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The Issue of Collecting Biometric Data for the Purpose of Future Identification of Soldiers by the Military Police or Organisations Cooperating with the Military Police in the Territory of the V4 States

Problematika odebírání biometrických údajů pro účely budoucí identifikace vojáků ze strany Vojenské policie, popřípadě organizací spolupracujících s Vojenskou policií na území států V4

Abstract

A comparative study of the activities of the Military Police of the V4 states, or of organisations cooperating with the Military Police, in the area of collecting biometric data of soldiers for the purposes of their possible future identification, including their legal subjectivity, scope of biometric data collected, and current applied practice.

Keywords: Military Police, Visegrad Four – V4, biometric data, individual identification.

Abstrakt

Komparativní studie činností Vojenských policií států V4, popřípadě organizací spolupracujících s Vojenskými policiemi na úseku zajišťování biometrických dat vojáků pro účely jejich možné budoucí identifikace, včetně jejich právní subjektivity, rozsahu zajišťovaných biometrických dat a jejich dosavadní aplikované praxe.

Klíčová slova: Vojenská policie, Visegrádská čtyřka – V4, biometrická data, individuální identifikace.

Introduction

In the context of the approach to biometric data collection, the comparative method was used to compare and analyse the legislation between the Military Police bodies of the Czech Republic, Slovakia, Poland, and Hungary. The aim was to find out whether the Military Police, or an organisation cooperating with the Military Police, in the respective V4 states, deal with the issue of collecting biometric data of soldiers for the purpose of their future identification and, if so, how this activity is regulated and in what extent the biometric data is collected. Emphasis was placed on practical procedures of collecting biometric data, interconnection of systems in national

databases, and their possibilities of use for the identification of soldiers, including the evaluation of best practices as one of the bases for a possible legislative change within the Czech legal order.

Czech Republic

The issue of collecting biometric data of soldiers or persons legally participating in war conflicts in the concept of the Czech legal order

The basic sources that form the basis for the activities of professional soldiers include the Act on the Armed Forces¹ and the Act on Professional Soldiers.² While the Act on the Armed Forces defines the status, tasks, division, preparation, and military material with which the Armed Forces of the Czech Republic are equipped, the latter Act regulates the service relationship itself, i.e., its establishment, course, change, and termination.

In relation to the topic discussed, the Act on the Armed Forces only mentions the circumstances of the involvement of the Armed Forces of the Czech Republic in international cooperation³ and defines the concept of operational deployment.⁴ This Act does neither regulate nor refer to the legal regulation in which the issue of the collection of biometric material of soldiers for the purpose of their future identification would be addressed.

The Act on Professional Soldiers deals, inter alia, with foreign operations in the sense of deployment, including wage requirements provided for such service.⁵ It cannot be omitted to mention the provisions related to the care for the safety and health protection of soldiers in the performance of their duties in connection with the search for risks.⁶ However, the search for risks is aimed at ensuring the safety and health of soldiers in the performance of their duties, removing or mitigating the impact thereof. The possible risk of death and the need for identification is not mentioned in the aforementioned provision of the Act. Finally, the final provisions of the Act deal with material compensation related to the death of a soldier or declaring a soldier dead.⁷ The Act on Professional Soldiers does not deal with the issue of death or the declaration of a soldier dead, it only mentions these terms without further reference and the procedural aspect of proving, i.e., the pronouncement of proof of death or declaration as dead are left under the aegis of Act No. 89/2012 Coll., the Civil Code. Although the Act on Professional Soldiers admits the possible risks associated with the participation of soldiers in foreign operations, the institute of being missing, introduced by the amendment to the Civil Code, is completely absent. Similarly, there is no obligation or possibility of voluntary collection of biometric data for possible future identification at the time of the establishment of the service relationship or before departure for foreign operations. The Act on Professional Soldiers, in the provisions on

¹ Zákon č. 219/1999 Sb., o ozbrojených silách České republiky.

² Zákon č. 221/1999 Sb., o vojácích z povolání.

³ Zákon č. 219/1999 Sb., o ozbrojených silách České republiky, § 10.

⁴ Zákon č. 219/1999 Sb., o ozbrojených silách České republiky, § 2, odst. 13.

⁵ Zákon č. 221/1999 Sb., o vojácích z povolání, § 40a, § 68b.

⁶ Zákon č. 221/1999 Sb., o vojácích z povolání, § 98–100.

⁷ Zákon č. 221/1999 Sb., o vojácích z povolání, § 141, odst. 1.

the establishment of a service relationship, deals with the processing of personal data, one of the items being medical fitness for military service.⁸ This medical fitness is assessed in accordance with Decree No. 357/2016 Coll., on medical fitness for active military service. The current legislation of the Decree does not contain any authorisations to collect biometric data for possible future identification.

In 2022, work began on an amendment to this decree, which is under the responsibility of the Military Medicine Division of the Ministry of Defence. The director⁹ of the division has stated on the upcoming amendment that it will not affect the handling of biometric data of soldiers in terms of future identification and that he does not foresee this activity in the future. Regarding the issue of collecting biometric data, he has stated that he would refer this issue to the Military Police, which is primarily tasked with examining and securing traces at the crime scene.

Activities of the Czech Military Police in the field of biometric data collection for future identification purposes

The tasks of police protection within the Ministry of Defence and the Armed Forces of the Czech Republic are in the competence of the Military Police, which performs its tasks pursuant to the Act on the Military Police.¹⁰ The Military Police, from the list of their legal authorisations, may collect personal data for the purposes of future identification.¹¹ However, these authorisations can only be used in the case of conducting criminal proceedings, i.e., only for an accused person or for someone who has been suspected of committing an intentional crime. The subject matter of biometric data collection includes dactyloscopic fingerprints, detection of body features, taking of body measurements, making image, sound, and similar recordings, and collecting biological samples. From the practical point of view and from the point of view of equipment, only the Department of Forensic Technologies and Expertise of the Military Police (OKTE VP), based in Prague, is equipped for such provision of biometric data. The forensic technicians of the Military Police, who operate throughout the territory of the Czech Republic, are technically able to collect all biometric data, except for the acquisition of triple photographs, as they do not currently have the necessary photo studios available.

⁸ Zákon č. 221/1999 Sb., o vojácích z povolání, § 2a, odst. 1, písm. g.

⁹ plk. MUDr. Michal Baran, director of the Military Medicine Division of the Ministry of Defence since 1 October 2023.

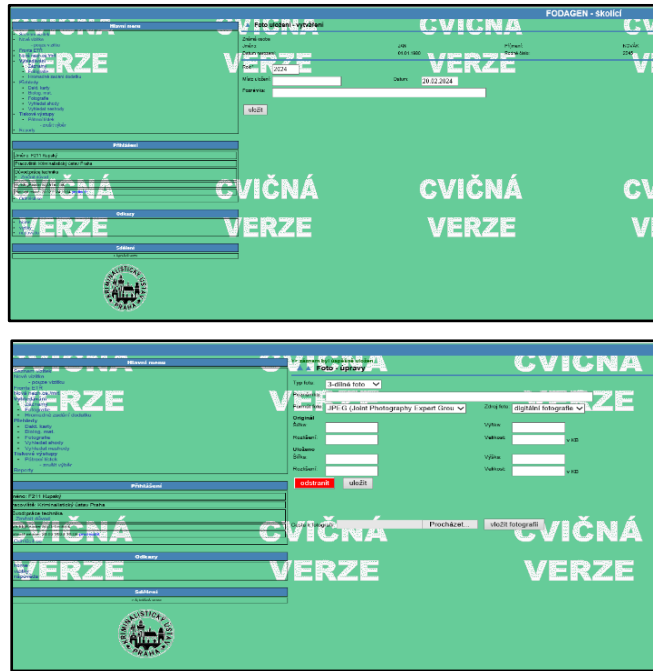
¹⁰ Zákon č. 300/2013 Sb., o Vojenské policii.

¹¹ Zákon č. 300/2013 Sb., o Vojenské policii, § 11a.

Fig. 1: a) OKTE VP photo studio



b) Electronic card for photograph registration



With regard to the collection of control dactyloscopic prints, in 2023, OKTE VP commenced a trial operation aimed at introducing a scanning technology that can also be used in the field (Fig. 1a). The advantage so far seems to be speed, automatic evaluation of usability, and continuity of interconnection with the AFIS system. At the beginning of 2024, only one method is officially used by the Military Police, namely the capturing of fingerprints and palm prints using the form colour (Fig. 2b).

Another important point is that the Military Police have only a passive view access to the FODAGEN information system. It means that they can perform illustrations, but they are not authorised to input this data into the system. And it is for these reasons that the Military Police officers use the cooperation between the Military Police and the Police of the Czech Republic¹² where in the case of acquiring biometric data in FODAGEN, they approach the departments of forensic technology at individual territorial departments of the Police of the Czech Republic.¹³ On the basis of concluded agreements, other police authorities proceed in a similar manner.¹⁴ The actual activity in the area of identification data, its processing, storage, comparison, disposal, including the operation of information systems, is regulated by the Guideline of the Police President on identification tasks.¹⁵

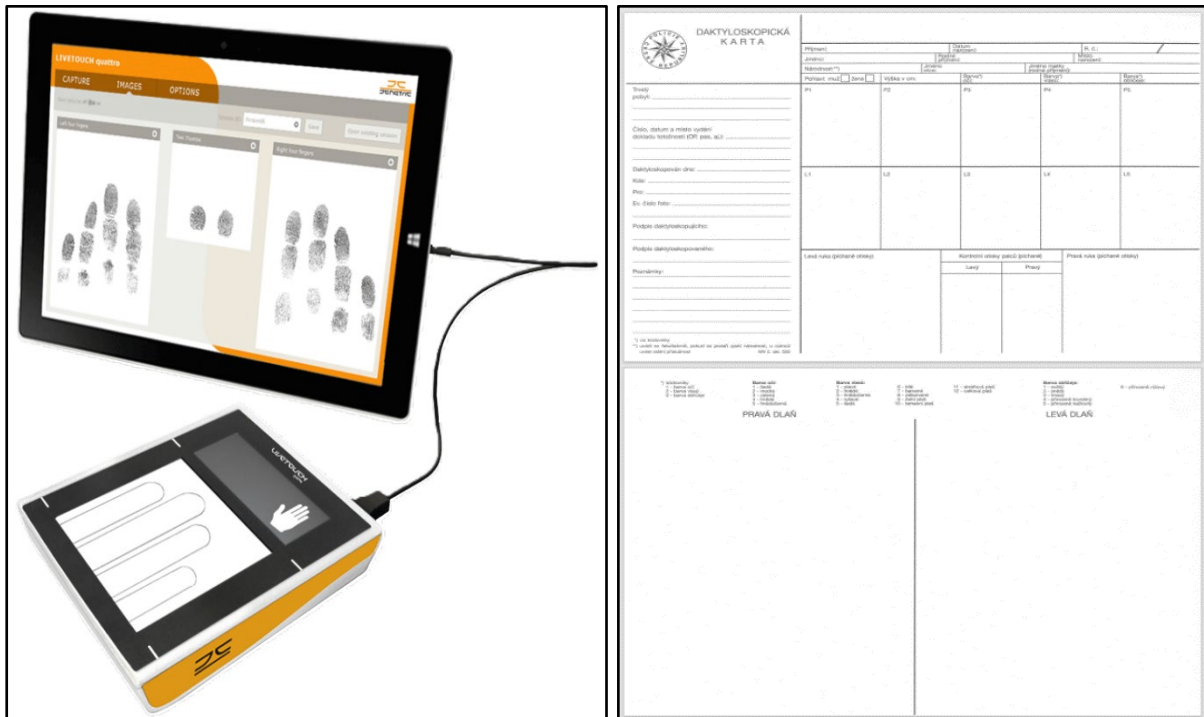
¹² Dohoda o součinnosti mezi Policí ČR a Vojenskou policií ze dne 23. 10. 2018, čl. 9

¹³ Pokyn policejního prezidenta č. 275 ze dne 15. prosince 2016, o identifikačních úkonech, čl.8, odst. 2.

¹⁴ Zákon č. 141/1961 Sb., o trestním řízení soudním, § 12, odst. 2.

¹⁵ Pokyn policejního prezidenta č. 275 ze dne 15. prosince 2016, o identifikačních úkonech.

Fig. 2: (a) Mobile fingerprint and palm print scanner, brand Livetouch quattro, tested by OKTE VP
 (b) Form of the Ministry of the Interior, no. 500, dactyloscopic cards



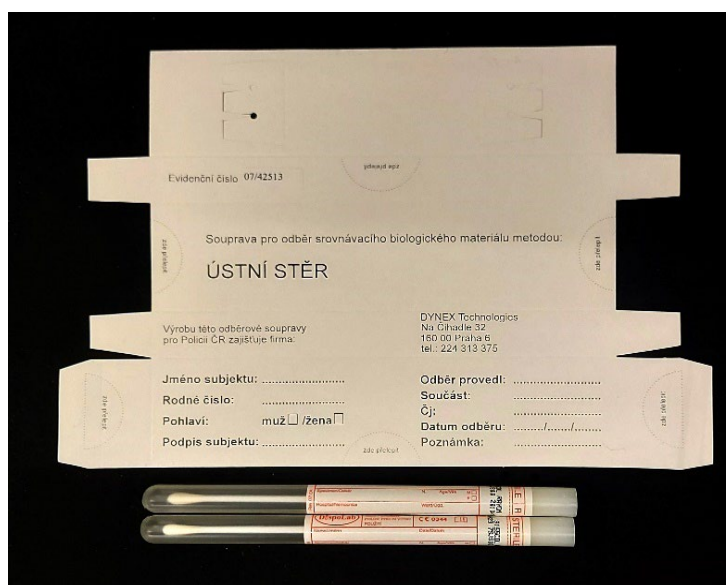
In 2023, preparations were completed for the launch of the new C-BIS (Central Biometric Information System) information system, which also includes the current FODAGEN information system and CIS (Foreigner Information System). The pilot launch in 2024 takes place in the South Bohemian Region, where, after evaluation and possible modifications, the trial operation should be applied across the country.

Except for the cases of prosecution or suspicion, the Military Police do not have the legal authority to process identification data for the purpose of possible future identification of soldiers in active service. Under the hypothetical assumption that the Military Police would be tasked with the collection of biometric data of soldiers in active service for possible future identification, they currently do not possess the necessary secure storage and information system designed to record and extract biometric data.

On the issue of securing biometric data for the purpose of future identification (and not for the purpose of criminal proceedings), pplk. Vokálek¹⁶ has stated that already in 2004-2007, a pilot project was underway, as part of sending soldiers to operations abroad, regarding the collection of control buccal swabs. This project was under the auspices of the Military Police, who collected buccal swabs from all volunteers from the ranks of the Military Police and members of the Armed Forces of the Czech Republic.

¹⁶ pplk. Ing. Tomáš Vokálek, chief of OKTE of the Military Police since 2010, expert in the disciplines of dactyloscopy, traceology, and technical examination of documents and writings.

Fig. 3: Set for collecting buccal swabs



The swab was marked with a reference number and sent as anonymous to the Institute of Criminalistics of the Police of the Czech Republic to evaluate the DNA profile. After evaluating the DNA profile, the results were returned to the OKTE of the Military Police, where the entry was placed in an envelope, sealed, and stored in the soldiers' personal files. The DNA profile thus evaluated was taken for future identification purposes only. Virtually all the soldiers took advantage of this opportunity and there was high interest in the evaluation of the DNA profile at the time. The pilot programme was terminated with the departure of General Oldřich Kubát, then Chief of the Military Police.

Slovak Republic

The issue of collecting biometric data of soldiers or persons legally participating in war conflicts in the concept of the Slovak legal order

The issue of state service of professional soldiers in Slovakia is regulated by Act No. 281/2015 Coll., on the State Service of Professional Soldiers. With effect from 1 January 2016, in Section 60 of this Act, the legislature has imposed an obligation on a soldier, upon admission to the state service, to provide dactyloscopic fingerprints, panoramic image of the dentition, and to have biological samples (venous blood, buccal swab) collected for identification purposes. Beyond this listing, facial photographs are also captured and archived. All biometric data of soldiers secured in this way is recorded and maintained by the Ministry of Defence of the Slovak Republic, where the Act on the State Service of Professional Soldiers, in Section 60(7), refers to the service regulation¹⁷ of the main service office. The service regulation concerns the activity in the field of biometric data collection, as described above, entrusted to the Military Healthcare Command, specifically, to the "Special Identification and Database

¹⁷ Služobný predpis hlavného úradu č. 128/2015 o podrobnostiach spôsobu odberu odtlačkov prstov, biologickej vzorky, vyhotovenia panoramatickej rontgenovej snímky chrupu, o vytvorení, použití, uchovávaní a likvidácii záznamov z registra identifikačnej databázy a o uchovávaní a likvidácii biologickej vzorky profesionálneho vojaka.

Department". The essence of the service regulation is the individual identification of a person, a corpse, or separate parts of a human body. The provision of Section 60 has been newly implemented into the Act on the State Service of Professional Soldiers. Previous legislation¹⁸ did not regulate the issue of collecting biometric data. The explanatory memorandum¹⁹ to the provisions of Section 60 of Act No. 281/2015 Coll. states that the creation of a database of biological samples is inevitable, in particular with regard to the fact that professional soldiers are sent to missions, military operations, and crisis management outside the territory of the Slovak Republic. The specific reasons that have led to the enshrining of Section 60 in the amendment to the Act on the State Service of Professional Soldiers were based on the tragedy of the AN-24 aircraft on 19 January 2006, when 42 members of the Armed Forces of the Slovak Republic from the KFOR contingent died during their return from Kosovo, and the event in Iraq, where three professional soldiers died by 2015.²⁰

The issue of collecting and storing biometric data of soldiers already serving before the amendment entered into force was addressed by the provisions of Section 235 of Act No. 281/2015 Coll., which required the service office to ensure the registration of biometric data of these soldiers by 31 December 2021. Currently, there should be no soldier in active duty in Slovakia who has not provided biometric data for identification purposes.

The specialised facility of the Military Medical Command maintains the collected biometric data in the so-called biobank, which has been established and performs its activities using biometric technologies. All collected biometric data is stored in the "Dermalog Afis" identification system, which is compatible with similar systems of other countries and allows the use of remote transfer, if necessary. The identification data obtained in this way is archived for a period of 100 years, starting from the date of birth of the soldier. Afterwards, all samples and data are discarded and destroyed.

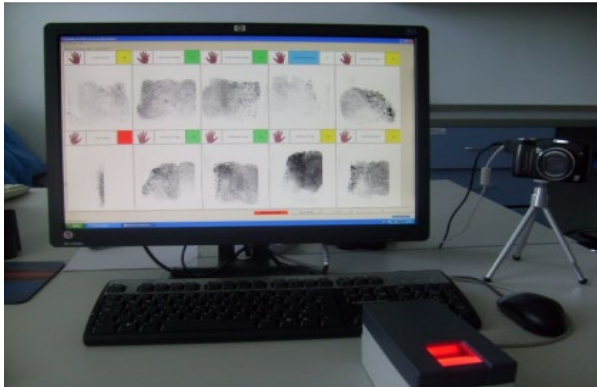
Dactyloscopic fingerprints are taken by a nurse or a laboratory technician. The scope of fingerprinting is limited to the fingers of both hands only. The scanner is used for scanning and subsequently the quality, and thus the possible future usability, is evaluated by software. At the same time, along with dactyloscopy, face photograph is captured using a digital camera. Subsequently, dactyloscopic fingerprints and photographs are input into the "Dermalog Afis" system, which operates offline. There is no recapturing of dactyloscopy and photographs, even in the case of a several-year delay or before the start of a foreign mission.

¹⁸ Zákon č. 346/2005 Z. z. o štátnej službe profesionálnych vojakov ozbrojených síl Slovenskej republiky a o zmene a doplnení niektorých zákonov. Accessed from: <https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2005/346/20050901.html> [cit. 2023-11-23].

¹⁹ Dôvodová správa k z. č. 281/2015 Z. z., o štátnej službe profesionálnych vojakov 281/2015 Z. z. Accessed from: <https://www.najpravo.sk/dovodove-spravy/rok-2015/281-2015-z-z.html> [cit. 2023-11-20].

²⁰ Zborník z vedeckej konferencie s medzinárodnou účasťou. Ružomberské zdravotnícke dni IV. ročník. Ružomberok 2009. In: CAMBEROVÁ, Alena. Identifikácia profesionálnych vojakov OS SR, pub. VERBUM – vydavateľstvo Katolíckej univerzity v Ružomberku. 498 pages. ISBN 978-80-8084-539-1. pp.10–14. Accessed from: https://www.ku.sk/images/dokumenty/fz/dokumenty/veda_a_v%c3%bdsdskum/ruzomberske_zdravotnicke_dni/Zborn%c3%adk%20RZD%20IV%20-%202009.pdf [cit. 2023-11-28].

Fig. 4: (a) Dermalog Afis station



b) scanner for collecting fingerprints



As far as the collection of biological material is concerned, as described in Section 60(1)(b) of the Act on the State Service of Professional Soldiers, in connection with Article 3 of the service regulation, this activity is associated with the collection of venous blood and the collection of a buccal swab. Blood sampling is performed by a nurse, who collects two samples. One blood sample, the so-called control sample, is stored in boxes at a temperature of minus 76 °C and the other is sent for processing to the workplace of molecular biology and genetics at the Military Medical Command for analysis, in order to prepare a DNA profile. The buccal swab from the inside of the cheeks under the supervision of a nurse or a laboratory technician is performed for each soldier separately. Subsequently, the sample is desiccated and also sent to the workplace of molecular biology and genetics. The buccal swab for DNA analysis is used minimally, these are usually cases where blood cannot be taken from a soldier for any reason. All buccal swabs are stored in a specialised storage and primarily serve as a backup system in the event of deterioration of the blood sample. The results are then stored in the DNA profile database; this database is also in the offline system. In addition, it should be noted that the provision of Section 60(3) of the Act dealing with the repeated collection of a biological sample from a soldier, always before their dispatch and after the completion of their tasks outside the territory of the Slovak Republic, are not related to the issue of biometrics. It is concerned with the collection of venous blood in order to determine biochemical parameters.

Fig. 5: Deep freeze boxes for storing control blood samples



The last of the list of biometric data for possible future identification provided by the Military Medical Command are panoramic dental images. These images are captured in the “.jpg” format and stored under the surname of the soldier along with the generated identification number, both in the “Dermalog Afis” system as well as with the attending service doctor. If the soldier’s teeth do not change, in terms of dentist’s intervention or injury, the images are updated every ten years. In the event of a change in the condition of the dentition that affects three or more teeth, X-ray images are recaptured. Dental cards are kept only by doctors and are not transferred to the Department of Special Identification and Databases.²¹

Fig. 6: Digital X-ray device for the purposes of capturing panoramic dental images



²¹ Zborník z vedeckej konferencie s medzinárodnou účasťou. Ružomerské zdravotnícke dni IV. ročník. Ružomberok 2009. In: CAMBEROVÁ, Alena. Identifikácia profesionálnych vojakov OS SR, pub. VERBUM – vydavateľstvo Katolíckej univerzity v Ružomberku. 498 pages. pp. 10–14. ISBN 978-80-8084-539-1. Accessed from: https://www.ku.sk/images/dokumenty/fz/dokumenty/veda_a_v%c3%bdsfum/ruzomerske_zdravotnicke_dni/Zborn%c3%adk%20RZD%20IV%20-%202009.pdf [cit. 2023-11-28].

The biometric data obtained in this way can be used only for the purpose of identifying soldiers, subject to the written consent of the minister.²² Due to the fact that the data obtained in this way cannot be used for the needs of other procedures, including criminal proceedings, the Military Medical Command does not cooperate with the Criminalistics and Expertise Institute of the Police Corps of the Slovak Republic on the issue of biometric data.²³ Their managed databases are strictly separated without the possibility of sharing data with each other.

The Act on the State Service of Professional Soldiers, specifically in the provision of Section 62, regulates the wearing of metal identification tags, with basic identification data stamped. This data includes name and surname, birth number, and blood group. By finding such an identification tag on or near a body, it is certainly not possible to determine the identity of the person, however, it can significantly reduce the scope of search and target a specific comparison of the traces obtained at the place of finding the body with the samples stored in the database of the Military Medical Command. The explanatory memorandum to the relevant provision of the Act states that identification tags are used for a quick identification of a soldier, especially during the performance of state service in extreme conditions, outside the territory of the Slovak Republic.

Activities of the Slovak Military Police in the field of biometric data collection for future identification purposes

The Slovak Military Police perform the tasks of police protection under the Ministry of Defence of the Slovak Republic in accordance with the Act on the Military Police.²⁴ The structure of the Military Police consists of the Military Police Headquarters based in Trenčín, six departments located in Trenčín (three departments), Bratislava, Prešov, and Vlkanová – Hronsek, respectively. Compared to their Czech counterparts, there is no statutory authority in the list of powers to collect biometric material from persons suspected or charged with a premeditated criminal offence. It should be noted that pursuant to the Code of Criminal Procedure,²⁵ the Slovak Military Police only conduct summary proceedings (summary preliminary proceedings under the Czech Code of Criminal Procedure) on the criminal offences of members of the armed forces where the upper limit of penalty does not exceed three years. For the sake of completeness, it should be added that acts where the upper limits of penalty exceed three years are already handed over to the police authority of the Police Corps in the summary proceedings. Compared to the Slovak Military Police, in accordance with the Act on the Police Corps,²⁶ a police officer is entitled, inter alia, to take dactyloscopic prints, inspect body marks, perform body measurements, make visual or audio recordings, and collect biological material from a person apprehended,

²² Zákon č. 346/2005 Z. z. o štátnej službe profesionálnych vojakov ozbrojených síl Slovenskej republiky a o zmene a doplnení niektorých zákonov, § 60 odst. 5. Accessed from: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/346/20050901.html> [cit. 2023-11-28].

²³ Statement of the Ministry of the Interior of the Slovak Republic. Presidium of the Police Corps. Criminalistics and Expertise Institute of the Police Corps. Ref. No.: PPZ-KEU-OKI-2023/071898-002 of 8 November 2023.

²⁴ Zákon č. 124/1992 Zb., o Vojenskej polícii.

²⁵ Zákon č. 301/2005 Z.z., Trestný poriadok, § 10, odst. 7, písm. e) v kontextu § 202, odst. 2.

²⁶ Zákon č. 171/1993 Z.z. o Policajnom zbore, § 20a.

detained, arrested, accused of committing a crime, found, or traced. The police authority is entitled to compare any biometric data obtained in this way with the records maintained by the Institute of Criminalistics and Expertise of the Police Corps of the Slovak Republic.

The Institute of Criminalistics and Expertise is the national access point for automatic processing, retrieval, and comparison of data in the AFIS and CODIS systems. At the same time, biometric data from dactyloscopic cards and face photographs, which were captured by a forensic technician of the police force in accordance with Section 20a of the Act on the Police Corps, are stored in the AFIS information system. Furthermore, dactyloscopic traces of unexplained crimes and offences as well as dactyloscopic fingerprints and face photographs of foreigners kept in the Eurodac system are stored in the database. The forensic technician takes fingerprints on a standard dactyloscopic card, transfers it electronically to the AFIS system and then sends the paper card to the Institute of Criminalistics and Expertise, to the central collection of dactyloscopic cards.²⁷

The CODIS database is an automated system for identifying people by their DNA profile, which is provided by forensic technicians using buccal swabs and then sent to the laboratories of the Institute of Criminalistics and Expertise. Personal data of persons in connection with the committed crime or in connection with the search for a person is kept in the CODIS system.²⁸

These two information systems are operated independently, the Slovak Police Corps does not have a unified FODAGEN system, as is the case in the Czech Republic. The forensic technician has only passive access to the subsystems of both databases, and is not authorised to input, edit, or delete records in these databases. Having passive access to the systems, they are able to view information in the scope of name and surname, date of birth, address of the accused and suspects, or addresses of relatives of a missing person.

The Institute of Criminalistics and Expertise does not maintain collections of series of three photographs or special signs, such as scars or tattoos. Regarding the repeated collection (updating) of dactyloscopic fingerprints in connection with the time that has elapsed since the last fingerprinting or because there has been a physiological change affecting dactyloscopic fingerprints, this activity, unlike in the Czech Republic,²⁹ is not regulated by internal regulations.

The question is how the data of persons against whom the Slovak Military Police conduct criminal proceedings, which does not have any remote access, is entered into the AFIS and CODIS databases. The Institute of Criminalistics and Expertise stated

²⁷ Nariadenie č. 75/2022 Ministerstva vnútra Slovenskej republiky o používaní automatizovaného systému daktyloskopickej identifikácie. Vestník ministerstva vnútra Slovenskej republiky č. 63 z 17. mája 2022.

²⁸ Nariadenie č. 76/2022 Ministerstva vnútra Slovenskej republiky o používaní automatizovaného systému identifikácie pôvodcov profilov deoxyribonukleovej kyseliny. Vestník ministerstva vnútra Slovenskej republiky č. 63 z 17. mája 2022.

²⁹ The Instruction of the Police President No. 275 of 15 December 2016, on identification tasks, Article 10(1), states that for a person who is repeatedly required to be fingerprinted, such fingerprinting is carried out if a period of one year has elapsed since the last fingerprinting or there has been a physiological change affecting dactyloscopic fingerprints.

that if it was recruited by the Slovak Military Police as part of criminal proceedings, in connection with the AFIS and CODIS databases, it would do so on the basis of the submitted resolution on criminal prosecution. Upon asking³⁰ the Military Police of the Slovak Republic, it was found that the person against whom they are conducting summary proceedings, in order to secure biometric data, is not handed over to the police force and neither is it ascertained in any way whether biometric data has been taken from the person in the past. Thus, the biometric data of these persons are not input into the AFIS and CODIS systems. The Military Police and the Police Corps of the Slovak Republic have an agreement on mutual cooperation,³¹ yet, this does not address the issue of biometrics. The Military Police may collect biometric data only under the conditions set out in Section 155 of the Code of Criminal Procedure,³² i.e., in the case of examination of the body and similar acts in connection with the provision of evidence for an injured person, suspect, or in the case where it is necessary to establish the identity of the person present at the scene of the crime (refutation or confirmation of the presence of the person at the scene of the crime).

Poland

The issue of collecting biometric data of soldiers or persons legally participating in war conflicts in the concept of the Polish legal order

The basic legal framework of all the armed forces in Poland, including the Military Police – “Żandarmeria Wojskowa” (hereinafter referred to as ŻW), is the Homeland Defence Act.³³ This Act, in the provisions of Section 288(1) (6-12), imposes an obligation on every professional soldier who is sent to perform military service outside the territory of the state to provide genetic material. This obligation is tied to any operation outside the territory of the Polish Republic, whereby the law does not distinguish the degree of danger of the environment. When asking the NATO Military Police Centre of Excellence in Bydgoszcz, it was found that the law actually stipulates this way, but that DNA samples can only be used for the identification of a soldier and are therefore primarily taken from soldiers deployed in foreign operations where there is a risk of death or captivity. Genetic material is collected only once, via buccal swabs, by medical personnel of military hospitals. Subsequently, DNA samples are stored in molecular genetics laboratories at the Military Medical Institute in Warsaw and at the 10th Military Research Hospital and Polyclinic in Bydgoszcz. Genetic samples are stored in these two laboratories for the duration of the career of the soldiers. After a soldier terminates service in the armed forces, their samples are destroyed. The Minister of National Defence decides on the use as well as the destruction of the

³⁰ Statement of the Military Police of the Slovak Republic. Ref. No.: VPTN-33-139/2023-OOaDTČ of 4 December 2023.

³¹ Vykonávacia dohoda o vzájomnej spolupráci uzatvorená podľa článku 3 Zmluvy medzi Ministerstvom obrany Slovenskej republiky a Ministerstvom vnútra Slovenskej republiky o vzájomnej spolupráci z 13. augusta 2007 medzi VOJENSKOU POLÍCIOU zastúpenou plk. Mgr. Milanom MEZOVSKÝM riaditeľom Vojenskej polície a PREZÍDIOM POLICAJNÉHO ZBORU zastúpeným gen. JUDr. Jánom PACKOM prezidentom Policajného zboru, zo dňa 9. 9. 2008.

³² Zákon č. 301/2005 Z.z., Trestný poriadok, §155. Prehliadka tela a obdobné úkony.

³³ Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny. Art. 15. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220000655> [cit. 2023-12-26].

samples. Thus collected biometric data can only be used for the purpose of identifying a soldier who cannot be identified by other means. The use of DNA samples for other purposes, such as the use for the purposes of criminal proceedings, is excluded. An additional question whether other biometric data was also collected before sending professional soldiers to foreign operations was answered negative.

Activities of the Polish Military Police in the field of biometric data collection for future identification purposes

As already stated, the subjectivity and competence of the Polish Military Police are based on the Homeland Defence Act. ŻW are part of the Polish Armed Forces, being its independent specialised service. The structure of the ŻW consists of the Military Police with their headquarters based in Warsaw, six military police units in Bydgoszcz, Elbląg, Kraków, Szczecin, Warsaw, and Żagań, two special military police units in Mińsk Mazowiecki and Warsaw, the Military Training Centre, and the Military Police Security Unit. The activities of the ŻW are regulated by the Act on the Military Police and Military Law Enforcement Bodies.³⁴ The issue of biometric data is addressed in “Chapter 3” of the Act on the Military Police, defining the powers and obligations of ŻW soldiers. In general, the ŻW process biometric data in connection with the prevention and combating of crime and, in the latter case, in order to determine the identity of a person who is trying to hide their identity or who cannot be identified in certain circumstances (a person in coma, finding a corpse, mental state, etc.).

Within their competence, in the context of preventing and combating crime, the ŻW proceed in accordance with the Code of Criminal Procedure,³⁵ which assigns it “police powers” in Article 312. The list of these powers also includes the right, in the case of persons after the notification of accusation, to carry out the collection of biometric data for the purpose of future identification.³⁶ The Polish Code of Criminal Procedure uses a uniform term accused³⁷ for persons for whom, as we know these terms from the Code of Criminal Procedure in the Czech Republic, criminal prosecution³⁸ (in the Polish Code of Criminal Procedure enshrined in Article 313) or suspicion in summary preliminary proceeding³⁹ (in the Polish Code of Criminal

³⁴ Ustawa z dnia 24 sierpnia 2001 r. o Żandarmerii Wojskowej i wojskowych organach porządkowych. Accessed from:

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20011231353> [cit. 2023-12-27].

³⁵ Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego. Art. 312. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970890555/U/D19970555Lj.pdf> [cit. 2023-12-29].

³⁶ Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego. Art. 74. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970890555/U/D19970555Lj.pdf> [cit. 2023-12-29].

³⁷ Ustawa z dnia 6 czerwca 1997 r. - Kodeks postępowania karnego. Art. 71. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970890555/U/D19970555Lj.pdf> [cit. 2023-12-29].

³⁸ Zákon č. 141/1961 Sb., o trestním řízení soudním (trestní řád), § 160. Accessed from: <https://www.beck-online.cz/bo/chapterview-document.seam?documentId=onrf6mjzgyyv6mjugewtcmbz> [cit. 2023-12-29].

³⁹ Zákon č. 141/1961 Sb., o trestním řízení soudním (trestní řád), § 179a. Accessed from: <https://www.beck-online.cz/bo/chapterview-document.seam?documentId=onrf6mjzgyyv6mjugewtcmbz> [cit. 2023-12-29].

Procedure enshrined in Article 335) have been initiated. The accused is therefore obliged to endure the tasks associated with the external examination of the body, taking photographs, taking fingerprints, and taking a swab from the cheek mucosa in order to make a DNA profile. The Code of Criminal Procedure delegates the conditions for the capturing, collection, and analysis of biometric data to the Minister of Justice, who regulates the respective activity in a regulation.⁴⁰ This regulation defines the actions associated with the interference with the personal integrity of a person associated with a physical intervention in the body, which are carried out by professional staff of a medical facility, and the ones, on the contrary, that do not involve intervention in the body and are carried out by police authorities. Except for this definition, it mentions the details of biometric data collection only rarely, because both the Act on the Military Police and the Act on the Police⁴¹ oblige the Minister of National Defence, or the Minister of Internal Affairs and Administration, to elaborate on this issue.

The regulation of the Minister of National Defence⁴² regulates in detail the principle of processing and the procedure for collecting, archiving, and criteria for evaluating biometric data of the ŻW, in particular, mucosal swabs, taking photographs of persons as well as fingerprints in connection with the investigation of persons suspected or prosecuted for committing a crime, persons of unknown identity, or persons trying to hide their identity.

Dactyloscopy of persons, or the provision of dactyloscopic traces at the crime scene, may only be carried out by forensic technicians or police officers of the ŻW who have been assigned to the investigation departments and who have been trained to do so at the ŻW training centre in Mińsk Mazowiecki (abbreviated as LKŻW). Forensic specialists are based at the Department of Forensic Technology in Warsaw. At ŻW, dactyloscopy is carried out using an electronic device. If it is impossible to use the electronic device, ŻW use the traditional ink method and scan the fingerprints on the fingerprint card, which is then scanned into electronic form. ŻW use, together with the Police, uniform forms for the electronic or paper fingerprinting method, the modifications of which are based on the provisions of Article 20(1o) of the Act on Police referring to the Regulation of the Minister of Interior and Administration.⁴³ For the purposes of future identification of persons in the framework of preventing and combating crime, dactyloscopic fingerprints (Fig. 7a) and palm prints (Fig. 7b) are

⁴⁰ Rozporządzenie ministra sprawiedliwości z dnia 4 listopada 2002 r. zmieniające rozporządzenie w sprawie szczegółowych warunków i sposobu dokonywania badań oskarżonego oraz osoby podejrzanej. Accessed from: <https://sip.lex.pl/akty-prawne/dziedzinnik-ustaw/poddawanie-badaniom-lub-wykonywanie-czynnosci-z-udzialem-oskarzonego-17164959> [cit. 2023-12-29].

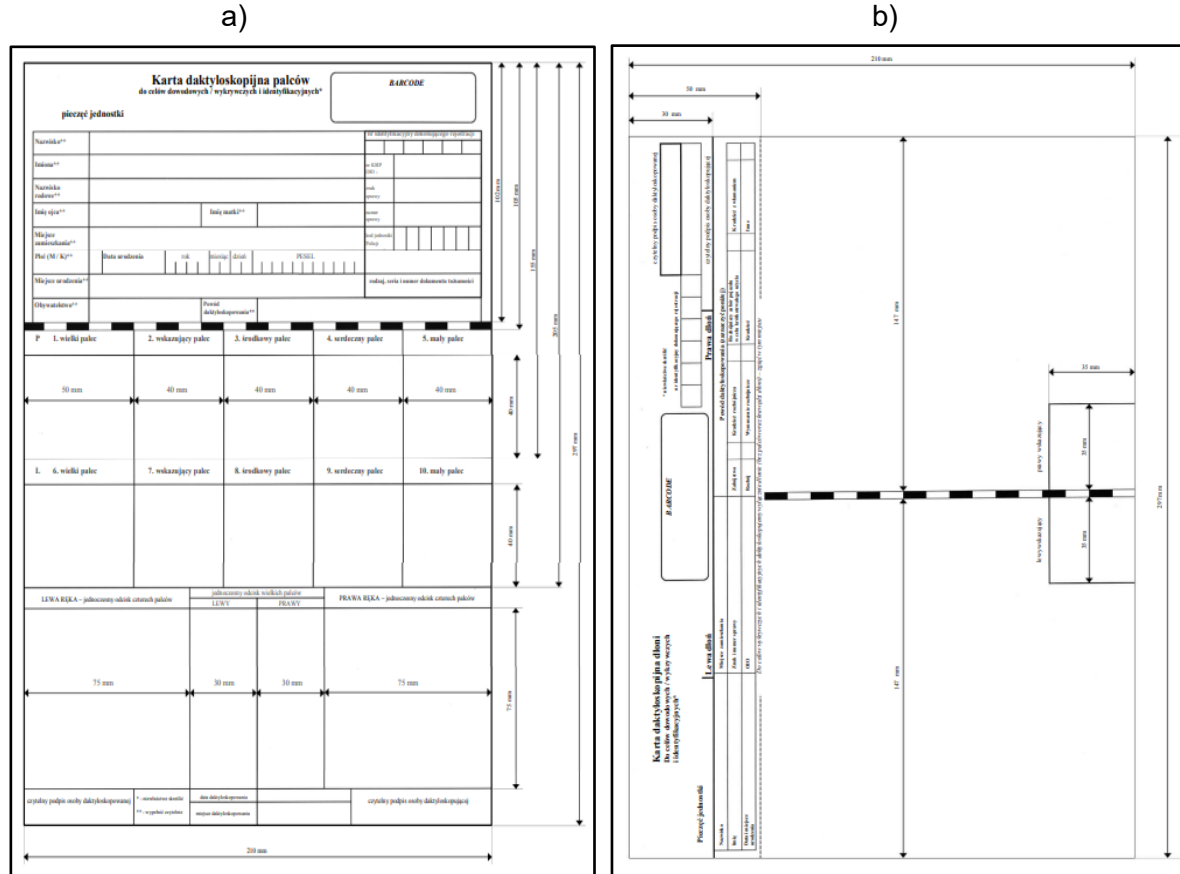
⁴¹ Ustawa z dnia 6 kwietnia 1990 r. o Policji. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19900300179>

⁴² Rozporządzenie Ministra Obrony Narodowej z dnia 8 stycznia 2020 r. w sprawie przetwarzania danych biometrycznych oraz danych genetycznych przez Żandarmerię Wojskową. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200000173> [cit. 2024-01-07].

⁴³ Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 28 stycznia 2020 r. w sprawie kart daktyloskopijnych. Accessed from: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200000173> [cit. 2024-01-07].

captured and transferred electronically to the Department of Dactyloscopy of the Central Forensic Laboratory of the Police (abbreviated as ZD CLKP).

Fig. 7: Templates of dactyloscopic cards (a) for fingerprints, (b) for palm prints, respectively, used by ŻW



Fingerprint cards delivered to the Central Forensic Laboratory of the Police are checked to see if they meet the necessary criteria for future use. In the event of the detection of imprints that show defects and are thus unusable for future use, the cards are returned to the entity that issued these cards for the purpose of repeating the capture. Data from dactyloscopic cards that meets the necessary criteria is input into the National Police Information System (KSIP). The dactyloscopic data then becomes part of the AFIS information system. ŻW do not have an active view access to the system, they can only insert fingerprints. In the event of a request to compare fingerprints, they cooperate with the Central Forensic Laboratory of the Police. By asking the ŻW headquarters, it was found that the police officers of ŻW or the Police, in their legislation or methodology, do not provide for recapturing dactyloscopy of persons, taking into account the time passed since the last act or the cases of injury or loss of fingers.

Other biometric data taken for the purpose of future identification includes the photo album (Fig. 8), which consists of photographs of the face from the half left and right profile, full left and right profile, and the silhouette of the entire figure.

Fig. 8: Template of a photo album use by ŻW

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Photographic documentation is provided only by forensic technicians who also document other marks, such as tattoos or scars. In the event of a change in appearance, such as growing beard or moustache, hair loss, facial injuries, or other changes, the ŻW police officers do not have methodical arrangements for repeated taking photographs of persons. ŻW are an entity that maintains the photo album database independently and, as the system administrator, can, upon a specific request, make the required information available or, as in the case of the Police, transfer the requested photo albums by remote transmission without the need to submit an official request.

The last attribute that is taken by ŻW in connection with the prevention and combating of crime is the swab of the inner cheek mucosa. For this purpose, sets of different brands with an FTA card⁴⁴ are used. This buccal swab is performed by forensic technicians who fill in the protocol together with collecting the swab (Fig. 9) and mark it with a barcode. Subsequently, everything is handed over to the Central

⁴⁴ The FTA collection card is impregnated with a special chemical mixture that is used to facilitate the handling of the collected buccal swabs, which, by changing the colour, signals a sufficient number of collected cells for DNA analysis.

Forensic Laboratory of the Police, where samples are analysed and stored in a collection of genetic data called GENOM.

Fig. 9: Buccal swab sampling protocol template used by ŻW

ŻW are currently in the process of building identification capabilities through DNA analysis, with the ambition to become independent and be able to independently analyse, archive, and compare DNA samples that have been collected in connection with crime in their forensic laboratories.

Hungary

The issue of collecting biometric data of soldiers or persons legally participating in war conflicts in the concept of the Hungarian legal order

The legal framework of the Armed Forces in Hungary is defined by the Act on National Defence and the Hungarian Defence Forces.⁴⁵ This Act does not in any way regulate the issue of biometric data for the purposes of future identification of soldiers, nor does it refer to any other legal norm or internal regulation. When asking the liaison officer at the NATO Military Police Centre of Excellence in Bydgoszcz, it was found that the Hungarian armed forces do not collect, and therefore do not have any database of biometric data of military personnel.

⁴⁵ 021. évi CXL. törvény a honvédelemről és a Magyar Honvédségről. Accessed from: <https://njt.hu/jogszabaly/2021-140-00-00> [cit. 2024-02-24].

Activities of the Hungarian Military Police in the field of biometric data collection for future identification purposes

The Hungarian Military Police (hereinafter referred to as MH KRE) have a specific position in the armed forces. Their legal framework is defined by the Act on National Defence and the Hungarian Defence Forces. In accordance with the organisational and operational rules of the Ministry of Defence, MH KRE⁴⁶ are classified as a separate service under the chief of the general staff of the army, in the size of a regiment. Their list of tasks and authorisations is limited to the performance of traffic and law enforcement services, and they are entitled to deal with unlawful acts at the level of offences, which they then refer to the superiors of the soldier concerned for decision. The actual processing of offences and the submission of conclusions for a disciplinary decision is provided by military lawyers in individual departments who are authorised to conduct investigations, but only for specified offences (e.g., disciplinary offences, theft in barracks, etc.).

In the field of criminal proceedings, MH KRE do not perform any activities, this service is provided under the auspices of the investigating body of the state police in accordance with the Code of Criminal Procedure.⁴⁷ MH KRE may restrict the personal freedom of a soldier or civilian in premises that are used for state defence, however, this person must be immediately handed over to the state police. MH KRE do not have powers that would entitle them to collect biometric data for the purposes of criminal proceedings or to collect biometric data from soldiers for the purposes of possible future identification. Currently, the intention to entrust criminal proceedings to MH KRE is being addressed at the level of the Ministry of Defence and the Ministry of the Interior of the Republic of Hungary, when the subject of negotiations is to clarify the basic legal framework and activities that MH KRE would be entitled to perform.

The activities of the Hungarian state police are regulated by the Act on Police,⁴⁸ which entitles them to collect, process, and archive biometric data, as a means of preventing, avoiding, detecting, or proving crime. For this purpose, they are entitled to take photographs, analyse DNA samples, and capture fingerprints and palm prints of persons accused of an intentional crime. In Hungary, the procedure of all state authorities that are authorised to collect biometric data is regulated by a government regulation.⁴⁹ The said regulation determines the scope of authorisation for individual state authorities and specifies the individuals who are authorised to handle biometric data, including its destruction. On the other hand, it unifies all the authorities concerned

⁴⁶ 30/2022 (VII. 29.) HM utasítás a Honvédelmi Minisztérium Szervezeti és Működési Szabályzatáról. Accessed from: <https://njt.hu/jogszabaly/2022-30-B0-15> [cit. 2024-02-24].

⁴⁷ 2017. évi XC. Törvény a büntetőeljárásról. Accessed from: <https://njt.hu/jogszabaly/2017-90-00-00> [cit. 2024-02-24].

⁴⁸ 1994. évi XXXIV. törvény a Rendőrségről. Accessed from: <https://njt.hu/jogszabaly/1994-34-00-00.118#CI> [cit. 2024-02-24].

⁴⁹ 12/2016. (V. 4.) BM rendelet az arcképmás, az ujj – és tenyérnyomat, valamint a DNS-profil meghatározásra alkalmas anyagmaradvány rögzítésének, illetve az ujj – és tenyérnyomat és a szájnyalvákahártya-törlet levételének részletes technikai szabályairól; a DNS-profil meghatározásának szakmai-módszertani követelményeiről; továbbá a nyilvántartás technikai vezetésének részletes szabályairól. Accessed from: <https://net.jogtar.hu/jogszabaly?docid=a1600012.bm> [cit. 2024-02-25].

in the procedures, i.e., how the biometric sample should be collected so that the output is uniform.

To create a photo album, the government regulation stipulates that the photos should be made with a resolution of at least 16.7 million colours, an image resolution of at least 800×600 pixels, and an eye distance of 120 pixels with normal quality compression. The background for taking a face portrait can only be light grey. For the purposes of the photo album, a minimum of five photos are taken, namely a photo from the right and left profiles, from the front, a portrait of the face with a quarter profile, and a photo of the entire figure standing, including a scale for determining the height.

Dactyloscopic fingerprints and palm prints are provided in two ways. The regulation allows for dactyloscopy both with ink on specified forms (Fig. 10, 11) and using certified digital scans.

Fig. 10: Dactyloscopic card with fingerprints

UJJNYOMAT-LAP FINGERPRINT CARD HUNGARY			Szakrendszeri (AFIS) azonosító: AFIS code:	
Vezetéknév: Surname:			Iktatószám: Reference number:	
Utónév: Forename(s):			Belső azonosító:	
Leánykori név: Maiden name:				
Anyja neve: Mother's name:				
Születési helye, ideje: Place, date of Birth:		Eljáró hatóság: P. H. Official:		
Neme: Sex:		Állampolgársága, személyi azonosító: Nationality, PIN:		
Ügyirat szám: Number:		Bűncselekmény: Offence:		
Aláírás (terhelt, vétlen, sértett): Signature:		Lakcím: Address:		
ÁTFORGATOTT UJJLENYOMATOK - ROLLED IMPRESSION				
Jobb kéz - Right				
1. Hüvelykujj - Thumb	2. Mutatóujj - Forefinger	3. Középujj - Middlefinger	4. Gyűrűsujj - Ringfinger	5. Kisujj - Littlefinger
Bal kéz - Left				
1. Hüvelykujj - Thumb	2. Mutatóujj - Forefinger	3. Középujj - Middlefinger	4. Gyűrűsujj - Ringfinger	5. Kisujj - Littlefinger
Bal kéz együttes nyomata - Left Hand		Hüvelykujjak - Two Thumbs		Jobb kéz együttes nyomata - Right Hand
Ujjnyomatot vette: Signature:		Dátum: Date:		

Fig. 11: Dactyloscopic card with palm prints

TENYÉRNYPOMAT-LAP PALMPRINT CARD HUNGARY		Szakrendszeri (AFIS) azonosító: AFIS <i>code:</i>
Vezetéknév - Surname: Utónév - Forename(s):		Ujjnyomat azonosító: <i>Fingerprint code:</i>
Tenyéرنyomat - Palm impression		Tenyérel nyomata - <i>Palm-edge impression</i> Azonos kéz mutatóujj nyomata - Same <i>hand forefinger</i>
Tenyéرنyomatot vette: <i>Signature:</i>	Dátum: <i>Date:</i>	

The government regulation stipulates that the dactyloscopic card capturing the prints of fingers and palms in ink must be made in two copies. On the other hand, the state authorities concerned are not bound by any time limit that would oblige them to perform dactyloscopy again in the event of loss or damage to fingers or hands.

The DNA profile is made using a buccal swab kit. Standard methods are used in the sampling procedure, applying the principles of non-contamination of the sample, transport, laboratory evaluation, and storage of DNA profiles, which do not differ from the practices of other V4 countries.

All collected biometric data, from all Hungarian state administration bodies, is sent to the National Centre for Expertise and Research⁵⁰ based in Budapest. This National Centre brings together individual central institutes, such as the Institute of Dactyloscopic Experts, the Institute of Genetics Experts, and the Department of Facial Recognition Analysis. Eleven regional institutes are located in each of the seven regions of Hungary, each of which performs comprehensive expert work for a certain part of the expert sectors.

Conclusion

Individual V4 countries approach this issue differently, in particular from the point of view of legal authorisations held by individual Military Police bodies and in the scope of biometric data provided within individual armies. It is necessary to distinguish the purpose for which biometric data is collected for the use in future identification.

The first group includes biometric data collected, equally in all V4 countries, from all persons to whom the accusation or suspicion of an intentional crime has been communicated. Biometric data in these cases means capturing a photo album, finger and palm dactyloscopy, and providing buccal swabs for DNA analysis. Unlike the

⁵⁰ National Centre for Expertise and Research of Hungary. Accessed from: <https://nshkk.gov.hu/kozponti-intezetek> [cit. 2024-02-25].

Military Police in some countries, the state police in all V4 countries have such power. In accordance with the Code of Criminal Procedure, the Military Police of the Czech, Slovak, and Polish Republics are authorised to investigate criminal activities. The Military Police in Hungary do not conduct criminal proceedings. In accordance with the laws governing the activities of the military police, only the Military Police of the Czech Republic and Poland are entitled to collect biometric data in criminal proceedings. In reality, this activity is carried out independently only by the Polish Military Police. For the Czech Military Police, this service is provided by the Police of the Czech Republic.

In the event that the Czech Military Police would like to obtain, for their own use, biometric data for the purpose of future identification of persons accused or suspected, as is the case with their Polish colleagues, several necessary technical conditions would have to be resolved. First of all, it would be necessary to conclude a new or expand the existing agreement with the Police of the Czech Republic. The subject of the agreement would be the access to the FODAGEN system, or later the C-BIS information system for entering individual biometric data by the OKTE GP experts and forensic technicians, systemised at individual departments. Due to the fact that the Military Police already have a passive view access to FODAGEN, it would only mean a change in the allocation of authorisations. Subsequently, it would be necessary to retrofit selected workplaces of the Criminal Service of the Military Police with appropriate technology. One of the options seems to be to equip the departments with the device called Liveskan, which provides the capabilities of a photo studio and enables capturing fingerprints and palm prints using scanning. Due to the fact that the device was made to order for the Institute of Criminalistics of the Police of the Czech Republic, there should be no problem with any incompatibility of the device.

The second group includes biometric data collected for prospective future identification if the soldier's body needs to be identified. In the Czech Republic and Hungary, this issue is not addressed at all. In Poland, DNA samples are collected from soldiers before leaving for foreign operations in accordance with the Homeland Defence Act. The most sophisticated system from the V4 countries is applied in Slovakia. In accordance with the Act on the State Service of Professional Soldiers, four kinds of biometric data are collected from soldiers upon recruitment, incl. capturing a photo album, dactyloscopic fingerprints and palm prints, DNA sample analysis, and an X-ray dental image. From the forensic point of view, it can be concluded that this combination of collected biometric data has significant potential to prove useful in identifying victims in most known situations. In both Slovakia and Poland, biometric data is collected by military paramedics and stored at the Military Medical Command. Biometric data can only be used for the purpose of identifying the bodies of soldiers. There is a strictly separated database between biometric data collected for the purposes of criminal proceedings and for the purpose of identifying the bodies of fallen soldiers.

In the event of the introduction of such a measure in the Czech Republic, it is necessary to look at the issue in a comprehensive way with regard to the benefit that we expect from its introduction in the context of the economic aspect of the matter. First of all, it is necessary to determine which biometric data would be collected. Whether it would be the entire portfolio of biometric data, i.e., photographs, dactyloscopic fingerprints and palm prints, analysis of DNA samples, and dental X-

rays, or just a combination of them, or perhaps only one of the methods would be selected. Regarding the forensic point of view and with the aim to increase the chances of successful identification of the soldier, the collection of all four kinds of biometric data should be recommended. If only one kind of biometric data is opted for, from the point of view of forensic use, it would be advisable to recommend the provision of DNA samples.

It is also necessary to ask when to collect the biometric data from the soldier, whether at the time of recruiting (model applied in Slovakia), or before leaving for a foreign operation (model applied in Poland), or create a hybrid solution from these models. In the case of using the “Slovak model”, it would be necessary to collect biometric data for both newly recruited and currently serving soldiers. A temporary exemption could be made only for soldiers who terminate their service relationship in the year when this legal norm enters into force and are not going to perform service outside the territory of the Czech Republic within this year. In the context of the numerical strength of the Armed Forces of the Czech Republic, this would involve collecting biometric samples of approx. 28,000 soldiers.⁵¹ In such a case, it would be a time-consuming task, which would have to be taken into account within the transitional provisions of the legal norm. In the case of using the “Polish model”, i.e., biometric data collected before departure to a foreign operation, the measure would be derived from the power of the legal norm. The issue of collecting biometric data for soldiers operating in the territory of the Czech Republic would not be addressed, and thus the number of samples would be significantly reduced, which would also have an impact on the reduced requirements for personnel performing collection, analysis, and maintenance of biometric data, along with lower economic costs.

In the event that the obligation to collect biometric data is enacted, irrespective of its listing and the timing of the collection, it will be necessary to decide who will collect the biometric data and who will evaluate and maintain it. It can be assumed that while the issue of the listing of the biometric data to be collected and the determination of the time of its collection will be implemented in the law, matters of technical personnel and economic nature will be referred to a lower-level legal norm, e.g. a decree or regulation of the minister of defence. In principle, only two units of the Ministry of Defence of the Czech Republic work with biometric data, namely the Military Medicine Division and the Military Police. From the point of view of trained personnel, the Military Police are able to capture and maintain photo albums, fingerprints and palm prints from the four above-mentioned kinds of biometric data. They are also trained to provide samples for DNA analysis, but do not have a molecular biology and genetics workplace to generate a DNA profile. Although military medics are authorised to collect venous blood, if it were used to generate a DNA profile, as in Slovakia, they would lack a molecular biology and genetics facility. Military dentists perform dental examinations when a soldier is recruited or departs for foreign operations, and crew doctors capture orthopantomographic images (OPG). All these actions are carried out in digital form and are part of the medical documentation. As a bonus, it can be concluded that this

⁵¹ CNN PRIMA NEWS. Accessed from: https://cnn.iprima.cz/general-rehka-armada-bylo-ohlodana-na-kost-v-pripade-vstupu-do-valky-mame-28-tisic-vojaku-426347#utm_content=freshnews&utm_term=%C5%99ehka&utm_medium=hint&utm_source=search.seznam.cz [cit. 2024-02-26].

data would be regularly updated, at least at the time when the soldier undergoes a preventive check-up or a dental procedure.

In Slovakia and Poland, institutions under the command of the military health service are responsible for collecting, storing, and maintaining biometric data. It is clear that under the current conditions and assumption of acquiring all four kinds of biometric data, cooperation between the Military Medicine Division and the Military Police would be required. Still, it would be necessary to determine the system administrator and its contributors. However, the Achilles heel of the entire project would seem to be the absence of a molecular biology and genetics facility, involving the most time-consuming and economically demanding process from the point of view of building, staffing, and obtaining accreditation. From the technical point of view, a separate server would have to be set up to be used exclusively as storage of all the collected biometric data of soldiers. Therefore, it would be a matter of creating a separate filing system, wherein each soldier, for whom biometric data has been collected, would have their own folder. As already mentioned, the process of capturing digital photographs, fingerprints and palm prints as well as OPGs of jaws, is already being carried out, although for a different purpose. This way, the lengthy selection and training of personnel could be eliminated.

There is also the question of the destruction of biometric data: in Slovakia, biometric data is destroyed at the age of one hundred years or, in the case of Poland, immediately after the termination of service. Another consideration could pertain to the acquisition of biometric data only for the duration of the foreign operation. However, this last option does not seem to be beneficial, as soldiers are sent to foreign operations repeatedly, and thus the whole process would be administratively more complicated and significantly more expensive. Whichever of the options is chosen, the Human Resources Agency of the Ministry of Defence would always have to participate in the acquisition of biometric data, being concerned with the recruitment, deployment to foreign operations, and termination of service.

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