

Summary

The Office for the Documentation and Investigation of the Crimes of Communism (ÚDV) is bringing out Issue 8 named „The Czechoslovak Justice in 1948–1953 in Documents, Part I“ which is the first part of the intended thematic series devoted to communist Czechoslovak justice.

The team of authors headed by Jaroslav Vorel, the ÚDV employee, and Alena Šimánková, the archivist of the National Central Archives (SÚA) based in Prague, (assisted by archives administrators) has gathered materials documenting deliberate wrongdoings and intentional breaching the rule of law by Czechoslovak justice at that time. The first book encompasses the following materials:

The contribution by historians Marta Fabšičová and Zdeněk Vališ „The Public Prosecution and the State Court in documents“ describes foundation of these institutions and their jurisdiction as well as the composition of the Public Prosecution in terms of individual departments, explaining briefly how the s. c. „cabinet justice“, the system established in 1948–1953, worked. This system allowed to concentrate (quoted from the document) „the crucial influence on decision-making powers of courts of law [...] including a strict system of affirmation and opinions on sentences“ in hands of the communist ministers of justice. In addition, at that time the right for defence was fundamentally restricted, the prosecution had an exclusive position in comparison with the court of law, and the control over investigation exercised by judicial authorities had ceased. Although most of the responsible justice officers later denied their share in crimes of the late 40s and the early 50s (and still continue to), the preserved archival materials refute, quite unambiguously, what they claim. One of them, published herein, is the document „Minutes of discussion of the State Court and the Public Prosecution officers at the first meeting of the KSČ (the Communist Party of Czechoslovakia) local branch – department Brno“ of 5 December 1950 (Document 1).

A comprehensive report „Documentation of the emergence and causes of illegal acts in activities of the Czechoslovak Public Prosecution“ (Document 2) is the outcome of work of the s. c. Bayer's commission – or Documentary commission for the territory of the Czech Republic set up by General Prosecutor's extra order No. 41 of 12 February 1969 thanks to relatively favourable conditions created during the period of the s. c. Prague Spring. The material deals in detail particularly with the approach of the Public Prosecution towards criminal cases going on trial, informs about the introduction of the s. c. „notoriety“ principle in Czechoslovak justice, gives a detailed comment on distortion of procedure rules as well as on cancellation of the instance of investigating judges or a substantial growth of powers of the State Security (StB). Every two weeks joint work conferences were regularly organized by the whole Public Prosecution together with the State Court, and once in two months joint work conferences were held directly at the Ministry of Justice. Such tough centralism introduced into the Public Prosecution in terms of its agenda was completed by a strict duty to give reports on and affirm, with some exceptions, almost all meritorious decisions and expected sentences. This strict duty had been binding for the Public Prosecution till 22 February 1950 when the controlling power was taken on by the General Prosecution, but in all serious criminal cases (especially in the case of death sentences) the Ministry of Justice kept its power to control the procedure even in future. Accordingly, judicial authorities had to respect what they received from their ministry.

Document 3 „Proposal of the Ministry of Justice for leading appointment with the State Court and the Public Prosecution in Prague“ dated 9 October 1948 is a proposal for appointing the President of the State Court, the Public Prosecutor and their fellow-workers, including a brief characteristic of their previous activities. According to this document, all the

proposed persons were „...reliable in terms of the state and nation and there is no doubt about their positive attitude towards the people’s democratic system“.

In another material, Document 4, „Minutes of consultation on activities of the State Court and the Public Prosecution“ of 7 March 1949 it is stated that the subject was „...the evaluation of activities of the Public Prosecution and the State Court since Acts 231/1948 Coll. and 232/1948 Coll...“ came into force (i.e. Act on protection of the people’s democratic republic and Act on the State Court). The meeting was convened in an effort „...to precisely find out the opinion on the procedure of cases at the State Court and the Public Prosecution in the regard of the agenda as well as personal, technical and organizational equipment“.

Document 5 „Minutes of the panel meeting of the Public Prosecution officers“ of 18 March 1950 proves the interest of the Public Prosecution officers in a very close co-operation with the State Security (StB). Bohumír Ziegler, the Public Prosecutor, claims: „...co-operation with the StB has to be more intensive in future. Officers will be judged by the manner they have completed the case in co-operation with the StB and political officials“.

Document 6 called „Minutes of the meeting at the Public Prosecution in Prague on launching the operation of Public Prosecution special departments with state-security authorities“ deals with the meeting held on 22 October 1951 and chaired by the Public Prosecutor Ziegler where organizational matters were considered relating to the Public Prosecution special departments set up in Prague, Brno and Bratislava to keep a direct contact with the State Security organs.

Document 7: „Instructional aid for transfer of the public prosecution agenda to regional prosecutions“ of 9 October 1952 gives the information on how to proceed after the Public Prosecution is cancelled. As of 1 November 1952 the jurisdiction of the Public Prosecutor should be actually moved to regional prosecutors and the public-prosecution agenda should be handled by regional public prosecutions which should come into the contact with the State Security organs for that purpose. Regional public prosecutions should inform in detail the General Prosecutor’s Office.

Document 8 clarifies the system of prosecutor’s activities in the period before the process with the General Secretary of the Communist Party of Czechoslovakia Rudolf Slánský, citing the words of the then Deputy General Prosecutor Václav Aleš, and „explains“ the monsterprocess proper with a group „Slánský and Co.“. Although historians’ attitude to this source of information has to be very critical, this document may also illustrate the picture of the then Public Prosecution.

The passage devoted to the State Court and the Public Prosecution in 1949–1952 has been completed by reports on their activities as well as charts documenting the operation of these institutions (Documents 9–12). Jaroslav Vorel explains the position, aims and functioning of several rehabilitation commissions of the Communist Party of Czechoslovakia. The commissions were always set up and headed by communists, made up of communists and controlled by communists and dealt almost exclusively with wrongs having been committed solely on Communist Party members. The comment is followed by two documents – the outcome of work of these communist commissions.

The first one called „Report on the activities of judicial authorities in the period of political processes“ is the outcome of the work of the s.c. Kolder’s rehabilitation commission of the Central Committee of the Communist Party of Czechoslovakia (ÚV KSČ) dated April 1963 (Document 13). In spite of the fact that the conclusions of this commissions were quite tendentious and completely a product of the Marxist philosophy, the report itself represents an interesting document of its age.

The same can be said about the other document: „Final report“ of the s. c. Piller's commission – the outcome of the work of the ÚV KSČ rehabilitation commission headed by Jan Piller, the then secretary of the Central Bohemian regional committee of the KSČ (Document 14). Although after the occupation of Czechoslovakia in August 1968 the majority of its authors (including the head of the commission Piller) refused to sign it and today's readers living in a close-to-standard-democracy system may find it a relic of the communist past of this country, it illustrates the way of thinking of communist officials at that time. In view of a considerable extent of this report, the publication contains only its first part.

One of the other material prepared by members of the s.c. Piller's commission, the work by J. Fiala called „The task of Soviet advisors regarding Czechoslovak security during the preparation and implementation of political processes in 1949–1954“ (Document 15) of December 1968, deals with the activities of Soviet advisors in Czechoslovakia after 1945 and their task in controlling Czechoslovak security. Comparatively large space is given to the as well as investigation of the Rudolf Slánský team. According to the author, the advisors came to Czechoslovakia „...not because of need or at the request made by the Czechoslovak party and state officials, but on the impetus and under duress from the outside. It happened in connection with a rift between the Soviet Union and Yugoslavia, with efforts to eliminate the concept of a specific way towards socialism as well as with preparations of political processes that followed“.

Document 16, the work by P. Zářecký „Power, law and processes“ of December 1968, is an attempt to give a theoretical analysis of the system leading to the preparation and implementation of political processes in the communist Czechoslovakia in the late 40s and the early 50s. Its aim is to describe the functioning of this mechanism from the beginning of detention up to passing a judgement by a court of law. The document is marked by the atmosphere of the time of its creation as well as by a narrow class Marxistic view of the author which is, by no doubt, apparant (just as in the case of other works of Piller's commission).

In Document 17 „Responsibility of the Politburo of the Central Committee of the Communist Party of Czechoslovakia for political processes in the early 50s“, its authors E. Dvořáková and Z. Snítíl describe activities of this political organ during its existence in 1951–1954, its composition, importance and a level of responsibility within the system of machinery staging political processes. According to this document, during its existence the Politburo of the Central Committee of the Communist Party of Czechoslovakia affirmed 148 death sentences for political delicts! It determined whether the hearing would be held in public or not, whether it would go on the air, or whether its outcome would be published and the like. In some cases this organ reversed court judgements or it also considered submitted applications for pardon (the authors focus on some specific cases). In other cases the Politburo also discussed taking mass actions – such as displacement of families from the village of Babice in July 1951, calling up „unreliable citizens“, or displacement of 800 families from the town of Brno in October the same year and the like. The interference of the Politburo of the Central Committee of the KSČ in judiciary and in powers of the police adversely affected thousands of families of Czechoslovak citizens.

Document 18 „Responsibility of justice“ where neither name nor date are indicated deals with the responsibility of Czechoslovak justice at the time of political processes. According to this document, the justice bears even higher responsibility for the revision of processes conducted again in the „cabinet manner“ in spite of the fact that the top judiciary officials „...were aware of staging show processes as well as they knew those who participated in unlawful acts but they did not do anything to enforce the law though it belongs among their major tasks“.

Document 19 „Report of the Ministry of Defence on the existing activities as regards issues of rehabilitations within the Army“ dealing with sanctions imposed on former soldiers and reserve officers from 1949–1953 and submitted on 26 January 1965 by the then Minister of Defence B. Lomský, the Army General, at the meeting of the Presidium of the Central Committee of the Communist Party of Czechoslovakia, provides an analysis of measures taken to remedy the situation. According to it, two commissions were set up: the first one considered the cases of generals and those of fellow-workers of B. Reicin, the former Deputy Minister of Defence in charge of „cadre“ matters [cadre – a personal manager in charge of political screening], while the other one handled all the other cases. In view of a large number of such cases, the commissions collaborated with leading officials of the regional military boards and the KSČ organs. Quoted from the document, „...within all the regional military boards more than 4000 of identity papers were checked, and 432 cases and 89 applications examined...“. However, it was just a fraction of cases of persecuted soldiers on trial at that time.

After the seizure of power in the state, the Communist Party of Czechoslovakia quickly created a power monopoly in all spheres of political and social life which, of course, was reflected also in the field of justice. The Ministry of Justice reserved the right to determine what information and to what extent might be provided for the media. That is proved by Document 20 – a circular of 15 February 1949 by which the Minister of Justice reserves the right to publish the information on cases going on trial at the State Court and the Public Prosecution.

Document 21 „Inside division and the rule of procedure of the Ministry of Justice“ is another proof of subsidiarity of judiciary to the communist party. All political orders were sent to Deputy Klos (who was responsible to the Minister of Justice for political leadership of the ministry, informing him about the course of events at the Ministry) and the heads of departments of the ministry presented to Klos brief reports on how these orders are being fulfilled „The Six“ was a party organ whose meetings the minister regularly participated in and which considered all important measures: „...of common or specific nature, having political character“. In practice it meant that justice was completely controlled by the communist party and party organs. Besides A. Čepička, the minister, major persons at the Ministry were his deputies K. Klos, A. Dressler and comrade J. Neuls responsible for propaganda.

Document 22 – „Organization and the method of work in justice“. In February 1948 after the communist coup in Czechoslovakia, communists here faced the problem how to subordinate justice to their targets, making a comfortable instrument out of it that can be used to defeat potential political opponents. The implementation of this task, however, encountered a lack of „cadres“. (According to the material, in February 1948 only 6 % of judges and prosecutors came from a working-class background.) Due to this situation, „...immediately after the February 1948, in view of the experience with Polish schools of working people, preparations were made in order to set up the school of special type designed for working people and preparing future prosecutors. [...] These schools recruited students from among families of manual workers and little farmers on direct recommendation of the party.“ All important and principal issues were discussed at everyday meetings of the advisory board with participation of the Minister and his deputies. Already after February 1948, working and political registration of all the staff in justice was introduced. For this purpose the s. c. K-registration was used „...which concentrated and ensured the contact with the party...“. In practice these files were used for uncompromising selection of the staff in justice.

Document 23 – After Act No. 319/1948 Coll. on democratization of the judicial system came into force pursuant to which senates were made up with participation of lay judges, the Minister of Justice Čepička requested reports each week on how this Act was put

into practice. Despite some „drawbacks“ (small percentage of lay judges from among manual workers), the fact for example that lay judges, „...using their life experience and political awareness, contribute to making correct decisions in the spirit of people’s democratic system...“, as quoted from Reports for the Minister of Justice on the practical implementation of Act No. 319/1948 Coll. on democratization of the judicial system dated from April 1949, was considered to be positive. In the comment the ÚDV officer A. Rázek says: „Even if it was not true absolutely, class hatred was applied instead of law.“

Document 24 „Identification of social origin of the accused“ of 2 June 1949. Authorities giving information and reports relating to criminal cases of the accused had to prove, by order of the Ministry of Justice, the social background of the accused person, i.e. his/her present and former employment, his/her position in it, the property owned, employment and property situation of his/her parents and other things. This is another example of the class approach applied by communist judges in the late 40s and the first half of 50s when the accused person was practically „predestined“ for terms of sentence based on his/her „class origin“.

Document 25 „Report on criminal cases against the clergy over the period from 19 June to 19 October 1949“ dated 25 April 1949. The Communist Party of Czechoslovakia had planned (in contradiction with public speeches of its representatives) a gradual liquidation of churches. On 2 June 1949 the broader Presidium of the party adopted the programme of gradual liquidation of churches (by elimination of influence of the episcopal board on their governing by way of setting-up the s. c. „national church“ and a proregime organization of laymen called the Catholic Action). The Catholic church responded by a pastoral letter of 15 June 1949 as well as by excommunication of members of the communist Catholic Action and members of the Communist Party. After a staged provocation, communists had interned the Prague archbishop Beran in his residence. Criminal sanctions continued until the autumn 1949, large processes with the clergy and actions against them were under preparations. Over the period from 19 June 1948 to 19 October 1949, according to the report above, 261 complaints were filed against the clergy in Bohemia and Moravia and 79 sentences were passed, 57 clergymen were in detention pertaining trial and 17 of them were held in jail serving their sentences. In Slovakia 91 complaints against the clergy were filed and 23 judgements of conviction and 17 judgements of acquittal passed. 10 clergy members were in detention pertaining trial and 1 was held in jail serving their sentences.

Document 26 – On 22 October 1951 the Ministry of Justice issued „Decree of assigning jobs to persons released from prisons and labour camps (TNP)“. At the appropriate prosecutor’s suggestion, released prisoners were, by their behaviour in prisons and labour camps (TNP), divided into four groups – the first group contained apparent regime enemies, the fourth group included those whose attitude was not antagonistic. But this classification was not a fixed one, former prisoners, after having been released, were individually surveilled and, if need be, moved to a higher or lower work group.