

Czech

Several bodies have been set up in the Czech Republic to deal specifically with corruption or to co-ordinate anti-corruption efforts conducted by different institutions.

Czech Police Authorities

1. History

In 1991 a special Czech Police force was set up. It was called the “Service for the Protection of Economic Interests”, subsequently re-organised, as from 1994, to the “Czech Police Service for Detection of Corruption and Serious Economic Crime”, operational throughout the Czech Republic. Since 1 January 2002, this institution was called the “Unit for Combating Corruption and Serious Economic Crime of the Criminal Police and Investigation Service”.

2. Function

This force is responsible for detecting the most serious cases of corruption. Owing to the possible connection between corruption and organised crime, such cases may also be investigated by another department with nationwide competence, called the “Criminal Police Service and Investigation Unit of the Czech Police for Revealing Organised Crime”. The “The Bureau for Financial Criminality and Protection of the State of the Criminal Police and Investigation Service” has also been designated for investigating cases relating to corruption.

(1) Inspection Department of the Ministry of the Interior (IDMI)

IDMI is a police unit (as defined in § 12 para. 2 of the Criminal Code) which deals with proceedings concerning offences committed by police officers (where investigation and summary preliminary proceedings are conducted under § 161 para. 3 and § 179a para. 3 of the Criminal Code by the state prosecutor). The competence of this police authority extends only to the verification of the facts which may indicate the commission of an offence. However, this does not prevent this department from conducting individual investigation on the basis of an instruction from a state prosecutor. IDMI is not part of the structure of the Police of the Czech Republic, it is directly responsible to the Minister of the Interior.

(2) Criminal Police and Investigation Service (CPIS)

CPIS is under the supervision of the Deputy Police President for Criminal Procedure. The CPIS comprises the former Service of Criminal Police and the offices of investigation. The joint service is spread at all levels (central, regional, district) and deals with general crimes and economic crimes. The Bureau of the CPIS includes the following central departments:

(3) Unit for Combating Corruption and Serious Economic Crime (253 staff members). This force is responsible for detecting the most serious cases of corruption;

(4) Unit for Revealing Organised Crime (UOOZ) (370 staff members), owing to the possible connection between corruption and organised crime, such cases may also be investigated by this Unit;

(5) National Drugs Unit (100 staff members);

(6) Special Operations Branch specialised in the surveillance of persons and things (both the classical surveillance and wire tapping – such techniques are used in the context of criminal-procedure institution of Surveillance of Persons and Things) (680 staff members);

(7) Specialised Operations Branch, which is specialised in such issues as using of undercover agents, using of undercover identity documents as well as in the protection of witnesses and other persons in connection with the criminal proceedings (110 staff members);

(8) Criminology Analyses and Informatics Section, a section supplying comprehensive crime-relevant information while observing the relevant legal requirements concerning the handling of data contained in the information systems.

(9) The Economic Crime Division is a central coordinating body for the issue of economic crimes. It supervises and co-ordinates demands/needs of the CPIS in the field of combating economic crime throughout central, regional and local level. The Division makes recommendations as to methodology of investigation within CPIS. They have also investigative powers.

(10) The Bureau for Financial Crime and Protection of the State (BFCPS): BFCPS is responsible for investigating serious crime the supervision of which in the preparatory proceedings falls within the responsibility of specialised departments of the High State Prosecutor's Office. In addition, the Bureau investigates certain specific offences, e.g. offences committed by members of armed forces abroad or offences involving top categories of classified information. BFCPS is presently staffed with 82 officials.

3. Resources

[http://www.coe.int/t/dg1/greco/evaluations/round1/reports\(round1\)_en.asp](http://www.coe.int/t/dg1/greco/evaluations/round1/reports(round1)_en.asp)

State prosecutor's offices

1. History

The prosecutors are appointed or dismissed by the Government. However, the prosecutors are completely independent from the Ministry of Justice in the exercise of their functions. Each year, the State prosecutor's office submits a report to the Ministry of Justice about its activity, which includes a part on the "state of affairs" of corruption in the country.

In October 2000 Specialised State Prosecutor's departments for combating serious economic crime were established. Two departments are located at the High Public Prosecution Office in Prague (staffed with 9 prosecutors and 1 analyst) and Olomouc (5 prosecutors) respectively. Their work is co-ordinated by a special unit in the Supreme State Prosecutor's Office in Brno (4 prosecutors), for which the First Deputy State Prosecutor is responsible.

2. Function

The provisions of § 15 of Decree No. 23/1994 Coll. (rules of procedure for state prosecutor's offices) deals with the competence of High State Prosecutor's Office. Such a competence, concerns, inters alia, the offences committed:

(1) In relations to banks, investment companies or funds, to dealers in securities, insurance companies, health insurance companies, pension funds, building society/mortgage banks or savings and loan co-operative, if the damage amounts to at least 100 million CZK;

(2) By physical persons acting in their own capacity or on behalf of legal entities in connection with unauthorized performance of activity any of the entities referred to in (1) above, if the damage amounts to at least 100 million CZK;

(3) Resulted in a damage to a State asset or holding which amounts to at least 50 million CZK;

(4) Under Chapter Two or Nine of the special part of the Criminal Code;

(5) Against the financial or economic interests of the European Union (only three cases have been detected concerning this offence).

In the area of justice, there are important units acting on the basis of the decree no. 311/2000 Coll., which amended the decree no. 23/1994 Coll., on rules of procedure of the state prosecutor's office, on the establishment of branches for some state prosecutor's offices and on details and operations carried out by candidates prosecutors. On the basis of this decree, attention was paid to ensure the respect of certain principles and rules during pre-trial proceedings and to determine jurisdiction in matters of major economic crimes (in accordance with Chapters two and nine of a

special part of the Criminal Code). A special emphasis was put on crimes committed in the framework of a criminal conspiracy, of crimes committed, or alleged to have been committed, by public officials in accordance with § 158 of the Criminal Code, and on bribery, in accordance with § 160 to § 162 of the Criminal Code.

In the large majority of corruption cases the general jurisdiction of state prosecutors of district or regional state prosecutor's offices applies and this corresponds to court jurisdiction.

3. Resources

[http://www.coe.int/t/dg1/greco/evaluations/round1/reports\(round1\)_en.asp](http://www.coe.int/t/dg1/greco/evaluations/round1/reports(round1)_en.asp)

Supreme Audit Office

1. Function

Under the provisions of § 2 of Act No. 166/1993 Coll., on the Supreme Audit Office, as amended, the Supreme Audit Office audits management of state property and sums of money collected by the state administration bodies on the basis of relevant legal provisions.

In its audit, the Office checks whether the activities controlled are in accordance with relevant legal provisions. It examines their material and formal correctness and assesses whether funds are being spent effectively.

2. Resources

[http://www.coe.int/t/dg1/greco/evaluations/round1/reports\(round1\)_en.asp](http://www.coe.int/t/dg1/greco/evaluations/round1/reports(round1)_en.asp)

Office for Protection of Economic Competition

1. Function

The competence of the Office for Protection of Economic Competition covers three areas:

(1)The protection of economic competition (in accordance with Act No. 143/2001 Coll. on protection of economic competition); -the enforcement of the Public Support Act (in accordance with Act No. 59/2000 Coll., on public support);

(2)The supervision over the awarding of public contracts (in accordance with Act No.

199/1994 Coll., on awarding public contracts, as amended).

2. Resources

[http://www.coe.int/t/dg1/greco/evaluations/round1/reports\(round1\)_en.asp](http://www.coe.int/t/dg1/greco/evaluations/round1/reports(round1)_en.asp)

The Ombudsman

1. Function

The Public Protector of Rights (Ombudsman), whose position and powers are regulated by Act No. 349/1999 Coll., on the Public Protector of Rights, as amended by Act No. 265/2001 Coll., acts to protect persons from mal-administration. The Ombudsman thereby contributes to the protection of fundamental rights and freedoms, including social and economic rights.

The Ombudsman does not have a direct and express mandate to combat corruption. However, it can engage in combating corruption indirectly. Accordingly, the Ombudsman has a preventive role in the field of the fight against corruption, eg. by promoting simplified administrative procedures, by raising public awareness on the need to fight corruption.

2. Resources

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The Financial Analytical Unit (FAU) of the Ministry of Finance

1. Function

The Financial Analytical Unit (FAU) of the Ministry of Finance is the central governmental authority for receiving, collecting and analyzing suspicious transaction reports. This unit closely co-operates with the Unit for Combating Corruption and Serious Economic Crime. The FAU cooperates also with tax administration, customs, banking supervision, other supervision bodies and other governmental authorities.

2. Resources

[http://www.coe.int/t/dg1/greco/evaluations/round1/reports\(round1\)_en.asp](http://www.coe.int/t/dg1/greco/evaluations/round1/reports(round1)_en.asp)

Department of Internal Audit and Inspection of General Customs Directorate

1. Function

The Department of Internal Audit and Inspection of General Customs Directorate has among others the competences to carry out the inspectional activity within the customs administration, investigates extraordinary events within the customs administration, cooperate with the law enforcement agencies during the investigation of a suspicion of criminal offence committed by its own employees, searches for document and enquires into the breach of functional or working discipline, carries out the analysis of the causes of the negative phenomena and suggests the measures for elimination of the faults discovered or enquires into serious complaints within the customs administration.

2. Resources

[http://www.coe.int/t/dg1/greco/evaluations/round1/reports\(round1\)_en.asp](http://www.coe.int/t/dg1/greco/evaluations/round1/reports(round1)_en.asp)

The Security Information Service (BIS)

1. Function

The Security Information Service is the intelligence service of the Czech Republic, whose competences and position are provided by Act No. 153/1994 Coll., and Act No. 154/1994 Coll. Intelligence services are state agencies for the acquisition, collection and evaluation of information which is important for the protection of the constitutional set-up, major economic interests, security and defense of the Czech Republic. BIS also supplies law enforcement agencies and other state bodies with relevant information.

2. Resources

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