

CZECH REPUBLIC

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RULES/GENERAL LAWS

General	1. Act No. 219/1999 Coll., on the Armed Forces of the Czech Republic
	2. Act No. 221/1999 Coll., on Career Soldiers
	3. Act No. 40/2009 Coll., the Penal Code etc.
	4. Immunity from the host state jurisdiction presumed, relevant norms of the international law and national law of the Czech Republic apply.
	5. All relevant UN principles and rules are included in pre-deployment instruction and training.

SEA: military offence?	Different types of sexual exploitation and abuse are punishable under the Act No. 40/2009 Coll., the Penal Code, especially the section 186/2 called Sexual Coercion . The Penal Code applies to military personnel of the Czech Republic to the same extent as to any other person subject to national law of the Czech Republic. Apart from that, so called "Assault against Humanity" is defined in section 401/1d) of the Penal Code as a specifically military offence. It covers e.g. rape, sexual slavery or forced prostitution which would form part of an extensive and systematic attack aimed against civilians.
	See Act No. 40/2009 Coll., the Penal Code

Powers of the Commanding Officer (CO)	Administrative (e.g. redeployment) and disciplinary. Under section 51 of the Act No. 221/1999 Coll., on Career soldiers and Articles 99-233 of the Basic order of the Armed Forces, the commanding officer has disciplinary authority and within his limits he imposes sanctions (admonition, written reproach, warning for irresponsible performance of service, decrease in earnings) for breaches of disciplinary rules by the military personnel.
	See Act No. 221/1999 Coll and Articles 99-233 of the Basic order of the Armed Forces
	The commanding officer is authorised to impose proportionate restrictions if it is necessary because of conditions or habits in the area of operations.
	See Section 40a of the Act No. 221/1999 Coll., on Career soldiers

INVESTIGATION

Who can investigate?	The Military Police, See Section 161/7 of the Act No. 141/1961 Coll., the Criminal Procedure Code
National Investigation Officer (NIO)	National Investigation Officers are deployed with units depending on the size of the unit. Military police would usually be deployed with larger units (approximately 100 members and more).

PROSECUTION

Referral	National Investigations Officers refer the investigation to the state prosecutor (civilian authority). See Section 166/3 of the Act No. 141/1961 Coll., the Criminal Procedure Code
Who can charge?	State prosecutor (civilian authority).

JUSTICE

Military justice	In the Czech Republic there are no military courts. Jurisdiction of Czech civil courts applies to any criminal offences committed by its military personnel. See Act No. 141/1961 Coll., the Criminal Procedure Code
Deployable Court Martial?	No.

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