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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Comments by the Government of CZECH REPUBLIC[*] [**] to the conclusions and recommendations of the Committee against Torture

[25 April 2005]

[*] In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services

[**] For reference see document CAT/C/CR/32/2

1. On 4 and 5 May 2004 the Committee against Torture considered the Czech Republic´s third periodic report on steps taken to comply with the commitments arising from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The results of the consideration are stated in the Committee´s "Conclusions and recommendations" of 3 June 2004 (CAT/C/CR/32/2). In this document the Committee requires the Czech Republic to provide, within one year, information on its responses to the Committee´s recommendations contained in paragraphs 6 (a), (b), (i), (k) and (m) of the document. The following are the Czech Republic´s responses to these recommendations (full texts of the recommendations are cited below).

The Committee recommends the Czech Republic to "exert additional efforts to combat racial intolerance and ensure that the comprehensive anti-discrimination legislation being discussed include all relevant grounds covered by the Convention" (item 6 a).

2. Efforts to combat racial intolerance and xenophobia fall primarily within the competence of the Interior Ministry as a central agency of state administration for public order and other aspects of internal security and safety and the Justice Ministry which is a central agency of state administration for courts and prosecution.

Activities of the Interior Ministry

3. In 1998 – 2004 the Interior Ministry, in consultation with the Justice Ministry, presented annual "Reports on Extremism in the Czech Republic". Since 2004, information on extremism in the Czech Republic is attached in a separate annex to annual "Reports on Public Order and Internal Security".[1]

4. The Czech Republic Police has in place mechanisms designed to counter racial intolerance and xenophobia, at the central as well as regional and district levels. The methodology of fight against extremist crime is defined in a Police President´s instruction[2]. The instruction regulates the powers, tasks and coordination of competent police departments[3], and lays down the rules for cooperation between the law enforcement authorities and intelligence services in this area.

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[1] Czech and English texts of the Reports on Extremism in the Czech Republic are available on http://www.mvcr.cz/odbor/bez_pol/dokument/index.htm/#extrem.

[2] Police President´s Binding Instruction No. 100/2002 concerning the work of the Czech Republic Police personnel in the field of fight against extremist crime.

[3] The Extremism Unit (part of the Terrorism and Extremist Crime Department, Organized Crime Section) deals with organized extremist crime and with extremist crime using modern technologies. The Extremist Crime Detection Group (part of the General Crime Department, Criminal Police and Investigating Service, Czech Republic Police Headquarters) and police specialists at the regional and district levels deal with extremist crime and identify perpetrators of crimes committed in the context of extremism, racial intolerance and xenophobia.

5. The Czech Republic Police has improved its performance in identifying and classifying extremist crime, in raiding the concerts of right-wing extremist music groups, in detecting and prosecuting crimes involving publications, symbols and emblems and in enforcing government powers in respect of the right of association (i.e. registration of civic associations, political parties and movements and Interior Ministry intervention in their activities).[4]

6. The Czech Republic Police has set up a Computer Crime Unit (part of the Crime Analysis and IT Department, Criminal Police and Investigating Service, Czech Republic Police Headquarters), comprising experts on racist, antisemitic and other hate propaganda on the Internet. The practices and experience of other countries in this field were discussed at an international workshop on the fight against extremist propaganda on the Internet (16-17 December 2004). The Czech Republic is preparing to assume the international commitments arising from the Council of Europe Convention on Cybercrime.[5]

7. The Interior Ministry has set up a Commission on the fight against extremism, racism and xenophobia ("Commission") to advise the Interior Minister. The Commission monitors the trends in this field, and develops measures and policies responding to new factors that contribute to extremism and related criminal activities. The priority areas identified by the Commission for the year 2004 were Islamic terrorism, antisemitism, misuse of the Internet by extremists and consistent monitoring of extremism.

The Czech Republic Police and national/ethnic minorities

8. The Government´s key policy document in this area is the National Strategy for the work of the Czech Republic Police in respect of national and ethnic minorities ("Strategy").[6] It defines medium- and long-term goals of police work in several basic areas, which are subject to annual review. The tasks set in the Strategy fall into several groups:

a) police officers training and career building,

b) psychological tests for applicants for police jobs, monitoring of xenophobic attitudes of recruits during basic training,

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[4] Of the total number of crimes known to the Police, extremist crime accounted for 0.03 % (1996), 0.04 % (1997), 0.03 % (1998), 0.07 % (1999), 0.09 % (2000), 0.1% (2001), 0.1% (2002), 0.09% (2003) a 0.1% (2004). The number of extremist crimes was 452 in 2001, 473 in 2002, 335 in 2003 and 366 in 2004. In 2002-2004 the composition of this crime category did not change substantially. The largest group are crimes under Sections 260, 261 and 261a of the Criminal Code (support and promotion of movements seeking to suppress human rights and freedoms) and crimes under Section 198 (defaming a nation, ethnic group, race or opinion). There was no racially motivated case of murder or bodily harm causing death. No terrorist act was associated with extremism.

[5] The proposal to sign the Convention on Cybercrime was approved by the Czech Government on 6 October 2004 (Government Resolution No. 968).

[6] Government Resolution No. 85 of 22 January 2003 concerning the National Strategy for the work of the Czech Republic Police in respect of national and ethnic minorities.

c) Code of Conduct for the Czech Republic Police,

d) implementation of pilot projects.

Police officers training and career building

9. A major step forward in this area was the launching of a pilot course on Multicultural Education – Extremism – Racism. Police instructors who teach the course underwent a four-day training programme in May 2004.

Psychological tests for applicants for police jobs, monitoring of xenophobic attitudes of recruits during basic training

10. The Strategy suggests ways how to effectively prevent the occurrence of xenophobic attitudes in the police force. Starting from the first half of 2005, teachers at Interior Ministry secondary police schools and instructors at police training centres are required to assist in the monitoring of recruits.

Code of Conduct for the Czech Republic Police

11. The Code of Conduct drafted at the Czech Republic Police Headquarters was published as an internal regulation in January 2005. It includes among others the requirement of equal treatment for all people without any distinction.

Implementation of pilot projects

12. In 2003-2004 the Interior Ministry implemented two pilot projects - *„Plan of Action of the Czech Republic Police in respect of national minorities*“ and *„Minorities Liaison Officer“*. The purpose of the first project was to create an overall strategy that would guide the police in defining its specific goals in the field, in choosing the right tools and approaches and in monitoring their efficiency. The second project sought to enhance the role of preventive work with minority communities and persons belonging to minorities, in order to strike a better balance between preventive and repressive action against extremist crime. Liaison officers should be experts on minority policing, preferably with previous service in units involved in the fight against extremist crime. The Czech Republic Police is now introducing standard mechanisms on the basis of the lessons learned from the two projects.

Supervisory activities of the Czech Trade Inspection

13. The Czech Trade Inspection supervises compliance with the laws and regulations concerning the sale of goods and services, including compliance with the principle of non-discrimination. The Czech Trade Inspection considers complaints from individuals who claim to be victims of racial discrimination, and may conduct inquiries focused on racial discrimination, either on its own initiative or at the suggestion of its cooperating organizations.

Anti-discrimination law

14. The draft Anti-discrimination Act[7] establishes a domestic mechanism for protection against discrimination, corresponding to the mechanisms created by international human rights treaties. The introduction of such mechanism is also required by EU law.[8]

15. This legislation guarantees the right to equal treatment and protection against discrimination on the grounds of race or ethnic origin, sex, sexual orientation, age, disability, religion or faith or absence of religious denomination, language, political or other opinion, nationality, membership of or activity in political parties or political movements, trade unions and other associations, social origin, property, birth, marital and family status, family obligations or other status.

16. Equal treatment and protection against discrimination are guaranteed in respect of the right to employment and access to employment, access to a profession, business enterprise and other independent gainful activity, as well as in the employee-employer relationship, including remuneration, membership of and activity in trade unions, employee councils or employers´ organizations, membership of and activity in professional chambers and the facilities provided by such chambers to their members, social security and social benefits and facilities, health care, education and access to goods and services intended for the general public, including housing.

17. The legislation defines situations where differences in treatment do not constitute discrimination. It provides the rules for affirmative action and for claims lodged by victims of discrimination. The Government decided that promotion of non-discrimination and equal treatment would be the responsibility of the Public Defender of Rights. The Public Defender would provide guidance and public information services in this area, in keeping with the relevant EU directives that require that a body charged with these tasks should provide independent assistance to victims of discrimination, conduct independent surveys concerning discrimination, publish independent reports and make recommendations on any issue relating to such discrimination.

18. The Public Defender´s functions in this field comply also with General Policy Recommendation No. 2 of the European Commission against Racism and Intolerance (ECRI), which says that the specialized body should i.a. provide aid and assistance to victims, including legal aid, hear and consider complaints and petitions concerning specific cases and seek settlement either through amicable conciliation or through binding and enforceable decisions,

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[7] Government Resolution No. 1193 of 1 December 2004 concerning draft act to regulate legal remedies available for protection against discrimination and to regulate equal treatment (Anti-Discrimination Act) and concerning a draft act amending certain acts in connection with the adoption of the act to regulate legal remedies available for protection against discrimination and to regulate equal treatment (Anti-Discrimination Act).

[8] The draft act implements i.a. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

promote the awareness of the general public to issues of discrimination and produce and publish pertinent information and documents.

The Committee recommends "to take measures to establish an effective, reliable and independent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by the police or other public officials, including allegations of racially motivated violence by non-State actors, in particular any that have resulted in deaths, and to punish the offenders" (item 6 b)

Investigation of crimes committed by policemen

19. A multilevel mechanism has been built to supervise compliance with the applicable laws and internal regulations in the police force. The mechanism comprises the Interior Ministry control structures (senior police officers, Control and Complaints Departments at each level of the police force, the Interior Minister´s Inspection and the Individual Complaints Department at the Interior Ministry), as well as criminal justice structures. The Interior Ministry´s control system has been reinforced in the recent years for example by introducing of new internal regulations on supervision and control. There are efforts to further improve its performance by increasing personal responsibility of senior officers, setting stricter requirements concerning the professional qualifications of inspectors and other staff involved in the control system.

20. Starting from 1 January 2002 (effective date of the relevant amendment to the Code of Criminal Procedure[9]), investigation of policemen´s crimes has been in the hands of prosecuting attorneys. Prosecuting attorneys are part of the Justice Ministry (not Interior Ministry) structure.

21. The Interior Minister's Inspection is a police authority competent to handle all crimes committed by policemen, irrespective of the applicable penalty. If the Inspection decides to initiate criminal proceedings, it must make a record of the facts indicating that a policeman has committed a crime, and of the way in which these facts became known to the Inspection. Within 48 hours from the start of the proceedings, a copy of the record must be sent to the prosecuting attorney who will take over the case. A prosecuting attorney investigating a policeman´s crime must follow the rules applicable to investigations conducted by the police.

22. A prosecuting attorney investigating a policeman´s crime may ask the Inspection to obtain individual items of evidence or to perform individual investigative acts, to co-operate on obtaining individual items of evidence or performing individual investigative acts, to secure the presence of a suspect or to deliver a document. The Inspection must promptly execute his requests.

23. The prosecuting attorney´s decision can be challenged by complaints filed by the body that initiated the proceedings or by any other person directly affected by the decision. These complaints must be filed with the prosecuting attorney against whom they are directed, within three days from the date on which his decision was notified to the parties. They are considered by a superior prosecuting attorney who either dismisses them as unjustified and upholds the

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[9] Act No. 265/2001 to amend Act No. 141/1961, the Code of Criminal Procedure, as amended, Act No. 140/1961, the Criminal Code, as amended, and some other acts.

decision, or finds the complaints justified and orders the prosecuting attorney against whom they are directed to review the case.

24. The prosecuting attorney investigates also the co-offenders who are not policemen, if all offenders whose crimes are interconnected, or all counts of a continuing or multiple crime, or all parts of a continuing crime are tried in a joint trial, unless there are overriding grounds against such investigation.

25. To prevent disputes concerning jurisdiction, powers and mutual assistance in cases where the prosecuting attorney conducts criminal proceedings against policemen, an agreement has been concluded between the Attorney General´s Office, the Czech Republic Police Headquarters and the Inspection. The agreement defines their respective responsibilities in criminal proceedings, as well as the procedures concerning requests for assistance.

26. At first, the functioning of this mechanism was hindered by lack of experienced prosecuting attorneys. In some cases, the prosecuting attorney relied entirely on the Inspection´s assistance and caused major delays in the investigation. At present, according to the Attorney General's Office the mechanism established by the aforementioned cooperation agreement is working well, and there are no major doubts about the competence and impartiality of prosecuting attorneys dealing with policemen´s crimes, and their ability to cooperate with the Inspection.

27. Policemen´s offences of non-criminal nature fall within the competence of the Czech Republic Police Headquarters (Control and Complaints Department).

28. Complaints against Czech Republic Police officers may also be lodged with the Public Defender of Rights as an independent control authority. The only exception are cases arising in the context of criminal proceedings, which are to be reviewed by the competent prosecuting attorney, and not by the Public Defender[10]. Any other activities of the Czech Republic Police fall squarely within the competence of the Public Defender, who has registered a wide variety of complaints against the police.[11]

29. Beside the Czech Republic Police, there are municipal police forces established by local governments. Municipal police is a local government authority headed by the mayor or by another member of the municipal council. In this case, the complaint procedure is in the hands of the local government. The local government is also liable for damages caused by municipal police officers in the performance of their official duties.

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[10] Act No. 349/1999 on the Public Defender of Rights, as amended.

[11] The Public Defender of Rights has handled complaints concerning e.g. actions of the police during investigation of non-criminal offences, actions of the Aliens and Border Police, including cases of inaction or refusal to perform an act falling within its competence.

Investigation of crimes committed by Prison Service officers

30. All Prison Service officers serving at the Prevention and Complaints Departments of prisons and remand prisons (hereinafter only "prisons") and at the Prevention Unit of the Prison Service (part of the Control Department, Prison Service Headquarters), including heads of departments and units, are competent to perform the functions of the police in the course of investigations and criminal proceedings, in accordance with the Code of Criminal Procedure.

31. These Prison Service bodies, acting in the capacity of the police, examine facts indicating that a crime has been committed by a Prison Service officer. It is important that Prevention and Control Departments at prisons may not conduct inquiries concerning heads of prisons, their deputies and heads of the Prevention and Complaints Departments, whose actions fall within the purview of the Prevention Unit at the Prison Service Headquarters. Crimes committed by court guards or prisoners escort officers fall within the competence of the Prevention and Complaints Department of the respective prison.

32. If the competent body decides to initiate criminal proceedings, it must make a record of the facts indicating that an officer has committed a crime, and of the way in which these facts became known to the body concerned. Within 48 hours from the start of the proceedings, a copy of the record must be sent to the prosecuting attorney, and the Control Department at Prison Service Headquarters must be notified.

33. The competent Prison Service body investigating an alleged crime may:

a) Close the case, if no crime has been committed and the matter cannot be resolved otherwise;

b) Classify the case as a non-criminal offence and refer it to the head of prison for disciplinary proceedings;

c) Suspend the case (under Section 159b of the Code of Criminal Procedure);

d) Refer the case to the Czech Republic Police and request it to initiate criminal prosecution (under Section 160, paragraph 1 of the Code of Criminal Procedure);

e) In some cases, initiate criminal prosecution (Section 160 of the Code of Criminal Procedure) and only then refer the case to the Czech Republic Police (Section 162 of the Code of Criminal Procedure);

f) In cooperation with the competent prosecuting attorney, brings the case to court (summary pre-trial procedure).

The Committee recommends to "reconsider the arrangements whereby prisoners are required to cover a portion of their expenses, with a view to abolishing this requirement completely" (item 6 i)

34. This recommendation is being considered by the Justice Ministry and the Prison Service Headquarters. A step forward in this respect is the amendment to the Confinement Act,[12] which

[12] Section 35, paragraph 5 of Act No. 169/1999 on confinement, as amended by Act No. 52/2004 and Act No. 539/2004.

provides that from 1 July 2004, prisoners are no longer required to pay interest on late payment of the fees and charges assessed to them[13].

The Committee recommends to "review the independence and effectiveness of the investigations into complaints of excessive use of force in connection with the International Monetary Fund/World Bank Meeting demonstrations of September 2000, with a view to bringing those responsible to justice and providing compensation to the victims" (item 6 k)

35. In connection with the IMF/WB Meeting in Prague, the Interior Minister's Inspection examined six complaints against unlawful conduct of Czech Republic Police officers. In four of these cases it found that no crime was committed. One of the four cases was referred to the competent body for disciplinary proceedings. In the remaining two cases, the offender was not identified.

36. The Interior Minister's Inspection analysed the records of the Control and Complaints Department of the Czech Republic Police Headquarters and of the Control and Complaints Department of the Czech Republic Police Administration in Prague, with the following results:

37. The Control and Complaints Department at the Czech Republic Police Headquarters received 591 complaints[14] concerning unlawful conduct of policemen during IMF/WB Meeting in Prague. The Control and Complaints Department at the Czech Republic Police Administration in Prague received 444 complaints[15] in this context. The Czech Republic Police district departments in Prague received 10 such complaints[16].

38. Three of these complaints were found justified (unlawful taking of fingerprints of a person brought to a police department; failure to act on the part of a head of a police department; and a case of policemen who brought a person to a police department and omitted to fill in the appropriate forms).

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[13] In its answers to Committee´s preliminary questions presented before the consideration of the third periodical report, the Czech Republic informed the Committee about the adoption of an amendment to the Execution of Prison Sentences Act, enlarging the group of prisoners who are not required to pay the fees and charges connected with their stay in prison. These include e.g. prisoners who do not work, through no fault of their own, and have no other income or financial resources, prisoners under 18 years of age or prisoners included in retraining or therapeutic programmes that take at least 21 hours a week. However, experience has shown that this policy may demotivate working prisoners who still have to pay their fees and charges. There are prisoners who count on the lack of suitable jobs and only pretend that they would like to work, hoping that no job would be ever found for them. In such case, they are exempt from the payment of prison fees and charges. The head of prison may also grant an exemption in hardship cases.

[14] These complaints were registered as 71 reference numbers, i.e. 71 cases.

[15] These complaints were registered as 46 reference numbers, i.e. 46 cases.

[16] These complaints were registered as 5 reference numbers, i.e. 5 cases.

39. If the investigation finds that a person has suffered damage as a result of exercise of public authority or as a result of maladministration, the injured party is entitled to claim compensation from the Justice Ministry.[17] The compensation may also be claimed in court. Unfortunately, the Justice Ministry statistics on these claims do not enable identification of the cases mentioned in this recommendation and the amount of compensations paid. Compensations for damage caused by Czech Republic Police officers in the exercise of official duties are also paid by the Interior Ministry in accordance with the Czech Republic Police Act[18].

The Committee recommends to "review the strict regime of detention for illegal immigrants with a view to its repeal and to ensure that all children held in these detention centres are removed with their parents to family reception centres" (item 6 m)

40. The provisions of the Aliens Act[19] enabling the placement of undocumented aliens in detention facilities with a strict regime were repealed with effect from 1 January 2004[20].

41. Another amendment to the Aliens Act, currently being discussed in the Czech Parliament, seeks to increase legal certainty for unaccompanied minor aliens between 15 and 18 years of age. The amendment will not permit the detention of aliens under 15 years of age. The Czech Republic Police will be required to appoint a guardian for each unaccompanied alien under 18 years of age, and to explain to such alien the guardian´s role and powers. The amendment permits the guardian to request the court, on behalf of the detained minor alien, to review the legitimacy of the detention. In keeping with the Convention on the Rights of the Child ("detention … of a child … shall be used only as a measure of last resort and for the shortest appropriate period of time"), the amendment limits the length of detention for aliens between 15 and 18 years of age to ninety days. During this period the Czech Republic Police must regularly review the grounds for detention. If the alien´s relatives in the Czech Republic cannot be contacted, the police must notify the detention to the appropriate authority responsible for social and legal protection of children.

42. The purpose of this amendment is to bring the detention regime closer to the standards applicable to ordinary asylum facilities. It is supposed that the power to establish and run the facilities will be transferred from the Czech Republic Police to the Interior Ministry to the Refugee Facilities Administration (an authority established by the Interior Ministry). The police presence will be minimized; the facilities will be staffed entirely by civilians. The role of the Czech Republic Police will be limited to organization of administrative expulsions and guarding of high-security areas in the facilities.

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[17] Act No. 82/1998 concerning liability for damage caused as a result of exercise of public authority or maladministration, as amended.

[18] Act No. 283/1991 concerning the Czech Republic Police, as amended.

[19] Section 132 of Act No. 326/1999 concerning the residence of aliens in the Czech Republic, as amended.

[20] Act No. 222/2003 to amend Act No. 326/1999 concerning the residence of aliens in the Czech Republic, as amended.

43. According to the amendment, the detention facility will remain divided into low-security and high-security areas. Normally, the alien will be placed in the low-security area; he can be held in the high-security area only if

a) he is aggressive or must be strictly supervised for other reasons (e.g. risk of self-mutilation),

b) he has repeatedly and seriously violated the internal rules of the facility,

c) he has repeatedly and seriously violated his duties or prohibitions imposed by law.

44. The length of detention in the high-security area will be limited to thirty days. However, if the grounds for such detention persist or some other grounds arise, the detention can be extended by thirty additional days. During the alien´s detention in the high-security area, the police must regularly review the grounds for detention. The alien must be moved to the low-security area as soon as the grounds for detention in the high-security area cease to exist.

45. The amendment does not restrict the movement of aliens within the facility. The only exception are areas closed to aliens according to the facility´s internal rules, and high-security areas. An alien held in a high-security area will be deprived of the freedom of movement; he will only be entitled to one hour of outdoor exercise within a specified area. The authority responsible for facilities in which unaccompanied children or children with parents are detained will be required to organize cultural, sports and other activities for different age groups.

46. The amendment explicitly states that unaccompanied minor aliens must be held separately from adults. Children under 15 years of age may not be detained. Their presence in detention facilities will be permitted only if they accompany detained parents, in order to avoid the child´s separation from family. If the detained parents can entrust the child to a friend or relative in the Czech Republic, or if they prefer to send the child to a children's home, the child is free to leave the detention facility. Children staying in the facility may attend school and participate in other activities contributing to their personal development. If the nearest school is in another town or village, the authority responsible for the facility may provide a means of transport for the children.

47. For some years now, placement of families with children in family reception centres has been a matter of course. In addition, the amendment to the Aliens Act will enable families with children to stay in other facilities, as long as the facility´s internal rules permit adequate care for children, e.g. school attendance and free-time activities.

48. As regards food, the alien´s age and religion will continue to be taken into account. Children under 18 years of age will get five meals a day. The amendment will permit aliens to receive visits more frequently, as a rule once in a week and even more in justified cases. The frequency of visits by persons providing legal aid and assistance will not be limited.

49. According to the amendment, the Interior Ministry will supervise compliance with this part of the Aliens Act. It will also be competent to handle complaints from aliens concerning matters covered by this part of the Act. The Ministry will be required to resolve the complaint within 30 days from delivery and to inform the complainant about the outcome. The complainant will then be entitled to ask the Interior Minister for a review of the decision.

ANNEX 1 (Item 2.1.)

Information about crimes committed by Czech Republic Police officers in 2003 - 2004

Table 1: Crimes committed by Czech Republic Police officers in 1996 - 2004

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004
Cases cleared	374	287	373	438	603	665	453	599	325
Year-on-year change (%)	16.5	-23.3	30.0	17.4	37.7	10.3	-31.9	32.2	-45.7
Offending policemen (in cleared cases)	305	245	306	345	389	468	444	427	327
Year-on-year change (%)	13.0	-19.7	24.9	12.7	12.8	20.3	-5.1	-3.8	-23.4

Table 2: Policemen´s crimes, by crime category and section of the Criminal Code

Crime	1996	1997	1998	1999	2000	2001	2002	2003	2004
Crimes against the Czech Republic – Sections 91-115	1	0	4	0	0	0	2	1	0
Unauthorized business activity – Section 118	0	0	0	2	0	1	1	0	2
Breaches of foreign trade rules and regulations – Section 124	2	0	1	1	0	0	0	0	0
Breaches of business rules and regulations – Section 127	0	0	0	0	1	0	0	0	0
Crimes against the currency – Sections 140-144	0	1	1	2	1	0	0	1	0
Endangering the management of foreign exchange markets and holdings – Section 146	0	0	0	0	0	0	0	0	0
Evading taxes, charges and similar levies - Section 148	6	0	2	1	1	3	1	0	0
Breaches of rules and regulations concerning excise stickers – Section 148a	1	0	0	0	0	0	0	0	0
Copyright infringements – Section 152	0	0	1	1	0	0	0	0	3
Violence against a public official – against a policeman – Sections 153, 154/1, 155, 156/1,2	0	0	2	0	0	3	1	1	1
Assault on a public official – Sections 155, 156	3	3	0	0	0	0	0	0	0

Abuse of authority – Section 158	140	86	104	166	237	244	176	202	95
Negligent acts of maladministration – Section 159	0	0	0	5	7	11	12	19	6
Bribery – Sections 160 – 162	10	11	10	10	14	14	4	15	11
Participating in criminal conspiracy – Sections 163a/1, 163b,163c	0	0	0	4	0	0	0	1	1
Assisting an offender (in order to hinder his apprehension, trial or punishment) – Section 166	2	0	1	0	0	3	0	1	0
Obstructing the enforcement of an official decision – Section 171	1	2	1	0	3	5	3	4	0
Unauthorized crossing of the state border – Section 171a	1	0	1	3	0	0	0	3	0
Compromising official secret – Section 173	0	0	0	0	0	0	0	0	0
Perjury (false accusation) – Section 174	0	0	0	0	0	1	0	0	0
Perjury (false testimony and false expert opinion) – Section 175	0	0	0	0	0	2	0	0	0
Forgery and fraudulent alteration of an official document – Section 176	1	4	1	1	3	1	6	3	4
Unauthorized handling of personal data – Section 178	1	0	1	2	0	7	4	17	6
Explosions – Sections 179, 180, 257	0	0	0	1	0	0	0	0	0
Unauthorized possession of arms – Section 185	1	3	1	3	7	4	3	5	2
Unauthorized production and possession of narcotic and psychotropic substances and poisons – Section 187	0	0	11	1	26	10	3	7	4
Unauthorized production and possession of narcotic and psychotropic substances and poisons – Section 187a	0	0	0	0	1	0	0	2	0
Promoting drug abuse – Section 188a	0	0	0	0	1	0	1	1	1
Violence against a group of population and against an individual – Section 196	1	0	2	0	0	1	0	0	0
Threatening another person with death or serious harm – Section 197a	5	6	4	5	3	5	5	3	5
Defaming a nation, race and opinion – Section 198	0	0	0	1	0	1	2	0	1
Inciting national and racial hatred – Section 198a	0	0	0	1	0	0	0	0	0
Endangering public safety due to	0	0	1	0	3	0	0	3	1

intoxication – Sections 201, 201a									
Disorderly conduct – Section 202	9	5	8	14	13	17	10	14	9
Procuring and soliciting prostitution – Section 204	0	0	1	0	0	0	0	0	0
Failing to provide assistance – Section 208	0	0	0	0	0	1	0	1	0
Breaches of maintenance obligations – Section 213	1	1	1	1	2	4	2	0	1
Corrupting the morals of children and young people – Section 217	0	0	0	0	0	0	0	2	0
Murder – Section 219	1	1	0	0	0	2	1	4	1
Bodily harm (with intent) – Sections 221, 222	25	16	32	17	39	33	16	26	13
Bodily harm (negligent) – Sections 223, 224, 201, 201a	3	3	6	3	1	6	3	2	5
Brawling – Section 225	0	0	2	0	0	0	0	0	0
Restriction/deprivation of personal liberty – Sections 231, 232	2	1	3	1	2	1	1	2	3
Robbery – Section 234	0	1	0	1	4	4	0	3	12
Extortion – Section 235	1	7	11	7	9	4	13	10	7
Violating the privacy of home – Sections 238, 249a	3	3	6	6	3	4	7	17	1
Other violent crimes – Sections 215, 230, 233, 236, 237, 238a, 202	0	1	0	0	0	1	2	2	0
Rape – Section 241	2	0	1	2	0	3	2	1	3
Sexual abuse – Section 242	3	0	1	0	1	1	1	0	0
Theft – Sections 247, 238	22	16	31	20	22	21	16	9	9
Embezzlement – Section 248	10	7	14	10	15	13	9	6	7
Unauthorized use of another person´s property – Section 249	0	0	1	0	0	2	1	0	0
Unauthorized interference with title to a house, flat or non-residential premises – Section 249a	0	0	0	0	3	2	0	0	2
Unauthorized possession of a cash card – Section 249b	1	0	0	2	1	0	0	2	0
Fraud – Section 250	25	36	26	44	50	35	19	45	19
Insurance fraud – Section 250a	0	0	0	12	49	98	47	51	22

Credit fraud – Section 250b	0	0	0	0	0	2	3	7	2
Complicity – Sections 251, 251a, 252	5	5	2	14	4	6	5	9	4
Concealing a thing - Section 254	0	0	0	0	2	1	0	2	0
Breach of trust – Section 255	0	0	0	0	1	0	0	1	0
Other property related crimes – Sections 249, 254, 257, 257a	5	2	3	2	1	3	2	2	1
Traffic crimes – Sections 179, 180, 184, 201, 223, 224, 257	58	46	53	54	41	52	42	58	49
Support and promotion of movements seeking to suppress the rights and freedoms of citizens – Sections 260, 261	0	0	0	0	0	1	0	0	0
Military crimes – Sections 273 – 295	12	9	12	12	18	18	16	27	8
Other crimes	10	11	10	6	14	14	11	7	4
TOTAL	**374**	**287**	**373**	**438**	**603**	**665**	**453**	**599**	**325**

ANNEX 2 (Item 2.1.)

Information about complaints against Czech Republic Police officers (non-criminal cases) in 2001-2003

Table 3: Evaluation of complaints settled by control officers of the Czech Republic Police

	2001	**2002**	**2003**
Total complaints and other communications settled	5,205	5,247	5,725
incl.: justified	728 (14 %)	654 (12.5 %)	698 (12.2%)
unjustified	3,896	3,870	3,678
Settled by other means	581	723	1 349
Settled complaints (on an ongoing basis – not included in the figures cited)	1,849	1,861	1,521

ANNEX 3 (Item 2.1.)

Information about complaints against Czech Republic Police officers (non-criminal cases) in 2004

Table 4: Evaluation of complaints handled, based on justification, method of settlement, and order

Evaluation and method of handling	Number	Percent	Including					
			First complaint		Repeated complaint		Other	
			Number	%	Number	%	Number	%
Justified	**718**	**13.31%**	**641**	**89.28%**	**75**	**10.45%**	**2**	**0.28%**
Unjustified	**3875**	**71.83%**	**3311**	**85.45%**	**512**	**13.21%**	**52**	**1.34%**
Referred to authorities outside Interior Ministry system	**64**	**1.19%**	**64**	**100.00 %**	**0**	**0.00%**	**0**	**0.00%**
Filed without investigation	**114**	**2.11%**	**114**	**100.00 %**	**0**	**0.00%**	**0**	**0.00%**
Other	**624**	**11.57%**	**198**	**31.73%**	**196**	**31.41%**	**230**	**36.86%**
Total complaints handled: 5,395			**4328**	80.22%	**783**	14.51%	**284**	5.26%

ANNEX 4 (Item 2.2.)

Table 5: Complaints against Prison Service officers
1 January 2004 – 31 December 2004

Prison Service facility	*Complaints*							
	Justified		**Justified, objective causes**		**UNJUSTIFIED**		**Total**	
	Number	%	Number	%	Number	%	Number	%
No.1 Praha	9	26.47	3	8.82	22	64.71	**34**	100.00
No. 2 Praha	19	16.81	7	6.19	87	76.99	**113**	100.00
Příbram	4	11.11	0	0.00	32	88.89	**36**	100.00
Vinařice	2	5.13	0	0.00	37	94.87	**39**	100.00
Ostrov	2	2.08	1	1.04	93	96.88	**96**	100.00
Horní Slavkov	1	3.13	0	0.00	31	96.88	**32**	100.00
Liberec	3	18.75	0	0.00	13	81.25	**16**	100.00
České Budějovice	7	15.91	1	2.27	36	81.82	**44**	100.00
Plzeň	5	5.38	1	1.08	87	93.55	**93**	100.00
Rýnovice	3	20.00	0	0.00	12	80.00	**15**	100.00
Stráž pod Ralskem	5	6.76	2	2.70	67	90.54	**74**	100.00
Litoměřice	3	10.34	0	0.00	26	89.66	**29**	100.00
Teplice	4	19.05	1	4.76	16	76.19	**21**	100.00
Drahonice	2	40.00	0	0.00	3	60.00	**5**	100.00
Všehrdy	0	0.00	0	0.00	8	100.00	**8**	100.00
Bělušice	4	14.81	2	7.41	21	77.78	**27**	100.00
Nové Sedlo	1	2.86	0	0.00	34	97.14	**35**	100.00
Hradec Králové	4	8.16	1	2.04	44	89.80	**49**	100.00
Pardubice	3	5.45	0	0.00	52	94.55	**55**	100.00
Valdice	2	1.83	7	6.42	100	91.74	**109**	100.00
Světlá nad Sázavou	1	11.11	0	0.00	8	88.89	**9**	100.00

Jiřice	3	5.77	7	13.46	42	80.77	**52**	100.00
Odolov	0	0.00	0	0.00	2	100.00	**2**	100.00
Oráčov	1	2.94	1	2.94	32	94.12	**34**	100.00
Kynšperk	0	0.00	0	0.00	14	100.00	**14**	100.00
Karviná	1	4.17	1	4.17	22	91.67	**24**	100.00
Brno	2	4.76	0	0.00	40	95.24	**42**	100.00
Ostrava	1	4.17	0	0.00	23	95.83	**24**	100.00
Opava	1	3.70	0	0.00	26	96.30	**27**	100.00
Kuřim	2	2.99	4	5.97	61	91.04	**67**	100.00
Training Institute	0	0.00	0	0.00	0	0.00	**0**	0.00
Heřmanice	2	14.29	0	0.00	12	85.71	**14**	100.00
Mírov	2	7.14	0	0.00	26	92.86	**28**	100.00
Olomouc	0	0.00	0	0.00	21	100.00	**21**	100.00
Břeclav	0	0.00	0	0.00	12	100.00	**12**	100.00
Znojmo	0	0.00	0	0.00	10	100.00	**10**	100.00
Prison Service Headquarters	0	0.00	0	0.00	4	100.00	**4**	100.00
Praha – Květnice recreation centre	0	0.00	0	0.00	0	0.00	**0**	0.00
Pracov recreation centre	0	0.00	0	0.00	0	0.00	**0**	0.00
Šlovice recreation centre	0	0.00	0	0.00	0	0.00	**0**	0.00
Přední Labská recreation centre	0	0.00	0	0.00	0	0.00	**0**	0.00
Prisons closed down	0	0.00	0	0.00	0	0.00	**0**	0.00
TOTAL	**99**	7.53	**39**	2.97	**1 176**	89.50	**1 314**	100.00