with the Supreme Public Prosecutor's Office.*

*(4) The Minister of Justice may grant a consent with service of documents to addressees in the Czech Republic by foreign authorities directly by virtue of operator of postal services only if the foreign authority guarantees reciprocity and only after a previous consultation with the Ministry of Foreign Affairs and the Supreme Public Prosecutor's Office. On the basis of such a consent the Minister of Justice will issue a declaration of reciprocity, in which he will state the extent of the consent and conditions, under which it was granted, especially that the served documents may not contain threats of enforcement.*

*(5) If a guarantee of reciprocity has been previously accepted in a similar case on the part of the foreign state and if there are no doubts about its observance, no further guarantee of reciprocity is necessary.*

*(6) Sections 1 to 5 will not apply for procedures referred to I Part five, unless this Act stipulates otherwise.*

Rights of victims are set forth in the Act No. 45/2013 Coll., on Victims of Crimes. The Act on Victims of Crimes envisages specialized assistance to victims of crimes. Section 4 of the Act reads as follows:

*Subjects registered in the register of providers for assistance to victims of crime provide specialized assistance to victims within the registered scope and under the conditions prescribed by this or other legal acts which shall mean psychological consultancy, social consultancy, legal aid, providing legal information or restorative programs before the initiation of, during or after the termination of the criminal proceedings. The specialized assistance is provided until it is required by its objective.*

Section 14 of the Act specifically regulates protection of victims from imminent danger. Its paragraph 1 reads as follows:

*A police officer in cases prescribed by other legal act when the safety of the victim is endangered will act or take other measures for ensuring the safety of the victim. This obligation also applies to customs officers, members of the Prison Services, Military Police officers and municipal police officers under conditions determined by other legislation.*

As measures for ensuring safety of the victim should particularly be understood short-term protection by the Police, removal of a person from the common dwelling, relevant interim measures within the civil proceedings or criminal proceedings, concealment of identity and appearance of the victim, special protection of witness in line with the Act No. 137/2001 Coll., on Special Protection of Witness and Other Persons in Relation to Criminal Proceedings and European protection order.

The Act on Victims of Crimes defines so called particularly vulnerable victims, who enjoy particular enhanced rights. For example if they request assistance, it must be provided free of charge, regardless of whether such assistance consists in psychological assistance, social assistance, legal information, restorative programs or legal aid. Such assistance is provided before commencement of the criminal proceedings, during its course and after its conclusion. Any victim may also request certain measures protecting them from secondary victimization, such as prevention of contact with person indicated as the offender. Particularly vulnerable victims include:

- a) a child,
- b) a person who is elderly or with physical, mental or psychical disability or sensory impairment, if these facts may, with regard to the circumstances of the case and to the situation of the person, hinder full and effective functioning of this person in the society, compared with its other members,
- c) a victim of the crime of human trafficking or the crime of terrorist attack,
- d) a victim of a crime against human dignity in sexual area, of a crime that included coercion, violence or threat of violence, of a crime committed due to belonging to a certain nation, race, ethnicity, religion, class or other group of people, or a victim of a crime committed in favour of an organized criminal group, if in a specific case there is an increased danger of causing secondary injury mainly with regard to the victim's age, gender, race, nationality, sexual orientation, religious belief, health condition, intellectual maturity, capacity for self-expression, life situation, or with regard to his relationship to the person suspected of committing a crime or dependence on such person.