

WHITE PAPER ON CZECHOSLOVAKIA

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René Allio
José-Luis Aranguren
Louis Astre
Saul Bellow
Claude de Boisanger
Heinrich Böll
Pierre Daix
Jean-Marie Domenach
A. den Doolard
Friedrich Dürrenmatt
Pierre Emmanuel
Pedro Lain Entralgo
Max Frisch
Günter Grass
Graham Greene
André Henry
Alfred Kastler
Edmond Maire
Gilles Martinet
Mary McCarthy
Arthur Miller
Yves Montand
Iris Murdoch
Denis de Rougemont
Carlo Schmidt
Laurent Schwartz
Pierre Seghers
Simone Signoret
Stephen Spender
Tom Stoppard
Vercors
Johan Vogt
Per Wästberg



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CZECHOSLOVAKIA (ČSSR) IN OUTLINE

The Czechoslovak Republic came into existence in 1918 and was dismembered to the advantage of Germany in 1938. In March 1939 a German client state of Slovakia was created and the Czech lands were incorporated into the Reich as the 'Protectorate of Bohemia and Moravia'. At the end of the Second World War the Republic was restored and a part of it, Subcarpathian Ruthenia, transferred to the USSR.

A coalition government of four Czech and two Slovak parties remained in power until February 1948 when a predominantly communist system was introduced. The first years of one-party rule in Czechoslovakia saw mass persecution and mass imprisonment, often without trial and under false pretences, of alleged and real opponents of the new regime. In 1968, under the leadership of Alexander Dubcek, the Czechoslovak Communist Party launched a far-reaching programme of political and economic reforms which became known as the Prague Spring. On 21st August 1968 the armed forces of five Warsaw Pact states invaded and occupied the country. A policy of 'normalization' was then imposed on the Czechoslovak government, that is the abandonment of most of the reforms and the stationing of Soviet forces on Czechoslovak soil.

Czechoslovakia has a total area of nearly 130,000 square kilometres and her population now exceeds 15 million. In addition to the Czechs and the Slovaks, there is a substantial Hungarian minority as well as communities of Germans, Poles and Ukrainians. The Roman Catholic Church has the largest following, but there are also several Protestant Churches, all under state control and with the salaries of the clergy paid by the government.

Czechoslovakia has a well developed industry and next to the German Democratic Republic the highest standard of living in Eastern Europe. Its single most important trading partner is the USSR (32.5 per cent in 1975) and the other Comecon countries (33.5 per cent). Some 22.3 per cent of trade is exchanged with industrially developed Western countries, 7 per cent with developing countries, and 4.6 per cent with non-Comecon communist countries.

Czechoslovak foreign policy is closely linked to that of the USSR; the ČSSR has been a Warsaw Pact member since its inception. Czechoslovakia is also a member of the United Nations and a signatory to the Universal Declaration of Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Helsinki Final Act.

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I N T R O D U C T I O N

"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

"If man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, it is essential that human rights should be protected by the rule of the law."

United Nations Universal Declaration
of Human Rights (1948)

INTRODUCTION

The story of this volume, presented by the International Committee for the Support of CHARTER 77 in Czechoslovakia, unravels in the documentary language of statements, testimonies, letters and appeals pertaining to the implementation of human rights and basic freedoms since the Czechoslovak President and Secretary-General of the Communist Party of Czechoslovakia (CPCS) appended his signature to the Final Act of the Conference on Security and Co-operation in Europe (CSCE), in Helsinki on 1 August 1975.

For many a politician the human rights issue has now become an element of the political game. Should it be raised as a banner under which power-political interests are pushed and concessions in other fields obtained? Or is it better left lying in peace, like the proverbial sleeping dogs, lest a hardened reaction is provoked? How large a dose of human rights advocacy is tolerable?

Such is not the fabric from which the present volume has been put together. Even if the weight of morality in the cynical game of politics is left unconsidered, the many citizens of Czechoslovakia who speak from these pages cannot help but feel the burden of an ethical vacuum on their own shoulders and on those of their wives, children and friends. They, the victims, are our main protagonists. In contrast, the floor has also been given to official spokesmen: the high and the lowly CPCS officials, the men from the Ministry of the Interior, the police officers in uniform and more often without it, the judges and procurators, and the directors of enterprises whose duty (but perhaps not pleasure) it is to sign dismissal notices.

A dialogue the powers that be would not have. But here it is, man talks to his State and is answered back. Sometimes in words, but more frequently in a less civil manner. The conditions in which all this takes place will not be difficult to appraise for the reader.

Each text is introduced by a short explanatory note with editorial comment carefully excised as far as was possible. Wherever deletions have been made, these are clearly indicated. Some materials appear here for the first time, others can be found in full or condensed in a variety of Western newspapers and journals, in different languages. It is hoped that bringing the dispersed material between two covers will be found useful.

Let it be said that comprehensiveness of coverage is not claimed, nor could it be attained. By the nature of things much more has happened than would ever be committed to pen and paper. And the editors sought to avoid drowning a human predicament in words, words, words.

A limited number of copies of the White Paper has been produced in ring-binder form for the use of government officials at the Belgrade follow-up session to the Helsinki conference. As additional materials become available, the Committee will see to it that they are mailed there for easy insertion.

While recognizing that the power of documents lies in their own appeal to the reader's sense of judgement, the editors would like to make a few observations.

It will be argued that the White Paper's focus is on the non-fulfilment of obligations by the Czechoslovak authorities to the exclusion of such progress as may have been made. This is admitted and easily explained: it is the discordant voices that are denied all access to the information media inside Czechoslovakia, while all the positive achievements, not to mention attacks on the protesters, keep being publicized day after day. No doubt the Prague government will send eloquent men to Belgrade to argue the plus quality of their actions, but it is the other side that is in danger of not getting a hearing. In short, we wished to provide an outlet for the people at the wrong end of the stick. They deserve it; they have signed full names under their petitions and statements at no small personal risk, and their integrity and devotion to their native land cannot be doubted. In fact, many among them have dedicated the greater part of their lives to the communist cause and it is often in its name that they call for the implementation of human rights in what is called a socialist country.

Another point to consider. While the factual evidence presented here can hardly be refuted by the Czechoslovak government, the meaning and interpretation given to it by the dissidents will certainly be contested. In the tail-piece we have reproduced direct quotations from the Czechoslovak official media showing the absolute prevalence of ideological (class) evaluations of notions like "freedom", "justice", "human dignity", "happiness" and even "truth". Here we could find ourselves in the middle of a barren, if not purely semantic, debate on what means what, where and under what circumstances. Such a discussion would move in circles around the respective merits of "socialist" and "bourgeois" (or "pure") values, and around "concrete" as against "absolute" concepts of rights and freedoms in different countries, under different governmental systems. To this drawing of a distinction one should say that all the victims in the Czechoslovak drama are concerned with very concrete rights and freedoms - and their violations - in the framework of a socialist order of things. They do not propose to engage in philosophical debates about the merits and demerits of that or the other world outlook.

It will no doubt be argued also that the right to work, or to full employment, is the supreme human right without which all the others are all but null and void. As if a man who has work was automatically safeguarded against violations of, say, his right to free speech. Or, to put it differently, as if an unemployed person was automatically deprived of his right to seek redress.

It will be further suggested that "the collective" not only matters most but positively oozes happiness for the benefit of each of its members. As if individual attitudes to collective behaviour did not matter and as if history had not shown that every great step forward in human condition springs from the realization that the dignity and freedom of the individual should be the ultimate concern of societal processes. Man is the measure of all things, not the State.

Let us concede that official interpretations, supported as they are by the muscle power of the mighty, always weigh more than the voice of the individual when it comes to politics. A highly centralized political structure, which claims to derive its legitimacy from a self-proclaimed knowledge of the only scientific explanation of the world, cannot open itself to an enquiry into its basic tenets without feeling imperilled. For, human rights are not only a matter of common decency which every authoritarian system can disburse on simple humanitarian grounds. Some of them touch the very roots of such a system.

Hence the realistic, or pragmatic, distinction which we see between those human rights and provisions of the Helsinki Final Act which are acceptable to the communist regimes, those that are negotiable under certain conditions, those that can be obtained only exceptionally, and those which are simply out of bounds because their recognition in practice, not on paper alone, would represent a far-reaching reform of the incumbent systems and of official values.

The first category of the possible and the acceptable would appear to include rights deriving from the prevailing socio-economic order, notably the collective dispensation of a part of the social product by the state to the population at large or to certain social groups. Here should be listed the right to work, which is at the same time considered a duty, but not the freedom to choose employment or to pursue the line for which a person is trained and has a talent. (Many variations on this theme will be gleaned from the pages of this volume.) Here one would also include some other social benefits, such as health and social security provisions, assistance to families and absence of school fees. As for cross-national "flow of people and ideas", this category includes the non-ideological and sparse instances of family reunification, travel by old-age pensioners to visit relatives abroad, and mixed marriages; and further contacts on a governmental and collective basis, e.g. exchange of official delegations, participation at exhibitions and festivals, co-production ventures in the cinema, and organization of collective and selective events, say, in the field of sports. There is nothing wrong or inferior about this level of international co-operation. On the contrary, it is most welcome and commendable, except that it ought to be constantly monitored and its extension advocated. One must not remain content with provisions falling under this category.

In the second category of the conditional and the negotiable the most frequent general condition, apart from others expressly stated, appears to be a trade-in of basic political fealty for a part of "a right", e.g. in the social and economic field. The requisite political loyalty can take on a variety of forms, from the oblique and indirect (such as "causing no trouble") to the active and emphatic (such as informing on fellow-citizens). Some of the social and economic rights fall into this category because they are available only to segments of the relevant population

groups, e.g. free choice of occupation for the members of the Establishment and excellent educational opportunities for their children. (Once again the cases expounded in this White Paper shed light on the practical working of this selectivity.) When it comes to "freedom of speech", it can be argued that it does obtain for those who wish to speak up in support of the official policy of the day. And travel abroad is of course much freer (or at least more frequent) for the supporters of the regime than for others, but it is also an instrument of barter when political connivance is sought. True to the bisected nature of rights in this category, some are granted in part rather than in toto, e.g. the right to hold religious beliefs but not to proselytize. Insofar as the Helsinki provisions are concerned, this category includes a wider variety than the first one of international meetings on a sub-official basis, though still selective, improvements in the working conditions of journalists, exchange of film and television programmes, cultural and educational exchanges (e.g. of students and scholars, as agreed by institutions rather than in inter-governmental agreements), and encouragement to study languages. One has the feeling that some rights in this category, or parts of them, are attainable under combined external and domestic solicitation, e.g. fair treatment of some political prisoners, reasonably free movement inside one's own country, more leeway for religious practice, adequate legal representation and flow of scientific (not in the social sciences, though) information. This would seem to be the category where scope for real progress offers itself to the Belgrade negotiators in the direction of reducing the elitism and selectiveness of implementation and of promoting all those international contacts, as listed above, which the authoritarian regimes can tolerate without seeing themselves in jeopardy.

The third category of the exceptional also has much to commend itself to international attention, not only because even small victories of right over might are valuable for the cause and for the beneficiary, but also because a sufficient number of exceptions carried through without damage to the holder of power can help convince him to tolerate more. Here we would classify rights and freedoms that are exceptional in either of three senses: a right may be granted to an individual or a defined small group while it is denied to another apparently identical individual or group; or a right may be conceded just once or a few times, but not regularly; or it may be accompanied by the denial of almost all other rights to the selfsame person. In the field of international co-operation, emphasized in Helsinki, this category relates to individual contact, contact initiated and freely selected by one or both parties to it without central interference, free access to all desired scientific and other information in a particular field (as a rule non-political or "non-social") and the like. The stress should of course be on making exceptions more frequent and, eventually, regular.

Finally there is the fourth category of the impossible where implementation of human rights and systemic reform meet. Here we find what many call the human rights proper, the notion of which evolved historically - in its modern form - from the American and

French Revolutions. Some of these rights have been cited under the first three categories as being conceded exceptionally or conditionally. In their full form they are inapplicable unless an authoritarian society ceases to be authoritarian. They can be divided into the following sub-categories:

- (a) - rights that involve political contestation,
- (b) - rights that involve creation of uncontrolled organizations,
- (c) - freedom of thought and expression, including advocacy of political and ideological alternatives,
- (d) - personal security against arbitrary victimization and repression,
- (e) - freedom of contact with foreign countries,
- (f) - freedom to solicit, receive and impart unauthorized information,
- (g) - freedom to engage in private enterprise.

What then about Principle VII of the Final Act in which the universality of human rights and fundamental freedoms was recognized and their promotion made the object of joint and separate endeavour? Do we give it up simply because we realize that the Soviet Union will not change into a democracy, at least not in the foreseeable future?

The answer must be no. What is advisable is to give up an illusion, not a checklist of unfulfillable undertakings. All the international obligations in the sphere of human rights, which the communist countries entered into for reasons best known to themselves, must remain on the agenda as a reminder that whatever material benefit the East European men and women may derive from their own work, their regime's social policies and the acquisition of modern technology, they are still being deprived of some essential spiritual attainments of mankind. With this in mind, and while a determined effort is expended to make all the signatories of the Final Act live up to their word, further international negotiations ought to be conducted.

Detente, if it is not to turn completely sour, must not mean the slackening of vigilance and will on the part of the West to remain a human rights society. It must not be confined only to force reductions and trade agreements. It must take heed of what happens to the rights and freedoms of the individual in Eastern Europe. The sad case of Czechoslovakia makes the last condition imperative.

2. O B L I G A T I O N S

"In the field of human rights and fundamental freedoms, the participating states will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound. [...]"

"Wherefore, the undersigned High Representatives of the participating states, mindful of the high political significance which they attach to the results of the Conference, and declaring their determination to act in accordance with the provisions contained in the above texts, have subscribed their signatures below. [...] The Czechoslovak Socialist Republic: Gustáv Husák, Secretary-General of the CPCS and President of ČSSR."

(Helsinki Final Act. Principle VII
and Concluding Section.)

The advocates of human rights in Czechoslovakia frequently refer to articles of the Constitution. The official response almost invariably maintains that constitutional rights and liberties can only be exercised 'consistently with the interests of the working people,' as stipulated in Article 28. Applied to such innocuous rights as that of submitting proposals, suggestions and complaints to public authorities [Article 29], this condition would appear to invalidate even the last semblance of civic independence especially if it is open to official interpretation alone.

Article 24.

1. All citizens shall have the right to education.
2. This right shall be secured by compulsory free basic school education for all children up to the age of fifteen years, and by a system of free education which shall to an increasing extent provide complete secondary education, general or specialized, and university-level education. The organization of courses for employed persons, free specialized training in industrial enterprises and agricultural cooperatives and the cultural and educational activities undertaken by the state and the people's organizations shall serve further to advance the level of education.
3. All education and schooling shall be based on the scientific world outlook and on close ties between school and the life and work of the people.

Article 28.

1. Freedom of expression in all fields of public life, in particular freedom of speech and the press, consistent with the interests of the working people, shall be guaranteed to all citizens. These freedoms shall enable citizens to further the developments of their personalities and their creative efforts, and to take an active part in the administration of the state and in the economic and cultural development of the country. For this purpose freedom of assembly, and freedom to hold public parades and demonstrations shall be guaranteed.
2. These freedoms shall be secured by making publishing houses and printing presses, public buildings, halls, assembly grounds, as well as broadcasting, television and other facilities available to the working people and their organizations.

Article 29.

Citizens and organizations shall have the right to submit their proposals, suggestions and complaints to representative bodies and to other state organs; it shall be the duty of state organs to take responsible and prompt action.

Article 30.

1. Inviolability of the person shall be guaranteed. No one shall be prosecuted except in cases authorized by law. No one shall be taken into custody except in cases prescribed by law and on the basis of a decision of the court or the Procurator.
 2. Offenders can be punished only by due process of law.
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Article 31.

Inviolability of the home, the privacy of the mails and all other forms of communication, as well as freedom of domicile shall be guaranteed.

Article 32.

1. Freedom of confession shall be guaranteed. Everyone shall have the right to profess any religious faith or to be without religious conviction, and to practice his religious beliefs insofar as this does not contravene the law.

2. Religious faith or conviction shall not constitute grounds for anyone to refuse to fulfill the civic duties laid upon him by law.

The following is a translation of several provisions of the Czechoslovak Penal Code which was promulgated in the Collection of Laws No. 31 of 10th October 1973 under No. 113. Relating to political offences, these provisions are used against people advocating the implementation of human and civil rights either as a threat or as a ground for legal proceedings.

Section 92

Sedition

1. Whoever, acting in the intent to undermine the socialist and governmental system, territorial integrity or defensive capacity of the Republic or to destroy its independence,

a/ participates in forcible acts or mass disturbances against the Republic, its organs or public organizations of the working people, or

b/ engages in other especially dangerous activity against the foundations of the Republic or its important international interests,

shall be punished by imprisonment for a term of eight to twelve years.

2. The offender shall be punished by imprisonment for a term of twelve to fifteen years or by death,

a/ if he commits the acts defined in paragraph 1 as member of an organized group,

b/ if by such act he causes severe injury to more people or death,

c/ if by such act he causes extensive damage or another especially grave effect, or

d/ if he commits such act under the state of defence emergency.

Section 98

Subversion

1. Whoever, acting out of hostility to the socialist social and governmental system of the Republic, engages in subversive activity against the social and governmental system of the Republic, against its territorial integrity, defensive capacity or independence, or against its international interests, shall be punished by imprisonment for a term of one to five years.

2. The offender shall be punished by imprisonment for a term of three to ten years,

a/ if he commits the act defined in paragraph 1 in collusion with a foreign power or a foreign agent,

b/ if he commits such act on a large scale, or

c/ if he commits such act under the state of defence emergency.

Section 99

Damaging a State Belonging to the World Socialist System
Whoever commits any of the crimes defined in Sections 92 to 98 against a state belonging to the world socialist system shall be punished by the penalties said in the aforesaid provisions.

Section 100

Incitement

1. Whoever, acting out of hostility to the socialist social and governmental system of the Republic, incites at least two persons

a/ against the socialist and social and governmental system of the Republic,

b/ against its territorial integrity, defensive capacity or

c/ against the alliance or friendly relations between the Republic and other states,

shall be punished by imprisonment for a term of six months to three years.

2. The same punishment shall be imposed on a person who, acting out of hostility to the socialist social and governmental system of the Republic, makes possible or facilitates the dissemination of the inciting statement defined in paragraph 1.

3. The offender shall be punished by imprisonment for a term of one to five years,

a/ if he commits the act defined in paragraph 1 through the press, the film, the radio, the television or by another, similarly effective method, or

b/ if he commits the acts defined in paragraph 1 or 2 under the state of defence emergency.

Section 101

Abuse of Religious Office

Whoever, acting out of hostility to the socialist social and governmental system of the Republic, abuses his religious office with the intent to affect negatively matters of common interest shall be punished by imprisonment for a term of six months to three years.

Defamation of the Republic and Its Representative

Section 102

Whoever publicly defames the Republic, the Federal Assembly of the Czechoslovak Socialist Republic, the Czech National Council, the Slovak National Council or their Presidiums, or the governments shall be punished by imprisonment for a term up to two years or by reformatory measure.

Section 103

Whoever detracts from the dignity of the President or whoever publicly defames another leading representative of the Republic because of the exercise of his authority or, in general, because of his activities in political life, shall be punished by imprisonment for a term up to two years or by reformatory measure.

Section 104

Defamation of a State Belonging to the World Socialist System or Its Representative

Whoever publicly defames a state belonging to the world socialist system or its leading representative shall be punished by imprisonment for a term up to two years or by reformatory measure.

Section 112

Damaging the Interest of the Republic Abroad

Any Czechoslovak citizen or stateless resident of the Republic who damages the interests of the Republic by disseminating or making possible the dissemination abroad of a false report on the situation in the Republic, its international position or its foreign policy shall be punished by imprisonment for a term up to three years or by forfeiture of property.

The Czechoslovak Penal Code - Law 113/73 5 b. - also contains provisions which make many of the measures taken against the promoters of human rights unlawful. A selection of these stipulations is given below.

Section 158

Abusing the Authority of a Public Agent

1. Any public agent who, acting with the intent to damage another person or to obtain unwarranted benefit for himself or another person,
 - a/ exercises his authority in a manner contrary to the law,
 - b/ exceeds authority, or
 - c/ fails to fulfil a duty arising from his authority,shall be punished by imprisonment for a term of six months to three years or by reformatory measure or prohibited activity.
2. The offender shall be punished by imprisonment for a term of three to ten years.
 - a/ if by the act defined in paragraph 1 he obtains considerable benefit for himself or another person,
 - b/ if by such act he causes serious disorder in the activity of a socialist organization, or
 - c/ if by such act he causes considerable damage or another especially serious consequence.
3. The offender shall be punished by imprisonment for a term of five to fifteen years or by death, if he commits the act defined in paragraph 1 as a soldier under the state of defence emergency or in a combat situation.

Section 174

False Accusation

1. Whoever falsely accuses another person of a crime with the intent to bring about criminal prosecution of such a person shall be punished by imprisonment for a term of up to three years.
2. The offender shall be punished by imprisonment for a term of three to eight years, if by the act defined in paragraph 1 he causes considerable damage or another especially serious consequence.

Section 206

Slander

- Whoever makes a statement about another person, which he knows is false and may considerably prejudice such person in the eyes of his fellow-citizens and thereby
- a/ prejudices him in his employment,
 - b/ disturbs his family relations, or
 - c/ causes him other serious detriment,
- shall be punished by imprisonment for a term up to one year or by reformatory measure.
-

Section 221

Restriction of Personal Liberty

1. Whoever prevents another person without authorization to enjoy personal liberty shall be punished by imprisonment for a term of up to two years or by reformatory measure.

2. The offender shall be punished by imprisonment for a term of up to three years or by reformatory measure, if he commits the act defined in paragraph 1 with the intent to facilitate another crime.

3. The offender shall be punished by imprisonment for a term of three to eight years, if by the act defined in paragraph 1 he causes severe injury to health, death or another especially serious consequence.

Section 236

Restriction of the Freedom of Confession

Whoever uses violence, threat of violence or threat of other serious detriment

a/ to force another person to participate in a religious rite,

b/ to prevent another person without being authorized to do so from taking part in such a rite, or

c/ to prevent another person in any other manner from enjoying the freedom of confession,

shall be punished for a term up to one year or by reformatory measure.

Section 238

Violation of the Freedom of Domicile

1. Whoever enters the house or the dwelling of another person by using violence or the threat of immediate violence,

whoever enters such house or dwelling without permission with the intent to commit violence, or

whoever stays there without permission with the intent to commit violence,

shall be punished by imprisonment for a term up to two years or by reformatory measure.

2. The offender shall be punished by imprisonment for a term of one to five years,

a/ if he commits the act defined in paragraph 1 with a weapon, or

"Charter 77": A New Human Rights Initiative in Czechoslovakia

The Genesis. On 7 January 1977, several Western newspapers published excerpts from a document called "Charter 77." Dated Prague, 1 January 1977, it is designed to be an instrument to help Czechoslovak citizens claim and defend their civic rights and liberties as anchored in the Czechoslovak Constitution and legislation. The Frankfurter Allgemeine Zeitung of that day, which published the full text, reported that the document had been signed by 257 persons from all walks of life (other sources gave a slightly different figure). Meanwhile, playwright Vaclav Havel stated, in a Vienna telephone interview, that 40 more people had added their signatures to the manifesto, but that, in view of police pressure, their names and those of any future signers would not be divulged.

"Charter 77" is pegged to Law No. 120 of the Czechoslovak Collection of Laws of 13 October 1976. It puts into force, as of 23 March 1976, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, both of which had been signed by Czechoslovakia in 1968 and confirmed at the 1975 Helsinki conference. The essence of the Charter is the demand by its signatories that, once Czechoslovakia has enacted these documents, its executive authorities fully and finally abide by them. The Charter illustrates, citing several examples, that human rights in Czechoslovakia are being systematically violated as a matter of official policy. This is true, for instance, with regard to the freedom of expression, the right to education (where, e.g., children of persons in disgrace are prevented from pursuing higher education, in spite of meeting all academic requirements), the right to receive and impart information regardless of frontiers, freedom to travel, and freedom of religion.

To remain on legal grounds, which stipulate that all organizations must be approved by the Ministry of the Interior and recognized by the National Front, the signatories insist that "Charter 77" is not an organization in the legal sense of the term, has no statutes, no permanent bodies, and no organized membership. Furthermore, the Charter is said not to be the basis for political opposition, but should be viewed as a form of "citizens' initiative" widespread both in the West and the East. The signatories do not aspire to political or social programs of their own, but desire a "constructive dialogue" with the governing bodies by bringing to their attention cases of violation of human rights, and by suggesting remedies. The name "Charter 77" is a symbolic one, alluding to the year 1977, which has been declared the year of political prisoners (by Amnesty International) and in the course of which a conference in Belgrade is to review the progress -- or lack of it -- achieved since the Helsinki conference.

b/ if he commits such act with at least two other persons.

Section 239

Violation of the Secrecy of the Mails

1. Whoever wilfully violates the secrecy of

a/ a sealed letter or another written communication forwarded by the post or another means of transport, or

b/ a message transmitted by telephone, telegraph or any such other public facility,

shall be punished by imprisonment for a term up to six months or by reformatory measure.

2. Any employee of the postal, telephone or telegraph service, who

a/ commits the act defined in paragraph 1,

b/ wilfully enables another person to commit such act, or

c/ alters or suppresses a written communication forwarded by the post or another means of transport, or a message transmitted by telephone, telegraph or any other such manner,

shall be punished by imprisonment for a term up to one year or by reformatory measure or prohibited activity.

Section 240

Whoever, acting with the intent to cause damage to another person or to procure illegitimate profit for himself or another person,

a/ reveals which he learned from a written communication, telegram or a telephone call not addressed to him, or

b/ exploits such secret,

shall be punished by imprisonment for a term up to one year or by reformatory measure.

The offender shall be punished by imprisonment for a term of one to five years,

a/ if he commits the act defined in paragraph 1 with a weapon, or

b/ if he commits such act with at least two other persons.

O R D I N A N C E
of the Minister of Foreign Affairs
10th May, 1976

on the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

On 19th December, 1966 in New York the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were submitted for signatures.

Both these covenants were signed in New York on 7th October, 1968 on behalf of the Czechoslovak Republic.

On 11th November, 1975 both these covenants were endorsed by the Federal Assembly of the Czechoslovak Socialist Republic. The President of the Republic ratified the International Covenant on Civil and Political Rights with a statement on Article 48, para. 1, and the International Covenant on Economic, Social and Cultural Rights with a statement on Article 26, para. 1. The instruments of ratification of the Czechoslovak Socialist Republic were deposited with the General Secretary of the United Nations, in the depository of both the covenants, on 23rd December, 1975.

In accordance with its Article 49 the International Covenant came into force on 23rd March 1976, and it also came into force in Czechoslovakia on that day. Under its Article 27 the International Covenant for Economic, Social and Cultural Rights came into force on 3rd January 1976; in Czechoslovakia it came into force on 23rd March 1976.

The Czech translations of both the covenants are being promulgated simultaneously.

Minister:
Ing. Chňoupek

3. HUMAN RIGHTS: STATE OF THE COUNTRY

"The participating states recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all states."

(Helsinki Final Act, Principle VII)

"... in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights."

(International Covenant on Civil and Political Rights. Preamble.)

An overview of the situation relating to human rights in Czechoslovakia was recently provided in Briefing Paper No.9 of Amnesty International (March 1977). Extensive extracts from this paper, which was prepared before the publication of CHARTER 77, are reprinted here with the permission of Amnesty International.

[...] The 1960 constitution remains in force where not specifically amended and includes some classic safeguards against violation of human rights. For instance, it guarantees freedom of opinion and expression and freedom of peaceful assembly and association (Article 28); freedom from invasion of privacy, home and correspondence and freedom of residence (Article 31); the right to freedom of religion and the right of open profession of belief (Article 32).

In practice, however, most of these provisions have been violated under laws that allow the government to restrict activity which it considers "subversive". [...]

After the ousting of Alexander Dubček from the post of general secretary of the Communist Party of Czechoslovakia in April 1969, the government set out to implement a policy of "normalization". House searches, interrogations and arrests of real and alleged opponents of the abandonment of the 1968 reforms and of Soviet occupation of the country started on a large scale in 1970, and were followed by a series of trials.

In comparison with the 1950's, the number of people who were brought to trial for political reasons in the years 1969 to 1972 was relatively small and the sentences were shorter. It is not possible to give a precise figure since trials held at regional and district courts were unpublicized and because the Czechoslovak Penal Code does not make provision for a separate category of political offences.

In August 1969, on the first anniversary of the Soviet occupation, several hundred people, mainly young, were arrested in various parts of the country and held for from two weeks to several months. Prior to any public event which, in the judgement of the authorities, might have resulted in unrest, similar large scale arrests were made by the police. The first large trial was held in March 1971. Nineteen young people, members of the Movement of Revolutionary Youth, a radical leftwing movement which was critical of the policies not only of Dr. Husak but also of his predecessor, Alexander Dubček, were tried in Prague on charges of subversion. They were accused of having "compiled, duplicated and distributed various materials and leaflets of anti-Soviet tendency in which they attacked the socialist order of the republic and attempted to frustrate efforts at consolidation of political and economic conditions". They were sentenced to prison terms of up to four years. Large scale arrests were made

between November 1971 and January 1972. Among those affected were many people accused of taking part in producing and distributing leaflets reminding the citizens of their constitutional right to abstain from voting in the national elections held on 26 and 27 November 1971. These arrests culminated in a series of nine trials in July and August 1972: in Prague and Brno 46 people, mostly communists but including three protestants, a pastor and two laymen, were tried on charges of subversion. All were found guilty. Thirty-two of them were sentenced to prison terms ranging from nine months to six and a half years and the other 14 received suspended sentences. The last four were released from prison in December 1976. On 11 August 1972 the president of the republic called for a suspension of the prosecution of 10 people arrested in Brno on charges of subversion. This act, together with an article which appeared on 16 August 1972 in the Party newspaper Rudé Právo under the title "It is Not Possible to Subvert the Socialist Order Without Punishment", was an indication that judicial persecution on the scale of the summer of that year had come at least temporarily to an end. From then on, political trials have continued on a much reduced scale. The following cases of prisoners of conscience are among those taken up by AI in more recent years:

- A Roman Catholic priest was sentenced in November 1972 to four and a half years' imprisonment for having arranged, without permission, for illicitly printed material of religious content to be produced and sold at a profit.

According to information available to AI, he produced aids for religious instruction which are not obtainable in the state schools in the CSSR and used the proceeds from the sales for the restoration of several churches. He was released in June 1975, presumably for health reasons.

- A former member of the Institute of Linguistics in Prague was sentenced in April 1973 to three years' imprisonment on charges of incitement. He had been refused permission to publish a book of linguistics and when he subsequently sent several anonymous letters to the President of the Republic criticizing conditions in the country he was identified and arrested. He was later released under an amnesty on 8 May 1975.

- A political scientist, who had been dismissed from his university post and was working as a crane driver, was sentenced in May 1973 to three years' imprisonment for subversion and for stealing socialist property. He had written and distributed political tracts which were held to be subversive. This constituted the main charge against him; the charge of stealing socialist property was subsequently dropped and his sentence reduced to two and a half years.

- A Roman Catholic priest was sentenced in September 1974 to 15 months' imprisonment on charges of sedition. At an appeal hearing the charge was later changed to one of negligence in the supervision of churches and religious bodies; however, the original

sentence was upheld. He fell dangerously ill during his imprisonment and the AI adoption group which was assigned his case made repeated but unsuccessful attempts to send him medicines necessary for his recovery. He was released under the amnesty of 8 May 1975; however, after a short stay in hospital, he died in August 1975.

- Six people were sentenced in December 1974 to prison terms of up to two and a half years for incitement. The charges concerned a puppet show at a fair in which the CSSR and the USSR had been allegedly "ridiculed". They were released under the amnesty of 8 May 1975.

- A former student of agriculture (who previously had served a 2-year prison term) was sentenced in November 1974, while serving in the army, to two years' imprisonment for making derogatory remarks about the President of the Republic and undermining the morale of the army.

- An editor who was first arrested in 1970 and again in 1971 when he was sentenced to two and a half years' imprisonment, and who had been subsequently dismissed from his post and had taken work in a factory, was re-arrested in April 1975 following a housesearch. He was alleged to be in possession of illicit literature and to have given it to others to read. He was charged with subversion but the case against him was dropped in December 1975 on an order from the President.

- In August 1975, four citizens of the German Democratic Republic (GDR) attempted to escape to the Federal Republic of Germany via the CSSR. A helicopter flown from the Federal Republic of Germany was to pick them up on Czechoslovak territory. One member of the party and the co-pilot of the helicopter, a stateless Pole, were left behind and were arrested. They were sentenced in October 1975 to three years' and six years' imprisonment respectively and to expulsion from the CSSR for attempting to leave the CSSR without official permission.

- A former student of theology was sentenced in June 1976 to two years' imprisonment for refusing on grounds of conscience to do military service. At his first trial in December 1975, he was sentenced to 15 months' imprisonment, suspended for three years, but at his re-trial in June 1976, the Supreme Court quashed the sentence and imposed a two year prison term.

- Twenty-two young people, most of them members of two rock music groups, were arrested in March 1976 on charges of disturbing public order. Amnesty International believes that the charges and subsequent convictions contravened legitimate exercise of their right to artistic expression. Three of them were sentenced in July 1976 to prison terms ranging from eight to 30 months, which were later halved on appeal. In September 1976 a further four musicians received prison sentences ranging from eight to 18 months. A third trial involving six musicians is expected shortly.

- Four people, a playwright, a journalist and two theatre directors were arrested in January 1977 following the founding of a human rights movement, CHARTER 77 in the ČSSR and were charged with criminal activities against the state.

On a much broader scale than the judicial persecuton are the dismissals from work of individuals who supported the 1968 reforms and criticized the presence of Soviet troops in the ČSSR and the leadership of Dr. Husák. As early as 1969, political screening and occupational sanctions had begun within the Communist Party and the state apparatus, and these controls were quickly extended to the army and to all educational, scientific, cultural and economic institutions. By the end of 1970, the total membership of the Communist Party of Czechoslovakia (just under 1.7 million at the beginning of 1969) had been reduced by 450,000. According to official information, 11,000 regular officers were dismissed from the armed forces by November 1970. Many scientific and cultural organizations, including the League for the Defence of Human Rights as well as youth and children's organizations set up in 1968, were disbanded.

In December 1971, members of the Czechoslovak Academy of Science were asked to declare on oath that neither their spouses nor their children had been abroad without permission since 1968 and that they and members of their families were still members of the Communist Party. A new round of screening in schools and universities took place in 1972 when the Communist Party issued a model questionnaire for political screening which was adapted by government departments to suit the requirements of the institutions under their care. In addition to questions about individual political views, the new forms included questions about the political activities of close relatives, about the dismissals of "politically undesirable" colleagues and whether the person questioned was still in touch with them. In the school year 1974-1975, admission to secondary schools and universities was reportedly conducted according to the following criteria: first consideration was given to students both of whose parents were members of the Communist Party; next came students of working class origin, followed by those with one parent as a member of the Communist Party. Students who did not fulfil any of these requirements were the last to be considered for admission.

The legal basis for occupational sanctions was the promulgation in 1969 of Emergency Measure No.99/1969 which made it possible "to recall from his post or dismiss immediately anyone who by his activity disrupts the socialist order". This measure was followed by Government Order No.1066 in 1970 which abolished the right of the trade unions to express an opinion on dismissals from legislative and government bodies, public organizations and research institutes. As recently as 1975, two provisions in the Labour Code concerned with giving notice (Article 46) and immediate dismissal (Article 53) were amended in such a way as to allow the dismissal of people for their opinions. Political screening

and the purges started in the autumn of 1969 and have continued ever since. The hardest hit are historians, philosophers, sociologists, natural scientists, journalists, writers and teachers. In all but a few cases the dismissals have not been revoked. [...]

A number of articles of the criminal code dealing with crimes against the Republic prescribe imprisonment for exercise of rights of conscience. The formulation of these legal provisions is so general that practically any political or public activity which does not conform with the current official political line can be construed as an offence. [...]

The relevant provisions of the Criminal Procedure Code are formulated in very general terms and lend themselves to abuse. [...]

The police may search homes without warrant only in urgent cases where consent from the Prosecutor cannot be obtained for reasons of time (Article 83, Part 3). Although this provision was designed for exceptional situations, many house searches, especially in 1969-1971, have been carried out without warrants. [...]

Persons may be held in pre-trial detention for up to two months, but the Prosecutor may extend the period of detention at his discretion (Article 71). In many known cases pre-trial detention has lasted six and on occasion even 12 months. [...]

Article 75 of the Criminal Procedure Code allows persons to be kept in custody for up to 48 hours without the consent of the Prosecutor only in urgent cases. The Prosecutor must decide within a further 48 hours whether the detained person should be released or kept in custody for investigation (Article 88). In numerous cases the police and the Prosecutor have made use of the maximum limit with the result that individuals have been held in custody for 96 hours without charge. [...]

Article 199 of the Criminal Procedure Code stipulates that trials should be open, but to most political trials none but handpicked audiences have been admitted. Foreign correspondents are normally excluded. There is thus a lack of publicly available information on the manner in which such political trials have been conducted. However, one trial on which considerable information is available is that of four non-conformist musicians who were tried in Prague on 21-23 September 1976 for disturbing public order and violating public morality.

Of particular concern to Amnesty International is the fact that, in the first place, the public galleries were filled with officially-invited persons, while only five family members and three close friends of the accused and two members of the general public were admitted. The general exclusion of the public is the more disturbing since the defendants were on trial for "violation of public order and morality". Secondly, the prosecutor made changes in the case file without informing the defence lawyers

and when the latter demanded that the trial should be postponed so that they could study the changes, their request was refused. Thirdly, the defence lawyers' request that defence witnesses who had testified in the preliminary examination should be called was equally unsuccessful. [...]

The highest authority in granting amnesty is the President of the Republic. Remission of up to a third of a sentence for good conduct can be ordered by the courts on the recommendation of the prison governors. In practice, however, many political prisoners serve their full prison terms. [...]

In the absence of official statistics it is not possible to be precise about the number of prisoners of conscience in the CSSR. Arrests and detentions are only rarely announced publicly; the government issues no public statements concerning the number of prisoners it holds and, in most cases, releases are unpublicized. However, there is evidence that since September 1972 the number of prisoners has been decreasing. Well informed sources put the figure between 50 and 100, but this figure does not include an unidentifiable number of people who have been sentenced, often to short prison terms, by regional, district and military courts. Detailed information on these cases has generally been unobtainable. [...]

According to the information available to AI, prison conditions fall far short of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Czechoslovakia recognizes three categories of prisoners differentiated by the scope of their rights, the extent to which they are restricted, the type of re-educational program, the degree of prisoners' participation in the running of the prison and the types of security measures. It does not recognise political prisoners as a separate category of convicted persons. Detailed and well-documented information on conditions in Litoměřice, Ostrava and Bory/Plzeň is available from, among other sources, letters of complaint addressed by prisoners and their families to the CSSR authorities. The most comprehensive recent account consists of information received by AI in April 1976 on conditions in Litoměřice and Ostrava prisons where five known prisoners of conscience, sentenced in July and August 1972 to terms of from five to six and a half years, were held at the time. The five men had no previous convictions and were therefore sentenced to imprisonment in the first (mildest) category. In spite of this they were subjected to a special regime and experienced worse conditions than prisoners convicted of ordinary criminal offences. In many ways their treatment was in violation of the CSSR constitution and of Law Number 59/65 governing prison conditions. [...]

The five prisoners lived in tiny cells measuring approximately two meters by four meters. The windows were provided with bars which did not permit sufficient light or air into the cells and which prevented prisoners from seeing out. The cells were poorly equipped and the artificial light was weak. Each political prisoner shared his cell with one other prisoner, usually a convicted criminal. Communication between cell-mates was subject to audio-surveillance equipment. [...]

The prisoners worked in their cells at such tasks as sewing buttons on cards, sorting and threading pins, hairpins, snap fasteners, sorting glass beads and making artificial flowers and wickerwork chairs. Between 10 and 12 hours a day were spent in this fashion and non-fulfilment of the norm was punishable in various ways, including reduction of food rations. The pay was minimal, around 400 Czechoslovak crowns a month (75 US dollars at the official exchange rate) - less than half the amount earned by criminal prisoners. [...]

The lack of fresh air, natural light and exercise, the generally inadequate hygiene and a diet deficient in protein, minerals and vitamins impaired the prisoners' health to the extent that in some known cases considerable convalescence has been needed after their release. Parcels of food from relatives (one of up to three kilos every three months) did not make up for what was lacking in the prison diet. Prisoners suffered from lack of basic medical care. Even when seriously ill, the prisoners did not receive adequate medical attention; operations were performed after delays and there was insufficient aftercare. [...]

Relatives could see and hear prisoners - touching was usually forbidden - for only four hours a year since visits were confined to one hour every three months for two adults and the prisoners' children. Since 1973, prisoners have been permitted to write one letter a week to one address, but these were frequently returned to the prisoner by the censor to be rewritten. [...]

Normally prisoners were allowed to take a single newspaper and one book a week from the prison library. Technical or scientific literature and books in foreign languages were barred. [...]

Political prisoners were subject to various disciplinary measures, often for the slightest breach of regulations. In many cases, they have been abused by prison staff and their cells searched in their absence and various items confiscated. Warders have switched off the light in the prisoners' free time and arbitrarily shortened the time allotted for their bath and exercise. [...]

It has been reported that some political prisoners have returned home from prison in a poor state of health and in need of medical treatment and convalescence. They invariably have great difficulties in finding employment and most of them are, on account of their past, unable to take up the kind of work for which they have been trained. They must take menial and badly paid jobs for which they may not be physically fit.

What makes the situation of former political prisoners especially onerous is that many are faced with a debt which can take a long time to settle. The debt consists of the cost of the preliminary examination, the trial, the lawyer, and the cost of their up-keep in prison from the day they are taken into custody until the day of their release. The amount they have to pay for their maintenance in prison is calculated by deducting the money allocated for support of their children and for pocket money issued to them while in detention from the total amount

of money earned from their badly paid work in prison. It was estimated in 1974 by a well-informed source that many political prisoners on release faced a bill of from 15,000 to 20,000 Kčs (approx. 2700 to 3600 US dollars at the present official rate of exchange), which represents seven to ten months' average earnings. [...]

There has been compulsory military service in the ČSSR since the foundation of the Republic in 1918. There are no legal provisions recognizing the right to refuse to perform military service on grounds of conscience. According to Article 280 of the Criminal Code, any person evading or refusing military service shall be punished with imprisonment for from 6 months to five years or from five to 15 years if the country is in a state of emergency or at war.

Amnesty International has taken up the case of a former student of theology imprisoned when he refused to perform military service for reasons of conscience. He is at present serving a 2-year prison term. One of the 22 non-conformist artists, arrested in March 1976 for disturbing public order, was sentenced in December 1976 to 16 months imprisonment suspended for 3 years for, inter alia, refusing on grounds of conscience to do military service. [...]

In addition to judicial persecution involving imprisonment, another more widespread form of persecution of people for their opinion takes place in the ČSSR. This extra-judicial persecution became especially prevalent in 1969 and 1970 when it was aimed at the removal from positions of influence of all opponents of the new political leadership. [...]

Representative of the thousands of persecuted intellectuals are the cases of two well-known academics, a mathematician and a historian. The mathematician was dismissed from the Czechoslovak Academy of Sciences after political screening in 1970. At about the same time his wife, a graduate in philosophy and sociology, was also dismissed from her post. She was unemployed for three years, suffered a mental breakdown and finally found a badly paid administrative job. In the spring of 1971, the professor was allowed to work in the Research Institute for Computers but was dismissed again after two years. During all this time he was refused permission to publish his books either in the ČSSR or abroad and was not permitted to accept invitations to international conferences or offers of lecture tours or longer term employment abroad. In February 1976, he worked as a stoker in a factory earning 1500 Kčs (270 US dollars) a month, a third less than the average earnings in the ČSSR. In 1973, he applied for permission for a long term stay abroad or for emigration. This and his many subsequent applications were all refused until the summer of 1976 when he and his family were finally allowed to emigrate.

The persecution of the historian goes back to 1971 when the general prosecutor and the security police started proceedings against him and a colleague for editing and publishing a documentation on the events of 21-27 August 1968 known as the "Black Book". The prosecution charged him with subversion and this charge has never been withdrawn. In March 1975, he applied

for permission to emigrate. The following month his house was searched and his books, part of his archives and his private journal were seized. In January 1976, permission was withdrawn for him to earn his living as a porter in a wine restaurant. He and his family received permission in the summer of 1976 to emigrate.

The following examples give an indication of the scale of the dismissals:

- By April 1972 about 1,200 journalists, 40 per cent of the total membership of the Union of Journalists had been expelled from the Union (Novinář April 1972).

- In April 1973 an official directive was sent to all libraries in the CSSR to remove from their shelves the books of some 350 authors.

- On 21 August 1975, the Frankfurter Allgemeine Zeitung published a list of 144 Czechoslovak historians who had been dismissed from their jobs in universities and scientific institutes.

The dismissed men and women, mostly former members of the Communist Party, had no alternative but to accept badly paid jobs and many today work as stokers, waiters, porters, in warehouses, and other such occupations. [...]

The families of those who have been purged also face discrimination. The adult family members are normally subjected to occupational sanctions and their children are frequently barred from attending secondary schools and universities. In November 1976, a political prisoner went on a hunger strike in prison as a protest against the persistent barring of his children from further education, although they had fully qualified for it. [...]

Interrogations, short term arrests, surveillance, house searches and confiscation of manuscripts, books and other personal property of individuals known to hold dissenting views, including former political prisoners, have continued to take place. House searches and interrogations were particularly noticeable on 31 January 1972, before the opening of the 15th Congress of the Communist Party of Czechoslovakia on 12 April 1976 and in January 1977, following the publication in the international press of the founding of a human rights' movement, CHARTER 77 in the CSSR. Other kinds of harassment for which the state security (STB) is responsible include censorship of foreign mail, monitoring of telephone conversations and the installation of bugging devices in private apartments. ...

In 1973, about 500 out of a total of some 3,500 Roman Catholic priests were barred from exercising their ministry. The theological faculties, Roman Catholic and Protestant alike, operate a strict numerus clausus and their graduates have

difficulty in obtaining work permits. In 1975, seven students from the Theological Faculty in Bratislava, after passing their final examinations, were barred from consecration as priests because they refused to attend a meeting organized by the state-sponsored organization Pacem in Terris. A number of students in the faculty of theology were called up to do military service shortly before they were due to finish their studies. A student of theology was expelled from the faculty in the summer of 1976 for praying publicly for the arrested non-conformist artists. Since September 1975, Roman Catholic nuns have been barred from attending schools of nursing. In early 1976, police actions against some of the Roman Catholic laity were carried out in various parts of Slovakia. Among those held for a short time was a scientist alleged to have influenced young people towards religious faith. Another person was held for distributing religious literature. In southern Slovakia, a Roman Catholic priest was arrested towards the end of 1975 for influencing young people towards religious faith. He was last reported in March 1976 to be in pre-trial detention. [...]

With few exceptions, former political prisoners and those who have been dismissed in the purges and their families are not allowed to travel abroad. Their passports are frequently taken away from them and they are not allowed to emigrate. Scientists and writers in this category are refused permission to attend international conferences to which they have been invited. Playwrights with suspect views cannot be present at the opening nights of their plays abroad, and in 1976, one writer was refused permission to collect a literary prize which he had been awarded abroad. [...]

Among the people who left the CSSR in 1968 and 1969 there were many who left their children behind hoping that they would follow them later. The CSSR authorities have refused to allow the children to join their parents on the grounds that if the parents wish to be with their children, they should return to the CSSR. In the absence of official figures, the number of children who are separated from their families is estimated at about 700; 25 of whom were allowed to leave the CSSR, and joined their parents in the Federal Republic of Germany in January 1977.

Two years ago the internationally known Czech playwright, Václav Havel, addressed an open letter to the President of the Republic and the General Secretary of the CC CPCs, G. Husak. Below are some of the author's principal ideas on conditions in Czechoslovakia. At that time the letter received a great deal of publicity in the western press. In a very pertinent manner it also brings into sharp relief many problems described in the documents and testimonies of this publication.

Dr. Gustav Husák
General Secretary of the CC CPCs

Dear Dr. Husák, [...]

I would venture to say that, in spite of all the outwardly appealing factors, internally our society is not only far from being consolidated but is heading towards an even deeper crisis, which in many respects is much more dangerous than all the crises we can remember from our modern history.

I will attempt to argue for this assertion of mine.

The fundamental question we must ask here is: Why do people behave like this? Why do they do all these things which, taken as a whole, create that imposing impression of a completely united society which totally supports its government? I believe that for any unbiased observer the answer is obvious: they are driven to this behaviour by fear.

For fear of losing his job a teacher teaches things at school which he does not believe in; out of fear for his future a pupil repeats them after him; for fear of not being able to continue his studies a young person joins the Youth Union and does what it is necessary to do there; for fear that his son or daughter will not get enough points in the monstrous political system of criteria for the selection of students, a father accepts all kinds of offices and "voluntarily" carries out all that he is asked to do. For fear of possible repercussions people take part in elections and cast their votes for the candidates on the ballot paper and pretend that they consider this ritual a real election; out of fear for their existence, social status and career they go to meetings, raise their hands for everything they are asked to, or at least remain silent; out of fear they perform various acts of self-criticism, voice their repentance and dishonestly fill in a great many questionnaires; for fear someone might inform on them that they do voice their real views in public, and quite often even privately. In the majority of cases the so-called workers' pledges are declared in an attempt to achieve better conditions, to find favour with the authorities or again for fear of possible existential repercussions. Even participation in brigades of socialist work stems from the same motives; from the very start everyone is aware that their main purpose is to

Dear Dr. Husák...1

figure prominently in reports to their superiors. Fear makes people take part in various official celebrations, manifestations and processions. For fear of being prevented from continuing their work, many scientists and artists subscribe to ideas in which they do not believe, write things they do not mean or which they know to be untrue, join various official organizations, take part in various activities they despise and even tamper with and deform their own works. In trying to save themselves some people even inform on others, reporting things in which they themselves were involved. [...]

Naturally fear is not the sole building material of today's social structure.

Despite that, it remains the fundamental material; without it, it would never have been possible to achieve that superficial unity, discipline and unanimity with which official documents substantiate their claim that our society is consolidated. [...]

This system of coercion which encompasses the whole of society and each of its citizens, whether in the form of an everyday threat or a general climate, could not of course function successfully if it did not have, in the same manner as the more brutal forms of coercion which have now been overcome, its natural rearguard support in that force which ensures its universality, complexity and power: the ubiquitous and omnipotent State Security Police. This dreadful spider has an invisible cobweb interwoven throughout society, the point in extremity in which, in the final analysis, all the lines of fear intersect, the last and irrefutable proof of the hopelessness of every attempt by the people to confront social power. Despite the fact that most of the time the majority of people do not see this cobweb with their own eyes and cannot touch it, even the most ordinary citizen is well aware of it, presupposes its clandestine presence everywhere and at all times and behaves accordingly: that is in such a way that he may prove himself well in the presence of its hidden eyes and ears. [...]

A great deal has already been said and written about the curiously desolate state of our present culture; about the hundreds of forbidden authors and books and dozens of liquidated journals; about the devastation of all editorial and repertoire possibilities and about the disruption of all lines of communication in the spiritual life of society in general; about the plundering of exhibition halls; about the bizarre palette of acts of persecution and discrimination employed in this sphere; about the eradication of all the hitherto existing artistic organizations and numerous scientific institutions and their replacement by some kind of dummies administered by a handful of aggressive sectarians, well-known careerists, incorrigible cowards and incompetent, ruthless people who - in the general vacuum - seized upon their big opportunity. I am not going to elaborate on all those things again; I will rather attempt to analyze some of the deeper aspects of this state of affairs, which are directly connected with the subject of this letter.

Dear Dr. Husák...2

Firstly: however hard the situation might be now, it does not mean that culture has ceased to exist. Theatres go on playing, television goes on broadcasting, even books are being published. However, the sum total of this public, legal culture has one basic common feature: its superficiality as a result of its alienation from its very substance brought about by means of its total castration as a tool of human and therefore also social self-awareness. [...]

I am sure you understand that at this moment I am no longer speaking about those blacklists containing page upon page of creative names of people who have been proscribed, fully or partly; I am speaking about a far worse blacklist, a blank index, a priori containing everything which could sparkle with a more original idea, a deeper insight, a higher degree of honesty, an innovatory approach, a more stimulating form. I am speaking about an a priori warrant for arrest against everything inherently free and therefore, in the true sense of the word, cultural. I am talking about the warrant for arrest issued by your Government against culture. [...]

The fact that in recent years we have not seen a single new Czech novel in the bookshops which would perceptibly widen the horizons of our experience of the world will not result in any outward repercussions. Readers will not stage a demonstration because of it and there will always be something else to read. But who can dare to estimate what this fact really means for Czech society? Who knows what effect this gap will have on the cultural and moral atmosphere of future years? How far will it impair our ability "to see ourselves"? [...]

Nevertheless, in spite of everything, there are a few novels of this kind which reach the public: they are circulating in manuscripts. [...] But what can the situation be in the spheres where it is impossible to work outside the so-called legal structures? How can we fathom the real extent of damage which was and will be caused by the stifling of interesting trends in the theatre and films, the areas which have a quite specific impact on the life of society. [...]

In summary the question may be formulated thus: What will be the extent of the nation's spiritual and moral impotence tomorrow as a result of today's castration of its culture? [...]

I fear that the pernicious social consequences will outlive by many years the concrete political interests which have brought them to life. This will of course increase the historical guilt of those who have sacrificed the spiritual future of their nation to their power interests of today. [...]

In our country too it seems as if history ceased to exist some time ago. [...] A deadly order has been introduced even here; all activity has been brought into perfect order and therefore it has ceased to live. [...]

And so the disorder of real history has been supplanted by the order of pseudo-history whose author, of course, is not the life of society but an official planner; instead of events we

are offered pseudo-events; we live from one anniversary to another, from one celebration to another, from one parade to another; from a unanimous congress to a unanimous election and from a unanimous election to a unanimous congress; from the Day of the Press to the Day of the Artillery and vice versa. [...] As a matter of fact this entire letter speaks of what I really fear: the inordinately hard and long-term effects which this present-day outrage will have on our people. I am afraid of what we will have to pay for this drastic suppression of history, the cruel and unnecessary driving of life into the underground of society and of the human soul, the new forceful "deferment" of all possibility to live, at least a little more naturally, as a society. [...]

In the meantime efforts are being made to systematically activate and develop in us all the worst human qualities, selfishness, hypocrisy, indifference, cowardice, fear, resignation, a desire - as far as we are personally concerned - to stay away from everything with no regard to the consequences on society.

And yet even the present state leadership has a chance to influence society politically in such a way that it is not the worst aspects of our character that are promoted, but the better.

However, you have chosen the easiest way for yourselves and the most dangerous way for society: the way of outward appearances at the expense of inward decline [...] consisting merely in the protection of your own power at the cost of a deepening of the spiritual and moral crisis of society and of a systematic degradation of human dignity. [...]

As a citizen of this state I hereby openly and publicly request that you and all the other leading representatives of this regime devote your attention to the ramifications of the problems I have tried to raise and that in the light of this examination you reconsider the measure of your historical responsibility and act accordingly.

Václav Havel
Writer

8th April, 1975

Dear Dr. Husák... 4

Extracts from a letter from a Czechoslovak historian to the Praesidium of the Federal Assembly (Parliament) of the Czechoslovak Socialist Republic on the violation of certain articles of the Final Act of the Helsinki Conference on Security and Co-operation in Europe.

To the Praesidium of the Federal Assembly of CSSR
For the attention of the Chairman, A. Indra
Prague

Mr. Chairman, ...

Czechoslovakia has signed the Final Act of the Helsinki Conference and her representatives have declared that they are determined to abide by it consistently. In this connection the question arises whether the range of the fundamental human and civil rights and freedoms, defined by the Czechoslovak Constitution, is sufficiently broad. I have compared Articles 20, 24, 25, 28, 31 and 32 of the Constitution with Principle VII of the first part of the Helsinki Final Act, which (among other things) states that "in the field of human rights and fundamental freedoms, the participating states will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and with the International Covenant on Human Rights (which was also signed by Czechoslovakia). I have come to the conclusion that the relevant articles of the Constitution do not quite match the content of this part of the Helsinki document. [...]

In accordance with the Czechoslovak Penal Code, particularly its first chapter, the security organs, public prosecutors and courts of justice, as a matter of routine, prosecute as a criminal act of subversion against the Republic mere criticism of Party and Government policy insofar as it is voiced in the presence of at least two persons. A particularly aggravating circumstance is seen in voicing such criticism in written form. A criminal act of sedition and later of subversion against the Republic was seen, for instance, in the mere collecting and publishing of documents on key historical events only because the present-day official governmental policy gives these events an interpretation which is different from that contained in contemporary documents. A similar analysis could be offered of some other provisions of Chapter 1 of the Penal Code.

The afore-mentioned interpretation of the law is also connected with the well-known theory and practice of notoriety. Each defendant is automatically ascribed the notorious intention of acting "out of hostility towards the socialist social and state order". This practice of notoriety was exercised in Czechoslovakia in the trials of both the 1950s and the 1970s and we are witnessing it again in the present-day campaign

To the Praesidium of the Federal...1

against the signatories of CHARTER 77. Such a practice of implementing the Penal Code reduces civil rights in the field of political freedoms to a single one - approval of the official governmental policy. Any criticism or public disagreement (as few as two persons are sufficient to be considered as comprising the public), for example having a different conception of socialism from that held by the present regime, is qualified as hostility towards socialism, as an attempt to destroy socialism, regardless of the real motives for the criticism.

Among the first steps towards respecting human and civil rights and freedoms in Czechoslovakia within the scope of the Final Act should therefore be a redefining in the Penal Code of criminal offences against the Republic and the ending of the so-called principle of notoriety in the uncovering of alleged "hostility towards the socialist order". [...]

The currently valid Czechoslovak Constitution defines human rights and civil freedoms too narrowly, and even those rights which are anchored in the Constitution are not being respected. In particular this concerns the cardinal principle of civil liberties, and equality of citizens, which is defined by Article 20 of the Constitution in the following words: "All citizens have the same rights and the same duties". It is further stated that "the workers' society guarantees the citizens' equality by creating the same possibilities and the same opportunities for them in all spheres of society".

These provisions of the Constitution are not respected, to the extent that it can be said that they are invalid. We will leave aside the most common phenomenon in the life of our society - inequality between the members of the Communist Party of Czechoslovakia and the so-called non-Party masses of the population. It is a well-known fact that in our society there is a large group of citizens - hundreds of thousands of them - who are and have been exposed to a variety of forms of political and existential repression: for example, they have been dismissed from their jobs and are not allowed to work in the professions for which they are qualified; a sophisticated system of administrative and often police measures is used to discriminate against them and deprive them of some of their rights.

The members of this large group of the population have not committed any criminal offence and they have not been deprived of their rights on the basis of valid verdicts of the court. They have appeared on black lists as enemies, suspicious and untrustworthy people, merely for expressing their political views or even for just agreeing with, and supporting, the policy of the former (1968) Party and state leadership.

This involves university professors, artists, writers, and scientists who are not allowed to follow their careers, or to publish their works. Their books which have already been published are being withdrawn from libraries. It also involves

white-collar workers, technicians and workers who have been transferred to inferior or lesser-paid functions and jobs. Discrimination has also penetrated into wages policy, since one of the criteria for awarding bonuses and high productivity payments is that of political involvement, i.e. unconditional agreement with, and support for, the policy of the present Government.

Such injustices have been committed against communists as well as non-communists. Discrimination against these people is still continuing. They are discriminated against when applying for passports and exit permits for travel abroad. Discrimination is also practised against their children, who are prevented from pursuing their studies in secondary schools and universities or from training in professions which are favoured and popular even if they show special talents for them.

Discrimination is not limited to the suspension of the civil rights laid out in Article 20 of the Constitution. In passing, let us mention only that all of these people have in actual fact been deprived of their "passive voting right" (they are not eligible as candidates) and that many of them have been deprived of their functions in elected bodies in a manner which is at sharp variance with the Constitution.

The afore-mentioned facts characterize a state of affairs which in my opinion can be quite rightly referred to as mass illegality because it concerns the mass of the people and is exercised on a mass scale. Yes, we are witnessing mass illegality which represents the basic feature of Czechoslovak public life in the first half of the 1970s. It is worth mentioning that this is already the second wave of mass illegality which has afflicted and plagued our country in the brief post-war period. The first took place at the beginning of the 1950s and also lasted a number of years*. It can naturally be argued that the first wave of mass illegality was much more bloody, that there were many more detentions, arrests and convictions, and that in the second case there have not been any instances of cruelty and that there has not been a single execution.

* This refers to the political trials in Czechoslovakia, some of which were later annulled as judicial errors. The data of the Supreme Court and other materials reveal that between 1948-1953 at least 3,500 people were convicted; 160 of them were sentenced to death.

I would like to highlight the fact that both these phenomena, although they are taking place within the span of twenty years, have a number of common features and that they spring from the same roots.

Firstly: The mass-scale infringement of laws and civil rights has in both cases been perpetrated in the name of socialism, under the banner of the struggle against its enemies and with the promise that liquidation of the "enemies" will open the way to a happy future. In the first case it was only five years after the show trial against the former Secretary General of the CPSC that the Party had to critically reappraise the problem of violations of the law in the period of the trials. And it was clear to everyone that the interests of socialism and its future had suffered a severe blow.

Secondly: In both cases the mass-scale violation of the law was perpetrated on two levels; on the first plane as a contradiction between the civil rights and freedoms generally respected by the civilized world and the newly "enacted" legal norms and their interpretation (including the practice of notoriety); on the second plane as a violation of, and disrespect for, even these new laws of "ours". At the same time the illegal persecution of people for offences which they had not committed or for attempting to exercise their natural human rights had its reverse side; real violations of the law were not and are not prosecuted. [...]

Thirdly: The machinery of mass illegality is not selective. It has always acted as a blind machine of destruction. Those who set it in motion sooner or later lose control over it. Not only did such people become their own victims but also their effort to stop the machine proved futile.

Fourthly: The consequences of the mass-scale violation of the law had and are having a long-term effect on society. [...]

Fifthly: Mass illegality does not come into being by chance or by mistake. [...] Mass illegality is a method of government, a tool of the power structure. It has its roots in the very foundations of the political system. Its breeding ground is the mechanism of power and its division or the lack of it. In Czechoslovakia there are two parallel power structures - that of the State and that of the Party; the constitutional and legal norms have their counterpart in Party resolutions. The Party organs and their resolutions are superior to the state organs and to the constitutional and legal norms; although members of the Party hierarchy concentrate in their hands the decisive share of power, as a rule they do not carry any legal responsibility.

Mr. Chairman,

I hope I have been able to convince you of the correctness of my arguments and the sincerity of my motives and that you will submit my letter and the proposals it contains for discussion at the Praesidium of the Federal Assembly.

The contents of this letter have also been made available to the spokesmen of CHARTER 77.

Yours sincerely,

Karel Kaplan

April, 1977

To the Praesidium of the Federal...5

4. CHARTER 77 AND ITS AFTERMATH

"Citizens and organizations shall have the right to submit their proposals, suggestions and complaints to representative bodies and to other state organs; it shall be the duty of state organs to take responsible and prompt action."

(Article 29 of Czechoslovak Constitution)

"The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion. [...] They confirm the right of the individual to know and act upon his rights and duties in this field."

(Helsinki Final Act. Principle VII)

In the Czechoslovak Register of Laws No 120 of October 13, 1976, texts were published of the International Covenant on Civil and Political Rights, and of the International Covenant on Economic, Social and Cultural Rights, which were signed on behalf of our republic in 1968, reiterated at Helsinki in 1975 and came into force in our country on March 23, 1976. From that date our citizens have enjoyed the rights, and our state the duties, ensuing from them.

The human rights and freedoms underwritten by these covenants constitute features of civilized life for which many progressive movements have striven throughout history and whose codification could greatly assist humane developments in our society.

We accordingly welcome the Czechoslovak Socialist Republic's accession to those agreements.

Their publication, however, serves as a powerful reminder of the extent to which basic human rights in our country exist, regrettably, on paper alone.

The right to freedom of expression, for example, guaranteed by article 19 of the first-mentioned covenant, is in our case purely illusory. Tens of thousands of our citizens are prevented from working in their own fields for the sole reason that they hold views differing from official ones, and are discriminated against and harassed in all kinds of ways by the authorities and public organizations. Deprived as they are of any means to defend themselves, they become victims of a virtual apartheid.

Hundreds of thousands of other citizens are denied that "freedom from fear" mentioned in the preamble to the first covenant, being condemned to the constant risk of unemployment or other penalties if they voice their own opinions.

In violation of article 13 of the second-mentioned covenant, guaranteeing everyone the right to education, countless young people are prevented from studying because of their own views or even their parents'. Innumerable citizens live in fear of their own, or their children's right to education being withdrawn if they should ever speak up in accordance with their convictions. Any exercise of the right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print" or "in the form of art" specified in Article 19, clause 2 of the first covenant is followed by extrajudicial and even judicial sanctions, often in the form of criminal charges as in the recent trial of young musicians.

Freedom of public expression is inhibited by the centralized control of all the communication media and of publishing and cultural institutions. No philosophical, political or scientific view or artistic activity that departs ever so slightly from the narrow bounds of official ideology or aesthetics is allowed to be published; no open criticism can be made of abnormal social phenomena; no public defence is possible against false and insulting charges made in official propaganda - the legal protection against "attacks on honour and reputation" clearly guaranteed by article 17 of the first covenant is in practice non-existent: false accusations cannot be rebutted and any attempt to secure compensation or correction through the courts is futile; no open debate is allowed in the domain of thought and art.

Many scholars, writers, artists and others are penalized for having legally published or expressed, years ago, opinions which are condemned by those who hold political power today.

Freedom of religious confession, emphatically guaranteed by article 18 of the first covenant, is continually curtailed by arbitrary official action; by interference with the activity of churchmen, who are constantly threatened by the refusal of the state to permit them the exercise of their functions, or by the withdrawal of such permission; by financial or other transactions against those who express their religious faith in word or action; by constraints on religious training and so forth.

One instrument for the curtailment or in many cases complete elimination of many civic rights is the system by which all national institutions and organizations are in effect subject to political directives from the machinery of the ruling party and to decisions made by powerful individuals.

The constitution of the republic, its laws and legal norms do not regulate the form or content, the issuing or application of such decisions; they are often only given out verbally, unknown to the public at large and beyond its powers to check; their originators are responsible to no one but themselves and their own hierarchy; yet they have a decisive impact on the decision-making and executive organs of government, justice, trade unions, interest groups and all other organizations, of the other political parties, enterprises, factories, institutions, offices and so on, for whom these instructions have precedence even before the law.

Where organizations or individuals, in the interpretation of their rights and duties, come into conflict with such directives, they cannot have recourse to any non-party authority, since none such exists. This constitutes, of course, a serious limitation of the right ensuing from articles 21 and 22 of the first-mentioned covenant, which provides for freedom of association and forbids any restriction on its exercise, from article 25 on the right to take part in the conduct of public affairs, and from article 26 stipulating equal protection by the law without discrimination.

This state of affairs likewise prevents workers and others from exercising the unrestricted right to establish trade unions and other organizations to protect their economic and social interests, and from freely enjoying the right to strike provided for in clause 1 of article 8 in the second-mentioned covenant.

Further civic rights, including the explicit prohibition of "arbitrary interference with privacy, family, home or correspondence" (article 17 of the first covenant), are seriously vitiated by the various forms of interference in the private life of citizens exercised by the Ministry of the Interior, for example by bugging telephones and houses, opening mail, following personal movements, searching homes, setting up networks of neighbourhood informers (often recruited by illicit threats or promises) and in other ways.

The ministry frequently interferes in employers' decisions, instigates acts of discrimination by authorities and organizations, brings weight to bear on the organs of justice and even orchestrates propaganda campaigns in the media. This activity is governed by no law and, being clandestine, affords the citizen no chance to defend himself.

In cases of prosecution on political grounds the investigative and judicial organs violate the rights of those charged and of those defending them, as guaranteed by article 14 of the first covenant and indeed by Czechoslovak law. The prison treatment of those sentenced in such cases is an affront to their human dignity and a menace to their health, being aimed at breaking their morale.

Clause 2, article 12 of the first covenant, guaranteeing every citizen the right to leave the country, is consistently violated, or under the pretence of "defence of national security" is subjected to various unjustifiable conditions (clause 3). The granting of entry visas to foreigners is also treated arbitrarily, and many are unable to visit Czechoslovakia merely because of professional or personal contacts with those of our citizens who are subject to discrimination.

Some of our people - either in private, at their places of work or by the only feasible public channel, the foreign media - have drawn attention to the systematic violation of human rights and democratic freedoms and demanded amends in specific cases. But their pleas have remained largely ignored or been made grounds for police investigation.

Responsibility for the maintenance of civic rights in our country naturally devolves in the first place on the political and state authorities. Yet not only on them: everyone bears his share of responsibility for the conditions that prevail and accordingly also for the observance of legally enshrined agreements, binding upon all individuals as well as upon governments.

It is this sense of co-responsibility, our belief in the importance of its conscious public acceptance and the general need to give it new and more effective expression that led us to the idea of creating CHARTER 77, whose inception we today publicly announce.

CHARTER 77 is a loose, informal and open association of people of various shades of opinion, faiths and professions united by the will to strive individually and collectively for the respecting of civic and human rights in our own country and throughout the world - rights accorded to all men by the two mentioned international covenants, by the Final Act of the Helsinki conference and by numerous other international documents opposing war, violence and social or spiritual oppression, and which are comprehensively laid down in the UN Universal Charter of Human Rights.

CHARTER 77 springs from a background of friendship and solidarity among people who share our concern for those ideals that have inspired, and continue to inspire, their lives and their work.

CHARTER 77 is not an organization; it has no rules, permanent bodies or formal membership. It embraces everyone who agrees with its ideas and participates in its work. It does not form the basis for any oppositional political activity. Like many similar citizen initiatives in various countries, West and East, it seeks to promote the general public interest.

It does not aim, then, to set out its own platform of political or social reform or change, but within its own field of impact to conduct a constructive dialogue with the political and state authorities, particularly by drawing attention to individual cases where human and civic rights are violated, to document such grievances and suggest remedies, to make proposals of a more general character calculated to reinforce such rights and machinery for protecting them, to act as intermediary in situations of conflict which may lead to violation of rights, and so forth.

By its symbolic name CHARTER 77 denotes that it has come into being at the start of a year proclaimed as Political Prisoners' Year - a year in which a conference in Belgrade is due to review the implementation of the obligations assumed at Helsinki.

As signatories, we hereby authorize Professor Dr. Jan Patočka, Dr. Vaclav Havel and Professor Dr. Jiri Hajek to act as the spokesmen for the CHARTER. These spokesmen are endowed with full authority to represent it vis-a-vis state and other bodies, and the public at home and abroad, and their signatures attest the authenticity of documents issued by the CHARTER. They will have us and others who join us as their colleagues, taking part in any needful negotiations, shouldering particular tasks and sharing every responsibility.

We believe that CHARTER 77 will help to enable all the citizens of Czechoslovakia to work and live as free human beings.

In January, 1977 two of the main spokesmen for CHARTER 77 addressed a query to the Government of the CSSR concerning the repressive and discriminatory measures adopted by the Czechoslovak authorities against the signatories of the Manifesto dealing with the degree to which civil and human rights are applied in Czechoslovakia.

In accordance with Article 29 of the Czechoslovak Constitution we turn to the Czechoslovak Government with the following questions:

1) Does the Czechoslovak Socialist Republic recognize as valid the international covenants on human rights, signed by the Government on 5th October, 1968, approved by the Federal Assembly and, following their ratification by the President of the Republic on 23rd December, 1975, published in the Collection of Laws under No. 120/1976; are they valid in full measure and with the full implications of all their articles for all citizens and state organs?

2) If the answer is in the affirmative, is each Czechoslovak citizen entitled, individually or together with his fellow-citizens, to draw the attention of the state organs (in accordance with Article 29 of the Constitution) and of fellow-citizens and the public (Article 28 of the Constitution) to any possible discrepancy between the principles and norms stipulated by the afore-mentioned pacts and the actual realities of our society and the practices of its administration; in addition, has each citizen the right to submit suggestions and proposals intended to overcome any such discrepancy?

3) In such a case is anyone in Czechoslovakia entitled to prevent citizens from exercising this right, which was also confirmed in the Final Act of the Conference on Security and Co-operation in Helsinki on 1st August, 1975? Can acts of persecution or discrimination, public denouncement, slander and false accusations follow from the exercise of this right? Is it permitted to incite the public to a hostile reaction towards these citizens without allowing the latter to publicly proclaim and defend their views and suggestions?

We are asking these questions on behalf of several hundreds of citizens who have signed the CHARTER 77 Manifesto of 1st January, 1977; in accordance with the Constitution of our Republic and the afore-mentioned international pacts all these citizens expect that these questions will be answered.

Prof. Dr. Jiří Hájek
Prof. Dr. Jan Patočka

Prague, 23rd January, 1977

To the Federal Assembly of the CSSR

On 16th and 17th of this month the spokesmen for CHARTER 77 were invited to the Ministry of the Interior of the CSSR where two employees of this office (Major Procházka and another person who refused to give his name and rank) notified them by word of mouth that the Government of the CSSR does not intend to undertake serious discussions with the 1st January, 1977 signatories of CHARTER 77 about the contents of this document and that all further negotiations concerning this matter are in the hands of the organs dealing with criminal proceedings. This standpoint was not in any way legally or otherwise substantiated.

The spokesmen for CHARTER 77 cannot but express their surprise at such a reaction from a constitutional body to the suggestions of citizens submitted in full agreement with Article 29 of the CSSR Constitution which also stipulates how such suggestions should be answered. They do not think that what was communicated to them by the Ministry of the Interior's officials is in agreement with the spirit and the letter of the quoted provision of the Constitution. Referring to the above-mentioned Article 29 they further consider themselves and other citizens fully entitled to notify the constitutional and other organs of our Republic of the problems connected with the implementation of the international pacts on human rights in force in the CSSR since 23rd March, 1976 (published in the Collection of Laws under No. 120/1976) and to submit their suggestions and recommendations.

Professor Dr. Jan Patočka
Professor Dr. Jiří Hájek

Copy: Praesidium of the CSSR Government

Prague, 23rd February, 1977

In accordance with...2

The full text of the so-called Document No. 3 of the CHARTER 77 movement, handed over in Prague in mid-January.

To the Praesidium of the Federal Assembly, the Government of the CSSR and press agencies.

In the CHARTER 77 Manifesto of 1.1.1977, 242 citizens of our Republic turned to the highest state organs and to the public to inform them of their determination to strive for implementation of the norms of the international pacts of human rights, which have become a part of our legal system, as was acknowledged by their promulgation in the Collection of Laws, No. 120/1976. By this the citizens acted in accordance with Articles 28 and 29 of the CSSR Constitution and Article 19 of the International Covenant on Civil and Political Rights.

On the 6th January, 1977 the Czech police unlawfully detained citizens who were on their way to hand over the document and enclosed explanatory letters to the Supreme Organs of the CSSR. The document was therefore subsequently sent to these authorities by post. The only answer until now has been extensive repressive action by the security organs and an offensive and outrageous defamatory campaign against the signatories of CHARTER 77 in all Czechoslovak information media. The insults, accusations, and calumnies used in this campaign have had no analogy in our country since the time of similar campaigns waged in the years of illegal political trials. As in those times a campaign is being organized in places of work, factories, offices, schools and similar institutions, where people are asked, collectively or individually, to condemn something with which they are not even acquainted. Condemnation of CHARTER 77 is enforced in such a way that refusal to comply means the threat of existential repercussions. In some places the anti-Charter signature-sheets are presented for signing in an authoritative manner during the payment of wages or on similar occasions. The text of the CHARTER, however, is kept secret from the people and, as was expressly stated by Rudé právo on 15.1.1977, it will never be published.

On the night preceding Thursday 13.1.1977 dozens of signatories were summoned by the police, and in many cases house searches were conducted; although they are formally questioned as witnesses, they were taken away by police cars at an unnecessarily early hour - between 4-5 a.m. Many of them were treated as potential criminals in a rude and ruthless manner. The spokesmen of CHARTER 77 were interrogated practically for a whole week, being released only at night. On the 13th January the journalist Jiří Lederer was arrested on the basis of a house search, and on the 14th January the writer Václav Havel, one of the spokesmen of CHARTER 77, did not return home from his interrogation. On the morning of the 15th January his wife was informed in reply

To the Praesidium...1

to her telephone call that V. Havel "had surrendered to the security police" and that he was being detained for reasons other than CHARTER 77. On the 13th January associate professors of the Pedagogical Faculty, Dr. F. Jiránek and Dr. K. Palouš, were dismissed from their posts by decision of the University Senate. The specific reason given was their signing of CHARTER 77. Many other signatories are expecting dismissal from their jobs for the very same reason.

We believe that all this is sufficient to show how urgent it is for us in this country to deal in a specific manner with problems relating to the exercise of rights, the honouring of which has been pledged by our State in international agreements.

The CHARTER 77 Manifesto expressly states that this citizens' initiative is not to be interpreted as a political activity. Yet the whole campaign against CHARTER 77 is conducted by means of political propaganda slogans. Reference is made to the counter-revolutionary and anti-socialist aims of CHARTER 77 and so on. The campaign shows that the Government considers it dangerous to its interests to abide by the citizens' rights, which it has itself pledged to honour. We believe that it is up to the political organizations, political parties, trade unions, etc. in all European countries to judge for themselves whether or not the requirement to respect civil and political rights is anti-socialist, anti-national, and counter-revolutionary. The signatories of CHARTER 77 hold the view that it is not and cannot be so.

Bound by the responsibility which we have taken on ourselves as spokesmen of CHARTER 77, we demand:

That all police persecution against the signatories of the CHARTER 77 Manifesto be stopped and all citizens detained in connection with this Manifesto be released.

That all forms of coercion - in particular with regard to employment - against the citizens who call for the honouring of pledges set forth in international pacts on human rights be stopped.

That the Czechoslovak people are given truthful information about the contents of the CHARTER 77 Manifesto and that the organs of political power initiate a dialogue on how to resolve the practical problems arising in Czechoslovakia in connection with the exercise of these rights.

We, on our part, are ready and willing to conduct this dialogue.

Spokesmen of CHARTER 77:

Prof. PhDr. Jan Patočka
Prof. JUDr. Jiří Hájek, DrSc.

Prague, 15th January, 1977

In January, 1977 the spokesmen for CHARTER 77 undertook a juridical analysis of CHARTER 77 and the activities ensuing therefrom; they concluded that the Manifesto as well as its related activities are not at variance with Czechoslovak law, thereby refuting the claim of the Prosecutor General's Office that they are punishable as criminal offences. Given below is the full text of a letter sent by the CHARTER spokesmen to the Federal Assembly of the CSSR.

As spokesmen for the petitioning group of citizens, signatories of the CHARTER 77 Manifesto of 1st January, 1977, we were summoned on 31st January, 1977 to the Office of the Procurator General to be informed by word of mouth of the latter's standpoint with regard to the Manifesto. This opinion, the main points of which were reiterated in the Czechoslovak communication media on 31st January of this year, alleges that the Manifesto as well as its related activities are at variance with prevailing Czechoslovak law and are punishable as criminal offences. It is not, however, being specified, nor was it suggested in the discussion, which particular laws and provisions had been infringed by this activity. The Constitution and the Procuracy Act stipulate that the Office of the Procurator must clearly state which law is infringed, in what way and by what action. Instead, the afore-mentioned statement relies predominantly on general assertions of a political nature and a few references to some provisions of the CSSR Constitution. According to our legal order, however, the Procurator's Office is not entitled to make binding interpretations of the Constitution. According to the law on the Czechoslovak Federation No. 143/1968 (Constitutional Law) this right falls within the jurisdiction of the Constitutional Court. In view of the fact that the relevant provisions of the cited Constitutional Law (Chapter 6) have not yet come into force, the interpretation of the Constitution can only come within the jurisdiction of the Federal Assembly.

The Procurator General's Office maintain that the freedom of expression in accordance with Article 28 and the right of petition in accordance with Article 29 of the Constitution may be exercised only if citizens "in all their actions pay heed to the interests of the socialist state and the society of the working people", as stipulated in general terms by Article 34. In their opinion the CHARTER 77 Manifesto does not satisfy this requirement. This assertion is not, however, supported by any argumentation because the Office of the Procurator General does not in any meaningful manner concern itself with the substance and contents of the Manifesto at all. Its substance and contents concern, as anyone can find out by reading the text, the question of how our country is implementing the provisions of the international pacts on human rights which, after their ratification, came into force in our country on 23rd March, 1976, as can clearly be seen from their publication as Ordinance No. 120/1976 in the Collection of Laws of the CSSR. The Office of the Procurator does not explain why it

is contrary to the interests of the state and the society of the working people for the citizens to draw the attention of the respective state organs and the public at large to facts which in their opinion, and supported by experience, contravene the spirit and letter of these pacts, and if they offer to be co-responsible for, and co-operate in, their observance and implementation. Let us point out that apart from other things such civic initiative also answers the appeal of the Conference of European Communist and Workers' Parties held in Berlin on 29th and 30th June, 1976 which exhorted the workers and progressive people of Europe to struggle for the "ratification and strict observance of 'these pacts' by all European states", and further stated that such action corresponded to the "interests of the struggle of the working classes and all workers". These latter words are taken from the final document of this conference which was endorsed by the leading organs of the CPCS. Instead of a meaningful analysis the Office of the Procurator utters run-of-the-mill political pronouncements, some of which cannot be substantiated at all, as for example the assertion that the authors of the Manifesto "hatefully slander our state and social system" and "disparage the results of the revolutionary struggle and of the many years of self-sacrificing work on the part of our workers, peasants and intelligentsia in the building of socialism in Czechoslovakia". How unjustified these pronouncements are can be seen immediately they are confronted with the text of the Manifesto which, in actual fact, considers our state and social system as the natural basis and framework for the efforts to secure the observance of the pacts on human rights. This is where its signatories see their contribution to the progressive development of our socialist society. It is only by ignoring and suppressing these significant facts and ideas that the Office of the Procurator arrives at a questionable conclusion, namely that Articles 28 and 29 of the Constitution are applicable only to such petitions and expressions which the organs of power consider acceptable for themselves and which are not embarrassing for them. We believe that such an interpretation of the Constitution is incorrect; it restricts and suppresses criticism. We also believe that by promulgating it publicly, the Office of the Procurator General has transgressed its legal authority.

Neither the Office of the Procurator nor any other organ has taken a stand on the question directly posed by the CHARTER 77 Manifesto, i.e. whether and to what extent are the afore-mentioned pacts, which have become part of the law of the land, honoured in our country. And yet, it is a question which cannot be dodged; it must be dealt with in the interests of both society itself and its many members who are in a position to provide concrete proof of deficiencies in the implementation of the principles and provisions of these pacts, or of their direct violation. Since the willingness of citizens to provide such proof is rejected and denounced in advance as criminal, and further, since such attempts are answered by various forms of persecution and discrimination, we are given only further proof that criticism of the authorities as voiced in the CHARTER is justified and based on fact.

The assertion that the text of the Manifesto was published abroad and that it has incited some kind of "hateful anti-communist and anti-Czechoslovak campaign" has been given one of the most prominent places in the political argumentation of the Office of the Procurator (and in the whole campaign against CHARTER 77 on the part of the communication media). When maintaining that they received the text of the Manifesto only after it had been publicized abroad, the authorities fail to acknowledge that it was the organs of the State Police that prevented us from handing over the Manifesto both to the Federal Assembly and to the Government of the Republic in an orderly fashion and that it was exactly this police action and the further repressive measures that aroused increased interest and criticism abroad. It was not the publication of CHARTER 77 which was responsible for the stir-up abroad, but rather the afore-mentioned facts, as well as the noisy and meaningless campaign conducted against CHARTER 77 in Czechoslovakia. It is equally well known that criticism has also been voiced by Czechoslovakia's friends and progressive circles, including some important communist parties.

Thus it appears that it is not the CHARTER 77 Manifesto and its publication abroad that is damaging the good name of the Republic in the eyes of the world, especially in progressive circles, but above all the facts it criticizes - which are sufficiently known anyway - and in particular the manner in which the official propaganda machine of the ČSSR has been reacting to this Manifesto. We do not share the view that criticism of these facts on the part of the democratic public abroad should be considered as a hostile campaign or a manifestation of inadmissible interference in our affairs. The observance of international pledges in the sphere of human rights is - as shown by the cited final document of the Conference of the Communist and Workers' Parties of Europe - part of the process of a further relaxation of tension and strengthening of peaceful co-existence. Our Government and its official communication media do not hesitate to criticize other countries for action contrary to these aims. Nor is the publication of CHARTER 77 abroad at variance with our law either, since it is in accordance with Article 19 of the Covenant on Civil and Political Rights.

These are the reasons why we do not think that the standpoint taken by the Office of the Procurator conforms to our Constitution or to the Czechoslovak legal system. From the political viewpoint it represents a biased, non-objective attitude to the problem. We therefore demand that the National Assembly should revise it.

As for the whole campaign against the CHARTER 77 Manifesto conducted by our authorities and by the information media and in particular the accusation against its authors and signatories of dishonourable intentions, we would like to point out the following: the signatories of the CHARTER have explained their viewpoint and submitted it to the constitutional organs of this country and to the public. They have nothing to hide and they do not speak for anyone but themselves; that is also why they

put their full names to the CHARTER, both the original signatories and those who have only recently added their signatures. In this they differ from those who in August, 1968 signed another document which was published only outside the borders of the ČSSR; a document in which, without any mandate, they alleged to speak on behalf of the people, attacking the current policy of the state leadership and the CPCS and justifying external intervention into Czechoslovak affairs. It is significant that the signatories of this document are still anonymous and that neither their names nor the political assessment of their action have been made public.

Prof. Dr. Jiří Hájek
Prof. Dr. Jan Patočka

For the attention of:

The Praesidium of the ČSSR Government
The Office of the Procurator General
The Czechoslovak Press Agency

Prague, 3rd February, 1977

As spokesmen...4

The full text of so-called Document No.6 of the CHARTER 77 movement, handed over in Prague to foreign correspondents by the two spokesmen of the movement.

Despite the fact that CHARTER 77 represents an exercise of the right to petition and the right to freedom of speech guaranteed by the Constitution, the signatories of this document, after it was made public, were subjected to various acts of police harassment as well as to restrictions on their freedom, as if the concept of the CHARTER and its dissemination constituted a criminal offence. We hereby submit a short summary of those acts aimed against the signatories of CHARTER 77 which came to our knowledge, and we request that they are redressed where possible.

First we consider it necessary to mention some facts about those signatories who are held in detention. It has been four weeks now (from 14th January) since the writer Václav Havel was detained. He had already been the victim of police harassment the previous week, some of this harassment being at variance with the law. A house search was made in his flat in his absence, a film recording was made of the interior of his flat, and later, during the search in his country property at Vlčice, of the whole of this building as well. On the 10th and 11th January he was subjected to a whole day of interrogation in Ruzyně. Václav Havel has not been seen by any of his relatives or acquaintances since 14th January. He was unable to comply with a summons for a technical inspection of his car scheduled for 15th January. On 16th January V. Havel's wife received a letter informing her that her husband was being held in custody and had been charged in accordance with Article 98, para. 1 and 2 (a), and, further, that he requested the services of a lawyer to be procured (this communication from the Prosecutor-General's Office regarding detention in accordance with Article 68 of the Criminal Procedure Act was received on 18th January). On 21st January Havel's typewriter was confiscated and information was received about his new investigator. The first meeting between the lawyer and the defendant took place on 20th January. Dr. Lukavec, however, was not present at any hearing of witnesses, nor was he acquainted with any documentary material. He informed the writer's wife that Havel's physical condition was good and that the interrogations were conducted "in the form of literary debates". She received two letters from her husband; he received one parcel but a letter sent to him was not delivered. Further, Dr. Lukavec announced that he was thinking of handing the case over to someone else.

Another two signatories have been detained for nearly the same length of time as V. Havel, one of the spokesmen of the CHARTER. They are Frantisek Pavlíček and the journalist Jiří Lederer. Together with the theatrical director Ota Ornest,

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who is not a signatory, they are respectively charged with subversion of the Republic and damaging the Republic's interests abroad. (Attention should be drawn to the fact that the connection between the detentions of O. Ornest and the other afore-mentioned persons is derived basically from various suggestive hints by the communication media and the police, and that the linkage is entirely unclear.) The organs participating in the criminal proceedings have never informed either the defendants' relatives or the public what particular crime they are supposed to have committed. Their lawyers, the choice of whom was very limited, for the most part do not participate in the interrogations. Ota Ornest's state of health gives rise to grave fears since before his detention he had suffered two heart attacks and, in addition, suffers from diabetes.

These, as well as other circumstances, but in particular the silence of the state organs and organs of justice, lead us to urgently insist, in accordance with Article 29 of the CSSR Constitution, on the immediate release of V. Havel, F. Pavlíček, J. Lederer and O. Ornest. If this solution is at variance with the juridical opinion of the organs of justice, we demand that, after the prior assent of the Prosecutor, the reasons for these criminal proceedings and detentions are made public. If our request were not granted the public would be strengthened in their belief that the case is suspect because two signatories of CHARTER 77 and one of its spokesmen are being detained while the CHARTER activities as such are not otherwise criminally prosecuted.

In this connection we also draw attention to a number of further repressive measures against the signatories as well as other persons since the beginning of this year.

Nearly all the signatories who had signed before 1.1.1977, i.e. more than 200 persons, were taken or summoned for cross-examination as witnesses in a criminal case of subversion of the Republic and they were repeatedly asked about CHARTER 77. The spokesmen of the CHARTER and some other signatories were subjected by the State Security Police organs to repeated interrogations, some of them lasting whole days. The interrogations are still going on; the citizens who have already given their testimonies or (as in most cases) used their right to refuse to do so, are being summoned over and over again.

The State Security Police has conducted almost fifty house searches, mostly at the homes of CHARTER 77 signatories. During these searches printed and typewritten materials were confiscated, also manuscripts, items of private correspondence and other articles not in the least connected with the investigation. Copies were made of typewriter scripts. Typewriters were confiscated in a number of cases. According to incomplete information the following signatories were subjected to house searches: Milan Balabán, Rudolf Battěk, Jan Beránek, Toman Brod,

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Karel Čejka, Jiří Dienstbír, Bohumil Doležal, Michel Dymáček, Vratislav Effenberger, Karel Fridrich, Jiří Hájek, Václav Havel, Ladislav Hejdaňek, Oldřich Kaderka, Alfréd Kocáb, Božena Komárková, Anna Koutná, Pavel Landovský, Jiří Lederer, Ladislav Lis, J. Mezník, Milan Otáhal, F. Pavlíček, Jan Petránek, Z. Pokorný, Z. Přikryl, Miloš Rejchert, Aleš and Zuzana Richter, Jan Šabata, L. Šabata, Miluše Števíchová, Jan Trefulka, Jakub Trojan, Milan Uhde, Z. Urbánek, Ludvík Vaculík, Z. Vokatý, Petr Zeman, A. Vyroubal, Václav Vrabec.

During a random call on J. Patočka manuscripts and typescripts were confiscated. Eighteen of the victims come from Brno, i.e. nearly all of the Brno signatories.

Several signatories suffered an existential loss by on-the-spot dismissal from their jobs. As far as we know this step was always substantiated by reference to their signing of CHARTER 77. The immediate effect of the dismissals is being justified by allegations of either "grave infringement of the working discipline" according to Article 53 (b) of the Labour Code or "endangering the security of the State" (Article 53 (c)). Some of the reasons given as grounds for the termination of employment are unlawful. In this manner the following lost their jobs: Z. Mlynář, Associate Professor F. Jiránek, Associate Professor Radim Palous, Anna Fárová, Ivan Medek, Helena Seidlová, Drahuše Probošťová, Jakub Trojan, K. Dvořák, Milan Machovec, Petr Pithart and Oldřich Hromádka, the last three only last week. M. Števíchová and J. Litera had their new jobs terminated without reason during a one month's trial period. Other signatories expect similar repercussions, judging from the talks they have had with their employers within the framework of the campaign led against them at their places of work. Jiří Ruml, Jan Sokol and Václav Trojan were divested of trade union membership; Jitka Bídlová and Zuzana Dienstbířová were expelled from their "Brigades of Socialist Work". The data at our disposal is probably incomplete, and it does not include the lost work orders and commissions which have occurred in connection with the signing of CHARTER 77.

Some actions against the signatories have endangered their health or caused bodily harm. For example, on 10th January Jelena Mašíňová suffered a long-term injury to the meniscus on her left leg (the doctors have suggested an operation) while being forcibly taken for interrogation. Zina Kočová was forcibly hospitalized for 13 days in the isolation venerological department of the Faculty Hospital, Prague 2 (U Apolináře) although her way of life did not provide grounds for suspicion that she could have a venereal disease. Between 21st and 24th January the writer Karel Sidon was held in detention for more than 100 hours; since no charge was made within the first

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48 hours of his detention, it is to be deduced that for more than 48 hours he was illegally subjected to a restriction of his personal freedom. A grave infringement on the personal freedom of J. Suk occurred on 21st January. Members of the police used violence to force their way into his house, which was subjected to a search; a copy of his typewriter's script was taken. An injustice was also committed against Ivana Hyblerová, née Šimková. On 31st January she was first dismissed from the hospital of OÚNZ (District Institute of National Health), Česká Lípa, with a diagnosis of abortus imminens and as being unfit for work. Later on the same day this decision was altered; on the orders of her superior, the Director of OÚNZ, she was declared as fit for work. On the same day the one-month trial period expired and her employment could be terminated without any reason being given; she found medical help in Prague, 90 km away, where she is hospitalized to this day with the same diagnosis.

Starting on the 10th January the mass communication media unleashed a concerted campaign against CHARTER 77 which grossly distorted its content; not only did it employ slanders and lies, it also gravely impinged on the private lives of the signatories, which is contrary to the law, and it did not even shirk from anti-semitism. The main victims were Václav Havel, Pavel Kohout, Zdeněk Mlynář, František Kriegel, and in particular Ludvík Vaculík. The smear campaign against individual signatories still continues. Contrary to Article 17 of the International Covenant on Civil and Human Rights, none of the victims were given a chance to either defend themselves against these unlawful attacks on their personal integrity or to defend the CHARTER and the correct interpretation of the propositions it contains.

L. Vaculík, who lodged a complaint against ČTK (the Czechoslovak Press Agency) for reproduction and circulation of improper photographs, is being sued for libel.

A series of repressive acts and defamations against Pavel Kohout was followed by scores of threatening letters whose content can give rise to the possibility that the addressee will be either physically liquidated or that he will meet with grievous bodily harm.

Further, several tens of signatories had their driving licenses and technical certificates taken away from them. In the majority of cases these documents have not been returned. Driving licenses were even taken away from doctors. This is of especial consequence to Věra Jarošová, who is thus prevented from performing her job as a driver.

Both spokesmen of the CHARTER (who are not in detention), as well as Pavel Kohout, Erika and Miroslav Kadlec, F. Kriegel, Gertruda Sekaninová-Čákrťová, Petr Uhl, L. Vaculík and F. Vodslon had their telephone lines cut. Some of them have already

received a letter seeking to justify the action by reference to urgent public interest due to which the Telecommunications Board is forced to use their lines for other purposes.

Some signatories have even had their identity cards taken away from them by the police; they have been given temporary certificates which cannot be used as proof of identity in hotels or for withdrawals from their bank-giro accounts.

The state organs invited several signatories to ask for permission to emigrate (they were: Z. Mlynář, F. Kriegel, Milan Hübl, Pavel Kohout and Ludvík Vaculík). M. Hübl ignored a summons in this connection. The request was turned down by the signatories. (We believe that it is worthwhile mentioning that the signatory Evžen Mennert, who wanted to ask for emigration on his own initiative on the basis of the Austrian Chancellor Dr. Kreisky's offer, was told by the Czechoslovak authorities that it will probably involve a lengthy and complex administrative procedure).

In recent weeks many signatories have been summoned by the State Security Police and asked to withdraw their signatures from CHARTER 77. This request was coupled with pressure, but there were also instances where the signatories were offered in return an improvement in their conditions. In most cases these efforts were futile, but this did not deter the police; they continue in their attempts to this date.

The repercussions were not limited to the signatories and their families; they also extended to those who did not wish to have their signatures to the CHARTER made public, friends of the signatories and their colleagues, and other citizens who expressed their agreement with, or support for, the CHARTER or some of the signatories. The Senior of the Czech Brethren Evangelical Church, Vaclav Kejř, was interrogated in Ruzyně prison only because the Synodal Council of the Church adopted a neutral stand towards the CHARTER by not condemning it, while the Czechoslovak press incorrectly informed the public that it did. Out of twenty-five of Ivan Medek's colleagues who protested against his dismissal, eighteen withdrew their signatures from the protest under pressure from the Director of the Supraphon company; of the remaining seven who refused to retract, three were dismissed and two subjected to other forms of punishment.

- Dr. Alena Čapková was subjected to a house search because she copied the CHARTER, and her typewriter was confiscated.

- Karel Freund, prior to his becoming a signatory of CHARTER 77, was twice subjected to an illegal personal search.

- Mr. and Mrs. Princ, friends of Miluše Števíčova, and living in her house, have run into serious existential troubles.

- Particularly glaring is the case of the grammar school teacher Jan Urban, who had his employment contract terminated with immediate effect only because he refused to sign a resolution condemning CHARTER 77 (see the letter from the South Bohemian Regional National Committee, Department of Education).

- Professor Dr. J. Košinová was rebuked for not supporting the resolution condemning CHARTER 77 in an ordinance from the Head of the School of Librarianship, Prague 1. In it she was taken to task as a potential reserve of the "anti-state group" of CHARTER 77 followers. These cases can also serve as illustrations of the way in which the petitions against CHARTER 77 were obtained.

As spokesmen of the CHARTER we have considered it our duty to mention all these circumstances; the awareness of these facts is of particular importance for those citizens who support the CHARTER movement and expressly wish to make it publicly known that by their signatures they expressed their agreement with CHARTER 77. The knowledge of these facts gives them a better picture of the situation and also makes it possible to define their attitude to the CHARTER more fully. Let us repeat that CHARTER 77 is in no way a closed society, but that it is a grouping of all those who consider it right and beneficial that the principles of both international pacts, i.e. the Covenant on Civil and Human Rights and the Covenant on Economic, Social and Cultural Rights, are fully implemented on a wide scale in our society. Both these pacts are after all a part of our Legal Code and they allow no ambiguous interpretation. For these reasons CHARTER 77 is open to all Czechoslovak citizens without any further qualification. CHARTER 77 welcomes the support and expressions of sympathy which are being received in various forms from the followers of the fight for human rights. The solidarity expressed by the workers and their organizations, and progressive forces in Czechoslovakia and all over the world helps the signatories to apply themselves to the tasks formulated in the CHARTER. The determination to do so is also demonstrated by the fact that on the 1st February a further 209 names of people supporting CHARTER 77 were made public.

Prof. Dr. Jan Patočka, DrSc,
dr. h.c.

Prof. Dr. Jiří Hájek, DrSc

Prague, 15th February, 1977

A letter from eleven former members of the CC CPCs to the European communist parties about the unlawful persecution of and discrimination against Czechoslovak citizens whose views differ from the official Party line.

Letter to the communist parties of Europe

Dear Comrades,

We are turning to you as participants at the Conference of the Communist and Workers Parties held in July of last year in Berlin, because as communists we have found ourselves in a situation in which, contrary to the spirit and the expressly formulated resolutions of this conference, we must face the unjust and untruthful accusations brought against us by the present-day leadership of the CPCs.

The Berlin Conference called on all communists consistently to implement the principles contained in the Final Act of the Helsinki Conference of 1975; it was expressly stated that the success of this effort would depend on "how consistently and faithfully all the participating states are going to observe the ten principles adopted and implement all the provisions of the Final Act which are to be taken as a single entity". These principles also undoubtedly include the principle of observing in all countries the internationally agreed human and civil rights. The Berlin Conference expressly called on all communists and workers to struggle for "ratification and strict observance by all the European states of the international agreements worked out by the UN". All the participants approved of the formulation of the final document of the Berlin Conference which expressly states that "this is consistent with the interests of the struggle of the working classes and all workers for real social and political rights".

This stand on the problem of human rights was also accepted at the Berlin Conference by the leadership of the CPCs as a stand which is consistent with the class interests of the working people. Despite that, under the slogan of class approach, the same CPCs leadership is now waging a repressive and defamatory campaign in Czechoslovakia against those communists and other citizens who in the CHARTER 77 Manifesto invoked the international pacts on human and civil rights, the same pacts which were acknowledged by the Berlin Conference and which were ratified by the CSSR and promulgated in the Collection of Laws (No. 120/1976) as having the force of law.

The signatories of CHARTER 77 have - not by any means for the first time - drawn attention to the fact that since 1968 there are large groups of citizens in Czechoslovakia who in a variety of ways are discriminated against for their convictions. The most common reason for this is that they did not accept as

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justified the military intervention of the five Warsaw Pact states in August 1968 and, on the contrary, are convinced that the policy of the CPCS before August 1968 accorded with the interests and needs of a socialist society under Czechoslovak conditions. They maintain in particular that in addition to economic and social rights, socialism must also safeguard a larger measure of political and civil rights for its citizens than does capitalism.

The communists who were deprived of their CPCS membership cards for taking such a stand share the aspirations of other citizens in the sphere of human rights; they want to see an effective implementation of internationally acknowledged political and civil rights in Czechoslovakia and for this reason they attached their signatures to the CHARTER 77 Manifesto. In their view it is the very needs of the development of socialism that justify the struggle against any discrimination against citizens because of their convictions. On the contrary it is the steps taken by the political leadership, viz. police repression, dismissals from jobs, chicanery against families, public denunciations of CHARTER 77 signatories as traitors of the people, agents of imperialism and counter-revolutionaries, which they see as seriously discrediting socialism, not only in Czechoslovakia but throughout Europe, and in this way causing harm to the interests of the parties which you yourselves represent. Such practices cannot therefore be considered as only an internal matter of the CPCS; they are the concern of the communist movement as a whole.

Protests against political discrimination in Czechoslovakia are the result of a political strategy which for years has made a pertinent and democratic discussion of some of the serious political antagonisms in the country impossible. Instead of tackling the problems, it suppresses them and intimidates those who draw attention to them. This is, however, a policy which again and again ends in a blind alley. It is our contention that the only remedy is to create conditions for a pertinent and democratic discussion of the political problems in Czechoslovakia which, until now, have been kept concealed.

We extend our gratitude to those brotherly parties in the European communist movement which are already giving active support to this stand. It is a stand which is in accordance with the spirit and political meaning of the resolution of the Berlin Conference of European Communist and Workers Parties.

We wish to ask you, dear comrades, to take all possible measures which could be effective in inducing the leadership of the CPCS to act in accordance with the political meaning of the resolution of that conference; to release citizens who are in custody as a result of police action against the signatories of CHARTER 77, among them a member of the CC CPCS in 1968, F. Pavlíček; to reinstate those dismissed from their jobs; to stop the existential persecution of and discrimination against citizens for political reasons; to stop blackening our intentions by the denunciation of our endeavours to secure the observance of the Helsinki accords as a service to imperialism and war; to stop presenting our efforts to gain respect for the idea of our own specific Czechoslovak conditions of socialism as an attempt at counter-revolution.

We are deeply convinced that if no positive solution is found for the current dispute in Czechoslovakia between political power and the citizens in the question of human rights, the interests of socialism and communism throughout Europe will again be seriously damaged.

Members of the CC CPCS until 1969:

Jiří Hájek, Jiří Judl, Oldřich Kaderka,
Vladimír Kadlec, František Kriegel,
Zdeněk Mlynář, Václav Slavík, Bohumil Šimon,
Josef Špaček, František Vodsloň,
Jiřina Zelenková.

The current epoch is an epoch of the transition of mankind from capitalism to socialism. Socialism has only existed for 58 years and the community of socialist states has existed for 25 years. Nevertheless, it has clearly proved in this historically short period (rendered difficult through war, reconstruction, and the restoration of the national economies) the superiority of the new social system within the socialist countries, as well on an international scale. It decisively influenced, and continues to do so, the development of the world and of international relations. Mankind must primarily thank socialism and the communist parties for the fact that a new world war was not unleashed.

Although we must appreciate the good will of many statesmen of the capitalistic world who want to strengthen peace, it is not the subjective motives of the leaders of the capitalistic states, but the radically changed balance of power between socialism and capitalism, the foundation of all the successes of the countries of the socialist society, that is the basic factor in the consolidation of peace.

Certainly, the imperialists and capitalists are not more peace-loving; what is involved is that many of those who currently head the ruling circles of the capitalist states have realized that the plan to liquidate socialism by military force is unrealistic and that it would be capitalism that would be destroyed in the first place in the fire of a nuclear rocket war.

Historie a vojenství, Prague, No.2, June 1976

Letter to...3

Unabridged text of an appeal by a former Secretary of the CC CPKS, Zdeněk Mlynář, to representatives of the West European communist and socialist parties pleading for help in halting the persecution of CHARTER 77 signatories.

In Czechoslovakia the persecution of citizens who support CHARTER 77 is being intensified. The state is organizing a wave of pogroms against those people whose only crime is that they have appealed to the Government to honour the international pacts on human and civil rights which it itself proclaimed to be applicable to Czechoslovakia. This appeal by a group of citizens is considered a subversive and counter-revolutionary act, a betrayal of socialism and the nation, and a service to the cause of imperialism and war.

I am a communist who is convinced that socialism must give the people a larger measure of political and civil rights and liberties than capitalism. I therefore share the political creed presently advocated by many European communist parties, and I act accordingly. For this I am publicly being denounced as a traitor of socialism and an agent of imperialism.

Among the signatories of CHARTER 77 there are dozens upon dozens of people whose whole life has been linked to the struggle for the liberation of the working people. The National Artist, Jaroslav Seifert, has all his life stood on the side of the working classes in their struggle against capital. The fighter against fascism, a witness at the Nuremberg trials and many other trials of war criminals, Professor Frantisek Blaha has been a socialist and communist throughout his life. General Vilém Šašel was one of the commanders of the Czechoslovak military unit in the USSR and after the war one of the builders of our People's Army. According to official Prague propaganda all these and many dozens of others "serve the imperialists and warmongers".

In actual fact their only crime consists in their refusal to accept that the suppression of democratic developments in Czechoslovakia by means of a military intervention in August, 1968 was justified, and their condemnation of the suppression of democratic rights which has prevailed in our country since that intervention.

At present the problem is whether the democratic and socialist forces in Europe will allow the defenders of internationally acknowledged pledges to be brutally silenced for the second time in one decade in Czechoslovakia. The political powers in Czechoslovakia still have time to stop the repression, to engage in a meaningful dialogue on the violations of internationally guaranteed rights, and to take steps to gradually overcome and abolish these practices.

I wish, therefore, to appeal to democratic public opinion and the democratic governments in Europe to use their influence in assisting and promoting such a solution of the situation. I appeal in particular to all those of the European Left to give us effective help in this difficult situation. I appeal for such help to the European communists and their representatives, in particular E. Berlinguer, G. Marchais and S. Carillo. I address the same appeal to F. Mitterand, B. Craxi, B. Kreisky and O. Palme.

Help us before a great many democrats, socialists and communists in Czechoslovakia are hunted down; before the arrogance of power gives rise to new illegal political trials based on fabricated accusations! Help us, so that the reason which prevailed over the arrogance of power in Helsinki in 1975 may win again in Prague in 1977!

Zdeněk Mlynář

Prague, 16th January, 1977

Nearly four months have elapsed since the day the CHARTER 77 Manifesto was made public. In the life of society it is not a long time; but a great deal has happened and consequently the evaluation of this period can be taken as a basis for constructive deliberations.

The direct submission of the CHARTER 77 text to the CSSR Government and to the Federal Assembly was prevented by the State Security Police. The reaction of the state powers to the public announcement of CHARTER 77 was more marked both in extent and form than the position which had hitherto been adopted in the case of preceding petitions also submitted under Article 29 of the Constitution. In the course of recent years Czechoslovak society has experienced neither such a vigorous campaign in the communication media as the present one which used outrageous accusations to discredit the spokesmen and signatories of CHARTER 77, nor such widespread covert repression. At the same time, the substance of the affair was kept secret from the public.

The response of the communication media was hysterical and brutal. Intimidation and defamation of one's fellow-citizens is at variance not only with the much emphasized ethics of the journalist but also with the law. The campaign against CHARTER 77 has in some respects set back our journalism to the early 1950s. However, this very campaign has aroused the public's interest in the authentic text of the Manifesto and other documents. The fact that these documents had also been published abroad made it more difficult to attribute to CHARTER 77 views, pronouncements or intentions which it had not promulgated and which it did not hold. The documents of CHARTER 77 have been spontaneously distributed among the population. The confrontation has revealed the absurdity of the whole campaign. People have come to their own conclusions and as a result hundreds of people have added their signatures to CHARTER 77 and many others have expressed their sympathies in a variety of ways.

With few exceptions, the representatives of the state powers have reacted to CHARTER 77 with restraint. Since they learnt that the text does nothing other than appeal to them to observe the pledges they themselves have accepted and enacted, they did not want the world to see them in the role of those who do not respect international pacts or our own law. However, they endorsed the statement that the signatories of CHARTER 77 are a fifth column of the imperialists, they allowed dubious political actions in which, under existential pressure, CHARTER 77 was condemned and, above all, they gave the authorities a free hand in making the lives of the signatories as difficult as possible.

Constantly emphasizing the legality of their measures, the authorities have placed some signatories practically outside the law. They have been forcefully taken to police stations for interviews, subjected to house and personal searches and interrogations, dismissed from their jobs, their telephones have been cut, their post withheld and their driving licences, technical vehicle certificates and even their identity cards confiscated. Slovak signatories are not allowed in Prague and Czech signatories

in Bratislava; visitors are being accompanied back to their homes. A number of signatories have been subjected to a costly 24-hour police surveillance. They are followed wherever they go. Three of them, Jiří Hajek, a spokesman for CHARTER 77, František Kriegel and Zdeněk Mlynář, have been besieged by the police for many weeks, their visitors are registered and searched, guests from abroad, including communists, have no admittance and some of them have even been prevented from entering the country. (A moderate estimate of the cost of two months of police surveillance is about Kčs 350,000 only in wages.) For four months now a spokesman for CHARTER 77, Václav Havel, and a signatory, Jiří Lederer, have been held in custody without being charged; there are certain signs that a trial is being prepared, ostensibly perhaps on other charges but to the public at home and abroad it would unequivocally be a trial against CHARTER 77.

The events surrounding the tragic death and funeral of a spokesman for CHARTER 77, Professor Jan Patočka, are a particularly sad testimony to the way some organs of power respect civil rights guaranteed by law and the norms of human decency and respect for the dead.

Both the press campaign, which did not offer a single pertinent argument, and the repression which has hardly spared a single signatory, are eloquent proof that CHARTER 77 has only drawn attention to all those numerous problems in our country which must be solved. At long last the subject of civil rights and democratic freedoms has deservedly come into the focus of the public's attention. CHARTER 77 has given a number of citizens the courage to act, individually and in groups, in the defence of human rights. Official pressure on the people to condemn CHARTER 77 has made a large number of citizens politically aware by confronting them with a personal decision. For the price of insincerely condemning CHARTER 77 or formally declaring their loyalty some citizens, especially in the field of culture, were given the promise that they would be allowed to carry on in their professions. Everyone living in this country can judge for himself whether this price is not too high and the result too uncertain. The state authorities have also attempted in a very unobtrusive way to make some minor cosmetic changes to current practices which are at variance with the law or the state's international pledges. That is how we can judge, for the time being, the changes which have been made in the procedure for selecting students for secondary schools - before we know in greater detail. The same holds for the so-called free sale of the bourgeois press announced abroad but not realized in practical terms.

The public's increased interest in the problems of human rights and democratic freedoms initiated by CHARTER 77 and the reaction to it was also reflected in the proceedings of the Federal Assembly on 5th April this year. Many citizens understand the communique issued by the Federal Assembly as a partial answer to the CHARTER 77 Manifesto and draw attention to the fact that neither this communique nor the published part of the debate

repeated the unsubstantiated charges against the CHARTER. Moreover, the Federal Assembly confirms, even if only in general terms, the legality, expediency and also the necessity of civic initiative aimed at the real implementation of civil rights and exercise of democratic freedoms. However, it does not draw concrete conclusions from their violation despite the fact that these have been brought to its attention numerous times by the CHARTER 77 documents.

One of the subjects which the Czechoslovak communication media persistently dwell on, and mostly in a dismissive manner, is the reaction to CHARTER 77 abroad. The State Security Police also focusses its attention on this problem in almost all the interrogations of the signatories. The most absurd fabrications are being voiced about some kind of ideological, organizational and even material dependence of CHARTER 77 on the centres of imperialism and anti-communism. We are witnessing - with slight variations - a repetition of the false accusations of the early 1950s, which are not supported by anything but the monopolistic position of its fabricators who are systematically attempting to misinform the public here and abroad. Their false and totally unsubstantiated accusations are reprinted in other Warsaw Pact countries. We therefore appreciate all the more the solidarity and moral support of many of the citizens of these countries. We also appreciate the sympathy expressed by representatives of the human rights movements working in these countries under extremely difficult conditions. Similarly we are encouraged by the solidarity of communists, socialists and democrats from all over the world, the solidarity of anyone who is concerned in the same way as CHARTER 77 with a respect for human and civil rights as one of the preconditions for real peaceful co-existence and equal co-operation amongst all countries without regard to their social system or their level of economic development, in accordance with the UN Charter, the General Declaration of Human Rights and the Final Act of the Conference on Security and Co-operation in Europe.

The nature of the response of the surrounding countries, whether positive or negative, its intensity and sincerity, are dependent on the current situation in the individual societies and on the state of international relations, and the signatories of CHARTER 77 have only a limited influence here. Our task - despite all the campaigns and repression - is to further develop legal civic initiative as laid down in the CHARTER 77 Manifesto. We are convinced that the critical social phenomena and above all the unnecessary tension with regard to the implementation of human rights and the exercise of democratic freedoms can be removed only by a rational and constitutional procedure, in particular:

- (a) by checking on the facts which have hitherto been adduced by CHARTER 77;
- (b) by a responsible analysis of their causes and consequences;

- (c) by the gradual but consistent elimination of all procedures, phenomena and practices which are at variance with the prevailing rule of law; and
- (d) by the gradual but consistent abrogation of all the provisions of the Czechoslovak rule of law which are at variance with the two international covenants and other Czechoslovak international pledges and, on the other hand, by enacting such legal provisions as would be in full accordance with them and would not allow an ambiguous interpretation.

We therefore propose:

1. That the undignified campaign against CHARTER 77 and its signatories is stopped and all unlawful measures are rescinded. That the costly police actions, which do not solve anything but create further and further conflict situations, are stopped. That all the citizens detained in connection with CHARTER 77 are released.

2. That the two international covenants are published in sufficient number to meet the demand. The publication of Ordinance No. 120/76 of the Collection of Laws, which was sold out long ago, is quite insufficient. That the ideas of both the covenants are propagated in the communication media and by other means, in particular where there are evident contradictions between the two covenants on the one hand and the Czechoslovak rule of law and the implementation of civil rights and democratic freedoms on the other.

3. That the Federal Assembly communique of the 5th April this year, which instructs the committees of both national assemblies and all the deputies to keep a close watch on the observance of the law, is consistently implemented. In this connection attention should be paid to the protection of civil rights and democratic freedoms and the suggestions and complaints of citizens should be dealt with in a responsible manner. That all citizens are given not merely a theoretical but a real possibility to lodge complaints with them - either in written form or by word of mouth - concerning provable violations of the rule of law and that all influences wishing to prevent this are excluded. As the supreme organ of state power the Federal Assembly should on its own initiative deal with such cases as discredit the policy of the state and induce the constitutionally subordinate organs to rectify them.

4. On the basis of an all-nation discussion, steps should be taken to amend and adjust individual laws, in particular in the field of criminal law but also in civil law, in the Labour Code and elsewhere, so that the Czechoslovak rule of law is in harmony with both the international covenants. Not only will a public discussion on these problems help to settle the differences between the Czechoslovak rule of law and the two covenants but it will also strengthen the legal security of citizens and their legal awareness, and in this way it will contribute to the implementation of socialist principles.

5. Proposals, suggestions and complaints should be discussed with the spokesmen for CHARTER 77, its signatories and other citizens who request this, within the relevant political and state organs, institutions and social organizations and not in the interrogation rooms of the State Security Police, since the majority of the afore-mentioned problems most decidedly do not fall within their jurisdiction.

6. In accordance with Article 41 of the International Covenant on Civil and Political Rights, our state should recognize the competence of the Commission for Human Rights to consider reports on violations of this pledge by a state. With this step, whereby a state submits itself voluntarily to international control, the prestige of the Czechoslovak State would be enhanced and it would also dispel fears that our adherence to the two pacts is only formal.

7. That employees of the communication media, security police and other state and political organs who have abused their position by spreading untruths, by inadmissible repression and violence or by influencing the judicial, administrative and other organs with the aim of harming citizens psychologically and existentially and damaging their interests for defending views which are in full agreement with the Constitution and the rule of law of the Republic, even if not always conforming with the current official standpoint, are brought to justice. People who infringe laws and binding civil regulations in this way damage the reputation of the state institutions. It is they who have to be afraid of an effective system of control. It is they who feel threatened by a properly functioning system of legality. Real social democracy is a nightmare for them and that is why they are the very people who are and always will be the most vehement opponents of human and civil rights and democratic freedoms. Today they direct their threats only against us but their repeated attempts to resurrect the trials of the 1950s - the only aspect of their activities to meet with the resistance of the political leadership - have proved that they will not stop before anyone.

CHARTER 77 offers co-operation in dealing with the problems contained in these seven points; it is willing and able to submit concrete proposals and documentation and to participate in working out the appropriate measures.

In the past four months CHARTER 77 has gone through many a trial and has held its ground. All its arguments have withstood the fire of defamation and despite the persecution only one single signatory has withdrawn his signature. CHARTER 77 has vindicated its legal basis. Even those who are being detained have not been charged in connection with it and the statement of the Prosecutor General, although he has frequently been abused recently in labour disputes, has a rather indefinite formulation which cannot, therefore, be legally binding. But, above all, CHARTER 77 has maintained its moral credit and resolve to continue in its efforts

to co-operate with anyone who considers the effective protection of and full respect for human and civil rights a significant contribution to the strengthening of peace and the easing of tension in Europe and the world and a prerequisite for the development of a really advanced and democratic society in our country.

Signed on the 25th April, 1977 by the
CHARTER 77 spokesman
Professor Dr. Jiří Hájek, DrSc.

Published in Prague on 29th April, 1977

Early in June 1977 the Western press reported that the number of signatories under CHARTER 77 was still increasing and, by 10th May, had reached 741 (The Times, 13/6/77). "There have been further adhesions since but the Chartists are waiting for an appropriate moment before releasing further names so as not to expose them to intimidation and dismissal". Another Document has also been made public through Western correspondents in Prague; it is no longer numbered, possibly because Dr. Jiří Hájek, the last remaining spokesman of CHARTER 77, had been warned earlier that he risked imprisonment if he continued to sign human rights appeals on behalf of the CHARTER. The following is a summary of the contents of the new document, as reported in several Western newspapers.

The document gives cases of people who have been dismissed for signing or supporting the CHARTER. Many are from small provincial towns, and their number is said to be eighty. Some have done no more than refuse to sign official resolutions condemning the CHARTER. The document has in fact the form of a letter to the Federal Assembly suggesting that it should examine case by case the rejections by labour tribunals of petitions by people dismissed on account of the CHARTER to be reinstated in their former posts. Hájek is one of eleven signatories of this appeal. The others include Dr. P. Pithart, Professor Z. Jičínský (both lawyers), Mr. K. Kyncl (a journalist), Mr. K. Sidon (a writer) and Professor L. Kohout (a political scientist). Attached to the letter is a 60-page dossier on political victimization at work.

The Czechoslovak News Agency announced in Prague on 20th May 1977 that Vaclav Havel, one of the three original spokesmen for CHARTER 77, had been set free after four months in prison. He was released provisionally, pending a trial. The Agency's announcement further states that Mr. Havel "reached the unequivocal conclusion that his conduct had not always been correct and that some of his behaviour had been misused against Czechoslovakia by way of a biased representation in the foreign media". Twenty-four hours later, Havel presented a statement to foreign correspondents in Prague (not publicized by the Czechoslovak press) in which he accused the Czechoslovak media of distorting his position. He stated:

"I have given the Czechoslovak Procurator-General an undertaking to the effect that I will cease to take part in activities which could be qualified as criminal offences [...] I did not withdraw, neither would I ever withdraw, my signature under CHARTER 77 and the moral commitment stemming from this signature. This commitment [...] commands me to engage myself on the side of persons who have become victims of injustice."

I have given...1

5. WORK, EMPLOYMENT, PROFESSION

"The state parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."

(International Covenant on Economic,
Social and Cultural Rights. Article 6)

"The state parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular [...] equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence [...]"

(Article 7)

"The state parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth and other status."

(Article 2)

The full text of Document No.7 of CHARTER 77, distributed in Prague at the beginning of March, criticizing the violations of social rights in Czechoslovakia.

Since the emergence of the CHARTER 77 movement many critical voices have been heard with respect to social and economic rights. We think it useful to summarize in this document the main ideas on the subject.

Both the Covenants with which CHARTER 77 is linked are imbued with the democratic ideal of the free human being. In this context we consider it fair to emphasize that the ideal of man's liberation from the fear of destitution has always had and still has its most radical guardian in the international workers movement, which is also responsible for the most advanced formulations of these rights. The socialist movement has always aimed and still aims to create conditions in which workers will not have to sell their labour. But striving towards this ultimate goal of the complete liberation of labour, the socialists have never put aside the simple and ever-present requirement that the man who enters the labour market should be able to sell his labour under the most favourable conditions: the right to work should not be understood in the narrow sense of the concept. When seeking employment the individual should also have the right of free choice; for his labour the worker should get a reward which can provide a decent standard of living for his family; the worker should have the right to negotiate his wages and his conditions of work as an equal partner; he should further have the right to organize with his fellow workers in pursuit of wage and other claims both in the factory and at other places of work; he should have the right to found trade unions and to operate them freely, etc.

All these requirements have now become law through the International Covenant on Economic, Social and Cultural Rights (see the Collection of Czechoslovak Laws, para. 120/76 Sb.) which has become a part of the Czechoslovak legal system.

We, the signatories of CHARTER 77, citizens of various political beliefs, have one thing in common, namely our identification with the provisions of this Covenant. A careful examination of the latter has led us to conclude that the state of economic and social rights in Czechoslovakia requires an unbiased evaluation; the present document should serve as a stimulus to this end.

1. One of the most important articles of the pact speaks of the "right to freely choose or accept work" (Article 6). It is often claimed that in Czechoslovakia this right has already been realized and that, as distinct from the capitalist countries, Czechoslovakia has no unemployment. It is true that the Czechoslovak workers created economic conditions which have abolished open unemployment; in this sense the workers have greater social security than in other developed countries.

However, this has been achieved at a price incommensurate with the purpose; there was a decrease in the effectiveness of the national economy which resulted in widespread hidden unemployment, which took the form of a large number of superfluous institutions and jobs that could have been disposed of long ago by the use of advanced technology and organization of labour.

At the same time, this state of affairs is accompanied by the virtual obligation to be employed, by the curtailment of the right to vote, to resign from employment or to change jobs, and by the possibility that those who do not comply in this respect with the increasingly severe requirements of the state are liable to legal prosecution. The state is the almost monopolistic employer; the formation of co-operatives is being progressively limited and the co-operatives are increasingly more and more directed by the state. The free choice of employment is an integral part of the right to work; it is particularly this last attribute of the right to work which is very little heeded by both current practice and the valid Labour Code. In this respect labour legislation as well as the labour policy have in recent years even shown signs of deterioration.

2. The International Covenant also stipulates the right to a just reward for work which can provide "a decent living for families" (Article 7). Within this definition, the right to a just reward is, in Czechoslovakia, almost non-existent because the salary of a wage-earner only seldom ensures a decent standard of living for his whole family.

This is also why Czechoslovakia has a very high level of female employment; in fact, one of the highest in the world. But we are all aware that this fact makes a virtue out of necessity. Most women do not take jobs because they wish for a fuller life or independence, but rather under economic pressure and out of bare necessity, because their husband's pay would not ensure a decent life for their families. Consequently, the almost universal employment of women is not a sign of their increased equality, but rather of a higher degree of their dependence.

Women are also discriminated against in the assignment of jobs and in wages. Data from the first half of the 1970s, published in various sources, show that women's wages are on the average approximately one-third lower than those of men. Those fields of employment which are predominantly staffed with women offer generally inferior wages. In addition, the decision whether to fill a particular vacancy with a woman or a man is usually made administratively. Working conditions in the fields where women play a particularly important role (light industry, trade, agriculture) are far from satisfactory; in fact these very areas are so demanding on physical exertion as to approach the bounds of human capabilities.

The social situation of women is also aggravated by a systematic disregard for the development of all kinds of services and even more by the constant increase in their cost. This malaise has been with us almost throughout the existence of the present

social order. We all know of the chronic problems regarding the supply of all kinds of consumer goods. Even though the assortment of scarce goods does change from time to time, the problem itself remains the same.

The official women's organization does not criticize these things and if it does, then in a very lukewarm manner; it does not approach the organs of either legislative or executive power with any significant initiatives with a view to improving this state of affairs. Instead its energy is fully concentrated on efforts to prove, directly or indirectly, that in Czechoslovakia the problem of women's equality has already been solved and that the equal rights of men and women (Article 3) are simply secured. The creation of a new organization, which would sincerely defend women's interests and rights, is, however, made impossible by the legal ruling on the right of association.

3. Discrimination between men and women is, however, not the only case of wage discrimination. The trend towards discriminating between large groups of workers can be seen in comparing the young with the old, manual with non-manual workers, some highly skilled groups with the non-skilled, and also in the wage classification of individual branches of the national economy, etc.

A massive and largely demoralizing aspect of discrimination in remuneration is the so-called personal work appraisal; this practice places political involvement above professional skills or the actual work output. There is no need to prove that, apart from other things, this practice contradicts the right of "equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence" (Article 7). The aforementioned contradiction is all the more apparent when we realize that the criteria of so-called political involvement are miles away from the real needs of society.

Drastic manifestations of the above-mentioned practice can be seen in the sphere of labour management in the so-called cadre nomenclatures and cadre ceilings which allow preferential treatment for some (in particular members of the Communist Party) and unjust discrimination against others. As a result of this mechanism of labour remuneration and personnel selection, economic management and professional management in general have become a part of the apparatus of power and politics; their function is distorted: it is not work that they are primarily concerned with but rather the need to protect and safeguard the regime; the criteria for the appraisal and remuneration of managerial staff are not related to a really optimal selection and performance. In actual fact, the fate of those people who were forced to leave their jobs for political reasons and who are at present doing jobs not commensurate to their skills, is only an extreme manifestation of this general practice.

4. Both the current practices of the trade union movement and the legal norms concerning association in trade unions contradict the right of trade unions to "function freely" (Article 8), since they do not concede the "right of everyone to join the trade union of his choice" (Article 8(a)). The trade unions are not run primarily by workers and shop-floor employees but by economic and other apparatuses. The function which the trade unions have fulfilled for many decades - the protection of the vital interests of the workers - has been practically eliminated. It has long since been forgotten that in the first years following the Second World War there also existed alongside the trade unions works councils, organs of the workers which were invested with considerable powers, including participation in management; apart from that they displayed impressive political and socio-economic activity. It is also being forgotten that the post-May 1945 works councils had a continuation of a kind in the councils of the working people in 1968*.

The trade unions do not make any effort to safeguard the participation of the broad masses of the workers in wages policy, whether it be on a local or national level. They allow this aspect of policy to be organized from above; when the workers resist wage reductions (for example during the rationalization of the wage system in 1973-1975), the trade unions do not support them. If the workers attempt to organize a strike (with the risk of persecution, which is at variance with the right to strike; it does not happen too frequently), they discourage them. The trade unions do not even press the Government to establish an existential minimum which could be reviewed yearly and which could serve as a basis for determining a minimum wage.

The trade unions have at their disposal various data on the situation regarding safety at work and on the living conditions of workers in general; they have information on the effective decrease in real wages by covert and overt price rises, and their attention is often drawn to the irregularities in the allocation of housing; but despite all this they do not press for a fundamental solution of these problems. Instead of struggling for participation in all fundamental economic decisions, they desert the field and, in this way, they are co-responsible for the resulting bureaucratic decision-making.

* People's attitude to work at that time is revealed in a sociological survey conducted in 1969.

<u>Interest in work</u>	<u>until August 1968</u>	<u>after August 1968</u>
much higher than before	46.8%	0.9%
slightly higher	20.1%	2.6%
no change	21.0%	11.3%
slightly lower	4.9%	14.2%
much lower	3.1%	68.1%
don't know, don't remember	4.2%	2.8%

Since the emergence...4

The trade unions participate in the sermonizing campaigns for the full utilization of the working day but they do not express the workers' real opinion on and interest in this question. It is a true and well-known fact that as far as the utilization of the working day is concerned, Czechoslovakia probably has the shortest working week in the world; the basic working time is in reality utilized much less efficiently than it could be, often with the tacit consent of the foreman. But it is also generally known that with overtime and weekend work the working hours in Czechoslovakia rank among the highest in Europe. This is a result of the spontaneous attempts by the workers to arrive at a just reward in a way which, with the current generally poor level of management and labour organization, they find the most feasible. For this reason the average worker is conserving his labour and does not deliver the performance of which he is capable. The 'conserved' labour is then realized in overtime or sold on the black market (where there is anyway a big demand for a great variety of services). In most manual jobs the reward for overtime constitutes an important part of wages.

The trade unions do not take any productive stand on this complex economic problem although there springs to mind a whole range of possibilities how, with everyone participating, the real length of the working week and the feasibility of reducing it to at least a basic 42½ hours, or even less could be reconsidered, while maintaining and even increasing (in some sectors) the current wage levels.

It would, however, be unrealistic to expect that the trade unions, which have become an appendage of the economic apparatus, can be the advocates of the workers' right to a just reward or that they should show a radical initiative in this respect. However, this realization should not be used as an alibi for all those involved because "the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant" (preamble of the Covenant on Economic, Social and Cultural Rights).

There are many other points that could be added to this criticism of the trade unions. Each of the points mentioned here could be elaborated in much greater detail than we have done. The same holds true for the other questions we have touched on and also such problems of social relevance as the right to a safe job without health hazards, questions regarding public transport, problems relating to the health service, the right to a choice in cultural life and questions concerning the regimentation of culture, problems concerning the deterioration of the environment and conservation in general, and so on and so forth. These grave problems can be solved only by their being publicized and discussed. Their concealment and, on the other hand, the exaggerated emphasis on achievements only, deepens the accumulated contradictions and aggravates the sorry state of affairs still further. The CHARTER 77 movement will therefore undertake to work out critical analyses in the social, economic and cultural spheres and submit them for discussion by all the members of our society.

In many spheres of our life we can also observe many positive phenomena, especially in comparison with the past. The essence of the matter does not lie, however, in the proportion of pluses and minuses in the field of economic and social rights, but rather in the way they are approached. We consider it our civic duty to voice our disagreement with the view that a working man in our country has full social freedom and that all his rights are safeguarded; we disagree in particular with the thesis that, with the achievement of the right to work and of some other social rights, all the other rights, in particular political rights and democratic freedoms, lose importance.

True enough, the worker does not sell his labour in the old-type capitalist market. However, this does not mean that all his rights are automatically respected. We believe that the rights and interests of the workers can only be guaranteed by the working people themselves. If this role of the workers is restricted, curtailed or even abrogated by their being denied their civil and political rights, the unavoidable consequence is the appearance of negative tendencies throughout the social and economic life of society. In agreement with the Covenant on Social, Economic and Cultural Rights, we are convinced that "the ideal of free human beings, enjoying freedom from fear and want, can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights" (preamble to the Pact).

With equal urgency we would like to draw attention to the fact that the purpose and essence of socialism is not simply to secure the social rights and certainties but rather the all-round development of man as a free being, i.e. the liberation of man in the deepest and fullest sense of the word. A great deal still remains to be done before this aim is realized. This would still hold true even if we could enjoy the social and economic rights in Czechoslovakia to a much greater extent than is possible today; it would hold true even if we could exercise these rights to the extent stipulated by the International Covenant on Economic, Social and Cultural Rights.

Prof. Dr. Jan Patočka
Prof. Dr. Jiří Hájek

Prague, 8th March, 1977

A protest against large-scale infraction of norms of the Czechoslovak labour legislation.

Federal Assembly of the ČSSR
Attn. Mr. A. Indra, Chairman
Vinohradská 1
Prague 1

Mr. Chairman,

Discussing socialist legality on 5th April 1977, both the Procurator-General and the Federal Assembly Chairman emphasized that the organs of the Procuracy and the courts consistently abided by lawful methods of a socialist nature, thus protecting the rights and justified interests of Czechoslovak citizens. The same tone pervaded the general debate in the House and the ensuing resolution of the Federal Assembly.

At the same time a number of courts have been hearing labour suits in connection with on-the-spot dismissals of many signatories of CHARTER 77. The conduct of these hearings [...] represents a gross violation of both the norms of Czechoslovak labour legislation and procedural court rules. Infringements of important constitutional and legal rights of citizens on whom the courts are passing judgements in collaboration with the procurators, do not only make victims of those signatories of the CHARTER whose social standing is gravely affected and put at risk, but also cause material and spiritual harm, as every infraction of legality always does, to the entire Czechoslovak society and to the state. The present case has an international connotation. It has once again revived the question of the Czechoslovak state's credibility and reliability as a party to international agreements and treaties, and it has once again exposed it to factual and justified criticism for not implementing and observing the conventions to which Czechoslovakia acceded, especially within the International Labour Organization.

A report on these grave violations of Czechoslovak legality ought to be submitted to the Federal Assembly so that it may consider their causes and consequences, as well as the fact that the highest representatives of the Procuracy and the judiciary have not informed the Assembly truthfully about what is going on and what they have been doing about it.

Professor Zdeněk Jičínský, DrSc.

Prague, 25th May, 1977

Federal Assembly of the ČSSR...1

From a letter from a former member of the Praesidium of the Central Committee of the Czechoslovak Communist Party relating to the preceding document.

To the World Federation of Trade Unions
Prague

Comrades,

I am writing to ask you to take a stand concerning the situation in Czechoslovakia, in which people who have expressed their critical views on the official policy of the Government are dismissed from their jobs.

Recently some 10 citizens who had signed the CHARTER 77 Manifesto asking the Government to honour the commitments taken upon itself by the signing of international pacts on human and civil rights were dismissed from their jobs in Prague.

So far the problem concerns a small number of people but further dismissals are being considered. I am afraid that as soon as international attention to these questions diminishes, the people who had the courage to express views differing from those of the representatives of political power, will be dismissed from their jobs on a mass scale under various pretexts and on the basis of a variety of formal reasons.

On 17th January, 1977 my own employment was terminated with immediate effect (in accordance with Article 53, para. (c) of the Czechoslovak Labour Code which allows this in cases where it can be proved that the worker has endangered the security of the State); the reason given for my dismissal was that I had failed in my duty of working for the interests of socialist society. [..]

In Czechoslovakia those who are dismissed from their jobs for political reasons face the following predicament:

- they cannot get any other employment (apart from occasional completely unskilled work such as unloading wagons and the like); neither can they get a short-term labour contract nor permission for free-lance work unless the relevant political bodies give their approval;
- they cannot claim unemployment benefit (which allegedly does not exist in this country since there are no unemployed);
- nor can they live from the contributions which individuals or groups of people might provide for them as an expression of solidarity - this would constitute the criminal offence of parasitism; those who might provide assistance, or in any way organize it, would also expose themselves to various forms of persecution.

These people and their families are therefore completely at the mercy of the organs of power which initiated their dismissal in the first place. [...]

As for the Czechoslovak Trade Unions, not only do they give their tacit approval, and through some of their functionaries even active assistance, but they sometimes even deprive their persecuted members of their last formal support - trade union membership itself. So, for example, engineer Jiří Judl from the large Prague enterprise of ČKD was recently expelled from his trade union, allegedly because by signing CHARTER 77 he became a wrecker of trade union unity. This refers to the fact that the CHARTER 77 Manifesto invokes Article 8 of the International Covenant of Economic, Social and Cultural Rights and draws attention to the situation in which the trade unions are in all their activities entirely dependent on directives from other political bodies. This situation "prevents the workers and other employees from setting up in an unrestricted fashion trade unions and other organizations for the protection of their economic and social interests and from freely exercising their right to strike".

I invite you, comrades, to take several concrete steps:

1. Set up a commission (or other working body) of the World Federation of Trade Unions to investigate the approach of the Czechoslovak Trade Unions, as its member organization, to the persecution of, and job discrimination against, citizens for their political views. This commission should talk not only to the official representatives of the Czechoslovak Trade Unions but also to those who are the victims of persecution.
2. Express publicly your opinion on whether the invocation of Article 8 of the International Covenant on Economic, Social and Cultural Rights can in any country be considered as wrecking the trade unions and whether it can constitute a reason for expulsion from a trade union organization.
3. Demand the withdrawal of dismissal notices given in Czechoslovakia for political reasons. Take steps to guarantee that Czechoslovak citizens dismissed from work in this fashion or discriminated against in their careers have the same possibilities of defence and the same rights as are given to those citizens of the German Federal Republic who are discriminated against by the law forbidding them to engage in certain professions (the so-called Berufsverbot). [...]

With comradely greetings.

Zdeněk Mlynář*

Prague, 27th January, 1977

* A signatory of CHARTER 77

*Document on the dismissal of a Czechoslovak citizen from employment
because of his convictions and views.*

National Museum in Prague
Holder of the Order of the Republic

Dr. Zdeněk Mlynář, CSc.
Employee of the Entomological Department
of the National Museum in Prague

Re: Immediate termination of employment

With immediate effect I am terminating your employment, which was entered into on the basis of a contract of service dated 12th February, 1969. This decision is in accordance with Article 53, Para. 1 (b) and (c) of the Labour Code.

Your employment is terminated for the following reasons:

Article 3 of the Museum's Statutes, dealing with the role this institution has to play in our society, stipulates that the main duty of all its employees is to work according to their abilities, experience and knowledge in the best interests of socialist society.

The fact that you joined the slanderous and seditious campaign known as CHARTER 77, which is aimed against the principles of the Constitution and against the social and state order of the Republic, represents a grave infringement of this duty. The public indignation at this act of yours is of such a nature that your further stay here would disrupt the creative atmosphere of the working collective.

At the same time, these activities of yours reveal features which constitute a criminal offence against the foundations of the Republic of so grave a manner that your continuing in employment even during a normal termination period is not possible without jeopardizing the orderly fulfillment of the organization's tasks.

In consequence all legal conditions are fulfilled for the National Museum to terminate your employment with immediate effect, according to Article 53, para. 1 (b) and (c) of the Labour Code, as of 17th January, 1977.

This decision has been made within the period specified by Article 53, para. 2 of the Labour Code and with the approval of the Works Committee of the Revolutionary Trade Union branch dated 17.1.1977 in accordance with Article 59, para. 1 of the Labour Code.

Report to the Personnel Department which will take the appropriate steps concerning the liquidation of your emoluments.

Your duties, and the working aids entrusted to you, will be transferred to your immediate superior on 18.1.1977 in written form. Remove all items of a personal nature from the place of work.

RNDr. Adolf Čejchan, CSc.
Director
National Museum, Prague

Prague, 17th January, 1977

As a postscript to the previous item, there follow extracts from notes taken during a court hearing concerned with the labour litigation case of Zdeněk Mlynář. As far as is known, all the other legal suits filed by those dismissed from jobs in connection with CHARTER 77 met with the same fate.

Two months after the suit had been filed, the Prague 1 Borough Court, presided over by Dr. Milada Urřilová, heard the case in which Associate Professor Zdeněk Mlynář sued the Prague National Museum. The court was to decide whether the dismissal, with immediate effect as of 17th January 1977, on grounds of Mlynář's signature under CHARTER 77, was legal or otherwise. [...]

In his written submission and in the course of the hearing, Mlynář argued as follows:

1. The signing of CHARTER 77 cannot be regarded as a violation of labour discipline. [...]

2. Neither can the signature be understood as threatening state security. In the years 1969-75, Article 53, para. 1(c) of the Labour Code made immediate termination of employment by way of a dismissal possible if the case concerned a person who "infracted the socialist social order". Czechoslovakia was subjected to criticism in the International Labour Organization on account of this formulation as she had previously acceded to international covenants which prohibited discrimination at work for political views. In 1975 the Czechoslovak representative at I.L.O. in Geneva declared that the newly adopted formulation, viz. "threatening the security of the state", excluded such practices. Henceforth the employee must be proved to have put state security at risk, and security in this respect was meant to include inviolability of state territory, the capability of the state to organize its defences, and the integrity of state institutions and state secrets. No harmful consequences of this kind have been caused by the appending of signatures under CHARTER 77.

The way the hearing was conducted from the start proved that the court had no intention to permit the plaintiff to produce evidence in support of his arguments. The court turned down every one of his requests that witnesses should be heard or depositions solicited. [...]

Throughout the hearing the court based its attitude on a letter from the CSSR Procurator-General, submitted at the court's own request. This letter was eventually included in the court's file as the decisive "proof" of the obnoxious nature of CHARTER 77. It is in fact a mimeographed memorandum over an illegible signature, so that not even the court could make out (as was recorded in the minutes) who had actually signed it. The memorandum briefly summarizes what has already been made public, at least in outline,

notably "a warning from the Procuracy" to the spokesmen for the CHARTER. The text of the CHARTER is said in the document to be mendacious and hostile to the socialist system; CHARTER 77 is asserted to contravene several articles of the CSSR Constitution and to be calling for the formation of anti-popular and anti-state organizations. In conclusion the Procurator-General's Office adduces that CHARTER 77 "is objectively capable of disrupting the social and state system of the Republic, and that the fact that it has not done so is immaterial".

"Justice -- Not Liberalism" is the title of an interview with Czech Minister of Justice Jan Nemec, which appeared in the CPCSS CC cultural political and scientific weekly Tvorba (No. 51, 15 December 1976). The questions asked by the interviewer, Dana Spackova, concern the job of the courts, differences between "bourgeois" and socialist courts, the participation of the working people in the work of the courts, the crime rate, and the attitude of the people toward the courts. Among the points of particular interest the minister made is his statement that while in bourgeois society the courts' role is repressive and it serves as an instrument of oppression of broad sections of the people by "the ruling forces," in socialist society re-education and prevention are major functions of the courts. He concedes, however, that, depending on the situation in society, repression may sometimes be given greater importance, as for instance in the crisis years, when it was necessary "to struggle against signs of liberalism at the courts."

*Another document on a dismissal from work of a follower of the
CHARTER 77 movement.*

Research Institute for Foreign Trade
100 10 Prague 10, Kodaňská 46, tel. 715

Reference No. 358/77

Comrade
Jindra Kadlecová
Za sídlištěm 2145/11
Prague 4 - Komorany

Re: One month's notice

In accordance with the provisions of Article 46, para. 1(e) of the Labour Code, we are hereby serving you one month's notice for the following reasons:

In accordance with its statute of 28th December, 1972, the Foreign Trade Research Institute is an independent economic and organizational unit of the Federal Ministry of Foreign Trade. [...] In the sector of foreign trade one of the essential conditions for the proper discharge of all functions - including yours - is a devotion to the socialist society and the state system; the political stand you have taken has proved that you do not meet this requirement.

Bearing in mind the provisions of Article 46, para. 2(c) of the Labour Code, we wish to add that in our Institute there is no other suitable job commensurate with your qualifications which you could be offered without fulfilling the afore-mentioned essential prerequisite.

The termination of your contract has already been approved by the Works Committee of the Revolutionary Trade Unions.

Your month's notice will commence on 1st March, 1977 and end on 31st March, 1977, which will be the last day of your employment in our Institute.

Jindřich Salač
Head of the Personnel and
Cadres Department

Associate Professor
Dr. František Korběl, CSc.
Director of the Research Institute
for Foreign Trade

Stamp: Research Institute for Foreign Trade, Prague

Postscript: Discussed and approved at meetings of the Works Committee of the Revolutionary Trade Unions on 23rd and 24th February, 1977.

Stamp: The Trade Union of State Employees, attached to the Ministry of Foreign Trade, WORKS COMMITTEE, Research Institute for Foreign Trade, 100 10, Prague 10, Kodaňská 46.

The foreign-language broadcasts of Radio Prague...are on the air daily for 33 hours in 10 languages to all five continents. The programmes are designated to give an all-round picture of the development of Czechoslovakia's advanced socialist society.

Czechoslovak Life, Prague, No.2., February 1976

The main purpose [of the Radio Prague foreign-language broadcasts]... is to penetrate into ideologically hostile countries and supply true information...

Radio Prague, 10 May 1973

In March 1976, eight employees of the Italian editorial office of Radio Prague foreign-language broadcasts were dismissed after having refused to conform to a security regulation which requires all Czechoslovak Radio Network employees to report in detail and in triplicate on their foreign contacts of any kind, i.e. on meetings, letters, or telephone conversations with foreigners. To submit to this regulation would have meant that the Italians would have had to report any contact with their families or friends abroad. The eight dismissed employees were members of the Italian Communist Party.

Unità, Rome, 12 March 1976

Article 53 of the Czechoslovak Labour Code [Collection of Laws No. 55/1975] allows "instantaneous cancellation of employment" only exceptionally, by the employer, when

[...]

c/ the employee has jeopardized the security of the state and his remaining on the job up to the end of his notice period is impossible without endangering the proper fulfillment of the tasks of the organization where he was employed.

In its decision in the Zdeněk Mlynář case [see page 98 in this volume], the court probably ruled on the basis of Section C of the Code. Consequently, signing the Charter 77 alone could be termed sufficient grounds for the loss of employment.

Le Matin, Paris, 26.4.1977

Another document on a dismissal of a professionally qualified person on the grounds of her failure to identify herself with the "spirit of the policy of the Czechoslovak Communist Party".

Prague Building Enterprise
General Management
Revoluční 7, Prague 1 - Staré Město

Zuzana Dientsbierová
Podskalska 8
Prague 2

Re: Termination of employment by a notice of dismissal

In accordance with Article 46, para. 1(e) of the Labour Code, we hereby terminate your employment for the following reasons:

Through no fault of the General Management you do not meet the requirements which are an essential prerequisite for the proper execution of the post of Senior Executive in cadre and personnel work in the Department of Training and Education.

Through no fault of our institution, as a signatory of the so-called CHARTER 77 you have adopted a stance which is opposed to the policy of the Communist Party of Czechoslovakia, the leading force in our socialist society, whose policy aims at the further all-round development of our socialist society in an atmosphere of peaceful and creative work on the part of all the working people.

You do not, consequently, meet the conditions required for the performance of the function of Senior Executive in cadre and personnel work, which calls not only for professional skills and knowledge but also for an ability to guide the adult employees of our economic production unit in the spirit of a scientific world view and in accordance with the policy of the Czechoslovak Communist Party.

You did not abandon your views even when they were discussed by the team of your fellow-workers. Furthermore, because of your attitudes and views, the team of the employees of the Department for Training and Education of our General Management refuses to co-operate with you further. [...]

The termination of your employment under the provisions of Article 46, para. 1(e) was previously agreed by the Works Committee of the Revolutionary Trade Unions - General Management Branch of the Prague Building Enterprise at its meeting of 17th March, 1977.

Dr. Pavel Beihilf
Cadres and Personnel Manager

18th March, 1977

Another document on a Czechoslovak citizen dismissed from his job for signing CHARTER 77.

614-40/77

Comrade Radim Palouš, Ph.D., CSc, Associate Professor
Prague

According to Article 53, para. 1(b) of the Labour Code No.65/1965 Sb. as amended under No.55/1975 Sb., I am hereby terminating with immediate effect your employment as associate professor at the Pedagogical Faculty of Charles University.

This decision is substantiated by the fact that you have put your signature to an anti-socialist Manifesto, the so-called CHARTER 77. In doing this you have infringed the working discipline in so grave a manner that your continuing in employment at the Pedagogical Faculty of Charles University during the normal termination period is not possible without jeopardizing the working discipline. The Works Committee of the Revolutionary Trade Union branch approved this decision in a resolution dated 24th January, 1977.

Prof. JUDr. Zdeněk Česka, CSc.
Rector of Charles University

Prague, 26th January, 1977

Comrade Radim ... 1

Document on the dismissal of a Czechoslovak citizen from employment for his refusal to sign a "spontaneous protest" against CHARTER 77.

Jan Urban, teacher
Prachatice Grammar School

Re: Immediate Termination of Employment

The Educational Department of the South Bohemian Regional National Committee has decided to terminate with immediate effect your employment negotiated in the contract of service of the 3rd December, 1975. This decision is in accordance with Art. 53, para. 1, section (b) of the Labour Code. The reasons are as follows:

One of the items on the agenda of the meeting of all Grammar School employees held on 19th January, 1977 was concerned with CHARTER 77, used by its signatories to discredit the achievements of our society in recent times. At the end of the meeting a resolution was approved supporting the policy of the Czechoslovak Communist Party and condemning CHARTER 77.

By refusing to sign the approved resolution, you, a young teacher entrusted by our society with the task of educating our younger generation in the spirit of the Marxist-Leninist world view, have gravely infringed upon the Working Code for educational and other workers in schools and educational establishments (see directive of the Ministry of Education of the Czech Republic dated 19.1.1971, No. 16300/71-132, henceforth PR). Further, you have committed an offence against Article 5 of PR on the fundamental duties of educational workers; among other things the latter stipulates the following basic conditions for the fulfilment of tasks in schools and educational establishments: a high degree of political and professional knowledge of the staff, and socialist discipline based on comradely co-operation. This attitude of yours represents not only a failure to fulfil the duties imposed by the PR; it also signifies that there is no guarantee that you will comply with other duties, viz. that you will teach and educate students to become useful and devoted members of our socialist society.

The Educational Department of the South Bohemian Regional National Committee interprets your refusal to sign the resolution supporting the Party's policy against CHARTER 77 as a breach amounting to loss of confidence in a socialist teacher. The reason adduced by you for not signing the resolution, i.e. that one of the CHARTER 77 signatories is a good friend of yours - Věnek Šilhan, who would not sign anything harmful - only demonstrates more fully your real stand on CHARTER 77. Your

Jan Urban...1

positive stance towards the signatories of CHARTER 77 represents a grave offence in relation to the fulfilment of the Teacher's Pledge which you have signed.

By signing the Pledge you have promised, among other things, always to work in the interests of the working class towards the realization of the Czechoslovak Communist Party's policy, to be a faithful citizen of the ČSSR and to defend and support her socialist order. The Pledge further stipulates the following: "I am aware of the fact that my personal life, my attitudes, behaviour and participation in public life as a socialist teacher have a significant influence on those around me."

By the same token your present stance negatively influences not only the public but also your colleagues and students, and consequently it is not desirable for you to continue working as a teacher and educator of our society's younger generation.

In view of the afore-mentioned reasons it has been decided to terminate your employment as of 28th January, 1977.

The decision to terminate your employment with immediate effect was approved by the Works Committee of the Revolutionary Trade Union Movement (ZVROH) on 27th January, 1977.

Stamp:

South Bohemian Regional National
Committee
Department of Education
České Budějovice

Signed:

Head of Department of Education
Frant. Michálek
pp. St. Straka

You have the right to appeal against this decision to the District Court within the legally prescribed time-limit.

Over 600 Czechoslovak citizens have signed CHARTER 77. Most of the signatories have been subjected to police interrogations and many of them dismissed from their jobs without any compensation whatsoever. There follow examples of letters of dismissal for political reasons - as is quite clearly stipulated.

Museum of Industrial Art
Prague

Mrs. Anna Fárová, historian
Anny Letenské 17
Prague 2

Reference No. 159/77

Re: Immediate termination of employment

In accordance with Article 53, paras. 1(b) and (c) of the Labour Code, I am hereby terminating your employment contract of 18th May, 1973. The reasons are as follows: [...]

By identifying yourself with the slanderous movement called CHARTER 77, which is directed against the constitutional foundations of the social and state system of the Czechoslovak Socialist Republic, you have gravely infringed this duty. Our workers' indignation at this is such that your continuing in employment during the normal termination period would jeopardize the orderly fulfillment of the organization's tasks and disrupt the normal working atmosphere of the entire working collective, and is therefore not possible.

This decision has been made within the period stipulated by Article 53, para. 2 of the Labour Code and it was previously approved - on 18th January, 1977 - by the Works Committee of the Revolutionary Trade Union branch under Article 59, para. 1 of the Labour Code.

Report immediately to the Personnel Department which will take the appropriate steps concerning the settling of your emoluments.

On 18th-19th January you will transfer your duties and related documentation in writing to your immediate superior. Remove all items of a personal nature from the place of work.

Dr. Dagmar Hedová, CSc.
Director

Prague, 18th January, 1977

Rector's Office of Charles University

Comrade
Blanka Dobešová
Prague

In accordance with Article 53, para. 1(b) of the Labour Code No. 65/1965 of the Collection of Laws as amended under No. 55/1975 of the Collection of Laws, I am hereby terminating with immediate effect your employment at the Institute of Marxism-Leninism attached to Charles University.

This decision is substantiated by the fact that you have signed an anti-socialist manifesto, the so-called CHARTER 77. In doing this you have infringed the working discipline in so grave a manner that your continuing in employment at Charles University during the normal termination period is not possible without your jeopardizing the working discipline.

The Works Committee of the Revolutionary Trade Union branch of the Institute of Marxism-Leninism attached to Charles University approved this decision in a resolution dated 24th January, 1977.

Professor Dr. Zdeněk Češka, CSc.
Rector of Charles University

Prague, 21st February, 1977

Bratislava University Library

Professor Miroslav Kusý, Ph.D.
Slovackého ul. 21
Bratislava

Reference No. KPU 181/77

Re: Termination of employment

In accordance with Article 53, para. 1(b) of the Labour Code No. 65/1965 of the Collection of Laws as amended and supplemented under No. 55/1975 of the Collection of Laws (full text), I am hereby terminating with immediate effect your employment contract of 1st August, 1976 on the grounds of a grave infringement of the working discipline.

Reasons:

I was informed in a letter from the regional procurator dated 24th February, 1977 that on 23rd February, 1977 he had notified you that your activity in connection with the public approval and dissemination of the so-called CHARTER 77 Manifesto is at variance with the ČSSR Constitution and the Criminal Code. This activity which the procurator referred to is irreconcilable with the tasks and duties of an employee of a university library. [...]

In accordance with Article 2, para. 1 of its statutes, one of the most important tasks of a university library is to devote great care to all forms of communist education for young people and workers; if as an employee of this institution you conduct an activity which is at variance with the fundamental principles of a socialist state, then it constitutes such a grave violation of the working discipline that your remaining during the normal termination period is not possible without jeopardizing the orderly fulfillment of the organization's tasks. Your salary will be discontinued from the date of this decision, i.e. 9th March, 1977. [...]

Signature, stamp

1st March, 1977

Břetislav Verner

Re: Termination of employment

In accordance with provision 53, para. 1(b) of the Labour Code, I am hereby terminating with immediate effect your employment contract on the grounds that by signing CHARTER 77 you have committed a grave offence against the working discipline.

The termination of your employment was discussed by the Works Committee of the Trade Union branch on 21st February, 1977 and it expressed its approval.

I request that you report to the personnel department, which will formally conclude your employment.

Corresponding member of the Czechoslovak
Academy of Sciences, K. Friml
Director

The State Library of the Czech Socialist Republic
Klementinum - Prague 1

Reference No. 419/77

Comrade
Ladislav Dvořák
Srbská 1/185
Prague 6 - Dejvice

On the suggestion of the Director of the Slovak Section of the State Library of the Czechoslovak Socialist Republic and in accordance with Article 53, paras. 1(b) and (c) of the Labour Code, we are hereby terminating your employment contract of 1st January 1975, Reference No. 3717/75.

We are doing so for the following reasons: [...]

On 31st January, 1977 we found out that you had joined the so-called CHARTER 77 movement by putting your signature to its Manifesto. By joining this slanderous and seditious movement called CHARTER 77, which is aimed against the constitutional principles and the foundations of the social and state system of the Republic, you have gravely violated your duties towards this institution. The indignation of the public over this is so strong that remaining at your place of work would disrupt the creative atmosphere of the working collective.

At the same time, these activities of yours reveal features which constitute a criminal offence against the foundations of the Republic of so grave a nature that your continuing in employment even during the normal termination period is not possible without jeopardizing the orderly fulfillment of the organization's tasks. [...]

Director of the State Library of the ČSSR
Kozelek

Stamp: State Library of the Czech Socialist Republic

Prague, 4th February, 1977

An appeal

On 3rd February, 1977 I received a letter from my employer - Prague Construction and Restoration, Enterprise 02, Na Slupi 2a/452 - with a decision, Reference No. KPU/9/77, dated 2nd February, 1977, which terminated my employment contract with immediate effect. [...]

Since I consider the afore-mentioned decision unlawful I am hereby lodging a complaint and requesting that my dismissal is annulled. The reasons for my complaint are the following:

1. I could not, on any account, have committed a grave infringement of the working discipline as set out in the provisions of Article 53, para. 1(b) of the Labour Code. It is true that I have signed the CHARTER 77 Manifesto, but it is not true that I incited a conflict with my fellow-employees in that connection, and there is no truth whatsoever in the assertion that my fellow-employees debarred me from my place of work. [...]

2. The assertion that I have participated in activities endangering the security of the ČSSR, in particular the integrity of its state system and its international relations, under Article 53, para. 1(c), is quite illogical and completely unsubstantiated. My agreement with the CHARTER 77 Manifesto, which I confirmed by my signature, was concerned with the implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which our Republic has acceded and which it has made into law.

3. Nor is it true that my fellow-workers refuse to co-operate with me and, consequently, the conclusion that my further stay in the organization is not possible is entirely groundless. [...]

Dr. Ing. Oldřich Hromádka
Na Babě 11/1777
Prague 6, Dejvice

The following two letters, given here in slightly shortened versions, were written in December 1973. Although more than three years have passed since that time, there has not been any change for the better in the plight of Dr. J. Mlynárik, a signatory of CHARTER 77.

Dear Mr. Husak,

I am enclosing for your attention a copy of the complaint which I lodged with the Works Committee of the National Theatre's branch of the Revolutionary Trade Unions concerning the insults addressed to me by the Theatre's Director, Přemysl Kočí.

It could perhaps be said that the whole affair is of no significance and that the angry directors of socialist Czechoslovakia can be even more outrageous; in such cases, however, the victims usually know that this behaviour is being caused by their existential situation.

This is something different, something that epitomizes the whole approach of the new Party leadership towards the members of the Czechoslovak Marxist intelligentsia who did not wish to, and could not, for their own sakes, retract their view that the invasion of Czechoslovakia by the Soviet Army in 1968 was an international crime. [...]

I used to work at a university as an associate professor of Czechoslovak history and I held no political office since I devoted most of my time to historical researches. Later I was driven away from the university and had to work as a navvy doing the lowliest jobs. I believed that since I was living in socialist Czechoslovakia, where even the official greeting is "Honour to labour", I would be able to earn a decent and satisfactory living through honest and decent work. Today, three years later, I can see how wrong I was. It was just my imagination and an illusion. Among the lowest stratum of manual workers I ranked as one of the very lowest. I was refused rights which were granted to anyone picked up anywhere off the street even if they had no education whatsoever. Now, in my fourth year of work at the Prague National Theatre, I have learnt that its Director, Mr. Kočí, has promised the Ministry of Culture of the Czech Socialist Republic, and specifically Mr. Horák of the Cadres and Personnel Department, that he will terminate my employment without giving any reasons. According to the bonuses, which are an objective measure of real performance at work, I have never ranked among the sub-average or even the average. I have a family of five to look after and I have tried to maintain their living standard at a certain level, even though my children have been called paupers at school.

Czechoslovakia has signed a great many international pacts drawn up by the UN on social, political and cultural rights.

Dear Mr. Husak...1

I maintain that none of the pledges which Czechoslovakia has made with the UN are being applied to me; I am not treated with the respect due to my dignity as a human being, I have been deprived of many of the inalienable rights belonging to all members of the human family; I have been denied the right to do work equal to my qualifications or even to do such work where they would be partially utilized; I have been deprived of the right to make use of my education and forced to do hard manual labour, and by the same token I have been deprived of the possibility of doing research work or even of continuing work already in progress; also, together with a large group of other people, I have been denied the right to publish the results of my scientific work. But even as a manual worker I was not exempt from unlawful assaults on my honour and dignity; I was still exposed to humiliating treatment and I did not enjoy the right to just and satisfactory conditions and equal opportunities; I am denied certain rights which are given to everyone else. My employer uses different criteria to my disadvantage, not just those of length of service and skill. Therefore all such pacts as the General Declaration of Human Rights, which Czechoslovakia subscribes to, and the International Covenant on Economic, Social and Cultural Rights, signed by Czechoslovakia at the UN on 7th October, 1968, and the International Covenant on Civil and Political Rights, signed by Czechoslovakia on the same day, apply to me only to the point that I am guaranteed the right to live under conditions of humiliating persecution. [...]

Insofar as my colleagues and I are exposed to rude insults and hard manual labour, insofar as we are denied the possibility of at least partially practising our professions, and as long as we are going to be persecuted and imprisoned for our protests, the voice of Czechoslovakia is bound to be substantially weakened in international confrontations.

I believe that it is high time to see to it that reason prevails, to stop squandering the national educational potential and to put an end to the absurd persecution of those who disagree with coercive practices. I hope that you will do all you can to ensure that, in practical life too, Czechoslovakia behaves towards its citizens in accordance with the solemn declarations she has undertaken to observe.

Yours sincerely,

Associate Professor Jan Mlynárik,
Ph.D., CSc.
Stage-hand at the National Theatre,
Prague

Dear Mr. Husák...2

To the Works Committee of the
Revolutionary Trade Unions
National Theatre, Prague

Dear Comrades,

On 27th November, 1973, during the evening performance, at 8.20 p.m., I met the Director of the National Theatre, Merited Artist, Associate Professor Comrade Kočí, in the corridor of the Smetana Theatre and asked him whether he would be so kind as to see me with regard to my future work at the theatre. Comrade Director replied that he would not see me but that the Administrative Director would talk to me about it. I remarked that I had been informed that it was not Dr. Berger but he, Comrade Kočí, who had given a pledge to the Ministry of Culture to terminate my employment, and that was why I wanted to talk to him. Comrade Director repeated that he was not my direct superior and that he would not talk to me. I stated that in that case, even if the employment contract was terminated, one day I would return to the National Theatre. Comrade Director reacted to this in a rather unusual way, namely that without any clear motivation he started shouting at me in the corridor: "You working-class bastard!", and he repeated this several times. When I came up to him asking him to explain what exactly I was, he repeated the same insult. Further he corrected himself: "You are a traitor to the working class". I wanted to know in what way I was a traitor. "I let you get your degree and you betrayed the working class!"

I am turning to you as a trade union member to request that you draw appropriate conclusions from these insults. I have been working at the National Theatre as a stage-hand since March 1971, I have always tried to discharge my duties to the best of my abilities and I am not going to let anyone abuse me by the most offensive insults just because I wanted to speak with Comrade Director about my future prospects at the theatre.

Yours sincerely,

Associate Professor Jan Mlynárik,
Ph.D., CSc.

Dear Mr. Husák... 3

Czechoslovak journalism is among the professions which were the hardest hit by the repression started after 1969 and continuing to the present time. This repression takes the form of banning people from practising their professions. Since in Czechoslovakia all journalists have to be members of the Union of Journalists, it is relatively easy to ascertain the number of victims. It is estimated that about 2,000 journalists in Czechoslovakia are not allowed to work in their profession. Set out below is a brief survey of the fates of some of them.

Some were arrested and kept in prison for a number of months; for instance Jiří Lederer* was imprisoned for his articles describing the situation in Gomulka's Poland in much milder terms than it was done by today's Secretary of the Polish Communist Party, Edward Gierek. Luděk Pachman was imprisoned for the open Ten Points letter which, together with other journalists, he had sent to the Government. Vladimír Škutina was ordered to prison for pronouncements he had made before the enactment of the law under which his conviction was effected. The charges against Karel Kyncl included signing a petition which called for Škutina's release because of ill-health. Jiří Hochman, Vladimír Nepraš and others were also imprisoned. [...]

But even those journalists who remained at large are to a certain extent outside the law, at least outside the Labour Code which ostensibly assures every citizen of the Republic of the right to a job in accordance with his qualifications. No directives have ever been publicly announced which would allow this. [...] But there are internal directives which function as a reliable system of ostracism. [...]

But eat one must and since journalists too have families and children who must be looked after, they soon gave up their futile attempts to get a reasonable job. [...] Few of them had saved any appreciable sums of money, which anyway would have to be a very large sum indeed to keep them going for so many years. Moreover, journalists do not have the possibility of publishing abroad which helps some writers to survive. [...] Some of them travel around the Republic sleeping in caravans and measuring water levels [...] (e.g. Jiří Seydler, formerly an editor on the staff of Reporter, or Jan Štern from Práce). Others devote their time to window-cleaning [...] (Čestmír Suchý, a commentator on Czechoslovak Radio, Karel Zeman, also from the Radio, and Jaroslav Šedivý from the International Department of the CC CPCs). A non-sedentary job was also chosen by Miroslav Galuška, former chief editor of Kulturní tvorba, later Minister of Culture and then General Commissioner of the Czechoslovak pavilion at Montreal and Osaka; he now tests agricultural machinery. Jiří Ruml, formerly an editor of Reporter and TV commentator ... , now accompanies building machinery on their journeys around the Republic. Restaurants which suffer from a chronic staff shortage

* as a signatory of CHARTER 77 he is again in custody.

provided employment for Jeroným Janíček from Czechoslovak Radio (as a waiter), Pavel Sobíšek from the TV, Otká Bednářová from Czechoslovak Radio (as a cloakroom attendant in a wine bar), Kamila Moučková, Czechoslovak TV announcer (as a waitress) [...], Gisela Svobodová, former editor of Čs. novinář and Svoboda (as a cashier in a Smíchov beerhouse). Irena Petřínová from the Radio and Jiří Hanák from Reporter work in the canteen of a large factory; Antonín Petřina, formerly a Rudé právo foreign correspondent in Berlin, works as a warehousman. Jaroslav Pacovský and Miloš Fiala, the cultural editor of Rudé právo, make their living as taxi drivers; František Vaněček from the Home Affairs section of Rudé právo is a watchman at a car-park, a job he managed to get because he is disabled. Emil Šíp, from the Foreign Affairs section of Rudé právo, and his colleague, Ilja Šetlík, work as lorry drivers.

Some journalists have re-trained for other professions; at the age of 40-50 they undertook various courses to qualify themselves for a new job. Zdena Zajoncová, formerly a deputy editor of Vlasta, is today a junior nurse in a Pediatrics Hospital and Zdeněk Eis, a literary historian and chairman of the Reporter editorial board, works in a welfare centre for alcoholics. If some do work in the newspaper world, then only in printing offices (Miroslav Filip, deputy chief editor of Politika), or as despatch clerks (Jaroslav Černý, former head of the Foreign Section of Svobodné Slovo), or as proof-readers (e.g. Jiřina Brejchová, former editor of Práce).

Journalists who are physically fit work at the underground railway construction site (e.g. Karel Kostroun, chief editor of Plamen) [...] or as stokers (Jan Petránek, for many years a correspondent of Czechoslovak Radio in Moscow, and Richard Seeman, also from Czechoslovak Radio). Michal Motl, former press attache in Moscow, is a porter in the Prague Park Hotel [...]. Other journalists have returned to the professions from which they originally came as "working-class cadres": Karel Čutka, editor of Plamen, works as a bricklayer; the former chief editor of Mladá Fronta, Miroslav Jelínek, is a slater; Jiří Klír and Karol Reif from the Radio are maintenance men.

If some former journalists do work in administration, then it is only in subordinate posts. [...]

This random enumeration (it does not include journalists outside Prague; in smaller towns they were subjected to an even worse vendetta, for instance the well-known correspondent of Brno Radio, Jiřina Menšíková, could not find any other job than as a cleaner at a building site, and the editors of Jihočeská Pravda were forbidden to work in bookshops since it would mean being involved with "culture") cannot be complete for the simple reason that it is very difficult to keep track of people scattered in various places of work and, furthermore, because any attempt at keeping a record of these people would immediately attract the attention of the police. Former journalists already enjoy continuous attention; managerial staff and foremen at their places of work are frequently approached with queries about their subordinates' behaviour and whether they do not exert influence on their workmates. [...]

Nor can we give reliable statistical data on how many people had to leave newspaper offices and how many were expelled from the Union of Journalists. At the Congress of the Union of Czechoslovak Journalists in May 1972 its present Chairman, Miloš Marko, restricted himself to a general statement only: "In the period of the preparation of our Congress an exchange of journalists' cards has been completed; this procedure was used for a thorough purge of our journalists' organization. Since 1968 our membership has fallen: after August 1968 about 180 members emigrated, others were expelled or their membership discontinued while cards were being exchanged. On the other hand, more than 1,000 new members have been accepted from among those who have joined newspaper offices since April 1969."

The Secretary of the Union of Czech Journalists was a bit more specific in his speech at the Congress of Slovak Journalists. He admitted that 40% of former members had left the ranks of the Czechoslovak Union of Journalists. [...]

But even though this situation is very difficult for the individuals and their families (the children of many so-called rightist opportunists cannot get to secondary schools and universities), it is not the worst aspect of the problem. Of far more importance for the fate of the nation is what has happened to its newspapers, radio, television and films. From the times of Kramérius the Czech people have become accustomed to their newspapers; they always meant more to them than just a source of information: Havlíček, Masaryk, Herben, Čapek [...] gave the reader intelligent, reasonable and thoughtful newspapers. What is left of this tradition?

The newspapers are drab, uninteresting and uniform as they were in the years of Stalinism.

A list of scholars who had to leave the Faculty of Philosophy of Charles University in Prague in the years 1970-1971 and who are still banned from practising their professions. (An analogical situation can be observed at other faculties and universities. At the Prague School of Economics the percentage of teaching staff banned from practising their professions is still higher.)

University professors:

Forced to emigrate: Antonín DOSTÁL, Eduard GOLDSTÜCKER, František GRAUS.

Forced to retire prematurely: Václav ČERNÝ, Karel ČERNÝ, Josef KURZ, Jiřina OTÁHALOVÁ-POPELOVÁ, Jan PATOČKA, Ludvík SVOBODA, Vladimír TARDY.

Dismissed: Miroslav DROZDA, Koloman GAJAN, František KAVKA, Vladimír KASÍK, Jaroslav KLADIVA, Karel KOSÍK, Jan KOPECKÝ, Milan MACHOVEC, Theodor SYLLABA, Zdeněk URBAN.

(Twenty altogether out of a total of 56 professors according to the 1967 list of staff.)

Associate professors:

Emigration: Jiří FREI, Vilem FRIED, F. SVEJKOVSKÝ.

Forced to retire prematurely: František KUTNAR.

Dismissed: František ČERVINKA, Jindřich FIBICH, Zdeněk KARNÍK, Vlasta KLADIVOVÁ, Luboš KOHOUT, Oldřich KRÁL, Věra MACHÁČKOVÁ, Květa MEJDRÍČKA, Karel MICHNAK, Věra OLIVOVÁ, Václav VEBER.

(Fifteen altogether out of a total of 76 associate professors according to the 1967 list of staff.)

Lecturers:

Emigration: Václav OTL, Jiří SVOBODA, Pavel TICHÝ.

Dismissed: Karel DURMAN, Jiří HONZÍK, Jan MÉCHÝŘ, Jan MUŠKA, Ladislav NIKLIČEK, Pavel SEIFTER, Jiřina ŠIKLOVÁ, Zdeněk ŠIKL, Jaroslav STRIHAVKA, Karel ŠTINDL, Zdenek ZBOŘIL.

(Approximately 7% of the total number of lecturers according to the 1967 list of staff.)

Research workers:

Dismissed: Jan MIDZIAK.

Czechoslovak historians banned from practising their profession.

The Frankfurter Allgemeine Zeitung of 21st August, 1975 published under the heading ACTA PERSECUTIONIS on pages 16-17 a list of 145 Czechoslovak historians who had been banned from practising their profession because they disagreed with the occupation of Czechoslovakia by Warsaw Pact troops in 1968. This list is far from complete. Not included are above all a number of Slovak historians and dozens of lesser-known historians from Bohemian and Moravian provincial towns also dismissed from their original jobs.

Since this list was submitted to the World Congress of Historians in San Francisco two years ago, the ban has not been lifted or moderated in a single instance. The changes that have occurred are given below.

Karel Bartošek is no longer a stoker but works as a labourer in a team investigating water resources. He signed CHARTER 77.

Ferdinand Beer is a porter.

Toman Brod is a manual worker and draws a partial invalidity pension. A signatory of CHARTER 77.

Edo Friš is an old-age pensioner.

Bohuslav Gracn died at the age of 55.

Josef Hodič is no longer in employment; he was dismissed for signing CHARTER 77.

Milan Hubl was released from jail in December 1976 after five years' imprisonment, and has no job now because he signed CHARTER 77.

Karel Kaplan was allowed to emigrate to the Federal Republic of Germany.

Libuše Klimešová travels round factories selling theatre tickets.

Miroslav Klír died at the age of 56.

Milan Lichnovský is no longer a stoker; he now works as a labourer in a team investigating water resources.

Jindřich Madry is an economic planner.

Jaroslav Mezník has been released from jail and is now a manual worker. A signatory of CHARTER 77.

Vilém Prečan was allowed to emigrate to the Federal Republic of Germany.

Michal Reiman was allowed to emigrate to the Federal Republic of Germany.

Pavel Reiman died at the age of 74.

Jan Tesař: after six years of imprisonment he was released in 1976 with seriously impaired health; at the present moment he is undergoing hospital treatment.

Peaceful coexistence is a specific form of the class struggle between states with differing socioeconomic systems. As Lenin said, what is involved here is a contest "of two systems, two formations, two economic methods, communist and capitalist." This means that recognition and implementation of the principles of peaceful coexistence among states with differing social systems does not eliminate the main conflict of the current epoch -- that is, the clash between socialism and capitalism. Nor does it remove the deepening social antagonisms in bourgeois society and the growing conflict between the interests of the nations of the young Asian, African, and Latin American states on the one hand and those of international capital on the other.

Is it possible that in such a case peaceful coexistence could become a solid foundation on which to build a world free from the dangers of a world war? Of course this is possible. It is indeed the considered opinion of the CPU and other Marxist-Leninist parties. This year's Berlin forum of European communist parties confirmed this anew. We must not confuse the coexistence of states belonging to different social systems with the complicated processes from which the class and ideological struggle springs. Relaxation of the class and ideological struggle is not possible.

In a milieu of easing international tensions the ideological struggle not only does not abate, but must necessarily grow fiercer. There is nothing strange in this. The contest between the two systems will increasingly move away from military confrontation, but it will actively develop in forms of economic competition and in the struggle of ideologies. This open competing is already clearly answering the question of which system is the more progressive, humane, and viable.

Tribuna, Prague, 6 October 1976

Only those who have no reservations against the policies of the CPCS can become scientific collaborators or officials of the Czechoslovak Academy of Sciences. The paragraph given below is taken from the "Directives of the Secretary-General of the Academy, No. 16/1976, dated 8th July 1976, under Ref. No. 62843/17/76", published as an Addendum to "Annexe No. 1 of the Ordinance of the Federal Ministry for Technical Development and Investments, No. 3, of 26th April 1976".

Work Dossiers

All creative and economico-technical employees shall have to be qualified in terms of political maturity, active attitude to the construction of a socialist society on the foundations of Marxism-Leninism, acknowledgement of the leading role of the CPCS, and an actively committed approach to the promulgation of its policies.

The text of a statement which has to be signed by research workers to confirm that after 1968 none of their close relatives has been living in the West and that they themselves were not expelled or suspended from membership of the Communist Party. In Czechoslovakia today non-members of the Party or those whose close relatives are emigres cannot hold important or responsible positions in various scientific fields.

Dear Comrade,

Your significant achievements in the field of science rank you among the leading scientific workers of the Czechoslovak Academy of Sciences (ČSAV). In view of this fact you have been included in the selective personnel lists (cadres) of the appropriate scientific and Party organs, i.e. the Praesidium of ČSAV and the Central Committee of the Czechoslovak Communist Party.

This makes it necessary for the ČSAV Cadres and Personnel Department to keep up-to-date dossiers containing information on your personal data, your scientific achievements, and reports on your work, honours, distinctions, etc.

Please find enclosed for this purpose a cadres questionnaire, which we would like you to complete and send to the ČSAV Cadres and Personnel Department, Prague 1, Národní tř. 3, together with a detailed curriculum vitae giving all relevant data on your life and your scientific and political activity, a list of your publications and one photograph. Please also complete the statement below and enclose it.

Thank you for your understanding and co-operation.

With comradely greetings.

František Kulhavy
Head of the Cadres and Personnel
Department of the ČSAV

Dear Comrade...1

STATEMENT

I hereby declare that:

a) as of 1968 none of my relatives or my wife's next-of-kin
lives abroad illegally*

b) there has been no change in my, my wife's (or my children's)
membership of the Czechoslovak Communist Party as of 1968*

* If otherwise, modify in accordance with the actual state of
affairs

a)
.....

b)
.....

Date:

Signature

.....

Dear Comrade...2

The survey below was compiled in Prague on the basis of data from the Main Cadres Administration (HKS) of the Ministry of Defence of the Czechoslovak Socialist Republic. It reveals that by 21st November, 1970 several thousand officers had been dismissed from service in the Czechoslovak Armed Forces for their solidarity in 1968 with the legal Czechoslovak Government and the leadership of the Communist Party of Czechoslovakia with Alexander Dubček at its head.

According to data from the Main Cadres Administration, by 21st November, 1970 seven thousand officers had been dismissed from service in the Czechoslovak Armed Forces. This dismissal caused them serious existential problems. Although the Constitution guarantees the right to work, many of the dismissed officers with university degrees found it difficult to obtain even unskilled manual jobs. There were many instances where they had to apply to twenty, thirty and more places before they procured the job of labourer, hotel employee and the like.

To illustrate this situation we give details of several of the thousands of such cases:

- General Václav Prchlik - former commanding officer of the Main Political Administration, later Chief of the Defence and Security Department of the CPCS Central Committee; after two and a half years in jail he is now a demolition worker. His jail sentence was allegedly for divulging state and military secrets. In actual fact it was for saying openly that the Warsaw Pact Command is practically entirely in the hands of Soviet marshals and generals and that the other armies are discriminated against; the main reason was, however, that he voted in the National Assembly against the temporary stationing of Soviet troops on the territory of Czechoslovakia.
 - General Zdeněk Kamenický - Commander of the Anti-Aircraft Forces; works in a supermarket.
 - General Peprný - Commander of the Border Guards; has worked in Kladno a mining and steel town .
 - General Burda - commanding officer of the Intelligence Headquarters of the General Staff of the Ministry of National Defence; works as a technical employee.
 - General Procházka - Army Commander; works as an investment official.
 - General Jiří Štika - Chief of Staff of the Anti-Aircraft Forces; works as an economist in a small enterprise.
 - General Jaroslav Frybert - Chief of the Army's Political Administration; works as a carpenter in the building industry.
-

- Colonel (Eng.) Ladislav Krupka - formerly of the Education Department of the Army; works as a warehouseman.
- Colonel Jiří Kubík - Chief of the Second Department of the Army's Political Administration; holds a clerical job in a supermarket.
- Colonel Jiří Plos; works as a labourer.
- Colonel František Jílek - Chief of the First Department of the Army's Main Political Administration; is an employee of a distribution enterprise.
- Colonel Tibor Hochsteiger - Director of the Institute of Military History; works as a bricklayer.
- Colonel (Eng.) Miroslav Kabiček - commanding officer of an Anti-Aircraft Corps; works as a technical employee.
- Colonel Josef Suk - Brigade Commander in Ostrava; is employed in industry.
- Colonel Jan Seckář - Head of a Department in the Main Cadres Administration of the Armed Forces; is a manual worker.
- Colonel Václav Smrkovský - Head of a Department in the Main Political Administration; works as a warehouseman.
- Colonel Oskar Bizík is employed as a manual worker.
- Colonel Zdeněk Malý of the Ministry of Defence, works as a technical employee.
- Colonel Zdeněk Dušánek - Chief of the Rear Department of the Air Force and the Anti-Aircraft Forces, Ministry of Defence; works as a driver.
- Colonel Michal Bondarenko - Chief of the Political Department of an Anti-Aircraft Defence Corps; is employed as a manual worker.
- Lieut. Colonel Josef Hodič is now a technical employee.
- Lieut. Colonel Eduard Bejček - Deputy Chief of the Second Department of the Army's Main Political Administration; is a manual worker.
- Lieut. Colonel Ladislav Kolmistr works as a labourer.
- Lieut. Colonel Ladislav Škrob has worked in a restaurant.
- Lieut. Colonel František Voráček is a hospital orderly.
- Lieut. Colonel Fedor Paufosima is a hotel employee.

According to...2

- Lieut. Colonel Václav Sonda is a shop assistant.
- Lieut. Colonel Doležel works as an employee in a supermarket.
- Lieut. Colonel B. Švarc was a manual worker, and is now, after a serious operation, a hotel porter.

The following officers were dismissed from the Army with seriously impaired health:

- General Jozef Kukel
- Lieut. Colonel Karol Jaros
- Lieut. Colonel Luboš Černý
- General (Med.) Engel.

6. EDUCATION

"Parents have a prior right to choose the kind of education that shall be given to their children."

(Universal Declaration of Human Rights.
Article 27)

"Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means and in particular by the progressive introduction of free education. Higher education shall be made equally accessible to all, on the basis of capacity [...] The state parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities [...] and to ensure the religious and moral education of their children in conformity with their own convictions."

(International Covenant on Economic, Social
and Cultural Rights. Article 13)

"Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state."

(International Covenant on Civil and
Political Rights. Article 24)

"All citizens shall have equal rights and equal duties."

(Czechoslovak Constitution. Article 20)

For many years now one of the most burning problems in the area of human rights in Czechoslovakia has been the persistent discrimination in the selection of young people for secondary schools and universities. Every year the chance for further education is denied to a large number of young people whose scholastic achievements, qualities of character, interest in education, and good results in entrance examinations have proved them to be suitable for it.

This discrimination has been practised for a great many years against the children of citizens of many different categories into which the regime has been dividing uncomfortable Czechs and Slovaks according to undeclared but strictly administered directives. In this way, contrary to the law but all the more efficiently, they are deprived of many fundamental human rights, among them the right to free education for their children. In earlier times this affected the families of the so-called kulaks, of political prisoners in the various trials of the 1950s, of members of Western armies in the Second World War, of emigres, of those who practised a religion, etc. At the present time the victims are (on a massive scale) in particular the families of those citizens who in 1968 were actively involved in public, political, scientific and artistic life.

The accusations raised against these citizens cannot be sustained because the democratic principles they were defending are today subscribed to, among others, by the majority of the communist and labour movement. Indeed, in 1968, they were also being furthered by the Czechoslovak Government whose Deputy Prime Ministers were at that time also Dr. G. Husák* and Dr. L. Štrougal**. Moreover, the promulgators of democratic principles have never been and could not have been openly prosecuted for this activity, nor could they have been legally convicted. Consequently the discrimination against them is often wilful and not infrequently amounts to a settling of old scores. But even provided that these people were criminally prosecuted and convicted, their punishment should not extend to persons who are evidently innocent, viz. their children. Punishment of these children in the most sensitive sphere of their education and preparation for life is by the same token not only completely illegal but also contrary to all ideas of a decent and humane society, especially a society which claims to be socialist. It is nothing more than an act of revenge, the bullying and corruption of both parents and teachers as well as of those who are only in an early stage of preparing themselves for life and who are thus being conditioned to become pliable instruments of the state power from their childhood.

* President of the CSSR and the General Secretary of the CC CPČS

** Prime Minister and a member of the Praesidium of the CC CPČS

Eight years after the declaration of the normalization policy, secondary schools do not accept children who in 1968 were 7-8 years old, and universities children who in 1968 were 10-11 years of age if at that time their parents spoke up for the democratization of our public and political life.

The present system of selection for study at secondary schools and universities is not concerned with an objective evaluation of the abilities, talents and prospects of the candidates, nor with the proper utilization, development and dispersal of talent. Its two basic functions are: firstly, to give reward for political "involvement" and conformity, and secondly, to punish parents for their political views if they are not in complete agreement with today's political practice.

Politically motivated discriminatory sanctions thus hit the most sensitive sphere of human relations, those between parents and their children. Both the parents and their children are intimidated into outward obedience and a hypocritical stance. The sanctions deform the characters of both the parents and their children, and those who wield them resemble people who by their behaviour can influence the fate of hostages. They force the parents and their children to play out a humiliating comedy for the sake of being given a chance to study.

Discrimination in education, never publicly admitted but all the more actively practised by the state and the political power-holders, is at variance with the claim that a socialist society holds the capabilities of its citizens in high esteem and offers them every possibility for their development and utilization.

Instead of the gifted and talented, it is often candidates with well below average or even thoroughly poor scholastic results that are accepted for further study, provided they or their parents demonstrate their political commitment, either real or phoney, and provided they are prepared to accept passively and agree ostensibly with everything the present political leadership is preaching.

A proof of discrimination coupled with patronage can be seen, for instance, in the official directive of the Ministry of Education concerning the selection procedure for the school year 1976-77.

According to this directive an entrant who has passed his matriculation with honours (with grade "one"* in all subjects), and who has obtained grade one in both the written and oral entrance examination, but who does not fulfil the "class-political criteria", will rank lower in the acceptance scale to an institute of higher education than an entrant whose matriculation results

* On the scale 1 to 5, "one" being the best, i.e. excellent, and "five" unsatisfactory, i.e. the failing grade.

and marks throughout his secondary school only reach the average of 2.7 (i.e. there may be no "ones" and more "threes" than "twos"), whose written entrance exam is "unsatisfactory" and the oral only average, if this latter student meets the "class-political criteria".

Such an official Ministry of Education directive does not induce secondary school students to study, to develop their knowledge and to work hard; rather the opposite is true.

The illegality of the entrance procedure is aggravated by other factors:

1) The directives and rules are secret and so they are beyond public control, not to speak of the fact that the absence of information about these rules decreases the chances of the majority of applicants.

2) The whole selection procedure is also secret and not subject to any public control.

3) The number of college places is also not made known and by artificially lowering the number of places available in some subjects (particularly in non-technical fields) the chances of acceptance for politically handicapped children are again decreased; this latter strategy affects the specially gifted in particular, e.g. talented linguists, artists, musicians, etc. It is necessary to bear in mind that for a person to be able to practise a profession gainfully, in a number of fields talent on its own, even if it is considerable, or skills and good results are not sufficient, according to our laws and the prevailing practice; for that purpose it is essential to have a certificate (e.g. to be a musician, in the visual arts, and also for literary activities, translating and so on). Of serious relevance here are the repercussions for the life of society as a whole; the community is artificially deprived of a suitably trained intelligentsia in the humanities and arts.

4) In certain fields some courses are being opened secretly; for instance, one year no applications were officially accepted for a "History of Art" course but subsequently the course was suddenly opened and filled exclusively with children, particularly girls, from today's "prominent families".

5) Numerous cases are known of students from these circles being accepted without going through the usual selection procedure.

6) The chances of regular study for politically handicapped youngsters are further diminished by the unjustified patronage of the less gifted but politically "desirable". These students are taking up a number of places, in the first year in particular, and then later, in spite of being granted various further favours, they abandon their studies. This is demonstrated by the high "mortality" rate among first-year students, particularly in those fields where it is not so easy to bluff one's way through (e.g. medicine, technical subjects). All this represents a

squandering of financial and other resources, which is a burden on us all, but at the same time it is one of the ways of limiting the educational opportunities of young people from other categories of the population.

7) All this involves a general degradation of human values in education and it also creates favourable conditions for all kinds of patronage. There are also rumours of bribery. This latter aspect is, of course, very difficult to prove. Those who admit that they have secured a university place for their child by means of a bribe (some of them practically boast of it), simultaneously declare that they will never publicly testify to it. The Ministry of Education, of course, could and should find ways of uncovering and investigating such cases.

The demoralizing consequences of the present system of selection are extremely damaging to the moral profile of the young generation. Young people quickly learn to tell the difference between the high-sounding official political proclamations and reality, which is at variance with them. This concerns not only those who are unjustly discriminated against but also those who are given unfair preference.

In its demoralizing consequences this practice also affects the teachers; because of the enforced attitudes of the students, they cannot adopt a professional educational approach. At the same time they are driven into the same moral dilemma as the parents of the children concerned since failure to respect the afore-mentioned procedure and instructions would endanger them existentially.

Apart from the contribution the current selection practice makes to the devaluation of moral values, to the widespread hypocrisy and patronage, it also has grave consequences for standards in secondary schools and universities. It influences the professional standards of the graduates of these schools in their future positions and in practical life. The whole of society is being deprived of creative forces and talent. Such practices have a particularly grave and alarming effect on the economic and cultural development of a small country like ours, poor in raw materials and other extensive sources of growth. Those who are today responsible for husbanding our country's most valuable resource, the creative abilities of the people, should realize what enormous and often irretrievable losses are being inflicted on our society as a whole.

Those who formulate decisions about the entrance requirements for secondary schools and universities are not only disregarding the solemn international pledges of our highest state functionaries, but they are also gravely violating Czechoslovak legal norms.

As the signatories of CHARTER 77 we demand:

1) That the educational authorities abrogate all their discriminatory directives, regulations, instructions and the like, relating to the procedure for selecting new students, if these are at variance with the norms of the Conventions on

Human Rights, which have been approved by our legislative organs and promulgated, and thus become a part of the Czechoslovak legal code. It is of particular importance to bring into force Article 26 of the Convention on Civil and Political Rights which stipulates that all discrimination will be forbidden by law and everyone will be guaranteed equal and effective protection against discrimination for any reason.

2) That it should be openly announced in the press that the CSSR has carried out the pledge undertaken in accordance with Article 40 of the Convention which calls on all parties to report on measures taken to implement the rights acknowledged in this pact and on the progress which has been achieved in the implementation of these rights within the period of one year from the day they became parties to the pact. The deadline for Czechoslovakia is therefore 23rd March, 1977.

3) That an independent commission of enquiry is set up consisting of qualified pedagogues and educationalists who have not been involved in discriminatory practices in the selection procedure, to make an objective analysis of the situation prevailing in the recent past in the selection of new students for secondary schools and universities, and to evaluate its consequences for the educational potential of our nation and for the country's present and future economic, technical, scientific and moral development; this document should be made public.

4) That on the basis of this investigation people who have been discriminated against are given a chance to study.

CHARTER 77 considers it useful and expedient to collect data on concrete cases of discrimination in the educational sphere and make them known to the responsible political and administrative authorities, with the request that these cases are examined and rectified.

Motivated by their sincere wish to contribute to a solution of this problem in a constructive and positive manner, without setting themselves any other aims or making any claims of a political or other nature, the signatories of the CHARTER 77 Manifesto consider it their moral and civic duty to offer their help in eliminating discrimination in the selection of students for secondary schools and universities. They consider this document as the first stimulus for an informed approach which can eliminate the shortcomings of the prevailing system and bring the selection procedures into harmony with the Conventions on Human Rights, legally endorsed by the Czechoslovak State.

Professor Jan Patočka, Ph.D.
Professor Jiří Hájek, Ph.D.

Prague, 23rd January, 1977

Appendix to Document No.4: Supplement to the "Instructions"
This is an official Directive for Selection Committees.

On the basis of supplementary instructions from the Ministry of Education, we request that each candidate is classified into one of the groups specified below and that this classification is indicated by the appropriate letter in the column headed "Notes".

Group A - candidates who:

- 1) fulfil the class-political criteria
- 2) have an average overall matriculation and secondary school grade higher than 2
- 3) passed the oral examination with honours, and whose grade in mathematics is higher than 4 (1, 2 or 3).

Group B1 - candidates who:

- 1) fulfil the class-political criteria
- 2) have an average overall matriculation and secondary school grade between 2 and 2.7
- 3) achieved an average result in the oral examination, and whose grade in mathematics is not lower than 4.

Group B2 - candidates who:

- 1) do not fulfil the class-political criteria
- 2) have an average overall matriculation and secondary school grade higher than 2
- 3) passed the oral examination with honours, and whose grade in mathematics is higher than 4 (1, 2 or 3).

Group C1 - candidates who:

- 1) fulfil the class-political criteria
- 2) have an average overall matriculation and secondary school grade of between 2 and 2.7
- 3) failed the oral examination, and whose grade in mathematics is 4.

Group C2 - candidates who:

- 1) do not fulfil the class-political criteria
- 2) have an average overall matriculation and secondary school grade of over 2.7
- 3) failed the oral examination, and whose grade in mathematics is 4.

A signatory of CHARTER 77, Professor Věnek Šilhán, who was barred from practising his profession of economist, sent the Federal Assembly of the CSSR an extensive analysis of the system of political discrimination in the sphere of Czechoslovak education. Set out below are some passages from this document.

Federal Assembly of the CSSR
Vinohradská 1
Prague 1

Deputies,

I am addressing to you a complaint and an appeal which both concern a matter of exceptional importance. [...]

I am talking about the prevailing system of political discrimination in the sphere of education which is growing deeper and deeper. It manifests itself above all in the selection of children and young people for study at secondary schools and universities and for training in certain occupations. This is a system based on a grossly unjust and irregular assessment of children and young people coupled with a dangerously spreading system of patronage and corruption.

In the course of recent years I have learnt from my own fellow citizens that Czechoslovak secondary schools and universities have failed to admit a great many children and young people despite the fact that by their scholastic results, character qualities and pronounced interest in study, they have demonstrated an indisputable capability for secondary and higher education. Having been rejected once, many of them accepted jobs or started apprenticeships and a year later applied for admission again. In the majority of cases even these second attempts were unsuccessful, in spite of the fact that most of these people were given very good references and recommendations from their places of work. Some have tried this procedure three or even four times and under a great variety of pretexts they have always been turned away. [...]

The personal qualities of the majority of these young people, their working and scholastic results in the lower schools, together with demonstrable successes in the entrance examinations, testify that their persistent rejection is motivated by reasons which cannot be influenced and altered by their personal effort.

Furthermore, the large number of these cases excludes the possibility that they might be instances of individual errors or omissions on the part of the school authorities. This is also confirmed by the results of appeals to higher school authorities, including the Ministry of Education. In the majority of cases the appeals are being rejected.

The mechanism of student selection, their personal dossiers, the results and procedures of entrance examinations, as well as the various written and unwritten instructions concerning the criteria according to which students should be evaluated, all this is kept strictly secret both from the candidates themselves and from their parents and the public as a whole. [...]

Let me remind you that all this is still continuing today, seven years after the declaration of the so-called policy of consolidation and normalization; it means that the young people discriminated against in selection for university places were approximately 10-11 years old and the candidates for acceptance at secondary schools 7-8 years old when this policy began. We are witnessing here an administrative practice of applying a politically motivated sanction to the most sensitive area of human emotions, the relationship between children and parents. In this manner it is intended to intimidate young people and their parents, enforce their obedience and manipulate them according to the wishes of the political powers that be. [...]

The great many attempts by our citizens, particularly parents, to criticize this damaging practice are being ignored. Thousands upon thousands of complaints have been addressed to numerous institutions and the persons responsible. Either they were not answered at all or the answers were evasive. [...]

A discriminatory policy in the sphere of education [...] can be practised only in such societies where elementary political and civil freedoms and rights are violated, the very rights and freedoms which were declared and guaranteed by our Constitution and by the international agreements which our Republic has voluntarily acceded to. [...]

For information:

Praesidium of the ČSSR Government

Praesidium of the Government of the Czech Socialist Republic

Czech National Council

Ministry of Education of the Czech Socialist Republic

Central Committee of the Communist Party of Czechoslovakia

Czechoslovak Commission for Co-operation with UNESCO

Czechoslovak Press Agency

Professor Ing. Věnek Šilhán, CSc.
Jeseninova 105
Prague 3 - Žižkov

A shortened version of a statement by a Czechoslovak educationalist on the problem of political discrimination in the selection of university students; she reveals practices, kept secret by the Czechoslovak authorities, which by now may have deprived as many as 200,000 to 300,000 talented young people of a university education.

UNESCO, Help!

Year after year a tragic drama takes place in Czechoslovakia involving numerous young people: they apply to study at secondary schools and universities, achieve excellent or very good scholastic results, pass entrance examinations with honours, the examination board recommends their acceptance and then ... then somewhere there is a hitch ...

I wish to describe briefly the problem of these young people and I will restrict myself to those who are excellent or very good students [...] (I intentionally leave out those who were not scholastically competitive; many of them would probably not be accepted in any other country either, even if the requirements were not very severe).

I am concerned with those able and gifted boys and girls who every year show interest in a certain discipline and meet all the scholastic requirements, but nevertheless are refused on the grounds that at the present time their parents do not show enough commitment to the regime or because they were, in one way or another, involved in the movement of democratic socialism (in the terminology of the present regime: "rightist opportunists", "revisionists", etc.) in 1968-69 or previously. This group includes among others a great many rank-and-file civil servants or ordinary citizens who played a part in the CSSR reform movement by some individual act, by voicing their views, and who did not "turn their coats" when the new political regime came to power and either stuck to their original views or retired from public life and kept to themselves.

Naturally the strictest criteria are applied to children of people expelled from the Communist Party and of those non-communists (socialists, democrats, Christians, and others) who have made critical pronouncements concerning the current cultural and political conditions in the CSSR. For instance, the following have been deprived of further education: the children of the theologian J. Hejdaňek and the political scientist M. Hübl, the son of the politician F. Vodslon, the daughter of the economist V. Šilhán and others.

In the first years of the so-called period of political consolidation all these circumstances and the social background of the applicants were included in the so-called complex assessment

UNESCO, Help!...1

dossiers. This complex assessment was wide and narrow, depending on how you looked at it, and it could contain a great many things. False accusations, slanders and lies could very easily play a role. This could happen mainly because of the manner in which the social or rather socio-political background was identified within the far-reaching framework of the school authorities' jurisdiction, and an important role was played by the political organs, party organizations, district and regional party committees and, not infrequently, even the organs of the State Security Police.

In the last two years the practice of openly substantiating certain decisions by the use of complex assessment dossiers has been dropped. It seems that, apart from other things, this has occurred as a result of the Czechoslovak government's recent signing of a number of agreements and pacts and also for fear that the representatives of Czechoslovak cultural policy might be sharply criticized for such practices in future.

However, there has not been change for the better in the selection procedures for university students. In the same manner as before the application form contains questions on the political affiliation of the parents (previous and present), their public and political involvement (previous and present). On the basis of information provided in this single section on the form, long before the entrance examinations, all applications by children of certain prominent public figures (journalists, scientists, cultural workers, politicians, artists, etc.) and of all those who were expelled from the CPCS in 1970, are automatically excluded from any further consideration.

According to detailed information from several university officials, the lists of applicants are processed well in advance in accordance with various criteria, e.g. place of residence, regions, etc. At about the end of April the lists of students are sent to the Regional National Committees (which work under the direction of the Regional Committees of the CPCS), who are asked to indicate which of these students they recommend for acceptance and which they do not. When the lists are returned, the individual names carry against them such letters as "N", for 'not recommended' or "A", for 'accept unconditionally'. Who are the last named privileged young people? They are the children of the political activists of today, of functionaries and people loyally and actively supporting the regime. A university employee who observed the selection procedure in 1974 has told us: "Those who were marked N could not be accepted under any circumstances whatsoever, even if at the entrance examinations they performed like young Einsteins. Many talented young people have been rejected because of the green N's. And, conversely, those who had been given A's by the Regional Committees of the CPCS were then accepted even if they performed abominably before the examining boards and if their results were quite inadequate.". Every year, especially in arts faculties, those members of examination boards who apply objective criteria cannot help being astonished: the applicants they recommend are not accepted and vice versa.

Applicants for technical disciplines are assessed relatively more objectively. The reason is that it would cause too many pedagogical and administrative problems if young people were accepted for technical subjects without reasonable knowledge of mathematics and physics and the basic skills. Furthermore, every year the quotas for technical faculties exceed the number of applicants. Nevertheless, even here the afore-mentioned political criteria are in force and there are many cases of children not being accepted even at technical universities because their parents have been "stigmatized".

We would not like to maintain that the discrimination is total. Mainly it concerns the children of critical and non-conformist citizens; but there are many of them. Although it is difficult to make an estimate of the total number of victims, it can safely be said that between 1970 and 1976 the afore-mentioned discriminatory practice has, in one way or another, affected about 200 to 300 thousand children and young people. Let us note "in passing" that similar discriminatory practices have also been used in the selection for secondary schools and even for some trade schools (especially those that are most popular with parents and children).

The fact that discrimination mainly concerns the children of critical and non-conformist parents and furthermore those young people who in one way or another have expressed views different from the official line (e.g. they did not become members of the Union of Socialist Youth) does not mean that it might not concern the children of parents entirely uninvolved in public and political life. A thorough analysis of the selection procedures would show how many A's were given preference over the children of such uninvolved parents even if these latter proved to be better and more able students.

Many well-informed and "angry" university officials speak about the "negative selection" for universities in the USSR, about the enormous intellectual and cultural wastage and about the hegemony of the mediocre and sub-average; the more courageous speak even of an educational genocide and "menticide". [...]

I hereby appeal to UNESCO above all as an international organization involved in the development of education, science and culture: Help to put a stop to educational discrimination in Czechoslovakia! Take the Czechoslovak government to task for the discriminatory practices; request that they give a detailed explanation and justification of the afore-mentioned selection practice in the report which they are supposed to regularly present (in accordance with the 1962 Convention) to the General Conference of UNESCO. Exercise the right of inspection under Article 18 of the afore-mentioned convention! Appeal to the Czechoslovak government to invalidate the political criteria in the selection of children to secondary schools and universities (including the relevant sections of the questionnaires); ask them to put an end to the secrecy of the selection procedures so that

they can be checked by the applicants and their parents!
Put pressure on the Czechoslovak political leadership to enable
those children and young people who were prevented from studying
at home to study abroad.

UNESCO, help! Consistently and energetically!

Helena Trojanová (Prague)

UNESCO, Help!...^h

Extracts from a letter by a Prague teacher (name omitted) which shed some light on the complex situation in Czechoslovak secondary schools brought about by political discrimination.

Twenty years of teaching at Prague secondary schools - now called twelve-year schools - is not a short time. [...] As if by a miracle, I have scraped through the numerous sieves of political screening and [...] even withstood the attacks of one of my fellow teachers [...] who accused me of probably not educating the children in accordance with the correct "line" since they appear to trust me and do not cause me any trouble. What a paradoxical argument! [...]

But this is exactly where my situation becomes painful; I have to feel ashamed in front of my children and at the same time grateful to them but I cannot help worrying about the kind of character traits they are developing and about what they are going to be like as future citizens of this country. And at such moments I reflect sadly on how this nation is slowly being deformed, beginning with the young ones.

I appear before my class and, as ordered, I recite things which I do not agree with. My students know this and also disagree but they keep silent. On the following day, when we revise the material, they repeat everything after me, some apathetically, others with obvious disgust, which I pretend not to notice, and still others in a manner which underlines the absurdity of the whole affair but I still pretend not to see it and only worry lest the class bursts out laughing or begins making faces; then I think that perhaps I should put an end to it. Suppose these nice students of mine start boasting somewhere what a brick their teacher is and what she allows to be said in her classes; someone will blab and I will be in trouble again. [...]

Or perhaps a parent will want to take revenge on me for a poor grade. [...] It has happened that parents with a so-called "healthy cadres record" have put a cassette recorder into their child's briefcase instructing him to record what the teacher says. Inducing a child to become a snooper may be quite attractive for a foolish youngster, since suddenly he has a secret power over the teacher's fate. Or take the commonly used practices of superiors: they are not satisfied to just inspect the conduct of lessons; they also call students away from their classes and ask questions to test their knowledge, and to find out how the teacher has explained certain facts to them. It is enough if a student has a slightly weaker character or if he does not know something or misinterprets something, and the blame is put on the teacher. Is this anything else but just another, officially fostered, form of snooping?

Fortunately my children have been loyal to me and although there may be some weaker characters among them, nothing of that sort has happened to me yet. Just the opposite; the children know that there are certain things I must do and they play along with the game. Since the general public does not show much interest in the various official functions, such as celebrations,

Soviet exhibitions and the like, the interest is artificially boosted by the school authorities ordering students to participate. I simply say: "I hope you know how to behave there". "Certainly", they nod their heads and then, face to face, one of the boys may add something like: "We know very well that someone is watching us from behind every pillar". [...]

But there are worse situations, much worse! The school carries out all the orders and instructions but only to the extent that will facilitate its survival; laboriously compiled reports are sent to the school authorities to show how the political activity and consciousness of teachers and students is growing stronger from day to day. [...] So, this is the kind of atmosphere which prevails at our school. And not only there, at all schools! As a matter of fact, our school ranks among the better ones. [...]

The twelve-year school is a successor to the former grammar school (gymnasium), at one time an important base of the cultural and intellectual development of our nation, a breeding ground of talents. [...] But the twelve-year school has not yet overcome the wounds inflicted on it by a host of various reforms. [...]

The situation is complicated by fixed quotas which have to be strictly adhered to and which constitute a serious limiting factor. Thus the number of places for girls has been increased and substantially lowered for boys. Talented boys must simply train to be technicians. [...] I would not want anyone to have to conduct the entrance examinations in conditions where only a limited number of boys can be accepted and political intervention on behalf of the sons of various functionaries is so widespread that one can easily fill the whole quota with them. This means that all talented boys who have no patronage must be turned down. Can you imagine the position of the headmaster and the teachers who then have to explain to all these talented, bright and hard-working boys that it was right to accept girls with average results, and often even boys with a poor scholastic performance but reliable parents? Just imagine how we felt when we had to advise these boys, on whom every other sensible nation would set its future hopes, to go to vocational training centres. [...]

When it comes to entrance examinations for university places, again it was not the most gifted children who were accepted, because this regime has devised a punishment hardly known even in the dark Middle Ages: to punish children for the alleged sins of their parents, namely for the fact that their parents welcomed the Frague Spring in 1968 and now show only a lukewarm attitude to the present usurpers. On the other hand, the children of political functionaries were accepted even if they were completely stupid and some of them, who originally did not even intend to go to university, were encouraged to apply at a later stage, even to faculties which had several times more applicants than places, i.e. a very high percentage of rejections. [...]

This regime has committed numerous inexcusable crimes. It has ruined the careers of tens of thousands of people and jeopardized the lives of thousands of families. Science, culture and the economy are again pervaded by incompetence. It squanders money on high rewards for members of its apparatus and offices and especially for the police and the Army. It jails innocent people, journalists, writers and politicians, only because they would like socialism to be better. But all this means nothing compared to the crimes committed against our younger generation, against our children. [...]

A Teacher

Twenty years...3

Text of a letter from a Czech intellectual who is out of favour with the regime. One of the many documents showing that the Czechoslovak Government is persecuting the children of politically embarrassing people by denying them the right to education under various pretexts.

My decision was as firm as a rock: I will appeal! I will appeal against that nonsense, against that glaring stupidity! If the school does not accept the boy, at least they must give me the reasons. He is a good student, he was first in the science competition; he is a well-behaved boy, he can see, hear and walk normally, he has not committed any offence and he is also a hard worker. He was given good references by the Agricultural Training Centre where he is an apprentice; the headmaster told me that out of the five who sat for the entrance examination he was the best; the other four were accepted, he was not.

"This is to inform you that your son has satisfied the requirements of the entrance examination held on 6th April, 1976.". This was the opening sentence of the official mimeographed letter with all the formal paraphernalia: the reference number at the top, the date, the official stamp and the headmaster's signature at the bottom. It was this sentence that confused granny, who was the first to read the letter. "It is all right, Zdena", she said when she phoned my wife at work, "Honzík has passed the exam, what a weight off my mind".

My experienced wife, however, would not be fooled. "You'd better read me the whole thing, mum". And grandmother did read: "In view of the binding nature of the enrolment quota for the school year 1976/77 and the undesirability of exceeding this quota, he has not been accepted as a student at this College". What a lot of rubbish, I said, I will appeal against it because it is nonsense. Either he did pass and then he is accepted or he is not accepted and then he failed. It stands to reason. "You are a fool", said my wife, "but do what you think best. Only take care not to make things worse for him". So I did appeal. With all the bureaucratic paraphernalia, within eight days and correctly addressed to the College of Agricultural Technology at Brandýs n. L. Bearing in mind my experience from last year and all the advice I had been given, I forgot about the logic, I did not dwell on the contradiction in the first two sentences, I did not use abusive language against the regime, I refrained from threats, I did not complain; I just humbly implored that the Board of Appeal should consider whether or not it can be considered my boy's fault that I was expelled from the Party, because, in my opinion, that is the real reason why my son was not accepted as a student at the local school despite the fact

My decision...1

that he satisfied the examination requirements. I refrained from the pleasure of showing intellectual superiority over the author of the official letter and I did not expound my ideas on the theory of syllogism, I did not raise the flippant point that statements about satisfying the requirements for acceptance and at the same time about non-acceptance can only have validity when, and only when, no-one at all was accepted.

My appeal was so humble because I also hoped that the authorities had by this time managed to find out that I had never thrown any TV set out of the window as a protest against the socialist system.

As regards the defenestration of the TV set, it was as follows: My son tried to get to the Agricultural College last year. At that time he was still a pupil of the Petrřín nine-year school. In their reference the school sang his praises showing him to be an excellent pupil; but, notwithstanding, they did not recommend him for acceptance. When he satisfied the requirements of the selection procedure and was not accepted, I went to see the headmistress for a friendly chat. She intimated that my character report, drawn up by someone or other for the school, said that in order to show my disagreement with the socialist system I had thrown my television set out of the window of my house.

"I have never had a TV set", I said.
"No-one could possibly have thought that out", said the headmistress.
"It looks as if they did", I said thinking that the yarn could have had the following logic: Years ago I used to work as an editor in Czechoslovak Radio. Later this ceased to be so, just at the time when many people were thrown out of work. Ergo, I was thrown out, the author of the reference deduced. And since time is the deadly enemy of memory, two puny inaccuracies crept in (no doubt bona fide); radio became television and it was not me who was thrown out, it was a television set... Just like Radio Erevan: Is it true that XY was given a car? The joke says that it is basically true but when all is said and done it turns out that he was not given a car at all but that his bicycle was stolen. Well, sincerely hoping that all this had already been explained, I sent off my appeal and with some little hope awaited the answer.

The answer came within the legally prescribed period of time; naturally it was mimeographed: "The Education Department of the Central Bohemian Regional National Committee in Prague has considered...your appeal against the rejection of your son's/daughter's application to study and dismissed it". However, this decision was reached..."after a careful examination of all the reasons given in your appeal".

At first I was infuriated. Where, then, is the reason for the boy's not being accepted? What will I tell him? He will certainly want to know. Again I returned to the text

of the letter, read it anew and fetched a sigh of relief. Right at the bottom the following typewritten note was added: "The reason for the rejection is that the enrolment quota for the school year 1976/77 has been set and cannot and should not be exceeded". After reading this I felt relieved and calm. I will lodge a formal complaint against this. I will, at last, make that logical analysis and I will not be deterred by my wife's warnings. Surely there must be educated people at such an office; some of the older ones must even have had Logic in their sixth-forms. Such people will see that it is nonsense. I intimated this resolve to my wife. Without a word she underlined a sentence in the letter which I had overlooked: "In accordance with Article 14 of the above-mentioned directive, this decision is not open to any further appeal; it is final".

Luboš Dobrovský
Prague 6

Rejection of applications to study submitted by children of politically proscribed parents is nearly always substantiated by the fact of an excessive number of applicants. However, how can it be explained that applicants are accepted whose scholastic performance is much worse? The decisions are not open to any further appeal. There follows a verbatim translation of one such decision. It concerns the son of the historian, Dr. Vilém Prečan, who passed the secondary school entrance examinations with honours.

DEPARTMENT OF EDUCATION OF THE PRAGUE MUNICIPAL NATIONAL COMMITTEE
PRAGUE 1, OLD TOWN SQUARE 4

Document No. skol/p-1014

Ref. No. 451/9

Comrade
PhDr. Vilém Prečan, CSc
Na klášterním 7
160 00 Prague 6

The Department of Education of the Prague Municipal National Committee has considered your objections against the non-admission of your son David, b. 7/11/59, resident at Prague 6, Na klášterním 7, to study at a secondary school.

Your appeal cannot be allowed for the following reasons:

Because of the limited number of places preference has been given to those applicants who were generally better able to satisfy all aspects of the enrolment procedure.

Your son's application and references are being sent to the Labour Department of the District National Committee in Prague 6.

In accordance with Article 16 of the Statutes on Enrolment for Study, dated 8th April, 1970, ref. no. 14550-II/39, published in the Gazette of the Ministry of Education and Ministry of Culture of the Czech Socialist Republic, Vol. 1970, p.21, this decision is not open to any further appeal.

Endorsed:
Illegible signature
Regional School Inspector

Head of Department:
Karel Čepicka

Stamp: Department of Education of the Prague Municipal National Committee

Prague, 16th May, 1975

The spokesmen for the CHARTER 77 movement have asked several children of parents who have been discriminated against to write down their experience of the futile struggle for admission to various educational establishments. They all had excellent or very good school records and passed all requisite examinations with flying colours. Below is a summary round-up of some of these reports (inadequate data in some of the cases are regretted):

Katerína ŠILHÁNOVÁ, b.21/6/53, resident at Jeseniova 105, Prague 3.

Parents: Professor Věnek Šilhán, CSc., research worker, then manual worker (after 1970), now a clerical employee. Expelled from CPCS. -- Dr. Libuše Šilhánová, CSc., research worker, then manual worker (after 1970). Expelled from CPCS.

Katerina completed a grammar school (gymnasium) with excellent results (top marks at the school-leaving examination) and a Secondary School of Nursing with equally excellent marks. Then she spent four-and-a-half years in various jobs in the health service. She tried to enter a medical university four times between 1972 and 1976, always in vain. Unofficially she learned that her parents' political attitudes were to blame. One of the university officials even suggested that she could gain admission if she renounced her father and dissociated herself from his views. She passed all the admission interviews successfully, at the top of the batch of candidates. Her parents enquired whether she could possibly be accepted at yet other faculties of medicine, or in another socialist country, but to no avail.

[...] HOŠEK.

Parents: Milan Hošek, a Resistance fighter and political prisoner during the War, then official at the Ministry of Foreign Affairs, the '17th November' University, and the Ministry of the Interior. Expelled from CPCS. Now retired. -- Ladislava Hošková, formerly at the CPCS CC secretariat, then at the Prague School of Economics. Struck off the CPCS register of members. Now in the Mototechna Enterprise.

Hošek Junior writes that after several attempts he no longer believes his applications could come to anything, although he would like to study either at the Industrial Design College or the Academy of Fine Arts. His career prospects are "at the moment very bad".

[...] TROJANOVÁ.

Parents: Jakub Trojan, a Minister of the Church of Czech Brethren until 1970, now a technical employee. -- Karla Trojanová, a Minister of the Church of Czech Brethren. Neither of the parents has ever been a member of any political party. Their daughter, having tried to gain access to a university three times, and having appealed against each successive rejection, is determined to try again. She is convinced that she has not been accepted so far for ideational and political reasons. For example, the minutes of her interview in Bratislava in 1975 expressly stated that she could not be admitted because she had not "relinquished her idealist world view". The same statement was used against her in Prague in 1976.

Bronislava KOUTNÁ, Brno.

In spite of achieving top marks throughout her elementary school years, her request for admission to a "gymnasium" was twice turned down "because she did not meet the directives of the 15th CPCPS congress". She now works as a salesgirl.

Zdena ADAMOVA', Ivančice u Brna.

She scored excellent marks in every one of the papers of her school-leaving examination in 1975. Parents: her father, formerly an army officer, now an enterprise lawyer, and her mother, a teacher, were both expelled from the CPCPS. When Zdena applied for study at the Faculty of Law in Brno, her school headteacher told her she would not get a reference because of the political past of her parents.

A letter from the Dean of J.E. Purkyně University, Brno, No. 1536/72, addressed to Ivan Rusek, Dřevařská 20, Brno.

"By decision of the Rector of J.E. Purkyně University in Brno, dated 27th June 1971, you were admitted to the preliminary year of study at the Faculty of Law, on condition that you would spend ten months on a work brigade and on a refresher course, and that you proved well in your employment. In July 1972 the Main Matriculation Commission, having assessed the results of your admission interview and all the other relevant criteria, recommended you for acceptance. By decision of the Dean of the Faculty of Law, dated 10th July 1972, you were informed that you had been immatriculated as a regular student of law in 1972-73.

"Circumstances have since come to light which could have earlier had a substantial influence on the deliberations of the Matriculation Commission. These circumstances, while existing at the time of your admission, had not been known to the decision-making body and were of such a nature as to substantially influence the above decision or, possibly, reverse it completely. [...]"

"Having the above in mind I hereby rescind the decision of the Dean's Office of 10th July 1972, No. 1140/72-D III/3 and order a revision of the admission procedure in accordance with Article 62, paras. 1(a) and (e) of Law No. 71/1967.

"REASONS: On 8th August 1972 the Regional Court sentenced a member of your family, Associate Professor Antonín Rusek, under No. 225/72 on a charge of Subverting the Republic according to Article 98 of the Penal Code, to five years' unconditional imprisonment. When your immatriculation was being discussed, the above-named had already been in custody for a considerable length of time, and had been charged. The decision-making body was unaware of these circumstances and only learned about them from a report in Rudé právo; only then could it verify them.

"The above-mentioned facts make it obvious that it has not been proved during the immatriculation procedure that you were brought up in an environment which was favourable to the socialist system, and that all the other circumstances have to be taken into account with the aim of ascertaining whether you can in fact be admitted to study at a university, in particular at a Faculty of Law. It will be necessary to check your personal attitude to the socialist system and your contribution to public activities, no less than all the circumstances concerning your person, before a conclusion can be drawn as to the advisability of higher education in your case [...]

Signed: Professor Bohumil Kučera, CSc.,
Dean

8th September, 1972

7. EXPRESSION, BELIEF, RESEARCH, ARTS AND CULTURE

"Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

(Universal Declaration of Human Rights.
Article 20)

"Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

(International Covenant on Civil and
Political Rights. Article 19)

"Freedom of expression in all fields of public life, in particular freedom of speech and of the press, consistent with the interests of the working people, shall be guaranteed to all citizens. These freedoms shall enable citizens to further the development of their personalities and their creative efforts, and to take an active part in the administration of the state and in the economic and cultural development of the country. For this purpose freedom of assembly, and freedom to hold public parades and demonstrations shall be guaranteed."

(Czechoslovak Constitution. Article 28)

"[...] the participating states will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience."

(Helsinki Final Act. Principle VII)

"Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

(International Covenant on Civil and
Political Rights. Article 18)

*Extracts from Czechoslovak Law No. 94 of 24th March, 1949 on
"the publication and dissemination of books, music scores and
other non-periodical publications".*

Article 4

The Ministry of Information and Culture administers the
dissemination of non-periodical publications of both home and
foreign provenance. [...]

Article 8

The Central Editorial Board

1. The Minister of Information and Culture will set up a Central Editorial Board which will consist of the Czech National Editorial Board attached to the Ministry of Information and Culture and the Slovak National Editorial Board attached to the Commission of Information and Culture; using their own initiative the two will act as advisory bodies in the sphere of non-periodical publications.

2. Regulations concerning organization, activities and decision-making in the Central Editorial Board and in their national sectors shall be specified by the organizational statutes issued by the Ministry of Information and Culture.

Extracts from Law 81 of 25th October, 1966 on the "periodical press and other mass communication media" which came into force on 1st January, 1967 in the ČSSR and which (in Articles 17, 18) legalizes censorship - until now not openly proclaimed. Note the repeated vague formulation of the tasks of the press, one of the main ones being "to develop the socialist consciousness of citizens".

Fundamental principles

Article 1

1. In accordance with the freedom of speech and of the press safeguarded by the Constitution, citizens use the periodical press and the other mass communication media as a means of acquiring information, publicizing their views on all questions concerning society and the state and for initiating the realization of their ideas and suggestions. The purpose of this right is to promote the all-round development and fulfilment of their personalities and, simultaneously, the development and strengthening of socialist society.

2. Freedom of speech and of the press and the social mission of the periodical press and the other mass communication media are safeguarded in the material sense by the fact that publishing and newspaper enterprises, the radio, TV, the film industry and the other mass communication media are placed at the disposal of the workers and their organizations. They are under social ownership and cannot be given over to private enterprise.

Article 2

The periodical press and the other mass communication media have the following tasks:

to provide opportune, truthful, and comprehensive information on events covering all spheres of life in the Czechoslovak Republic and abroad;

to further the interests of socialist society and to contribute extensively to the realization of its aims;

to participate in the development of the citizens' socialist consciousness in the spirit of the principles of the Constitution and the ideas of the Czechoslovak Communist Party as the leading force in the state and society;

to interpret and mould socialist public opinion and to increase its role in the development of socialist democracy;

to contribute to an improvement in the cultural and political standards of citizens as well as in their professional knowledge;

to foster the citizens' creative efforts and their active participation in the administration and management of the state and in the economic and cultural construction of the country. [...]

The publication of a periodical

Article 7

1. The publication of a periodical can be undertaken after registration, which has to be made within six weeks of submitting an application.

2. Registration cannot be effected if the publication of the periodical is not supported in a planned manner by the necessary material, technical, financial and economic safeguards or if the application does not indicate that there are sufficient guarantees that the periodical will fulfil its social mission. [...]

The status of ... the chief editor and editors

Article 10

[...] 3. The chief editor determines the contents of each issue of the particular publication in accordance with its politico-ideological programme and policy and the interests and aims of socialist society. [...]

Article 11

The post of chief editor or editor can be entrusted only to a professionally qualified person, eligible as a citizen, whose personal qualities guarantee that he or she will fulfil the tasks in accordance with the purpose of the publication and with the standing regulations. [...]

Article 12

1. In fulfilling the tasks in accordance with the present law on the mission of the mass communication media and with other regulations, the chief editor and the other editors are obliged to heed the interests of the socialist state and society and to consistently foster these interests. As laid down by the current regulations, in discharging their duties they enjoy protection against all forms of coercion aimed at thwarting their work. [...]

Co-operation with the state organs and organizations

Article 13

1. In discharging their duties the chief editor as well as the other editors co-operate closely with state organs and organizations, scientific and cultural institutions, and economic, social and other organizations. The said organizations utilize

the mass communication media in the fulfilment of their tasks and to encourage the citizens' initiative and participation in their fulfilment. [...]

Protection against abuse of the freedom of speech and of the press

Article 16

1. Citizens exercising the constitutionally guaranteed freedom of speech and of the press enjoy full protection in accordance with the standing regulations.

2. The publication of a piece of information which constitutes a danger to the legally protected interests of society or its citizens is an abuse of the freedom of speech and of the press.

3. Protection of society and its citizens from abuses of the freedom of speech and of the press is the responsibility of the publisher, the chief editor, the editor and the author within the scope laid down in the standing regulations. The same regulations are applied when considering damages to be paid by the publisher for losses sustained by organizations or citizens as a result of the contents of the periodical press or other mass communication media.

Article 17

1. A significant role in the protection of the interests of socialist society is played by the Central Board of Publications.

2. The Central Board of Publications ensures that the mass communication media do not publish information containing facts which constitute the subject of state or civil secrets. Should any piece of information contain such data then the Central Board of Publications shall prevent its publication or dissemination.

3. The decision of the Central Board of Publications to ban a certain item following the suggestion of the publisher will be examined by the relevant regional court. The proceedings will be conducted in accordance with the Code of Civil Procedure.

4. Should the contents of the particular piece of information be at variance with other interests of society, the Central Board of Publications will inform the chief editor and the publisher to this effect.

5. The provisions of the preceding paragraphs also hold for other public communication media and for the activities of cultural and educational institutions.

Article 18

The Central Board of Publications is the central organ of the State Board. The Government will detail a Minister who will be responsible for its activity. In Slovakia there will be a separate organ of the Central Board of Publications called the Slovak Board of Publications. Detailed regulations regarding the jurisdiction and organization of the Central Board of Publications will be laid down in statutes issued by the Government. ...

The foreign press and press agencies

Article 22

1. There are no restrictions on the exchange of information between the Czechoslovak Socialist Republic and other states. An exchange of information serves to promote understanding and friendship between nations and increases their knowledge of one another. It is effected through the import and export of periodical literature and through the activities of press agencies and information bureaux.

2. The exchange of information must not be abused to the detriment of the honour and rights of Czechoslovak citizens and their socialist community, endangering the interests of the socialist state and society or the development of peaceful international co-operation.

Article 23

The import and dissemination of foreign periodical literature printed or mimeographed abroad, the dissemination of foreign periodical literature printed or mimeographed in Czechoslovakia by a foreign publisher or on his orders, as well as the dissemination of reports of foreign press agencies (or other similar foreign mass communication media) will be forbidden by the Ministry of Education and Culture if their contents infringe on the legally protected interests of society or if they violate international agreements. [...]

[Czechoslovak] Foreign Minister Bohuslav Chňoupek [at a session of both Chambers of the Federal Assembly in Prague on April 5] said that... the issue of human rights is the internal affair of a state, and that any claim to the contrary... obstructs the easing of international tension. [...] The issue of human rights stops being and exclusively internal affair and becomes an object of justified concern by the international community when a state flagrantly and systematically violates human rights, as is the case in fascist and racist regimes, such as the South African Republic, Rhodesia, Chile or Israel.

Czechoslovak radio and TV stations, 5.4.77

Czechs and Slovaks enjoy unlimited rights and freedoms as long as they do not harm socialist society.

Chairman of the Supreme Court Josef Ondrej in the Federal Assembly, Czechoslovak Radio and TV stations, 5.4.77

*In 1968 during the "Prague Spring" censorship was abolished -
for the text of the relevant law see below.*

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L A W

of 26th June, 1968

to amend Law No. 81/1966 of the Collection of Laws
on the periodical press and other mass communication media

The National Assembly of the Czechoslovak Socialist Republic
has passed the following law:

Section 1

Law No. 81/1966 of the Collection of Laws on the periodical
press and other mass communication media is amended as follows:

1. Article 17 reads

Article 17

1. Censorship is inadmissible.
2. Censorship is defined as any infringement by the state
organs of the freedom of speech - by word and visually - and
of the freedom of the mass communication media to disseminate
information. This does not affect the jurisdiction of the
Procurator and the courts.

2. Article 18 reads

Article 18

The chief editor or his authorized deputy (Article 10,
paras. 4 and 5) is responsible for ensuring that the various
mass communication media do not publish information pertaining
to state, economic or civil secrets. The Government is obliged
to inform the chief editors of the periodical press and the
other mass communication media as to what facts constitute
the subject of state, economic and civil secrets.

3. Article 19, para. 3 reads

3. If there are no grounds for the rejection of an
amendment, then the chief editor is obliged to publish it.
Before its publication he is obliged to ensure that the wording
of the amendment and the manner of its publication have been
agreed upon with the person requesting the amendment; if

these two parties do not come to an agreement, the decision will be taken by the court in accordance with Article 20. The chief editor must publish the amendment within eight days of the request for amendment being lodged, and in the issue of the journal or periodical most immediately following the request. This must be done in the same section and in the same typescript as the original data to which the amendment relates.

Section 11

This law shall come into force on the day of its promulgation.

Svoboda
Smrkovsky
Ing. Černík

Journalists are political workers.

Nové slovo, Bratislava, 24.3.77

Censorship was renewed after the "arrival of the Warsaw Pact armies" in Czechoslovakia in August 1968. There follows the text of the law.

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Law

of 13th September, 1968

regarding some temporary measures in the sphere of the press and other mass communication media.

The National Assembly of the Czechoslovak Socialist Republic has passed the following law:

Article 1

1) In the interests of a further peaceful development, it is necessary that the press and the other communication media do not jeopardize the important interests of the state's domestic and foreign policy. At the same time it is necessary to give all possible attention to the further development of the press and other communication media.

2) The following two new organs of State Administration are to be established: the Office for Press and Information and, in Slovakia, the Slovak Office for Press and Information. The Office for Press and Information will take over the powers hitherto within the jurisdiction of the Ministry of Culture and Information in accordance with Law No. 81/1966 of the Collection of Laws having regard to the periodical press and the other communication media as amended by Law No. 84/1968. To the same extent the present powers of the Slovak Commissioner for Culture and Information will now come within the jurisdiction of the Slovak Office for Press and Information. The principal task of the Office for Press and Information shall be to ensure uniform direction and control of the periodical press and the other mass communication media.

Article 2

The organization and status of the Office for Press and Information, as well as a more detailed delimitation of its powers shall be laid down by the Government and, in the case of the Slovak Office for Press and Information, by the Slovak National Council.

Article 3

1) The validity of Article 17 of Law No. 81/1966 as amended by Law No. 84/1968 shall be suspended.

2) The appropriate office for press and information shall have the authority, either directly or through a commissioner appointed by the head of that office following the joint nomination by the publisher and the chief editor (hereinafter 'commissioner'), to ensure that the periodical press (and other mass communication media) do not publish information containing such facts as are at variance with important interests of the state's domestic or foreign policy. Should a piece of information contain such facts, the relevant office for press and information or its commissioner shall be entitled to suppress its publication or dissemination in any other form. [..]

Article 5

The Government can re-define the duties of the organizations and organs which were granted publishing licences in accordance with Law No. 94/1949 regarding the publication and distribution of books, music scores and other non-periodical publications in such a way that they will be asked to ensure that in their editorial activity no important interests of the state's domestic and foreign policy are put at risk; the same duties can be assigned to enterprises of the reprographic industry or other organizations participating in the production of printed materials which do not fall under Law No. 94/1949.

Article 6

The right to publish the results of scientific and creative artistic work shall not be affected by this law.

Article 7

This law shall come into force on the day of its promulgation.

Svoboda
Smrkovský
Černík

Document showing that Czechoslovak citizens whose views differ from the official line are either prevented from pursuing higher education or are faced with serious difficulties.

CIRCULAR FROM THE RECTOR'S OFFICE OF CHARLES UNIVERSITY (PRAGUE)

Guidelines for the working out of External Examiners' Reports for the degrees of Candidate of Science and Doctor of Philosophy in the fields of the Arts, Literary Studies and Aesthetics:

Following the resolution of the Arts Council of the CSAV (the Czechoslovak Academy of Sciences) and the appropriate Council of the Ministry of Education (signed by Professor Kudrna), we inform you as a member of the board of examiners that all reports on Candidate of Science (CSc) theses in these disciplines must, without fail, make explicit reference to the following points:

1. Whether the thesis is conceived from the Marxist-Leninist viewpoint or from the viewpoint of a methodology alien to Marxism (e.g. neo-positivism, scientism, neo-Kantianism, phenomenology, structuralism, formalism, Freudianism, and the like). In their reports on CSc theses examiners are obliged in particular to subject to criticism all manifestations of revisionism, Dubčekism, Trotskyism, Social-Democratism, and abstract non-class attitudes, as well as manifestations of philosophical idealism and religious ideology.

2. Whether the thesis is suitable from the point of view of the education of the new socialist man; to what extent it develops the socialist traditions of our theoretical studies on art and aesthetics, and whether it serves the needs of the development of a socialist personality. External examiners are obliged to specify in their reports which scientific authorities the candidate relies on, whether he draws on Soviet and socialist progressive literature or whether he relies rather on Anglo-American, West German and other bourgeois authorities. It is no longer conceivable to allow before the board of examiners such diploma or CSc theses as make disguised or sometimes even overt attempts to smuggle into our scientific and pedagogical work ideas of methodologically alien, bourgeois authorities, ideas which inspired the instigators of ideological deviation in the second half of the 1960s (Aron, Garaudy, Lukacz, Fisher, Jakobson, formalists, structuralists and existentialists, and their Czech promulgators). The examiner must specifically refer to all such cases in CSc theses even if they are referred to only in the bibliography or in quotations. The examiner is one of those responsible for seeing that not a single thesis of this kind is submitted to the "Attestation Commission" for approval.

3. The report must distinguish sharply between those theses which are really original and those which are compilatory. In the 1950s and 1960s numerous CSc theses were accepted which were only poor compilations from various Western sources which the candidate believed to be unknown in our country, e.g. the various schools and teachings of West European and Anglo-American aesthetics. Only after many years was it revealed that they were unoriginal compilations, whose main purpose was to smuggle into our country conceptions ideologically and methodologically alien to our thinking. Not only did they not enrich our scientific life, but, further, they contributed to ideological deviation and destruction. The examiner is obliged to acquaint himself with all foreign sources referred to by the candidate and find out whether the thesis is not a compilation thereof and whether the candidate takes a critical Marxist stand with regard to the foreign sources.

4. The report must clearly state what practical contribution the thesis offers to the development of socialist culture in our country. Many theses of the 1950s and 1960s were completely divorced from the needs of our socialist society. They consisted of various formalistic and structuralistic pseudo-analyses pretentiously ignoring the dependence of the form on the content, or they represented various kinds of philosophizing on art which was floating in speculative spheres and prided itself on ambiguous terminology, mostly of an idealistic provenance. Even today there are attempts in aesthetics and the theory of art to avoid adopting a really committed Marxist stand and to deal only with narrowly specialized problems whose connection with socialist social practice is only marginal, for example descriptions of various structures, their graphical and mathematical representation, calculations of redundancies, and the like. Studies of this type must be considered as only supplementary material for really scientific and committed work. The report must distinguish this supplementary aspect from the real idea content; only the latter aspect can be decisive in accepting the thesis for defence.

5. Lastly, the report must state whether the CSc thesis also fulfils the necessary formal requirements, whether it is linguistically and terminologically suitable, whether its bibliography and reference apparatus comply with the prescribed norms, etc. Particular attention must be paid to the terminological aspect of the thesis since it is always the use of terminology which reveals the ideological and methodological stand of the candidate.

6. In all other questions you are requested to strictly observe the standing regulations and conventions.

Reports which do not contain an unequivocal reference to all the afore-mentioned points may be returned to the examiners for re-writing. The Central Attestation Commission

reserves the right to revoke the validity of viva voce examinations based on such incomplete reports and to subject examiners and supervisors to disciplinary procedure without regard to their rank and the positions they hold in their place of work.

Signed: Professor Češka
Vice-Rector of Charles University

[The Charter 77 signers] are a group of self-styled people doing dirty service as agents of imperialism. [They] condemn themselves to the déclassé role of traitors to the idea of peaceful coexistence...it must be clear to them that the laws of the socialist republic apply to them too.

Rudé právo, Prague, March 10, 1977

The shortened text of a Czechoslovak nuclear physicist's protest against the ban on the publication of scientific works by those authors who have been expelled from the Czechoslovak Communist Party or dismissed from Charles University in Prague for political reasons. The directives concerning this practice have not yet been lifted; they remain valid to this very day.

Mr. Josef Havlín
Minister of Education of the Czech Socialist Republic
Prague

Mr. Minister,

A few days ago in one of the Prague University clinics I saw a circular on a public noticeboard, a copy of which I enclose. [See the text below.] In this circular the Dean of the Faculty of General Medicine of Charles University, Dr. Baláš, announces that he has received a letter from the rector, Mr. Švestka, with the rules which govern the publication of scientific works as laid down either by you or your Ministry in a letter referenced under No. 11.838/72-34. From these rules it follows that, apart from other things, those members of Charles University who have been expelled from the Communist Party of Czechoslovakia will not be allowed to publish their scientific work.

I do not know, Mr. Minister, whether you are aware that an instruction of this kind is unlawful, since:

a) it infringes Article 20 of the ČSSR Constitution regarding the equality of citizens. (Your instruction puts at a disadvantage that numerous group of ČSSR citizens who have been expelled from one of the political parties in the National Front which, furthermore, is a voluntary association of citizens; see the opening article of the Statutes of the CPCs);

b) it imposes an effective ban on publication for an insufficiently specified group of citizens expelled from the CPCs. It is a well-known fact that in the ČSSR a ban on publication can be issued only by a court (Articles 49-50 of the Penal Code) and only individually and for a limited period (maximum 5 years), and solely against such persons who have committed a crime related to the activity which is being banned.

It is therefore obvious that by this instruction you have violated the ČSSR Constitution and transgressed your constitutional rights as a member of the Czech Government since this is a matter strictly within the jurisdiction of the courts. [...]

Your ordinance prevents the publication of the results of scientific research, the valuable information on new findings, methods and experience in the sphere of medical science (and probably in other disciplines too), for the sole reason that their authors have been expelled from the CPCs, have emigrated or because their moral-political (or ideological) profile does not comply with a certain set of curious criteria which have never been publicly announced anywhere by any body. [...]

I hereby request you, Mr. Minister, that in the light of the
afore-mentioned facts you rescind your Order of 19th May, 1972.
Ref. No. 11.838/72-34.

Yours sincerely,

Dr. František Janouch, CSc.,
Associate Professor

*Text of the Circular, Ref. No. 3772/71-II-D/III/2-V-5, issued
by the Dean's Office of the Faculty of General Medicine of
Charles University in Prague, dealing with publishing activities
at Charles University. This decree is still in force.*

The session of the Scientific Council of 27th April, 1972
discussed the order of the Minister of Education of the Czech
Socialist Republic and the Rector of the University concerning
a ban on publication. The Scientific Council decided that heads
of departments and of departmental praesidia will be personally
responsible for the publications of their members and for the
theoretical and political quality of their works.

In his letter of 26th May, 1972, Ref. No. 3426/72-C-IX/I,
the Rector of the University announced the following: the Ministry
of Education of the Czech Socialist Republic, in its letter of
19th May, 1972, Ref. No. 11.838/72-34 authorized Charles University
to continue its publishing activities. Attention was drawn to the
fact that only those people who meet the moral and political
requirements laid down for members of university teaching staffs
can have their works published. In particular it is not possible
to publish the work of those people who have been expelled from
the CPCS, who - for political reasons - no longer work at the
University or who have emigrated illegally. If an invitation for
co-operation is extended to an author outside the University, then
the Faculty is obliged to acquire data on his moral and political
profile. The afore-mentioned requirements also hold for the
authors of teaching scripts.

The editorial boards, editorial commissions and screening
commissions will be responsible to the Rector (Vice-Rector) of
Charles University for the theoretical and political level of
the published literature. For works not yet published or about
to be submitted in accordance with the plan, I request that a
statement be submitted to me testifying to their theoretical and
politico-ideological standard. This will be signed by the
Chairman of the Editorial Board (Editorial Commission) and by
the Chairman of the relevant screening commission.

Dean of Faculty
Professor Dr. V. Balás, CSc.

Endeavours to secure a wider application of civil freedoms have now spread to the Slovak part of the Republic. Below is a slightly shortened version of the speech prepared by the Slovak authoress, Hana Ponická, for the Third Congress of Slovak Writers, held in Bratislava on 2nd March, 1977. Madame Ponická was not allowed to read her contribution but it was incorporated into the Congress protocol. On 14th May, 1977 Le Monde announced that Hana Ponická had been expelled from the Union of Writers. Her works were not allowed to be published and the film whose script she had written and which was about to appear at the cinemas did not get permission for general release.

Colleagues, [...]

For nine years now we have been living in an atmosphere of extraordinary tension which permeates the whole of our society. True enough, even such long-term social stresses can give rise to good literature which is appreciated by both the reader and the demanding literary critic. But, on the other hand, we are also suffering immense losses. In recent years we have lost a great many significant writers. Some of them have died and their works are still published. But there are many other writers of great stature, living here or elsewhere, who have been lost to our literature although they are fully capable of creative work. For many years they were not able to publish their works. To this day writers like Dominik Tatarka, Peter Karvaš and Ladislav Ťažký are barred from membership of our Writers' Union and from publishing their works. Even Zora Jesenská's highly acclaimed translations of Russian, Soviet and English classical and modern literature, unlike the works of other recently deceased writers, do not appear, are not allowed to appear. Since her name was not mentioned amongst the others before the minute of silence with which we were asked to show our respect for the work and memory of all recently deceased Slovak writers, I am doing so now by at least a short pause.

There are many other former members of our writers' organization, candidates for membership, and other former figures of our literary and cultural scene who cannot publish their poems, prose, translations, articles, and literary critical essays. They are, for instance Ján Rozner, Pavol Hruží, Milan Hamada, Jozef Bžoch, Fedor Cadra, Miroslav Kusý, Zlata Solivajsová, Miroslav Hýsko, Michal Gáfri, Július Vanovič, Ctibor Štítnický, František Andraščík, Štefan Moravčík, Roman Kaliský, Juraj Špitzer, Albert Marencín, Agneša Kalinová, Soňa Čechová, Ladislav Doboš, Iyan Kadlečík, Ján Kalina, Tomáš Winkler and others. If there are any mistakes in this list of mine or if some administrative changes have occurred in the meantime, then it is not my fault. We have been meeting as a body much less frequently than at any previous time and consequently know very little about

each other. So we have lost from our ranks a great many creative literary artists, critics, journalists and playwrights. Their names and works have also disappeared from the catalogues and shelves of our public libraries.

And yet, these friends and colleagues of ours lead their lives in our midst - or perhaps more precisely away from us but around us. They have various jobs which, although not too bad in all cases, are alien to them and well below their capacity. Some of the younger ones, who have not yet managed to become members of the Union of Slovak Writers have even resorted to the pick and shovel. But there are many others who have been pensioned off and reduced to a virtual state of poverty - physical, moral and also spiritual. What is most surprising is that some years ago many of them were highly acclaimed by our socialist state and were given the highest artistic titles and awards. As far as I know these awards have not been taken away from them. So, literary awards, yes, publication, no! Nor will I ever forget the picture of our contemporary literature revealed to us a few years ago when during our visits to schools in various districts, both the students and their teachers of Slovak showed us how page after page of their literature textbooks were scored out. What kind of a lesson about our recent history will be imparted to these young people who, with their own hands, have had to strike out from their textbooks the names and works of living authors who, only some time before, they had been taught to love and respect. This picture of the depletion of our contemporary literature is also a part of our stock-taking for the period between the Congresses. Finally, the picture would be incomplete if we did not mention cases where work on books set up for printing was stopped and even cases of freshly printed books by proscribed Slovak authors being scrapped.

In Prague the Czech writers are also holding their Congress today. Maybe there is also someone reading (if anyone dares to do so) a list of many more writers and authors whose absence from the cultural scene has severely impoverished Czech literature both quantitatively and qualitatively. Czech and Slovak literature, just as Czech and Slovak cultural history, have always had many important milestones and stages in common. Losses on the one side and on the other thus tend to reverberate on both sides. But let us say with grief that on the Czech side the creative losses in literature, art and culture as a whole are incomparably higher than on the Slovak side. I personally consider the persistent continuance of such enormous losses a grave mistake of our cultural policy, a severe injustice against our creative artists, against our literature, culture and art. By wronging the creators of our contemporary socialist cultural values we are at the same time wronging socialism, which is also the ideal of many progressive people in countries with social systems different from our own. [...]

Dear colleagues, I cannot go on being secretly ashamed of the fact that I am allowed to publish my works while others are not. It is true that I have a kind of justification for myself, namely that I have been one of those who have persisted

in being confident and hopeful that the wrongs will be rectified and the conflicts solved. [...] Ours is a moral suffering, stemming from other moral conflicts, such as the constant contradiction between words and deeds, the unrestricted spreading of half-truths and lies, incessant hypocrisy and the use of double standards, inexplicable policies harmful to our society. [...]

Our people are grateful to this social order for the advancement of their material standards, and socialism is very close to their hearts. But they also have a soul - and what a time-honoured soul they have - and therefore they cannot be satisfied by the meeting of their material needs only. They want to attain full personal dignity, and they want respect for all they have to offer. Our people want the chance to use their ability to think independently and to form their views and conclusions without constantly being persuaded about this or that and without having pre-digested and ready-made ideas forced upon them. They also want to be without fear of unpleasant consequences, if to a they do not always respond by saying the selfsame a but also b, c, d and so on up to z. If people are to enjoy the dignity of their lives to the full in this society, they must be made to feel that they are free to hold and practise their religious beliefs. It is not at all realistic to expect that religious believers, who constitute one third of our population, can be forced to become atheists overnight. [...]

Hana Ponická

Bratislava, 2nd March, 1971

For seven years now the well-known Czech actress, Vlasta Chramostová, the recipient of many state awards and prizes, has been banned from the stage. She is a signatory of CHARTER 77. In March 1977 she addressed an appeal to Western intellectuals asking for actions of solidarity. There follow the most relevant parts of this appeal.

[...]

In spite of all the awards, the National Film Prize, the Prize of the Union of Stage Actors, the title of Merited Artist granted to me by the CSSR Government, one day seven years ago I was prevented from continuing my work in the radio, TV and cinema.

Without any explanation, without any chance to defend myself.

Not long after I had been awarded the Prize of the City of Prague for my twenty years of work on Prague's foremost stage I joined the 'Theatre behind the Gate' after whose closure my theatre activities in Prague were banned. [...]

My protests, requests for interviews, attempts to explain my point of view were futile. For seven years I have been defending my professional and human rights by trying to exercise them "freely" in the most elementary situations of every-day life. After seven years I have not received any answer to my appeals apart from a still further descent on the ladder of civil rights. [...]

I have signed CHARTER 77.

The reaction to its publication has only further confirmed its legitimacy. The need to bridge the gap which separates all agreements, covenants and international pacts from the practice of every-day life has become all the more pressing in my country.

I have come to realize that one can no longer consider the human rights to be safeguarded, wherever in the world it may be, if they are only conceded -

- as a privilege for which one must give thanks on bended knees
- as a bribe for unconditional servitude
- as a reward for uncritical consent to everything. [...]

In my opinion we cannot talk of human rights being observed - anywhere in the world - if their exercise is conditional on the all-embracing requirement of the citizens' total obedience, an obedience which is complete and subordinated to the one and only permissible interpretation of all things. [...]

Raise your voice for the legalization of CHARTER 77!

Vlasta Chramostová

Prague, 1st March, 1977

[...] Am I guilty?

I have been preoccupied with this question since 28 April when the police conducted a seven-hour search of my home and confiscated over 1,000 pages of my philosophical manuscript. The justification given for the search was the suspicion that my flat concealed written evidence of the crime of 'subversion'. Therefore I must assume that I face the threat of a one- to five-year prison sentence, as envisaged by Paragraph 98 of the Penal Code. I do not underestimate this threat by any means, but I am more concerned about the fate of my manuscript.

For the past six years I have been existing in a peculiar dichotomy: I am and at the same time I am not. I am dead and yet I live. I have been reduced to a mere nothing as far as basic civil and human rights are concerned, yet I am endowed with an exceptional existence in regard to the care and attention of the police. I am a mere nothing; therefore I cannot give lectures in philosophy at Charles University or be employed in any other job corresponding to my qualifications and field. I am dead; therefore I cannot attend the scientific assemblies to which I am invited, nor can I accept invitations to lecture at European universities. As one who is not and has actually never been, I may not mislead readers; therefore all my publications in Czechoslovakia are banned and withdrawn from public libraries, while my name has been erased from the authors' index. I am not; therefore official institutions are not obliged to answer my complaints and protests.

In other respects I am only too much alive, as the police raids which are becoming a regular feature of my life prove.

As a philosopher and author I have been buried alive in my own country; as a citizen I am deprived of my basic rights and live under the shadow of constant blame and suspicion. I am suspect, although I have committed no crime. Why am I treated with suspicion? Because I regard thinking as an inalienable human right and I exercise that right. Because I regard as inalienable the right of every human being to hold his own opinion and to express and communicate it freely. Because I include among basic human rights the right to preserve one's integrity. [...]

The manuscript which was confiscated by the police is not intended for publication. It consists of rough notes and preliminary studies and outlines for two books I plan to write: 'On Praxis' and 'On Truth'. The manuscript contains ideas, either from other sources which are not of interest to the police, or my own, which are known to the police from books and essays I have published.

I should like to believe the STB officer who averred that the manuscript would be returned as soon as the police had finished examining it. But how long will it take the police to 'study' a thousand pages of philosophy?

This brings me to another point. The police also confiscated manuscripts from my friends, writers Ivan Klíma and Ludvík Vaculík. This compels me to ask whether, on 28 April 1975, I did not witness a development which could have the most serious consequences for Czech culture.

Were the police testing the tenability and effectiveness of a new method, in comparison with which censorship, as imposed up to now, is a derisory trifle? Was April 1975 an attempt to foist on society a new custom and new normality - the regular confiscation of manuscripts? Could not this custom - in the land of Franz Kafka - become, in a short time, such a matter of course and indoctrinated need that authors themselves will phone the police to come and collect their completed works? I am no advocate of these innovations. [...]

Karel Kosík
Hradčanské náměstí 11
11800 Prague 1

At the time of the Helsinki Conference on Security and Cooperation in Europe in 1975 the Czech playwright Pavel Kohout sent an open letter to Heinrich Böll and Arthur Miller. The letter, translated by Inge Morath Miller, was then published in the New York Times. The following excerpt is reprinted with permission from Index on Censorship, London, Spring 1976.

I have concentrated everything toward one goal: to continue writing and to create a legal possibility for at least the most elementary discussion among writers and the circle of readers closest to me.

In this age of rotary presses and the most modern communication techniques, dozens of grown-up and well-known writers are forced to behave as though in their students years: We exchange typewritten copies of manuscripts or leave them with interested readers at cost. This is not an illegal activity since each copy has been signed by the author, but it is also no student's prank.

These free editions amount today to about fifty titles by about thirty authors. In order to be able to share reflections about current affairs - a possibility which was once offered to us by newspapers - we started to regularly write feuilletons and to send them to each other; about spring, about Easter, about the global diminution of raw materials and food, about the beginnings of human culture. These texts, which were not anonymous, have rapidly gained a wide circulation, thus contradicting the insinuation that all these authors were rejected by the people.

The age of innocence for this manuscript literature ended in April of this year when teams of state security men started, in the course of house searches of a number of my colleagues and other citizens, to be most concerned with the impounding of all typed manuscripts. The culmination was the removal of unfinished works, among them a thousand pages of philosophical notes by Karel Kosík. This event shook me profoundly.

I had expected that my colleagues would at least receive an answer when they requested the return of unfinished manuscripts from the authorities. Since this still has not happened I cannot but feel to be as much in danger as those who already are victims. Does this not create a kind of precedent permitting the police from now on to enter everywhere and take everything? Shall I from now on write each of my plays with a copy to be hidden in the evening in different hiding places?

Thus the following vicious circle is completed: According to the government only the person who writes and publishes is a professional writer. Formerly, in order to prevent anyone who incurred the displeasure of those in power from becoming such a writer his work was simply banned from publication, but now manuscripts are impounded in order to make writing itself impossible. [...]

I have concentrated...1

Is culture the property of the nation and the state,
as are the territory and the army, or is it the property of
mankind, as are the laws of physics and the atmosphere? [...]

I am of the opinion that culture, too, is indivisible
and belongs to all.

On 19 April 1977, two Western agencies reporting from Prague (Reuter and AFP) covered a speech by Czechoslovak Interior Minister Jaromir Obzina. The address reportedly explained how the Czechoslovak authorities had decided to respond to the Charter 77 human rights manifesto. Obzina allegedly delivered a report on the matter to CP cadres at the Prague Party College at the end of February.

Obzina pointed out that some steps taken against leading human rights advocates, as well as press attacks against the Charter and its signers, were intended to dissuade other people from signing it. The initial police crackdown on leading human rights campaigners and the heavy attacks in the mass media were aimed at preventing the movement from spreading. Obzina implicitly admitted that the Charter had many sympathizers and that it had become necessary to launch quite an intensive campaign to discourage potential signers and to prevent other similar documents from being distributed. The government, however, decided against harsh punishment for the signers of the Charter because of possible international reaction and its concern not to alienate Western communist parties. Obzina revealed that some party members were surprised that tougher measures were not taken against the Charterists.

Obzina added that had the authorities published the document, 90 per cent of the population would have been unable to see its dangers. He said that the publication of Charter 77 in a way reflected the structure of Czechoslovak society, which still had 100,000 members of the bourgeoisie, 2,000,000 petit-bourgeois, and 500,000 former communists expelled from the party ranks.

Complaint by an internationally prominent Czech writer, a signatory of CHARTER 77, protesting against the illegal and repeated confiscations of his manuscripts by the police.

Headquarters of Public Security Police
City of Prague and Central Bohemian Region
Bartolomějská 7
Prague 1

Complaint against house search order

I hereby lodge a complaint against the order for a search of my flat which was delivered to me one day after the search was executed on 6th January of this year. Reasons:

- 1) I was not born in Bruntál but in Brumov.
- 2) Bruntál is not situated in the district of Gottwaldov as is stated in the order.
- 3) The order does not mention any reference to criminal proceedings being instituted. If criminal proceedings have not been opened, then the search was illegal (Article 158, para. 6 of the Penal Code).
- 4) If the house search was illegal then it is to be considered an infringement of the freedom of residence (Art. 238 of the Penal Code) or, possibly, as extortion according to Art. 233 of the Penal Code, because it was carried out under armed threat.
- 5) Be that as it may, even the stipulation that a house search cannot be carried out without the procurator's approval was infringed. I was detained while taking a legal petition to the post-office. The ascertainable facts, the contents of the petition, and my deposition must have made it evident that this was all that I intended to do, no further activity was to follow and could follow. Consequently there was no danger of delay.

Further, I protest against the manner in which the search was conducted:

- 1) The protocol presents the confiscated papers collectively, without individual specification, e.g. item 3, "8 documents", item 26, "5 folders containing correspondence", item 36, "10 envelopes containing correspondence", item 21, "19 pieces of correspondence", item 31, "80 manuscripts in a cloth binding", etc. I protested against this on the spot, I am repeating my protest now, and I refuse to accept responsibility for anything which will be deduced from the nature of the confiscated papers.

Headquarters of...1

2) It was immediately obvious that the things which were confiscated could have no possible connection with criminal activity; for example, a folder with a record of royalties and taxes, a folder designated "Dobříchovice" which contains documents dealing with the maintenance of a house and a garden in Dobříchovice; further, six savings books, some of them with children's 100 Kčs. deposits, etc. My experience from the year 1975 is that the confiscation of such things serves only to induce psychological pressure, to encourage intrigues and blackmail.

3) On the other hand, the protocol does not list some of the things which were confiscated. Since I was not allowed to look at it properly, nor was I allowed to give any explanation at the time of the search, I found out about some discrepancies only subsequently; for example, the manuscript of my book A Journey to Praděd (black folder) was confiscated for the second time and it is not mentioned in the protocol.

4) Two things meant to be confiscated were left behind. One of them I refuse to surrender because it is a literary study; but the other, which the confiscator could consider a subversive printed document (objectively it is not), I am willing to exchange for the manuscript of A Journey to Praděd (black folder).

5) A folder containing Collections of Laws (item 12) was also confiscated. My query about the reasons for this was answered thus: "We are interested in what you have underlined in it". This is an absolutely flagrant contempt and ridicule of the law, the conceit of an all-powerful man over whom there is no other authority.

I request that the mistakes be amended or that an apology is proffered and that the wilful behaviour towards me is redressed. If this is not done in the near future I will defend myself with all the means at my disposal.

In conclusion I should like to remark that next time somebody comes to take things from me by force, they should at least bring their own sack and not, on top of everything else, borrow my suitcases for that purpose.

Ludvík Vaculík

Prague, 9th January, 1977

Headquarters of...2

The following are excerpts from a letter from Věra Chytilová, a leading Czech film director, to President Gustav Husák, written in the autumn of 1975.

I am turning to you since I can see no other way out. All my efforts to find work have been in vain and I put my last hope in your sense of justice.

I am a film director. When I entered the film industry 21 years ago as a clapper girl at the Barrandov Film Studios I became so interested in the medium that I took the entrance exam to the Film Faculty and enrolled for study at the age of 27. I graduated with honours and returned to Barrandov. [...]

In my last film, 'We Eat the Fruit of Paradise', I returned to the subject of the relationship between a man and a woman, the problem of discovering the truth behind this relationship and the strength to live with this truth.

Since I finished this film in 1970 I have not been allowed to work on any of my screenplays, despite the fact that some of these had previously been accepted and approved. Their subject-matter varied, but they were all in keeping with the needs of our film industry. They include screenplays for a children's film, a musical, a comedy thriller, a scenario for the Magic Lantern theatre, and, above all, an engagé screenplay for a film about the 19th-century novelist Božena Němcová and another called 'The Apple Game', which dealt with the population problem and which I had intended to make for International Women's Year.

All these screenplays suffered roughly the same fate: they were accepted and then shelved on various contradictory pretexts, from which it is apparent that the main aim is to prevent me from finishing any single film and thus being able to refute the allegations that I "lack a positive attitude to socialism". [...] For five years now I have gone from one head of the film industry to another, they all tell me that I can work and urge me to say as much to foreign journalists. When my Soviet friends, the director Gerasimov and the actress Makarová, wanted to meet me, they were told I was working in Slovakia. Yugoslav film makers who were interested in working with me were informed that I was too busy filming at home.

The same reason was given when they turned down an invitation for me to take part in the First World Festival of Women Film Directors in New York, which opened with a showing of my film, 'Something Completely Different'. The State Film likewise refused invitations for me to the opening of the new French cinémathèque, under the auspices of the French Minister of Culture, and my participation in last year's European festival of women film directors in Paris. It was only during the visit of several

I am turning to you...1

leading representatives of UNESCO to Prague a few weeks ago that I learned that yet another invitation, to the film symposium 'Women in Films' held in Italy in July as part of International Women's Year, was also turned down. Nor was I allowed to take part in another women's film festival held in September 1975 in Caracas, Director Fabera explaining this by saying that the Party organisation at Barrandov was against my going. Such word-of-mouth refusals are only too typical.

However, there are also written documents, in particular the 'complex assessment' which I underwent this year.

This was meant to sum up the conclusions reached in the course of my political 'screenings' in 1972, [...] The conclusion it came to was that my contract with the studios should be terminated. It said that I had done no work for five years, that my films were experimental by nature, uncommitted and pessimistic, that I had contacts with people connected with National Artists Jiří Trnka and Jan Werich, that my international prizes came chiefly from western festivals, that I had presided at the Mannheim Festival, had adopted an elitist stance, that I had had a minimum of audience response, that my films had been overvalued by the critics, and that it "did not appear" that I had "understood the contemporary cultural policy of the Communist Party of Czechoslovakia". [...]

I do not wish to burden you with too many details of the discussion which followed comrade Toman's reading of the 'complex assessment' and the proposal that the film studios terminate my contract. I rejected this and said I could not understand how such a suggestion could have been made in the first place. When I tried to reply to the questions put to me by members of the commission, when I asked one of its woman members who had condemned my films to tell me of at least one anti-socialist idea from any of my pictures and she was unable to do so - she had obviously not seen them - the chairman of the Party organisation, comrade Leiter, admonished me, saying that they alone would talk and I was just to sit and listen. I did not know the Party code, he told me, and was unable to think in Marxist and Leninist terms. One of the woman members offered me, as a mother of two children, work other than that of a film director. I could not see why and pointed out that I had trained as a film director and had five films to show for it. She said that I had by now forgotten how to make films and had to learn anew. "How am I to do that?" I asked. "Perhaps as a clapper girl on a film shot from one of my approved screenplays?" They said I had a bad attitude to work and that I was distorting their words.

Director Fabera was then called in and he reproached me for being impatient. He said I could start shooting next week if only I behaved humbly and kept quiet. This was an astonishing statement, seeing that a written proposal to dismiss me was lying on the table and an oral suggestion had just been made that I accept some other work. All this showed that they were prejudiced, [...] I would not accept dismissal from my job for no valid reason, because this was contrary to the spirit of socialist

ideals. The chairman of the Party organisation, comrade Leiter, then said: "There are times when the Party has a right to do anything.". Someone sitting next to him added: "And not even a thousand Purs's and Klusáks will help her.". After a short silence comrade Leiter asked them to vote whether they should continue in my absence. Everyone agreed, except me. Before I left I reminded them that recently comrade Leiter had said to me: "The worst of it is, comrade Chytilová, that we have nothing against you.". That would seem to be the case. [...]

I have never wished to work abroad; I consequently refused a number of offers because I wanted to work at home, and still do. In 1970 I attended the Cannes Film Festival and came back. Yet I have since experienced absurd situations when I would be refused permission even for a private visit to a socialist country on the grounds that "from there you can also escape abroad". I have decisively rejected an offer of emigration. [...] I am not allowed to make films, nor to produce stage plays [...] and, since the appointment of Milena Balášová, I cannot work even in television.

What then am I to do? What am I to say to my friends, both at home and abroad? Why have I not made any films? How am I to defend my attitude to socialism when I cannot demonstrate it in my own field? And all this at a time when the whole world is celebrating International Women's Year, to which I wished to contribute with my work; at a time when the signatures on the Helsinki documents open up new avenues of cultural cooperation and demand a constant increase in contacts with foreign colleagues, many of whom are sympathetic to socialism and progress; and at a time when the strength of socialist culture needs to be shown, above all, by creative work.

How am I to reply to the latest invitation, to the Festival of Women's Films to be held in the Washington Kennedy Centre from 1 to 7 December 1975?

I am turning to you, comrade President, in the hope and trust that you will look into my case, and other similar ones, and will see to it that justice is done.

As a citizen, a woman, a mother and a film director, I will continue to fight for the ideals of a socialist society and will do my utmost to bring about their realisation.

Prague, 8 October 1975

For nearly eight years now Marta Kubišová, one of the most popular singers in Czechoslovakia, has been banned from the stage. After signing CHARTER 77 she has been subjected to defamation of character with no chance of defending herself against this illegal practice. Set out below is her proclamation to the singers of those countries which signed the Final Act of the Helsinki Conference and the international pacts on human rights.

At the present moment the Czechoslovak authorities take pains to assure the world public that in Czechoslovakia human rights are being fully observed. How untrue this is can be seen from my own example.

Although I have not lost either my voice or the public's affection, I had to leave the stage. I was twenty-seven years old when, without committing any offence, I was forbidden to sing.

I am turning to you as the idols of the young, convinced that you are aware of your responsibility. Every suppression of human rights will leave an indelible mark on the younger generation above all. It is necessary to stop this process. Any injustice, however small it may be, can develop into an irreparable wrongdoing.

Victor Jara did not manage to defend his right to live.

I signed the CHARTER 77 Manifesto in the belief that all cases of disrespect for human rights in Czechoslovakia could be redressed, and I was denounced as a traitor of my own people.

I have been waiting for justice for seven years, and the result is only another case of injustice.

Act as long as there is time. If you allow justice to merge with lawlessness, then no-one will be able to hear us any more.

Marta Kubišová
singer

Prague, February, 1977

These extracts from an Open Letter to the constitutional authorities, written by ten eminent jurists (all victims of persecution themselves), relate to the unlawful aspects of the arrest, detention and sentencing of a group of young pop singers, lyric writers and musicians. The Letter amounts both to an exposure of legal defects and to a defence of the right to non-conformism.

An Open Letter to the Czechoslovak Constitutional Authorities

Our country has witnessed in recent years numerous alarming phenomena which cannot be passed over in silence or rationally and satisfactorily explained. Thousands of experts in all walks of life - scientists as well as men of practical skills - have had to leave their jobs; for a number of years the better part of our culture has been silenced; Czech literature of a high standard is published elsewhere but not in our country; people are persecuted for their views if they differ from the official doctrine - if anyone still dares to voice them. The current witch-hunt has now reached a further stage. The paradox is that this time the victims of criminal prosecution are young people whose "offence" is constituted by their attitude to modern music, poetry and songs.

We have had the opportunity to acquaint ourselves with the indictment and the proceedings of the trial which took place in two stages. Three of the defendants were tried at the Pilsen-South District Court from 2nd - 6th July, 1976 and the remaining four at the Prague-West District Court on 21st - 23rd September. All of them were found guilty of the criminal offence of rioting according to Article 202 of the Penal Code and given unconditional prison sentences. These sentences have no factual basis and represent a violation of socialist legality.

We consider it our duty not to turn a blind eye on these facts; we will use all means provided by the Constitution and the law of this country to defend the inalienable human rights in all cases where they are violated or degraded by a formal interpretation of the laws. ...

We belong to the generation of Marxist lawyers who have learnt from the unfortunate experiences of the trials of the 1950s and the succession of trials staged by the power holders in the 1960s that repeated and flagrant violations of socialist laws, particularly in the sphere of penal action, have negative repercussions on the attitude of our citizens towards the socialist order and impair their faith in the humanitarian ideas inherent in the socialist world view. [...]

As has already been stated, we had a chance to study materials pertaining to the trials against the young musicians, lyric writers and pop singers. We therefore consider it our duty to draw your attention to the fact that the afore-mentioned sentences are at sharp variance with the Constitution and the valid laws of Czechoslovakia. [...]

When the Czechoslovak public learnt of the arrests, the communication media gave their own interpretation. At the beginning of April both the Communist Party daily Rudé právo and the radio and TV voiced an irate reaction to "the doubts of the public" although, as the foreign communication media rightly criticized, the news of the arrests had not previously been publicized in Czechoslovakia. Without giving the names of the detained or the accused, the media labelled them as alcoholics, drug addicts, rioters and recidivists, anti-social elements and shirkers whose musical activity had nothing to do with art and by its nature endangered the moral values of our society. From this it was deduced that the criminal proceedings against these people were well justified. [...]

The atmosphere in which the criminal proceedings were conducted was such that there were sufficient grounds to fear that the principles of factual truth will not be heeded and that the defendants will be convicted regardless of whether or not their guilt is proved. And that is what really happened. It could not be proved in either of the trials that any of the defendants had wilfully committed the offence of either gross indecency or disorderly conduct. [...]

The trials themselves were conducted in a manner which is in contradiction to the Czechoslovak Constitution and the procedural regulations. In particular the following were neglected: the principle of a public hearing; the requirement of oral proceedings; and the principle of the presumption of innocence; the right of defence was also restricted and, last but not least, there was a serious infringement of the principle of judicial independence and impartiality of adjudication. ...

In conclusion we would like to note that it was made impossible for the defendants to take full advantage of the right of defence provided by the legal norms. They were kept in detention for many months without any legal justification. Their advocates were refused access to a number of preliminary hearings and during the trial their demands for further evidence were rejected. [...]

Young people have, whether we like it or not, their own interests and problems; if we do not make it possible for them to find their own values and confront them with reality in their own way, then we are running the risk of losing them as a generation and forfeiting their support in the promulgation of values which represent a continuation of our progressive and humanitarian heritage.

We do not believe that unjust criminal prosecution is the right way of handling non-conformity or that it can prevent young people from becoming followers and admirers of non-conformist ideas.

Motivated by our socialist convictions we hereby plead that, in the interests of socialism and its humanitarian aims, you order a review of these and other political trials, to

be conducted in strict observance of our laws. We further require that you instruct the judicial authorities to discontinue the criminal proceedings against those young musicians and their followers who are still being prosecuted. They have a right to be non-conformist whether we like it or not.

In accordance with Article 29 of the Czechoslovak Constitution this letter is being sent to the following constitutional organs: the President of the Republic, the Chairman of the Federal Assembly (with the original signatures), the Prime Minister, the Chairman of the Czechoslovak Supreme Court, the Prosecutor General of the ČSSR, and the Minister of Justice of the Czech Republic.

Signed:

Professor Zdeněk Jičínský, DrSc, until 1969 Deputy Chairman of the Czech National Council, Chairman of the Constitutional and Legal Committee of the Czech National Council, and professor of Charles University in Prague.

Dr. Oldřich Kaderka, until 1969 Head of the CP Central Committee's Department of International Relations and Politics.

Associate Professor Vladimír Klokočka, CSc, until 1969 Dean of the Law Faculty of Purkyně University, Brno and a Deputy of the Czech National Council.

Associate Professor Zdeněk Kratochvíl, until 1969 Deputy Minister of Justice of the ČSSR.

Associate Professor Michal Lakatoš, CSc, until 1969 research worker at the Institute of State and Law of the Czechoslovak Academy of Sciences.

Associate Professor Zdeněk Mlynář, CSc, in 1968 a member of the Praesidium and a Secretary of the Czechoslovak CP Central Committee.

Dr. Milan Richter, until 1969 Deputy Prosecutor General of the ČSSR and the Chief Judge Advocate of the Czechoslovak Armed Forces.

Dr. Eva Rychetská, until 1969 Head of the Law Department of the President of the Republic's Chancery.

Dr. Josef Rychetský, until 1969 Head of the Office of Appeals of the ČSSR Prosecutor General's Office.

Associate Professor František Šamalík, DrSc, until 1970 at the Law Faculty of Charles University in Prague.

Prague, 6th November, 1976

A Marxist jurist and a former secretary of the CC CPCS who has a thorough knowledge of the system of political directives governing the work of the country's police and judiciary, analyzes the question of persecution in the CSSR, in particular of young people with non-conformist attitudes. Set out below are extracts from this analysis.

An Open Letter
to the political authorities responsible for legality in the CSSR

Since the spring of 1976 ten young people have been held in prison in Czechoslovakia, their only crime being that they composed and performed music and texts which are not to the liking of various official bodies and administrators in culture and politics. They are Ivan Jirous and his friends, in particular those from musical groups which call themselves the Plastic People of the Universe and DG 307.

Young people in our country who subscribe to the musical and intellectual movement known as "underground culture", which can be observed at the present time in many industrially developed countries of the world, are to be punished as criminals. I am a Marxist and therefore I do not think that the ideas of this movement offer any social remedy for the crisis into which people, especially young people, have been pushed by modern industrial civilization. Notwithstanding, both as a Marxist and as a jurist, I must protest against the fact that a state which calls itself socialist reacts to such young people's movements by violating the Criminal Code and by putting the authors of embarrassing texts into prison as criminals.

That it is a violation of the Criminal Code has been convincingly shown by the trial in the Pilsen-South District Court on 3rd and 6th July 1976. This court meted out unconditional sentences of imprisonment, ranging from eight months to two-and-a-half years, to K. Havelka, M. Skalický, F. Stárek (all of them workers, between 24-26 years of age) for allegedly committing the criminal offence of rowdyism (Article 202 of the Criminal Code) by allowing a public performance at the Club of the Union of Socialist Youth at Prestice near Pilsen by Ivan Jirous and the singers K. Soukup and S. Karas, which contained "grossly indecent and vulgar expressions". Consequently, three young people are to be kept in jail for many months just because they helped to organize a gathering of other young people at which "vulgar expressions" were uttered! And all this not in the notorious village of Clochemerle, not in Calvin's Geneva towards the end of the Middle Ages, but in the Czechoslovak Socialist Republic in the year 1976.

The Pilsen court assumed that the "criminal offence of rowdyism" was fully substantiated by the fact that the texts of the songs contained several commonly used colloquial vulgar Czech words such as turd, arse, shit and the like. The court must have

been aware that these were not used as terms of abuse per se but that they were integral parts of texts expressing a certain frame of mind and emotional attitude to life. For instance, one witness testified that he had heard the sentence, "man, what do you resemble in all your greatness? ... a turd".

No representatives of power anywhere at any time are prepared to admit that in all their greatness they could resemble anything but an incarnation of the holiest ideals of mankind. But a normal man does not have such permanent feelings of self-satisfaction; normal people are liable to suffer from feelings of impotence and scepticism. And so even caustic self-irony through the use of shocking words is quite a human feeling for most normal people; in the quoted simile they sense the biblical, "For dust thou art, and unto dust shalt thou return", rather than an intention to commit a "criminal offence of rowdyism". [...]

The criminal proceedings against Ivan Jirous and his friends were not in actual fact initiated because of "vulgar expressions". Its purpose was to intimidate and silence young people who refuse to submit to state-adopted, official criteria by which a young person should live and entertain himself, feel and judge values pertaining to society and to himself. It is a case of intimidating all those who refuse - even if it is in such an innocent form as a song - to recognize, if only hypocritically, that all that is officially propounded is the sole correct and good mode of things. [...]

I believe that in our country many factors make escape from society attractive for all those who want to shield themselves against falsehood and lies. In spite of all the verbal assurances to the contrary, in actual fact, lies and falsehood are acknowledged as civic virtues under the present regime. A false and untruthful interpretation of our social development in the year 1968 even serves as a basis for the entire ideology which is now officially propounded. All those who are prepared to accept untruths at least outwardly are left in peace or even given privileges. But those who speak out against such untruths are persecuted and liquidated. Those who are hypocrites and publicly proclaim what they do not believe in and what they then disclaim in private, are considered orderly citizens. Those who voice their real views openly, even if they are at variance with what the authorities require, are subjected to persecution and chicanery. In our everyday life faith and conviction are increasingly becoming a ludicrous anachronism; the way to official success, on the contrary, leads via cynicism and the ability to deny everything that is not favoured by the authorities. Corruption increasingly permeates all spheres of our life; almost everything can be had for money in this country. True enough, from time to time the official propaganda objects to this in words, but in actual fact the regime cannot adopt a decisive stand against corruption because it is one of its props. Informing on other people, if it serves the political intentions of the regime, is openly praised as a virtue. Work and skills are often not taken as criteria of social

recognition which is based above all on the degree of servility towards the representatives of official power and a blind and total obedience vis-a-vis this power. Any disobedience or critical determination can be regarded as a crime by the rulers and an independent mind can prove harmful to any citizen. [...]

The attempt to present the punishment of Ivan Jirous and friends as a non-political, criminal matter was not successful either in Czechoslovakia or abroad. Its political purpose is obvious. [...]

Everyone who has at least some knowledge of the mechanism of our political system knows for sure that such an affair as the imprisonment of ten young people for activities like Ivan Jirous's is not something dealt with independently by either the police, the prosecution or the court. Such actions are always subject to "political deliberations" on various levels by the "appropriate departments" of the political, party and state organs. Their directives serve as guidelines for the State Security Police and the judiciary. [...]

Associate Professor Dr. Zdeněk Mlynář, CSc.
110 00 Prague 1, Soukenická 11

Sent to:

The Praesidium of the Federal Assembly of the ČSSR
The Praesidium of the ČSSR Government
The Procurator General of the ČSSR
The Chairman of the Supreme Court of the ČSSR
The Central Committee of the CPCs
The press and communication media

Prague, 8th September, 1976

Since the spring of 1976...3

J.A. Comenius: Omnia sponte fluant
absint violentia rebus
(Let everything happen freely and without violence)

[...] Article 18 of the International Covenant on Civil and Political Rights proclaims the right to freedom of thought, conscience and religion. Further it proclaims freedom of expression and freedom "to seek, receive and disseminate information and thoughts of all kinds regardless of frontiers, orally, in writing or in print, through art or by other means according to the person's own choosing" (Article 19, para. 1,2). In the light of these principles it is necessary to eliminate all the obstacles which could jeopardize the implementation of these rights.

It is of particular significance that believers and non-believers alike should be able to express their views even if these should differ from the official position, without fear of reprisals at work or otherwise. Apart from Article 25 of the afore-mentioned Covenant, which stipulates equal conditions for everyone in applying for jobs in the public service, it is also necessary to respect Article 20 of our Constitution according to which "the society of workers assures equality for all citizens by creating equal possibilities and opportunities in all walks of life and society for them".

The tendency, common in the processing of job applications or on other occasions, to pressurise people to "abandon their outmoded religious beliefs" is irreconcilable with this. It is well known that, although a person's religious affiliation has been omitted from official documents for more than twenty years, it plays an important role in assessing people for a variety of purposes. It is necessary to ensure that believers and non-believers have an equal opportunity to become teachers, professors, scientific workers, civil servants and employees of courts, the procuratorate and other institutions without having to hide their beliefs and convictions. Only the skills and moral qualities of the individual should be decisive in the matter of employment. [...]

It is not compatible with the principles of the freedom of conscience, thought and expression that certain occupations (e.g. teaching) should be restricted to those who pledge their adherence to the ideology proclaimed by the ruling political powers. The impact of any school of thought is weakened if it is enforced by the political powers in an administrative manner. This has been very eloquently proved by our national history. It is for this reason that the ideal of the freedom of religious belief was proclaimed in our country as early as the time of the Hussite Wars - before the other European countries.

Freedom of expression includes the right to receive ideas regardless of frontiers. It is at variance with this right to prevent citizens from obtaining theological, philosophical, teleological, religious and other literature from abroad and from freely disseminating ideas, articles, studies and other works across frontiers. It is high time that the unfortunate practice of restricting at all costs the possibilities of obtaining undistorted information and ideas about Christianity and other religions ceased. It is wrong for the dissemination of religious literature and even the Bible to be considered almost a criminal offence and an anti-state activity. (For example, it is forbidden almost without exception to read the Scriptures in prison).

A special problem is the state of the religious instruction and education of young people. The prevailing practice should be reconciled with the principles expressed by both the international pacts and also by the Covenant on the struggle against discrimination in education. Education should be available to everyone without any discrimination whatsoever. Only the abilities and talents of the applicants should be decisive in the selection of students. Under the two international covenants (Article 13 of International Covenant 1 and Article 15 of International Covenant 2) the states pledge that they will respect the freedom of parents and foster parents to ensure the religious and moral education of their children according to their own convictions. When such education is conducted partly in schools, it is the state's duty to ensure the real exercise of this right and so to remove obstacles of any kind, for example pressure on parents from school authorities and other organs not to send children to religious classes; to protect children from ridicule for their or their parents' faith; and to ensure that they do not suffer discrimination because of their religious faith. Religious education in church or within the family should proceed in accordance with the customs prevailing in the particular community regardless of the era.

Our Constitution and the two international covenants (Article 28 and Article 21 of International Covenant 1 and Article 22 of International Covenant 2) proclaim the right to hold meetings and the freedom of peaceful assembly. [...]

An integral part of the freedom of assembly is the possibility for churches and religious associations to meet their counterparts abroad. This involves exchanges of students and teachers from faculties of divinity, friendly visits and study leave for individuals and church representatives on various levels. Lively contacts between Christians across frontiers, a mutual cross-fertilization of various traditions and movements would reflect positively on the life of society as a whole. Their existence is expressly required by the Final Act of the Helsinki Conference in the chapter on international co-operation in the field of the humanities.

Also of great importance is the problem of the social position of the clergy employed by the Church and the legal status of their employment. There must be full application of the principle expressly proclaimed by Law No. 218/1949 of the Collection of Laws, whereby the clergy are recognised as employees of the Church and authorized by it to carry out their

mission. The present situation could be rectified if the clergy were allowed to practise their profession without insensitive interference from the state administration which frequently resorts to the withdrawal of their authorization and thus prevents them from pursuing their pastoral activities. Since the legal norms of 1949 - which are still applicable to the clergy - are insufficient, it is of the utmost importance to apply the Labour Code to the clergy, Article 260 of which expressly requires such an application. [...]

We still believe and hope that our social system has the capacity to ensure that these rights and freedoms are not only recognised but - through popular initiative - also realized in a spirit of mutual trust and co-operation.

Professor Dr. Jirí Hájek, DrSc.
spokesman for CHARTER 77

Prague, 22nd April, 1977

The Vienna correspondent of Le Monde, [Paris, 19 March 1977] reported that a meeting of the aktiv of the Czechoslovak security organs had taken place in Prague in early March at which Interior Minister Jaromír Obzina said that Charter 77 supporters had been divided into three groups. The most prominent signatories are to be forced to emigrate, while about a dozen others are to be tried and a further number would be banned from residence in large cities.

8. THE CITIZEN AND THE STATE

"Everyone has the right to liberty and security of person.
No one shall be subjected to arbitrary arrest or detention."

(International Covenant on Civil and
Political Rights. Article 9)

"Everyone lawfully within the territory of a state shall,
within that territory, have the right to liberty of movement
and freedom to choose his residence. Everyone shall be free
to leave any country, including his own."

(Article 12)

"... everyone shall be entitled to a fair and public hearing
by a competent, independent and impartial tribunal established
by law ... "

(Article 14)

"No one shall be subjected to arbitrary or unlawful interference
with his privacy, family, home or correspondence, nor to unlawful
attacks on his honour and reputation."

(Article 17)

"All persons are equal before the law and are entitled without
any discrimination to the equal protection of the law. In this
respect, the law shall prohibit any discrimination and guarantee
all persons equal and effective protection against discrimination
on any ground such as race, colour, sex, language, religion,
political or other opinion, national or social origin, property,
birth or other status."

(Article 26)

Czechoslovak criminal legislation, like the Soviet, does not acknowledge the category of political prisoner. This enables the Czechoslovak authorities to claim that in the CSSR there are neither political trials nor political prisoners. By the same token, when people are prosecuted because of their civil and political convictions, which differ from the governmental or Party line, this always happens under provisions of the Penal Code and their offence is considered a criminal act - which is also reflected in the verdict. Below are extracts from an open letter in which a former political prisoner draws attention to this practice.

An Open Letter from the former General Director
of the Czechoslovak Uranium Industry,
Ing. Karel Boček, to the Secretary General of the CC CPČS

Mr. Husák,

It was with a feeling of astonishment and indignation that I read your statement to the effect that there are no political trials in Czechoslovakia. I have decided that I cannot pass this over in silence. I am bound to react to your statement because of my own experience as your political prisoner and because of the feeling of solidarity I have with the other prisoners, also incarcerated for their political convictions, whom I met in jail. [...]

As you know, I spent ten months in the custody of the State Security Police at Ruzyně until I managed to escape from there in July 1971. I have therefore had a chance to have a close look at the process which makes criminals from honest men, and I can give evidence on this.

I worked for nearly twenty years in the Czechoslovak Uranium Industry; my last position was that of its General Director. Immediately after the occupation of Czechoslovakia, on 21st August, 1968, the workers of the uranium industry, quite spontaneously, stopped work. [...]

Since the invasion subsequently became an act of friendly assistance ab initio, all those who mistook it for an occupation were suddenly considered to be on the wrong side of the law. This also held true retrospectively. Insofar as it is impossible to imprison 10,000 workers in the uranium industry, it was found sufficient to select those among them who had some influence and who would not give in. Once they have been removed, ways can be found to get the masses better under control. These are the reasons why two years after the strike had ended, I was arrested and charged with sabotage with regard to this strike.

However, that is not all. Under no circumstances could the organisers of the trials admit that the workers went on strike when the Russian tanks arrived to "help" return the bankrupt rulers back to power. The scenario of my case presupposed that

It was with...1

I had confessed to preparing the strike in advance and in so doing had co-operated with the West German imperialists. A promise had been given, had it not?, that evidence about a Western connection would be forthcoming. I was also to confess that in my contacts with the West I used the services of an intermediary. I was offered to choose one from a number of candidates for liquidation. The most suitable one would have been the former Prime Minister, Černík; as an alternative I was offered the Deputy Minister and Chairman of the Czechoslovak Atomic Energy Commission, Neumann. I was promised a lighter sentence if I confessed. The interrogators knew that this was an attractive offer because I was accused of sabotage with grave economic consequences which carries the heaviest penalty imposed by Czechoslovak law, i.e. 10-15 years' imprisonment or death. [...]

You know the conditions in that jail. Three prisoners are squeezed into an area of less than six square metres of which nearly a whole square metre is taken up by a large imported Russian toilet. Even for minor offences the prisoners are beaten. The penitentiary, housing about 1,000 prisoners, has no permanent medical facilities. If a prisoner attempts to commit suicide, instead of medical treatment he has his arms and legs tied up and he is thrown into an isolation cell. [...]

The following communist parties issued statements in favour of the human rights activists in Czechoslovakia and deplored police methods used by the Prague government against them: the Australian, Belgian, British, Danish, French, Italian, Japanese, Spanish, Swedish CP's, as well as the "Interior" Greek Communist Party and the Communist Party of China.

According to reports from Yugoslavia and Hungary, the Prague regime campaign against the Charter 77 signers is raising "growing displeasure" in these two countries. The Frankfurter Allgemeine Zeitung reported on February 7, 1977 that official quarters feel that the "relapse into Stalinist formulations" is becoming a burden to the communist movement and contradicts the results of last year's communist summit in East Berlin.

An eloquent conceptual summary of a case of political persecution comes from a prominent Czech historian incarcerated for his beliefs. Now released, Dr. Tesař states with dignity the case of the Czechoslovak Democratic Socialist Opposition and argues for the implementation of human rights, 'the most precious values created by European civilization which cannot be relinquished'.

Dr. Jan Tesař, present address: the Pilsen-Bory Penitentiary
306x 35
Pilsen 1, PS 335

To the Supreme Court of the ČSSR
Prague

Re: Institution of a complaint against an infraction of the law.

In July of last year the Prague Municipal Court sentenced me to six years imprisonment for subversion of the Republic in accordance with Article 98, para. 2 of the Penal Code. Subsequently this sentence by the Municipal Court was affirmed by the Supreme Court of the Czech Republic and my appeal to them rejected. In this way the unjust conviction came into force.

Insofar as the findings of the Supreme Court are decisive for the interpretation of current laws by all the courts of the Republic, my conviction ceases to be my personal affair only, or an affair of the political school of thought to which I subscribe, and it has become a matter of public concern, not only demonstrating but also influencing the state of Czechoslovak civil liberties in general.

Bearing this in mind I think it worth drawing attention to the following circumstances of the case:

1. In accordance with Article 98 my conviction was supposedly based on proof of the hostile and subjective motives of my behaviour. The verdict of the Supreme Court alleges that I conducted certain activities considered to be criminal, being motivated by "hatred for the bonds of alliance with the Soviet Union and the other member-states of the Warsaw Pact". The wilful replacement of the concept of "disagreement" by the concept of "hatred" is indeed highly characteristic not only of the diction of the verdict but also of the manner in which the trial was conducted; these concepts in question evidently fell into the category of the "logic of things requiring no further proof". ... If a state identifies the attitude of one of its citizens towards itself with his attitude towards another power and turns its foreign policy into a forbidden

subject, any discussion of which is understood as a "very serious criminal activity", then such a state, or rather its leadership, relinquishes a significant attribute of sovereignty. And it is against this aspect of our life and against its codification by the afore-mentioned Supreme Court verdict that I, as a representative of the Czechoslovak Socialist Opposition, most decidedly protest.

2. The verdict of the Supreme Court alleges that our hostile attitude to socialism (i.e. the aspect of the matter which must be proved to substantiate the verdict of guilty) ensues directly from our activity. This - it says - "cannot in any way be changed by the circumstance that the defendants verbally proclaim their affiliation to socialism". ... If socialism is now identified not only with one single political party but directly with its physical leadership, then we cannot consider it accidental that the independence of the legal system from the organs of political power is not even postulated.

3. Characteristic of the trial against myself and my fellow defendants was its crude pragmatism. This is manifested, for instance, by the following extract from the verdict: "his attacks...aimed against the Party and state leadership, and against its policy...are capable of inciting hostile attitudes on the part of certain circles towards the leading role of the Communist Party itself, towards the state leadership and even the alliance between Czechoslovakia and the USSR". The organs of justice, whose nature is characterized sufficiently well by the cited passages from the verdict, were called upon to deal with this "capability" of mine by methods of persecution. All possible means were used, most of them involving a gross violation of legal norms in all stages of the criminal procedure, in particular: the unlawful manipulation of depositions, torture to force me to give evidence against myself, and even wilful falsification of the record of the trial itself. The Supreme Court was notified of this but, contrary to the law, this information was ignored and no steps were taken to make redress. After the sad experiences of the last 25 years, it might be expected that our country in particular would know that judicial repression will not solve a political contradiction; on the contrary, it will make it still more complex. Those who made the decision about the use of these methods should bear in mind still another experience, i.e. that their introduction will complicate even the political contradictions of the future. Once it is again possible to extort information by beating, it should be borne in mind that if today it is allowed to happen to me, tomorrow the same can happen perhaps to those who are now considering this complaint of mine.

4. From among the offences that led to my conviction one of the most significant was the petition which I handed over to our constitutional bodies in September, 1969. It is exactly two hundred years ago that our country saw the last similar

case of signatories of a political petition being criminally prosecuted. However, then it was stopped by the intervention of an enlightened successor to the Czech throne. One of the items included in the list of my offences is my letter to the Prosecutor General appealing for humanitarian considerations in the treatment of the imprisoned V. Škutina. This has no analogy whatsoever in our history. I am also being punished for issuing an election leaflet which, with all civility due to a political adversary, reminds citizens that they cannot be criminally prosecuted for non-participation or for voting against the ruling party. In all these cases what was at issue was simply a natural exercise of the right of civic involvement; this could not be done otherwise but in accordance with my views, which are at variance with those of the Government. The verdict of the Czech Supreme Court therefore logically manifests a denial of either the right of civic involvement or the right of disagreement with the Government; both of these rights belong to the most precious values created by European civilization, rights which cannot be relinquished. I was found guilty because I exercised the inalienable rights of a man and a citizen as they were proclaimed two centuries ago; as early as one hundred years ago they became a reality in our country and they were then exercised to a much greater extent than today. I have never denied and I do not deny even now that in the process of exercising my rights I violated some Czechoslovak laws (e.g. by disseminating information and printed materials from abroad). I was aware of what I was doing. Such is the dilemma of free people living in those unfortunate countries - Czechoslovakia is one of them - which base their administration on the principle of the so-called leading role of one party, i.e. in our case the Czechoslovak Communist Party. [...] This is the dilemma of a citizen under a Government and a system of justice which consider it normal for a developed country to be in the position where one political party unilaterally assigns "tasks" to the whole of society, where "fulfilment of the Party's tasks" is seen as the rationale for the existence of the state organs, and the only possible form of civic involvement. [...]

The appearance of the Democratic Socialist Opposition is an undeniable fact of the last four years. The brutal attacks against all its factions have only strengthened its unity. Its members will never relent on the issue of inalienable civil and human rights and will continue to demand such changes in Czechoslovak legal norms as would not represent a regression in comparison with the state of affairs which used to be characteristic of this country and which would also comply with the international pledges undertaken by Czechoslovakia, for instance by signing the Warsaw Declaration of Human Rights. The Democratic Socialist Opposition will not be made to relinquish its pursuit of these aims by any onslaughts on them by the

judiciary organs which have been structured according to the principle of the leading role of a single political party, however severe the onslaughts might be. It must not give up because what it stands for does not by any means concern its members only, nor only Czechoslovakia; it is a matter of general relevance.

In view of the extreme significance of each of the aforementioned points, even if considered separately, I hereby propose that a complaint against a violation of the law be lodged with the ČSSR Supreme Court, that the verdict against myself and my friends be annulled and that a new hearing of the case be ordered, and that this take place before a tribunal whose members are not bound by Party discipline.

Dr. Jan Tesař

15th July, 1973

Czechoslovak authorities studiously avoided mentioning any foreign communist support of the human rights activists, and dismissed critical references to official conduct as interference in Czechoslovak internal matters. They also embarked on an "enlightenment" campaign designed to minimize the significance of the manifesto. Thus, for example, the Czechoslovak Embassy in Bonn circulated a governmental statement accusing the Charter supporters of trying to set up an organization aimed at destroying the country's socialist system. The statement emphasized, however, that the signers were "isolated individuals speaking for no one, only in their own names and in the names of their capitalist protectors".

Reuter, February 3 1977

Extracts from a request by a political prisoner whose health has suffered serious harm after a long spell in prison.

Dr. Jan Tesar[✓]

Present address: Ostrava 1 Penitentiary

To the Federal Government of the CSSR
For the attention of the Prime Minister
Prague 1

Re: Request for deferment of the remainder of my term of imprisonment

Mr. Prime Minister,

As you certainly know, from September 1969 I was intermittently held in custody and later, in 1972, I was sentenced to six years' imprisonment. I do not wish to elaborate here on the circumstances which led to my detention and sentence because I have already done so at other opportunities, and further because it is not directly connected with the purpose of this request. However, I am forced to turn to you directly concerning my state of health. Now, when there are only three months and three weeks left of my long-term prison sentence, I am unfortunately forced to ask for an order to be issued deferring the rest of my sentence and transferring me to a civilian oncological hospital in accordance with the provisions of the current Code of Criminal Procedure.

Naturally I am aware that this request could be dealt with by some of the organs subordinate to you. In spite of that I am addressing it to you personally because, firstly, this matter has its evident political aspect which might be underestimated by the lower organs (and which I will naturally emphasize if driven to extremes) and, secondly, because I think it proper to give you at least a brief account of the way I have been treated during my illness by the organs of the Ministry of Justice and by the State Security Police.

Throughout the years of my imprisonment I have been suffering from constantly deteriorating digestive troubles. Towards the end of 1972, after I had sent a complaint to the Prison Governor at Pilsen, I underwent a superficial medical examination; the doctors came to the conclusion that I was suffering from duodenal ulcers. But at the beginning of 1974 it became obvious that there were other complications. Only after three months (22nd April) was I taken to the prison hospital in Brno where I was given a really thorough medical examination; the doctors suggested and followed the hypothesis that a disorder of the pancreas might be involved. However, the examination revealed (after an X-ray of the intestines) some symptoms of appendicitis. But the examination could not be concluded

Dr. Jan Tesar[✓]...1

because on 3rd May, 1974, four hours after the diagnosis of appendicitis had been confirmed (the appendix did not fill up during the infusion), I was forcefully, and without the doctors' knowledge, dragged away from the hospital by members of the State Security Police. Their reaction to the sharp pain I was suffering was to assure me that I was completely cured. As far as I know, in our country there are generally binding regulations requiring that even at the mere suspicion of appendicitis, the patient must be taken to a hospital within a few hours. Further, as far as I know, according to our law, even a convicted person has the same right to medical assistance as any other man. What then can be said about the treatment to which I was subjected? Back in prison, on 3rd May, I embarked on a hunger strike which I concluded eleven days later when the prison authorities received the report of my medical examination including a confirmation of appendicitis, and when I was promised another transfer to a prison or civilian hospital. I had to wait another fortnight for that; then I was transferred to the Prague prison hospital where I had an appendectomy.

I reported my declaration of a hunger strike in protest against my forceful removal from the hospital to the Prison Administration, on 6th May, 1974. Only on 18th September, 1974 the reply was read out to me: my complaint was found to be unjustified since I was transferred to hospital after all and operated on. With this the Prison Administration eliminated the possibility of a misunderstanding for which an apology could be offered, or of a breach of rules by the subordinate organs, which could be explained, and took on itself full responsibility for the manner in which I was mistreated. [...]

On 13th May, 1976 I was transferred to the Brno prison hospital again and after a medical check-up it was suggested that it would be advisable for me to undergo an operation. [...]

On 14th June the head consultant of the prison hospital explicitly stated that it would not be advisable to carry out the operation during the term of imprisonment because the treatment was not likely to be effective; responsibility for the matter therefore lay with the court and not with the doctors. However, on the following day I was transferred to prison again before surgical consideration of my case had been concluded. I assumed that this was done with the aim of preventing further procrastination in the matter, which was clear anyway. But to my surprise I am now receiving quite conflicting sets of information about whether or not it was proposed that the remainder of my term of imprisonment be deferred and it has even been alleged that I refused the surgical help offered to me.

I admit that this may be a case of administrative misunderstanding and I would like to believe that it may have been caused by the good intention of trying to find a speedy solution to my predicament. Due to the circumstances mentioned earlier, however, my confidence that this is so is strongly undermined. In addition, while I was awaiting the decision another nine days

were lost, not only because I could not work and could hardly move but in particular because of the possibility, which must also be taken into account, that the disease might be of a malignant nature. For these reasons, Mr. Chairman, I am writing to you personally with the request that you, 1) issue an instruction authorising the deferment of the remainder of my sentence; and 2) authorize a reliable official, independent of the Ministry of Justice and the Ministry of the Interior, to hear what I have to say and check on the information I have, so that matters are rectified and such a deplorable state of affairs cannot occur again.

I wish to lay particular emphasis on the fact that I am not asking for clemency or for pardon with regard to the remainder of my sentence; just the opposite, in fact. Soon after the operation when I am able to return to jail, I want to endure the remaining weeks without any concessions whatsoever. [...]

Jan Tesař

Ostrava, 23rd June, 1976

Postscript

Federal Government of the USSR
For the attention of the Prime Minister
Prague 1

Please find enclosed a letter which I was not allowed to send off on the grounds that the law on penal servitude does not provide for the sending of requests or complaints to the address which was originally on my letter of complaint. I have, therefore, modified the address in such a way that it is in agreement with the rules. I also wish to apologize for the poor format of the letter.

This circumstance and the coming weekend has therefore held up the whole matter by at least another four days. Apart from a further deterioration in my state of health there has been no change of the situation described in the enclosure. I have not received any answer to my query as to whether any official steps have been taken to help resolve my case. This must naturally strengthen my suspicion that even what has happened to me in recent weeks was not just an administrative oversight. The same also holds true for the other actions mentioned earlier.

I do not consider it appropriate for me to set the Government a deadline by which I can expect my request to be granted. But it is to be expected that, in accordance with still another

provision of the law on imprisonment, I may be prevented from sending any further complaint concerning the matter before an answer to this letter is received. Since, in the prevailing circumstances, I must count on the worst, I wish to inform the Federal Government in advance that if I do not receive an answer within an acceptable period of time, I will go on hunger strike which I will not give up. By the mere posting of this letter I am entrusting my future destiny to the hands of its addressee and I am hereby stressing his responsibility.

I have endured seven years of persecution with dignity and resolve. And my disease has, without any doubt, been caused by this long term of imprisonment. For the sake of the ideal of a free Czechoslovakia I will not find it hard even to die. But it will be much worse for those who will be called - sooner or later, but unavoidably - to answer for it.

J.T.

Ostrava, 25th June, 1976

One of many documents illustrating that in the Czechoslovak Socialist Republic a citizen can be legally prosecuted for the "criminal offence of defamation against a member state of the world socialist system and/or its representative".

The Main Office of Investigation of the
State Security Police attached to the
Federal Ministry of the Interior
The Office of Investigation of the Czech Socialist Republic
CVS: VS - 11/110-70

Ruling

In accordance with Article 163, para. 1 of the Code of Criminal Procedure, I am hereby opening criminal proceedings against Dr. Vilém PREČAN, born 9.1.1933 in Olomouc, a Czechoslovak citizen and of Czech nationality, formerly a research worker at the Institute of History of the Czechoslovak Academy of Sciences in Prague, resident at Prague 6 - Petřiny, Nad alejí 1030/10 on charges of sedition according to Article 100, para. 1(a), (c) and para. 3(a) of the Penal Code,

because on the basis of factual evidence, the conclusion can be drawn that out of hostility to the socialist social order in the Republic and to its bonds of alliance with the USSR, between 21st August, 1968 and the end of October, 1968, in Prague as well as in other places, Dr. Vilém PREČAN in co-operation with other persons collected, classified and processed various photographic and written materials and, with these same people, compiled a publication of almost 500 pages under the title of The Seven Days of Prague - 21st to 27th August, 1968 (the so-called Black Book), then published in September, 1968 in 2900 copies. The contents of this publication provoked hatred and hostility towards the USSR and the alliance between CSSR and USSR. Later Dr. Vilém PREČAN also participated to a considerable extent in disseminating the afore-mentioned publication throughout the CSSR.

Reasons

In July, 1970, in accordance with Article 160, para. 1 of the Code of Criminal Procedure, criminal proceedings were opened concerning the criminal act of defamation against a member state of the world socialist system and/or its representative under Article 104 of the Penal Code. In the course of the investigation it was ascertained that Dr. Vilém PREČAN, formerly a research worker at the 4th Department of the Institute of History of the Czechoslovak Academy of Sciences in Prague, played an important role, together with Dr. Milan OTAHAL, Dr. SEIDLEROVÁ, Viktorie ČEČKOVÁ and other members of staff of the same Institute,

in compiling and classifying in August, 1968 materials and later in extensively publishing in 2900 copies and distributing a printed document entitled The Seven Days of Prague, also known as "The Black Book". The afore-mentioned publication, which has nothing in common with historical science, contains various "documents" whose credibility has not been confirmed. At that time as well as afterwards the book was used for the purpose of defaming the socialist social and state order of the Republic and for provoking hostile moods in the broad masses of the people towards the alliance and friendly relations between our Republic and the USSR, not only on the territory of the CSSR, but also abroad, in the capitalist countries, where it was exported and translated into several languages.

For information: A complaint can be lodged with the investigator against this ruling within three days from the date of its issue; a complaint does not mean deferment.

Investigator of the State Security
Police
Major Oldrich Noga

Prague, 20th April, 1974

Further to the preceding document concerning Dr. Vilém Prečan, his appeal has been dismissed and the Office of the Procurator has informed him that the self-same criminal offence will now be considered under a different Article of the Penal Code which will enable the court to pass a more severe sentence.

Office of the Procurator General of the
Czech Socialist Republic

11/4 GPt 1-5/72-40

PhDr. Vilém Prečan
Nad alejí No.10/1736
Prague 6 - Břevnov

In accordance with the provisions of Article 176, para. 2, second sentence, of the Code of Criminal Procedure, I hereby inform you that the act for which we have been conducting criminal proceedings against you and which has hitherto been qualified as a criminal offence of sedition under Article 100, para. 1(c) and para. 3(a) of the Penal Code, will hereinafter be considered as a criminal offence of subversion against the Republic in accordance with Article 98, para. 1 of the Penal Code.

In view of the afore-mentioned change in the legal qualification, your criminal case does not fall under the terms of the amnesty granted by the President of the Republic on 23rd February, 1973.

Head of Department
pp. Dr. Kratký

Prague, 18th April, 1974

Office of the Procurator...1

Since 1969, and especially in 1977, the mass media have repeatedly engaged in defamation of Czechoslovak citizens whose views differ from the ruling party's official policy by publishing completely untrue assertions about them. In Czechoslovakia the victims of such slanderous attacks have no chance of defending themselves, not even by legal means. There follows a statement by 36 Czechoslovak personalities about one of a long list of such smear campaigns.

To the Central Committee of the
French Communist Party
Paris

Gentlemen! Comrades!

We wish to let you know how much we appreciate the fact that your call at the gathering at the Paris Mutualite for freedom for those jailed for their political convictions and for voicing their views was not limited to the dictatorial regimes of Latin America but also extended to present-day Czechoslovakia.

The central organ of the CPCS Rudé právo reacted to this gathering with an article entitled "Concerning One Provocation". Apart from other things, it said that the fighter for civil rights, Jiří Müller, "was a party to intentions which cannot be called other than attempted murder. He took part in the working out of a plan for the overthrow of the socialist order in which neither an armed coup d'etat nor the physical liquidation of some public figures were ruled out". J. Müller and other citizens who were on trial with him are described as terrorists and practically murderers. Your gathering is characterized as "anti-communist and provocative", as a gathering "to protect terrorists in the socialist countries".

In actual fact the verdict of the court (criminal case 1 T 18/72, heard before the Prague Municipal Court on 19th-21st July, 1972), on the basis of which J. Müller was jailed for five and a half years, accused him expressly only of one thing: that before the elections in Czechoslovakia he disseminated leaflets which depicted this election as an "enforced plebiscite". [..]

The court found this to be a criminal act of "subversion of the Republic"! This is the only crime for which J. Müller and other political prisoners were kept in a jail whose cruel regime was convincingly described by the prisoners' relatives in a detailed letter to Dr. Husák of 1st March, 1976 (to which they have yet to receive a reply).

A pertinent characterization of this question is given in the Open Letter from Associate Professor Zdeněk Mlynář, CSc. dated 29th October, 1976. "Rudé právo could hardly attack the

French communists for calling for the release of Jiří Müller and other communists if at the same time it admitted why it was that for a good many years Jiří Müller had been a prisoner in our country."

The people who were tried together with J. Müller were released after serving their sentences. They can show the world the full texts of their verdicts from which we have mentioned all the relevant points in this letter. The public throughout the world can thus judge for themselves quite objectively what the current leadership of the CPSC understands by the concept of "socialist democracy", what is the situation in the sphere of human rights whose observance was promised in Helsinki by Czechoslovakia's highest representatives and how those rights, which are expressly formulated in the current Constitution of the CSSR as well as the UN Charter, the General Declaration of Human Rights and the International Covenants on Human Rights also ratified by Czechoslovakia, are being implemented. [..]

We would request you to continue to follow the events in our country with unabated interest and to give us further help towards the victory of the principles of human rights and civil freedoms.

Signed:

Karel Bartošek, Ph.D., CSc., historian; now manual worker
Ing. Rudolf Battěk, sociologist; now manual worker
Ivan Dejmál
Jiří Dienstbier, journalist; now clerical worker
Luboš Dobrovský, journalist; now manual worker
Jiří Frodl, journalist; now manual worker
Professor Jiří Hájek, Ph.D., DrSc., scientific research worker
and politician; now old-age pensioner
Erika Kadlecová, Ph.D., CSc., scientific research worker; now
clerical worker
Associate Professor Luboš Kohout, Ph.D., CSc., scientific research
worker; now manual worker
Dr. František Kriegel, CSc., physician, scientist and politician;
now old-age pensioner
Karel Kyncl, journalist; now clerical worker
Klement Lukeš, scientist; now old-age pensioner
Professor Milan Machovec, Ph.D., DrSc., philosopher, university
professor; now organist
Vladimír Nepraš, Ph.D., journalist; now manual worker
Dr. Jaromír Litera, CSc., scholar and politician; now manual
worker
Jan Petránek, journalist; now manual worker
Slávka Povolná, research worker; now clerical worker
Dr. František Povolný, political worker and researcher; now manual
worker
Jiří Ruml, journalist; now clerical worker
Dr. Gertrude Sekaninová-Čákrťová, politician; now old-age pensioner

Eliška Skřenková, educationalist
Ing. Josef Stehlík, politician; now manual worker
Vladimír Štern, politician; now clerical worker
Jaroslav Suk
Anna Šabatová, Jr., student; now housewife
Professor Ing. Věnek Šilhán, CSc., economist; now clerical worker
Dr. Libuše Šilhánová, CSc., scientific research worker (until 1970)
Pavel Šremer
Vera Štovičková, journalist (until 1970)
Marie Švermová, politician; now old-age pensioner
Ing. Petr Uhl, pedagogue; now clerical worker
Ludvík Vaculík, writer
František Vaněček, journalist; now manual worker
František Vodsloň, politician; now old-age pensioner
Přemysl Vondra, Ph.D.

Prague, 5th November, 1976

French Communist Party leader Georges Marchais declared at a meeting with journalists that the persecution of human rights activists in Czechoslovakia was harming the socialist ideal and that his party profoundly disagreed with it. Marchais said that the French party condemned methods that were reminiscent of the past which "we thought was past". He said that he was ready to discuss problems of freedom with Czechoslovak leaders.

L'Humanité, Paris 26.1.1977

To the Central...3

Seventy-year old Lieutenant-General (Ret.) Vilém Šachr was a full-time officer in the Czechoslovak Army from 1927; he fought in France and Great Britain between 1940-43 and later on the Eastern Front, in the USSR. He graduated from the Soviet General Staff Academy and became a division commander. In the purges of 1951 he was dismissed as an "officer who came from the West" and in 1965 he was rehabilitated. In 1968-69 he had two books of memoirs published. Soon after, in 1972 and 1973, these were included in the blacklist of forbidden literature. When the official campaign against the signatories of CHARTER 77 was opened, Šachr addressed two letters to President Husak. In response there came an order stripping General Šachr of his rank, which meant, apart from other things, a loss of his officer's pension.

Mr. President,

I have signed CHARTER 77 because I agree with its contents. It corresponds with my personal assessment of the situation in our country as well as with my personal fate since the war.

In 1951 I was summarily dismissed from my position as officer commanding an artillery division. My personal belongings were loaded onto two military trucks and we were moved from Mladá Boleslav to Skalce near Ceská Lípa.

First I worked in a factory as an operator of a drilling machine and a press, later in a farmers' co-operative as a forestry worker, and finally I ended up working for the Restaurants and Canteens enterprise.

In 1965 I was rehabilitated and awarded the Order of the Red Star and I was free to continue my career, of course in civilian life. I was then too old for the Army.

After 1968 came the expulsion from the CPCS and I lost my job as manager of the Junior Hotel in Prague and the small room on the sixth floor which I occupied. I had nowhere else to live.

The publishing house Blok in Brno made a binding contract with me regarding the publication of my manuscript The War Ended in Hana. Later they told me: "It cannot be done! A ban has come from above!".

The publishing house Naše vojsko in Prague approved the publication of another of my manuscripts Bloody Easter. The manuscript was returned with the words: "It cannot be done! A ban has come from above!".

My son Vilém, who is an engineer, was expelled from the Party. To the present time he has had to work in an inferior job. The case of my son is still very much alive. I feel guilty and it hurts.

I have signed....1

I know that my fate is a copy of that of tens and perhaps hundreds of other people about whom I perhaps do not even know. I hope that the terrible 1950s will never be repeated and also that all the repressive measures which have been with us since 1968 will be stopped.

And you, Mr. President, can ensure all this.

Vilém Sacher
Lieutenant-General (Ret.)

Prague, 4th February, 1977

I have signed...2

Mr. President,

Some time ago I sent a letter informing you as Commander-in-Chief of the Armed Forces about the considerations which led me, a front-line soldier and Lieutenant-General, holder of the Order of the White Lion for Victory, the Order of the Red Star, Czechoslovak war crosses and numerous high Soviet orders, to sign CHARTER 77.

In the meantime a venomous and unfortunately quite irrelevant campaign has been waged in which all the signatories were indiscriminately labelled as "renegades", "traitors", "hirelings" and even "paid agents of imperialism".

I consider it necessary, for the sake of my civil and military honour, to protest most emphatically against my name being connected with such outrageous and libellous accusations without any substantiation whatsoever. I hereby declare that I have never served any other power, state or grouping of powers, apart from the legitimate representatives and the responsible organs of the Czechoslovak State. I have never sold myself to anyone and I will not, I have never been and will not be anybody's agent. I have not betrayed anything, nor have I fallen away from anything. I have no reason to have a sympathy for imperialism, my father was a poor tailor. More than anything else I love my country and I would like to be useful to her. However, several years ago I was expelled from the ranks of citizens who enjoy full rights, although, as far as I know, I did not commit any offence, apart from that of having my own views about certain things and not being prepared to change them from one hour to the next. Such offences, unlike the worst crimes, cannot be redressed by serving a sentence. One is suddenly condemned forever. An offence of this kind, whether proved or not, affects one as leprosy. It is incurable, it is impossible to escape it. Anyone who comes into contact with those suffering from it is in danger of being infected. We have been entered into some kind of secret lists as inferior human material and from then on the ceilings above our heads are lower than over other people's. We are not allowed to do many things, like the black men in some white man's countries. In my own case, I was not allowed to work as manager of the Junior Hotel in Prague despite the fact that even now I still have the capacity to do so. No publisher will accept any of my books although they were judged favourably and considered as positive contributions to the military history of our national liberation struggle. In other cases, people may not be able to get any job other than wielding a shovel regardless of whether it suits their state of health and physical fitness and in spite of education and skill. Yet others are very efficiently prevented by their superiors from earning more than was secretly prescribed, no-one knows by whom. Another person is vexed with remorse since, because of him, his child, although gifted and achieving excellent school results, is trying in vain to be accepted to a certain school. The fact that the father was expelled from the Party for a certain view, which he may no longer subscribe to, is a permanent and insurmountable handicap.

I have signed...3

In the campaign against us it has been said many times that all the citizens in our country have enough legal possibilities to express their views and exercise their rights. I wish to inform you, Mr. President, that a man who is afflicted by this special kind of leprosy is not given such possibilities. I myself, for example, have written directly to you and to the CC CPCS twice or three times concerning my problem. I have not received a single decent answer. [...] A clergyman in the Middle Ages who found himself anathematized had more chances to explain his attitude, perhaps even in Rome, if necessary.

What chances has an anathematized man today? Unfortunately I no longer saw any other opportunity to have my voice heard than to put my signature to CHARTER 77. Naturally, I did so in the full belief that I was not doing anything against the laws of this country.

The fewer people feel they have leprosy, the stronger and happier this country will be. That is my wish.

Vilém Sacher
Lieutenant-General (Ret.)

Prague, 25th March, 1977

Extract

from an Order of the President
of the Czechoslovak Socialist Republic
concerning personnel and cadre matters

No. 04

Under Article 6, para. 1(b), No. 76/1959 of the Collection of Laws, concerning some matters of military service, Vilem Sacher is hereby divested of the rank of Lieutenant-General in Retirement.

The above-named is registered in the District Military Headquarters in Prague 2 (Municipal Military Headquarters Prague, CVO 200). He was born on 17th February, 1907 in Prostějov.

In accordance with Article 8, para. 1 of Law No. 62/1962 of the Collection of Laws, concerning the award of distinctions, I divest the above-named of

all his military distinctions

and in accordance with provision 7 of Law No. 62/1962 of the Collection of Laws, concerning the award of distinctions, I do not allow the afore-named to wear the distinctions of other states.

Prague, 24th March, 1977

I have signed...4

From a letter dated 25th January, 1977 from Ludvík Vaculík, the writer, and a signatory of CHARTER 77.

That night I managed to tell a correspondent in Vienna that the interrogations of the CHARTER 77 signatories were being conducted correctly and the following morning they disconnected my telephone. Then they confiscated my driving licence under the legitimate pretext that I am shown in it to have no beard, and it didn't help me in the least to object that since last spring they have had an application for a bearded licence sitting at the inspectorate. After CHARTER 77 was made known publicly, someone phoned to tell me that he would lie in wait for me and finish me off somewhere in a backstreet or, alternatively, that I'll be flown out of the country strapped to the wing of a plane. I reported this as blackmail and premeditation of a murder or an abduction abroad. It has been two weeks now and I have still not been called on to make a statement. And yet, I believe the investigation would not be entirely without avail: it was someone who owns a plane. But I have long since realized that the law functions in one direction only. It will soon be two years since a group of men appeared at my door, produced a warrant for a house search and subsequently confiscated a great many things, among them photographs and a large number of negatives. The most malicious of all was a man I knew - God forbid me for saying this - from the Headquarters of the State Security Police. I protested on the spot and later in writing but all in vain, despite the fact that these men had overstepped the bounds of the warrant which explicitly stated that they were to look for subversive literature. In this way they exceeded their authority (Article 138 of the Penal Code), and were guilty of oppression (Article 236 of the Penal Code) and robbery (Article 234 of the Penal Code). I have only known such things from the cowboy stories which I used to read with relish as a boy: a gang of thieves is terrorizing a whole district and the people are powerless because the gang includes the treacherous local sheriff.

Last September, a few weeks before the elections, I was summoned to the State Security Headquarters. I arrived there and who do I see among the three gentlemen there - the bogus sheriff! First, one of the kinder gentlemen suggested that I said farewell to Wyoming; they themselves would provide a fast steed. When I said no, he asked me to stop organizing the Petlice Samizdat and the feuilletons. I retorted that there was nothing illegal in either; that, on the contrary, they are the result of the illegal suppression of ideas and literature. At this point the bogus sheriff joined the discussion. He put a folder on the desk, tapped it with his fingers and

That night...1

said proudly: "I have been working on it for nearly two years, Mr. Vaculík". Then he opened the folder as I stood there. I think that at that moment many a wise man in my position who cares for his family, friends and his good name, would gladly have said farewell to Wyoming. I was overcome by such a fit of dejection that I wanted to fall seriously ill there and then and thus avoid the need to make decisions. But I stood there hopelessly outnumbered and armed only with my health and sheer anger. I delved into my emergency reserves, stood up straight and courageously answered the blackmailers: "If you dare to do this, I will write about it in such a way that it will be you who come out of it as the dirty ones in the eyes of the world, because I know how to do it". Even later, breathing fresh air, and in the following weeks, I did not think of anything better I could have done. If I want to maintain my integrity and prevent the robbers intruding upon the heterogenous components of my personality, I must defend myself as a single entity, as I am, with both my upper and lower beards. All I could perhaps do was to tell my family and friends. I did so and we were all saddened.

If I am using such words as brigands, then it is only out of prudence. I do not want to anticipate the investigation of the whole affair and say that they were members of the State Security Police. I find it hard to believe that any state organ could behave like that. That is why, after this event, I decided to ask for an interview with the Federal Minister of the Interior so that I could tell him how things were. It was before the election and he was running as a candidate in our constituency. If he receives me as my deputy, I said to myself, I will vote for him. Until now, however, I have not received any answer. One of the bandits must have stolen it.

On the 6th January we announced CHARTER 77 and the burglars appeared on the very same evening. The bogus sheriff announced me arrested, ex abrupto and without any authorization; he took away the keys to my flat, searched my pockets and stood a gunman with a cartridge belt over his sweater at my door. Again they were helping themselves to anything they fancied: manuscripts, savings books and even the Collection of Laws containing Ordinance 120 which announces that the International Pact on Civil and Political Rights has come into force in our country. There followed a week of interrogations during which my hopes were raised that the law was being respected: a real investigator from the State Security Police did not claim that my signing of CHARTER 77 constituted any criminal offence. He only wanted to know whose idea it was, who the author was, who was collecting the signatures and the like. At noon we were always given lunch and a coffee afterwards. "You are a guest of our office", he said. It was only in the evening when I came home that I learned what was happening outside. The bandits had obviously penetrated into the TV network and all editorial offices. They did not have a good word to say for us, they were driving us away from

That night...2

our homeland, denying us our citizenship as well as the brains in our heads, accusing us of treason, mocking us for being bad writers, demanding our punishment, blaming us for relations with British ambassadors of ill-fame and least but not last they informed us that we would not be served with beer in the Prague suburb of Čakovice. Friends told us that some CHARTER 77 signatories had been dismissed from their jobs; four signatories, Vaclav Havel among them, had fallen into captivity, and that some madman had tried to shoot Pavel Kohout in the street. Frankly speaking, only those of us who were being interrogated at Ruzyně felt safe. Once when we were being let out into the evening twilight, the septuagenarian Professor Patočka said with a sigh: "Back to that jungle again!".

I intend to take court action against the bogus sheriff for a number of criminal offences. Further I am taking legal steps against the magazine Ahoj. But I do not know whether I will be able to find a lawyer, with that gang of brigands masked by the law sweeping through the land. Who could possibly undertake my case? Some lawyer who lives out of the gang's reach! But he must be a Doctor of Czechoslovak Law, that is essential! There's only one such that I know of*. No bandit would dare to take him on. He also knows about me because I have already written to him once. Please, could those of you who are fully dressed pop over to him and tell him everything? I somehow cannot at this particular moment.

* Reference to the President of the Republic, Dr. Gustav Husák

That night...3

Almost all of the 48 letters I received between 27th and 28th January, 1977 urged me to leave this country as soon as possible; some of them even want me to do so before the 31st January, i.e. by tomorrow. Some unknown malefactors threaten me with physical violence and very often even with actual physical liquidation if I do not leave. I do not want to go into the political aspects of this matter, but would rather keep to the line which is within the competence of the State Prosecutor's Office. Concerning the former, I would like to draw attention to just one thing: what has happened is an immediate and, in many letters, a particularly aggravated reaction to a television programme about me broadcast twice on 22nd January, 1977. But the main and most disturbing thing is that several sets of these letters - judging by the postmarks - were posted at the same post-offices and at the same time: this makes me suspect that organized groups are involved. I therefore require that in accordance with Article 7/1,219 of the Penal Code the State Prosecution opens a criminal case against these unknown malefactors for threatening an individual with violence.

Pavel Kohout

Prague, 30th January, 1977

Some quotations from letters received by Pavel Kohout. They were enclosed as part of his report to the Prosecutor General's Office.

...I am warning you, give it a rest or we will deal with you, you swinish bastard!

...You corrupt whore...prostitute...you will end up like a pig at a slaughterhouse...

...You stinking Jewish bastard...you son of a bitch...you swine... you son of a Jewish whore...

...You shit of a pig...Such an ass...or do you want someone to crack your head with a brick...I wish I could see you with a smashed mug and a knife under your shoulder blade...You should take better care of your person, watch it and keep a good look-out because you never know what might be waiting for you around the next corner...I would love to see you fall into a lump of shit with that snout of yours.

Prague, 30th January, 1977

I am warning you...1

After the Czechoslovak TV broadcast of 21st January, 1977 which combined shots of my house with suggestions that I should leave my Fatherland and go to my imperialist paymasters, the postman, who normally does not bring anything, delivered 48 threatening letters to me in the course of two days. From the examples I am enclosing it is evident that they have been written in a style which strongly resembles the pogroms of the 1930s against German Jews and intellectuals. Some of them, for instance the eleven letters from Pilsen, were posted at the same post-office, two further sets even at the same time. In all of them I am urged to leave the CSSR under threat of physical violence or even actual physical liquidation. They are giving me the 31st January, 1977 as the deadline.

Apart from the legal steps I am taking to find out who the offenders are and to have them prosecuted, I am also sending this information to the Czechoslovak governmental authorities.

Persistent police surveillance, maintained with the help of numerous cars and personnel, makes it impossible for me to distinguish who - for reasons unknown to me - is doing his professional duty and who might have other intentions.

I hereby appeal to all leading Czechoslovak journalists and in particular to the Director of Czechoslovak TV, Jan Zelenka, to exert an instructive influence against the spirit of hatred they themselves have helped to provoke. Should this hatred get out of hand even in one single instance, they will be responsible for it.

Pavel Kohout

30th January, 1977

In the first half of February 1977 the intensive, centrally directed campaign against the signatories of CHARTER 77 was stepped up and took the form of attacks against individual signatories at their places of work and in their homes, during which they were asked to emigrate to the West. As an example there follows one of several dozen of such documents.

Revolutionary Trade Unions:

The Works Committee of the Revolutionary Trade Unions Branch at the Research Institute of Antibiotics and Biotransformations in Roztoky u Prahy

Mr. Sedláček,

From the very beginning of the process of building socialism in our country there have been people who have not wished it well. However, we have always adhered to the principle that such people must be patiently re-educated and all of them given the chance to be persuaded. The result is that the whole of the nation has the aims of socialism close to their hearts and all the people work and live for their implementation.

Despite this, a group of hirelings has appeared who, under a variety of slogans about democracy, besmear our common work and our country. They call for democracy and the capitalist freedoms and in their so-called CHARTER 77 Manifesto they have demonstrated by their signatures their anti-socialist and anti-social stand. You too are one of these signatories.

We wish to let you know what we think of it: If you do want Western democracy, make use of the Austrian Chancellor's offer. Our democracy will enable you to do that. We can get by without you.

Stamp: Number of Organization 22-0699-4110
Works Organization of the Revolutionary Trade
Unions - Union of Health Service Employees
Works Committee
Research Institute of Antibiotics and
Biotransformations
252 63 ROZTOKY u Prahy, Prague-West District
(Illegible signature)
Members of the Works Committee of the
Revolutionary Trade Unions
(11 illegible signatures)

Roztoky u Prahy, 2nd February, 1977

A journalist describes his harassment by the police from 1969 to the present date. His experience includes imprisonment, persecution, job victimization and physical attacks, all in spite of ill health and utter lack of substance in all the accusations hurled at him. This case exemplifies treatment to which a number of Czechoslovak journalists have been exposed after the suppression of the Prague Spring.

Dr. G. Husák
President
Hradčany Castle
Prague

Mr. President,

Since 1969 both I and my family have been subjected to constant persecution and chicanery by, in particular, the organs of the Ministry of the Interior. In writing this letter I am requesting you to order the cessation of these repressive actions, which are at variance with the laws of this country. The harassment began in the summer of 1969 when, without any justification, I had my passport taken away from me. Since that time I have constantly been persecuted and interrogated by the State Security Police. Several times I was both directly and indirectly threatened by them (one of the many police officers involved introduced himself as Pokorný). The fact that he was a member of the State Security Police was confirmed by his presence at one of my interrogations at Ruzyně. Towards the end of 1971, despite my being on partial disablement pension, I was dismissed from the Faculty of Social Sciences and Journalism of Charles University in Prague, where I had worked to the full satisfaction of my superiors as a research worker. On 31st January, 1972, after a house search (during which nothing irregular was found), I was arrested and taken to Ruzyně prison. Here I spent six months in so-called detention on remand. The arrest was made by Major Schtreisbier and Captain Cibulka. During these months I received three successive notifications of prosecution for a criminal offence (always according to Article 98 - subversion against the Republic). They were signed by the Procurator Dr. Prokop despite the fact that it must have been clear to him that the State Security Police were still trying to find some reasons for my detention. The first notification of criminal proceedings was substantiated by my signature under the "Ten Points", addressed to Czechoslovak political and state organs; the second by my friendly contacts with J. Hochman; and the third by the fact that the friends and acquaintances who visited me during my illness included Associate Professor M. Hušbl. When I was later being released from jail, these

Dr. G. Husák...1

notifications were confiscated from me. On the night after I was arrested I was immediately subjected to repeated interrogations (contrary to our law). The afore-mentioned member of the State Security Police, Pokorný, again threatened (contrary to our law) that they had stacks of material against me and that he will know how to deal with me. During one of the continuous interrogations I collapsed. At the beginning I spent about a week in solitary confinement (at variance with our law). Both the investigator Schtreisbier and the Procurator Prokop were forcing me to a confession, although until this day I do not know what it was I was supposed to confess to. Throughout my detention no regard was taken of my state of health (at variance with our laws). At that time I wrote a letter of complaint to the President of the Republic. In content it was analogical to the present one. I did not receive any answer or confirmation of its receipt. Most probably it was not even posted although a prisoner before trial has the right... [...] At the same time, on orders from the Prison Governor Major Švarc, I was shackled with my arms close to the body with chained manacles. I was kept in this "philanthropic device" day and night. During meals and while using the toilet they were of course supposed to be removed. I need not emphasize that any inadvertent movement of my arms meant that the manacles cut into my wrists. For many months I had the marks from them. This "device" was given me despite the fact that the jailers knew of my state of health (at that time aggravated by attacks of dizziness). One night I felt unwell, stood up, became dizzy and, being tied, could not prevent myself from falling... When I came to, someone was rubbing my face with a wet cloth. The door of the cell was open. I had a bad pain in one of my temples and I was vomiting incessantly although there was nothing to vomit since three days previously I had gone on hunger-strike. This happened at night and it was only towards the evening of the following day that, after the intervention of a doctor, I was taken to the Pankrác Prison Hospital. In the following 48 hours I had my head X-rayed several times. I had the feeling that I was being given a brainwash rather than treatment for concussion. Later at Pankrác I was force-fed. The nurse would always pull the tubes out of my nose cavity very abruptly, which caused heavy bleeding for several months after my release. Although this was the recommendation of proven experts, it took two months before I was actually released. And do you know, Mr. President, what reasons were given by the Procurator? "Family reasons!" Needless to say the detention seriously aggravated my illness (this can be proved by medical reports).

Immediately after my release I was taken to a hospital. After two months' treatment I had to go to work because I was not paid any sickness benefits. Documents on this are in the possession of MUDr. Kočárek from the Administration of Health Institutions in the Corrective Education Board. In addition, on my release from prison I was asked to pay more than Kčs 4000

for my upkeep in prison. For two months I worked in a garage earning Kčs 970 per month. Throughout this period and even before I was applying for jobs; after about thirty unsuccessful applications I started as a road worker. Later when doctors found that this work was harmful to my health, I was given the job of a driver. Even after my release the State Security Police did not stop harassing me. I was followed, summoned for interviews with them, telephoned, etc. To put it bluntly, I was being intimidated. In May 1975, during one of my interrogations at Police Headquarters in Bartolomějská 7, I was even offered the chance of emigration (this was also incorporated into the deposition). Both I and my family refuse to emigrate. I was born here and it is my right to die here as well.

You will understand, Mr. President, the feelings with which I welcomed the Helsinki Agreement and the fact that our Government signed the International Covenant on Civil and Political Rights. In view of all the afore-mentioned persecution and motivated by the wish that what happened to me must never be allowed to happen to others, I decided to sign CHARTER 77. But at the present moment the situation is again repeating itself (contrary to the laws of this country and international pacts). I am subjected to constant persecution by both State and Public (uniformed) Security Police just because I differ in my views and attitudes. After an interrogation at Ruzyně I was summoned to the Traffic Inspectorate of the Public Security Police in Prague 4 where all my documents, including my driving licence, were taken away from me. The same has happened to all the signatories of CHARTER 77 living in Prague 4. I hope that you will take steps to ensure that the confiscated documents are returned to me. Since I am now a van driver and my documents were confiscated, it seems that after my illness I will be prevented from continuing even with this job. In view of the fact that I have no guarantees that this type of persecution against my person will not be repeated, I appeal to you to help me secure a position in keeping with my qualifications and my state of health. I have degrees from two Institutes of Higher Education, the Philosophical Faculty of Charles University - in sociology, and the Institute of Political Science - in journalism. If you are unable to secure a job for me, I demand permission to accept employment abroad. I protest against the discrimination against myself and my family and draw your attention to the Czechoslovak Constitution, the Helsinki Agreement, and the International Covenant on Civil and Political Rights which came into force on 23rd March, 1976. I hope that I do not have to describe in detail the conditions in which my family lives and the psychological atmosphere in which my son is growing up. I hope that you will understand my situation and my fears as a result of your own experience with the State Security Police.

Hoping for a speedy and favourable answer to my application,
I am

Yours truly,

Dr. Vladimír Nepraš
Bítovska 1227
145 00 Prague 4

Prague, 5th February, 1977

Dr. G. Husák...3

Dr. Nepraš follows up his previous letter to the President by one to the Minister of the Interior, detailing a case of petty chicanery to which the police subjected him on the day of Professor Patočka's funeral. He repeats his request to be allowed to emigrate: he cannot find a living and a sense of security in his own country.

Dr. J. Obzina
Federal Minister of the Interior
Obránců míru 85
Prague 7

Re: Complaint and Request

Mr. Minister,

I wish to lodge a complaint about the methods of surveillance and objectionable behaviour by the police towards me. Early in the morning of 16th March this year, just after 6 a.m., someone rang the bell of my flat. When I answered the door I saw a stranger. When I asked what I could do for him, he said he wanted to know whether I was in. He could see I was. He told me he was from the State Security Police. I found it suspicious that he was on his own, my experience is that they usually come in larger groups. Therefore I asked him to show me his identity card. He took out a wallet, opened it and put it back in his pocket again. I asked for his name or identification number. He retorted that it was none of my business. I therefore rang my neighbours' bell to ask their help in identifying the individual. He ran away like a naughty boy. The members of your police force are obviously ashamed of their profession. After this incident I got dressed and left for my regular medical check-up. Three of your police, including the one mentioned above, stood in front of the house; another policeman was sitting in a light blue car SPZ AO 15-79, altogether four persons plus a car. Three of them accompanied me on the underground as far as the surgery and waited for me outside the waiting-room. This was rather annoying for the other patients. After the medical examination they again accompanied me back home. Then they stood at the door of my flat; they kept on ringing and, most probably, they are still there at this moment.

Let me remind you of the date this incident took place: it was the 16th March, the day of the funeral of a man you know very well yourself, Professor Jan Patočka, one of the spokesmen of CHARTER 77; that means that he was also my spokesman. I can assure you that if I had not been ill for quite some time now, I would have gone to pay my last respects to this man of great wisdom and honour. I feel sad when I see that our,

Dr. J. Obzina...1

I mean your, security police is afraid even of funerals. What has become of this country if your police have to intimidate or prevent people from paying their last respects to a deceased person? It is abominable!

And now concerning my request. More than a month ago I lodged a complaint with the President, Dr. G. Husák, in which I described many other cases of similar behaviour on the part of your institutions and officials in the distant as well as recent past. Unfortunately, I have not received any answer. In view of the fact that I am not allowed to hold any job in this country (I had worked as a driver and my driving licence was taken away from me), and since I do not feel safe vis-a-vis the members of your police, I hereby apply to you as Federal Minister of the Interior for a passport so that I can find a living and security elsewhere.

Yours sincerely,

Dr. Vladimír Nepras
145 00 Prague 4, Bitovska 1227

16th March, 1977

Dr. J. Obzina...2

The signatories of CHARTER 77 are treated by the Czechoslovak police with special brutality. There are numerous personal testimonies and detailed documents to verify this. Below is one of them, a complaint by Jiří Ruml, one of the many journalists banned from their profession.

The Minister of the Interior of the ^vCSSR

Re: Complaint

Mr. Minister,

I wish to complain about the manner in which my wife, Jiřina Hrábková, and I, Jiří Ruml, were summoned as witnesses with regard to CHARTER 77.

On 13th January, 1977 at 4.45 a.m. my wife was woken up by members of your police, served a summons which had not been properly drawn up, and ordered to follow them. As her husband I reminded them that my wife suffers from a heart condition and asked them to take that into account. While it was still dark the members of your police led her (one of them walked by her side and the other followed at a distance of five paces) to the Vršovice district police station. After a prolonged wait she was taken to Ruzyně in a police car and had to wait there again for a considerable time. After an interview she was not offered any transport back to Vršovice. I repeat that she is a 52-year old woman suffering from a heart condition, a circumstance of which the members of your police were reminded. If this is the normal way of summoning people as witnesses, then of course I should not be complaining.

I was visited by your police on 14th January, 1977 at 5.30 a.m. and handed a summons. Since it was not fully made out I refused to follow them and wrote on it in my own hand why I was refusing to do so. I was ordered to follow the police in the name of the law and told that if I refused to obey, they would use force. (Witnesses: members of my family). I insisted that the summons must at least state when I should appear for the interview. The answer was: immediately. Since this instruction was not given in writing, one of the policemen drove back to the district station where the word "immediately" was added. This requirement of mine was qualified by one of the policemen as obstruction. When we arrived at Bartolomějská Street and were looking for the building where I was to make my statement, on the stairs of one of the buildings we met a young man in civilian clothes (age about 27, height 170-175 cm, wavy brown hair, with a jumper under his jacket). He exchanged friendly greetings with one of my police entourage (it was the driver of the Volga police car which brought me from Vršovice) and in the course of the conversation he moaned: "I have been here since six o'clock yesterday... a good taste of the whip, that's what they need".

At that moment I did not yet have any idea who he might have in mind, I could only suspect that he was in charge of the drilling of police dogs, but I am not quite sure whether one uses the whip for that purpose. After a while, during which time he managed to intimate that he had not yet got married, he turned to me: "A client? Also one of that CHARTER? As I said, you need a proper taste of the whip!" I said I would not respond to such remarks and that I would not give my testimony on the stairs and to him. He burst out: "You are nothing but an anti-state group and you make me puke. As I said, you need the whip...!"

When I was handed over to the appropriate department for the interview, I asked one of the police (the driver) if he was prepared to testify to what his friend had said to me. He answered that he only knew him by sight and that he no longer remembered anything. (This was about 5-10 minutes after the event). The other policeman, who was not present during the conversation on the stairs because he was looking for the appropriate office, remarked referring to me: "From the very beginning he has been doing nothing but causing obstructions". I said that I was only insisting on my rights.

In the office where I was requested to make my statement, I asked whether I could voice my complaints and whether they would also be included in my deposition. The correct answer (from 2nd Lieut. Kinkal?) was that it was not the object of my being summoned. After the deposition had been typed I asked again, before signing it, whether any notice would be taken of my complaint because I considered the behaviour of the stranger (?) on the stairs as intimidation of a witness and threatening him with violence; I was advised in a correct manner to lodge the complaint with someone else and in a different office. I said I would make my complaint in writing to the Minister of the Interior which I am doing herewith.

Unfortunately I am not sure whether someone honest enough will be found among the members of your police who would be prepared to confirm all these facts; nor do I believe that this complaint will be of much use but I am writing it to let you know what sort of people you have among your staff. I am already well aware of it after the afore-mentioned experience.

Jiří Ruml
Kremelská 104
Prague 10 - Vršovice PSC 100 00

14th January, 1977

One of the many examples of chicanery against Czechoslovak citizens, human and civil rights activists, by the political police.

To the Commission of Enquiry of the
Czechoslovak Federal Ministry of the Interior
Obránců míru 85
Prague 7

Re: Complaint

Please find enclosed the description of an event we witnessed on the night of 18th to 19th February. We are willing at any time to bear testimony concerning any of the circumstances of this event.

Since we feel that members of the police force perpetrated an injustice against us, we are hereby lodging a complaint against them. We fear that if we passively allowed the police to treat us in this manner, we would risk being threatened in the same way in the future, and just because we have long hair. We would like to emphasize that the police acted against us without any legal cause or provocation on our part.

Jan Placák	U Vojenské nemocnice 1200, Prague 6
Karel Fort	Pohořelec 23, Prague 1
Jaroslav Srnec	Maříkova 193/2, Prague 6
Karel Davídek	Zárybská 688, Prague 9
Tomáš Douša	Karlova 24/174, Prague 1
Tomáš Kuča	U akademie 13, Prague 7
Řádek Vaškovič	Letenská 4, Prague 1
Ivan Duchon	Lovosická , Prague 9
Petr Tomášek	Solidarita A-322, Prague 10
Vladimír Kovařík	Nad Kajetánkou 3, Prague 6
Jiří Lejnar	Jilemnického 10, Prague 6

Prague, 26th February, 1977

To the Commission...1

On 18th February, 1977 in Jablonec nad Nisou the police gravely abused their power and committed a number of illegal acts against a group of young people.

A married couple, Jiří and Naša Vaněk, both costume jewellery workers, approximate ages 24 and 20 respectively, own a small house at Jablonec IV, Čsl. armády 69/147. On 18th February they were giving a party to celebrate a family anniversary, to which they invited several friends from Prague. Among them were five grammar school students (in their final year), two university students and six workers. In the local restaurant they were all joined by about seven of the host's local friends. After their return from the restaurant this group of young people were enjoying themselves in an entirely correct and innocuous manner in Mr. and Mrs. Vaněk's house. Around midnight a number of policemen, some of them with dogs, broke into the house and asked to see the identity cards of those present. The cards were collected and the police took them away. Later they returned and demanded that everybody went with them to the police station. One of the students asked for an explanation, saying that none of them was aware of any illegal behaviour on their part. The answer was that they were being taken into custody in accordance with Article 44 of the Law on the National Security Police. When this student, Jan Placák, asked another question about the nature of the criminal offence allegedly committed, he was violently assaulted. He was dragged out of the room, hit in the face and on the back with a truncheon, then pushed down the steps and kicked. Apart from bruises, an injured spine, and a cut under one of his eyes he also had three teeth partly broken. Another of the victims was also beaten with a truncheon on the way to the police car. A man in civilian clothes asked him if he too did not know the cited penal article. When he answered that he was not aware of committing any criminal offence, he was struck by several members of the police, who formed a line from the house to the car. All those who were present in the house were gradually taken away for interrogation. For several hours they were kept facing a wall with their hands behind their backs and one by one summoned for interrogation. Again they were not informed of the nature of the interrogation, nor were they advised of their legal position; in the majority of cases they were not even asked to sign their statements. The interrogation was accompanied by gross abuse, insults, provocative behaviour, threats and even blows. Before the interrogation each of the victims was subjected to a personal search and after the interrogation they were photographed. In the course of the interrogation some of the investigators' remarks suggested that such action was being taken because these young people had long hair and consequently the police automatically assumed that they formed a group which was taking drugs and had a "leader". The interrogation was conducted by plainclothes policemen. At around 4 a.m. all those detained were individually released and had their identity cards returned. Before their release all

To the Commission...2

those from Prague were ordered to go back to Prague individually without collecting their things from the Vaněks' house because "in the North the police were tough and were not going to shilly-shally with anyone as they do in Prague". The injured Jan Placák went to an emergency clinic for treatment but there was no doctor present and he was refused medical help. At the station some of the guests met the host's brother, Jaroslav Vaněk. They asked about the things they had had to leave behind, in particular about the 40 LP records which they had brought from Prague. They learnt that when there was no-one in the flat it was searched and various things were taken away, among them the records and, as far as could be seen in the disorder left after the search, also some books (e.g. by Škvorecký)*, and also, most probably, a typed copy of CHARTER 77 (documents 1, 2, and 3, and eight new signatures). ...

* Czech writer living in Canada.

The British Communist Party daily, Morning Star, criticized in its issue dated 19 January, 1977, persecution of Czechoslovak human rights activists. A front-page editorial said the paper was "gravely concerned," adding that abuses and the language of the witch hunt were no substitute for democratic debate. It added that it was difficult to imagine that the Charter could be regarded as subversive since it called for observance of the United Nations declaration on human rights and the civil rights provisions in the Helsinki agreement. The paper criticized denunciations of the Charter by Czechoslovak workers who had not even read the document they were attacking.

In a statement published in the same paper on January 21, 1977, the political committee of the British CP urged the Czechoslovak leadership to release detained human rights campaigners and to end the harassment of others. The statement pointed out that the origin of the present events dated back to the military intervention by the Warsaw Pact powers in 1968, which took place "against the wishes of the Czechoslovak government, the National Assembly, and the leadership of the Communist Party of Czechoslovakia."

In March 1977 Dr. Jiří Hájek, a spokesman for CHARTER 77, lodged a complaint with the Minister of the Interior against illegal methods of police surveillance and against his being prevented from meeting a Danish tourist. Similar things have happened even to lesser-known signatories of CHARTER 77. Below is a slightly shortened version of the text of the complaint.

Dr. J. Obzina
Minister of the Interior of the CSSR
Prague

Mr. Minister,

I am forced to turn to you, as a competent constitutional functionary, with a question. Since 25th February, 1977 I have been molested by several persons who have indicated that they are members of the State Security Police although they did not introduce themselves as such or give any proof of their identity. On what legal grounds is this surveillance being conducted?

Since 25th February, every day from about 7.15 a.m. until late at night, a Tatra 603, registration number ABB-86-38, usually containing three people, has been parked close by the gate of my family's house at 11 Kosatcova Street. Every time I go out I am followed at close range by two of these individuals as well as the car, although the walks are usually very short, not exceeding 100 metres, to the supermarket, the post-office, the polyclinic and the like. As long as they restrict themselves to an accompaniment of this kind, I do not complain, it is not my responsibility to think of what impression it must be making on the people in the area. But it seems that the afore-mentioned persons do not intend to restrict themselves to these actions. Maybe they have even been ordered not to, and it is for this reason that I am addressing this query to you. With the legitimate aim of keeping in good health, almost every day for 25 years I have been going for a walk and a jogging run of several kilometers. [...] When I set out on this regular walk on 25th February at about 5 p.m. I was followed by the car and the two men on foot. They later got into the car. They overtook me several times along the two kilometer route, attempted to prevent me from continuing my run and categorically forbade me to do any further running. When I wanted to know the legal grounds for such a wilful prohibition they replied that I must submit to their orders, threatened to "trip me up" or to do "we'll see what" and then one of them, I can identify him, squirted some smarting liquid into my face which left an unpleasant feeling in my eyes which are very sensitive; since my detention by the Nazis (1940-1945) I have repeatedly suffered from heavy bleeding into the eye retina. This behaviour of men passing as members of the State Security Police was watched by a number of pedestrians and drivers along the road from Zahradní Město to

Dr. J. Obzina...1

Hostivar. The surveillance continued on Saturday 26th and Sunday 27th February. I went with my family to our country cottage in Krhanice, in the Benešov District. I was followed on the train and the same car stood continually at the entrance to the grounds of the house, except during the night.

On Saturday afternoon I was visited by a Danish tourist who said he had been referred to me by my former Danish and Norwegian fellow-prisoners, members of the anti-fascist resistance movement of 1941-1944. Shortly after his arrival a police car drove up to the gate and, without my authorization, two policemen came onto my piece of land and demanded to be allowed to enter the house though they had no warrant from the Procurator or any other document justifying such an intrusion. Despite protests by myself and my guest, his documents were checked and he was detained and taken to Prague for interrogation, without being given one single legal reason for this detention. If this was supposed to be a practical example for foreigners and my guest's Embassy of how our country abides by the International Covenant of Civil and Political Rights, in particular by Articles 12 and 13, and the relevant part of the Helsinki Final Act, or if it was to demonstrate how mild the criticism voiced in CHARTER 77 was when compared with reality, it could not have been done more efficiently. In my opinion the case is regrettable and I am hereby informing you of it. In conclusion let me repeat my query about the legal grounds for these actions by the police. ...]

Dr. Jiří Hájek

Copies: Praesidium of the CSSR Government
Praesidium of the Federal Assembly

Prague, 6th March, 1977

A letter of complaint to the Federal Minister of the Interior concerning a prohibition to attend a funeral.

Mr. Minister,

In accordance with Article 29 of the CSSR Constitution, I am hereby turning to you to request an explanation for the strange behaviour of members of your department.

On 16th March this year at 8.35 a.m. when my wife and I were leaving our flat to attend the funeral of Professor Dr. Patočka in Břevnov, we were stopped by a Tatra 603, registration number ABK 96-38, the same car that is permanently parked outside our house and which follows me with its crew whenever I go out. The people who got out of the car, and who had already indicated that they belonged to your department, informed me that I must not attend the funeral and that I would be prevented from doing so. When I asked what legal justification they had for this action they did not answer directly but made it clear that they were ordered to prevent me from attending the funeral. When I suggested that it was illegal they replied that I could complain "later".

In view of the fact that I was not informed who had issued the afore-mentioned order I am forced to turn to you, as - to my knowledge - the only responsible representative of the department whose organs undertook this action, and to request that you inform me of the legal justification and the reasons for such a measure which substantially infringes on my right to free movement safeguarded by the Constitution and by other laws; apart from other documents this right is to be found in the International Covenant on Civil and Political Rights which, as you must know, has been part of our rule of law since 23rd March 1976, i.e. for nearly a year now.

Preventing a citizen from such an elementary and basic expression of human decency as attending the funeral of someone with whom he has had friendly relations (sufficiently known to your department) is unlawful, criminally punishable as an act of oppression and, on the human level, embarrassing, to put it very mildly. Orders issued to this effect by anyone would indicate that they consider themselves above the law of this state, entitled to issue and carry out all kinds of illegal actions while the victim is graciously given the right to complain "later", i.e. perhaps after he is dead. Such practices must lead one to conclude that we are reverting back to the violations of socialist legality of the 1950s, which have been condemned many times in our country since the 20th Congress of the Communist Party of the Soviet Union. It also offers a strange illustration of how the relevant authorities conceive the implementation of the Final Act of the Conference on Security

In accordance with Article...1

and Co-operation in Europe (especially Point VII of the Principles) also signed by our Republic, and the appeal of the Conference of European Communist and Workers' Parties of June last year for strict adherence by all the European states to the International Covenant on Human Rights.

J. Hájek
Kosatcova 11
106 00 Prague 10

Prague, 16th March, 1977

On January 11, the British CP daily Morning Star carried a statement by the British CP's Assistant Secretary Reuben Falber demanding an end to the harassment of the Charter 77 signers and calling for the release of the human rights campaigners detained in Czechoslovakia. On the following day, the Italian CP daily l'Unità printed an unsigned, 200-word article on its front page stressing that the Czechoslovak police moves against the signers of the charter did not accord with the demands for freedom and the ideals of socialism. The Italian CP denounced "with firmness" the searches and interrogations to which the signers had been subjected. The article said that Charter 77 brought up problems that were the aftermath of the lacerations of 1968 and that still awaited solution. To respond to a request for a dialogue on human rights by police operations meant an aggravation of the wounds opened nine years ago by the invasion of Czechoslovakia.

On 13 January 1977, l'Unità published another protest against repression in Czechoslovakia on its front page. Six leading Italian communist intellectuals, including three members of the Italian CP CC, expressed their "grave concern" about the restrictions imposed upon exercise of political and civil rights. They criticized the obstruction of freedom of research, expression, publication, and discussion in Czechoslovakia and the denial of fundamental individual and collective rights in the country. The Italian intellectuals appealed to the rulers of Czechoslovakia and the countries that invaded it in 1968 to stop their repressions. Among the signers, all of whom are university professors, was the prominent communist intellectual and PCI CC member Lucio Lombardo Radice.

In accordance with Article...2

Report of a criminal offence submitted by a Czechoslovak citizen, formerly a political prisoner, on a breach of medical ethics committed by two doctors against a woman who signed CHARTER 77.

JUDr Jaromír Prokop
Senior Procurator
Czechoslovak State Prosecutor's Office
Department of Anti-State Crimes
Nám. Hrdinů
Prague 4

Re: Report of a Criminal Offence

This is to report that on the morning of 31st January, 1977 the head doctor of the Česká Lípa OÚNZ (District National Health Centre) Hospital, MUDr. Emil Brož, discharged a pregnant woman, Mrs. Ivana Hyblerová, née Šimková, although he knew that her state of health required hospitalization; at 1 p.m. on the same day he cancelled her medical certificate and instructed her that she must return to work immediately, and this with a diagnosis of abortus imminens - risk of miscarriage. This was done without any medical examination on the order of the Director of the Česká Lípa OÚNZ, MUDr. Rezek, who is himself a gynaecologist and who was acquainted with the diagnosis.

This criminal activity of Dr. Brož and Dr. Rezek impaired Ivana Hyblerová's health because, in order to save the foetus, she had to travel 90 kilometers by bus to Prague where, at the present time, she is still hospitalized in the II. Obstetrical-Gynaecological Clinic, Department for Endangered Pregnancies. ...

The question arises whether Ivana Hyblerová's health was not jeopardized because she was one of the signatories of CHARTER 77. This suspicion can be deduced from the conversations which took place between both doctors (and also others) and herself on 31st January, 1977. If this is so, the afore-named doctors have committed an offence of terrorism according to Article 94, since, with the intention of deterring a person from active participation in the fulfilment of the socialist society's tasks or of making such participation impossible, they impaired the victim's health or attempted to do so. ...

But since there are many other signatories to CHARTER 77, as well as citizens who have expressed their sympathies for the CHARTER, who have been discriminated against or suffered injustice in the last four weeks, the question arises whether this discrimination was not caused by their positive attitude to CHARTER 77. (In many cases it can be positively proved). Should that be so,

JUDr Jaromír Prokop...1

we must ask another question, i.e. whether this criminal offence of terrorism is not being committed by an organized group (Article 24, para. 2 of the Penal Code), and who are the organizers. We are sure that an investigation will uncover them. ...

Evidence: A written deposition by Ivana Hyblerová, dated 3rd February, 1977;
an interview with Ivana Hyblerová, Myslíkova 18, Prague 2;
interviews with Dr. Brož and Dr. Rezek;
interviews with other persons, especially medical employees and nurses in the Česká Lípa Hospital and in the II. Obstetrical-Gynaecological Clinic in Prague;
medical report dated 31st January, 1977;
medical certificate of the same date justifying incapacity to work;

I reserve the right to provide further evidence.

Petr Uhl
Anglická 8
Prague 2

Prague, 8th February, 1977

[The Charter 77 signers] are representatives of the bankrupt Czechoslovak bourgeoisie and... the discredited organisers of the 1968 counterrevolution ... acting on the order of anticommunist and Zionist centres."

Rudé právo, Prague, January 12, 1977

Artur Zdráhal, who is barred from practising his profession, and his wife Marie, describe the intimidation and pressures to which they are subjected by the State Security Police as signatories of the CHARTER.

[...] About the middle of January there appeared on some buildings in Sezimovo Ústí inscriptions and drawings relating to CHARTER 77. They appeared overnight while I was at work (as a labourer) at the JISKRA national enterprise in Tábor. It is therefore evident that I could not have done them. Despite that, on Monday 31st January, our house was searched - as we were officially told - for printed documents and typescripts. The police confiscated copies of letters which we had sent to State, Party and other institutions in connection with CHARTER 77 and before the CHARTER movement. The interrogation which followed barely touched on the inscriptions and concentrated mainly on the CHARTER. What met with most disapproval by the interrogators was the fact that both I and my wife had joined the CHARTER movement on our own initiative, on the basis of information from Austrian television and without anyone coming to ask us for our signatures [...]. The manner in which the search was conducted convinced us that its primary purpose was not to look for documents but that it was rather a form of intimidation and coercion. From the remarks of some of the six participants in the action it was evident that we had already been under surveillance for some time. As if by chance the State Security Police chose to carry out the search just on the day after we had moved in all our furniture. It cannot be expected that the flat would be particularly tidy on such an occasion. Despite that and completely at variance with the originally stated purpose of the search, and despite my protests, the flat was photographed; furthermore, this was done after the search. At the same time they threatened that these photographs might be used against us as evidence for taking our children away from us into a state children's home. We have three children aged seven, three-and-a-half and five months. As yet, I believe, it has not been the normal practice to use children as a means of blackmail. What is perhaps rather curious about it is that I am a specialist in educational psychology and my wife has worked for many years as a children's nurse. [...] We are finding ourselves in the position of Marx's proletarians who have nothing to lose "but their fetters". This is perhaps why we are not yet afraid.

Marie and Artur Zdráhal
Gottwaldova 8
39102 Sezimovo Usti

Sezimovo Ústí, 7th February, 1977

A document on the unlawful isolation of Alexander Dubček, which the police have been enforcing for many years. Similar steps are now being taken against the main signatories of CHARTER 77. The author of the complaint, set out below in a shortened version, is a Czech historian. Both he and his wife are signatories of CHARTER 77. Both are banned from practising their professions.

The Praesidium of the Federal Assembly
The Praesidium of the Slovak National Council
For information: Procurator General of the ČSSR
Minister of the Interior of the ČSSR

Complaint

I am hereby lodging a complaint although I have been told by an official of the Ministry of the Interior of the Slovak Socialist Republic that I may write to anybody I wish but that it will be to no purpose. Since I want to have a clear conscience and in order not to allow my civil rights and freedoms to be curtailed still further, I am writing to those organs which, in my opinion, should protect the rights of Czechoslovak citizens.

On Saturday, 8th May my wife, my son and I visited Bratislava. ... On arrival we called on Alexander Dubček at his home. Afterwards Mrs. Anna Dubček, the wife of Alexander Dubček, went out with us for a sightseeing tour of Bratislava and some of the surrounding places which we are fond of. On the highway to Senec, in the vicinity of Zlaté Piesky, our car, driven by my wife, was stopped by members of the Public Security Police under the pretext of a technical check-up. The policemen did not point out any driving offence and did not even bother to make a technical inspection. They asked for my wife's documents and then - at variance with normal practice - also for my identity card. Without giving any reasons they took the documents away. In the course of the next few minutes further cars with uniformed members of the Public Security Police drew up. These policemen requested that I leave the car and go with them to the police station. I demanded to know the reasons but I did not get any answer. I asked the members of the Public Security Police to show me their identification cards, but they refused. This alone is, in my opinion, unlawful. [...] One of the policemen forced us to drive our car to the Slovak Ministry of the Interior and we were accompanied there by a number of police cars. [...] I waited for about half an hour until the first interrogator of the State Security Police arrived. He introduced himself as Mr. Cádra. His first question was: "Where were you driving to?" [...] I answered that as a free citizen of this Republic I had a right to travel freely around the Republic and that no-one had the right to detain me, as long as I had not committed any offence, which they would have to inform me about. It is my own

affair where I travel and I do not intend to answer improper questions put by officials of the Ministry of the Interior. I demanded that, if I was not being taken into custody, they should allow me to leave immediately. My wish was not complied with. [...] Although I had not made a single reference to wanting to meet Alexander Dubček, the investigators declared that they would prevent me from seeing him or his family both then and at any time in the future. This prohibition would affect not only myself and my family but also anyone else who tried to see him. [...] We demanded [...] that they give us a written order to the effect that we must not meet with Alexander Dubček and his family, and we asked them to adduce the relevant law and its article. They refused. They only paraphrased (they did not quote) Article 29 of Law 40/74 on the National Security Police. Later we examined this law and had it interpreted by a specialist. In no way does it imply the right of a member of the police to forbid anyone contact with another person, i.e. neither I nor my family can be prevented from meeting Alexander Dubček and his family. The only possible pretext could be that the place where he and his family find themselves is always that "specified place" mentioned in the article in question which for reasons of "other state interests" "everyone" is forbidden to enter. This particular place would then have to be mobile, moving wherever they move. But this may be too absurd an interpretation. It is surprising that in the period after the Helsinki Conference, one of whose aims was to expand contacts between peoples across state frontiers, there is in our State an institution whose members concentrate on preventing free people from friendly contacts with each other inside the country. [...]

The former Secretary General of the CC CPCs, Comrade Dubček, is a citizen of the CSSR with full rights, he is fulfilling his civic duties, has a job, has never been criminally prosecuted and therefore, as any other member of our State, he should enjoy all civil rights, among other things the right to meet other free citizens of the CSSR. The attempts of the organs of the Ministry of the Interior to isolate him and his family from all who hold him in esteem and have friendly relations with him, and by that to make him, even if not de jure but de facto, a prisoner, are, in my opinion, utterly inhumane and, of course, illegal. [...] My civil rights too are being curtailed. Not only am I not allowed to practise my profession of historian, for which I am qualified and which, after leaving the secretariat of the CC CPCs in 1969, I intended and was expected to perform, but my wife too is banned from working as a historian. Despite the fact that she is an Associate Professor and Candidate of Sciences, she now has to work as a driver. I am under police surveillance and together with my family was unlawfully detained on the occasion mentioned above. [...]

I would be very grateful for a written answer to my complaint.

Oldřich Jaroš
V Zápolí 1254
Prague 4 - Michle

Prague, 28th May, 1976

One of the repressive measures taken against the CHARTER 77 signatories recently has been the large-scale confiscation of driving licences under all kinds of pretexts. The purpose of this is to prevent them from travelling longer distances and to facilitate police surveillance. There follows a translation of a complaint lodged by one of the victims.

The District Department of Public Security Police
For the attention of the Director
Česká Lípa

Re: Complaint about the unlawful confiscation of my driving licence

On the afternoon of 20th January, 1977 the Director of the Zahrádky VB* requested that I hand over to him my driving licence on the grounds that I had committed a serious driving offence. Since the chief of the VB could not specify what sort of driving offence I was supposed to have committed, I refused and, despite the fact that I was ill, I agreed to be taken to the Česká Lípa police station.

At the station I was received by Captain Ludvík who substantiated the confiscation of my driving licence by a "Report on a driving offence". According to that report I was alleged to have committed the following driving offence; "On the road between Bukovec and Zakšín he took a sharp bend at high speed and in so doing infringed the provisions of Article 8 of Ordinance 100/75."

I protested against this accusation because, and I stated this in writing on the reverse side of the "Report", I was driving a Trabant car which is still being run in and I cannot therefore exceed the speed of 60 km/hour. Even if I wanted to, at the speed of 30-40 kilometers, I could not "take the bend fast".

Further, I drew their attention to the fact that the report was anonymous, signed neither by a member of the VB nor by the person who reported the incident.

The report did not indicate even the approximate time of the alleged offence.

When I asked when and at which particular hour I committed the offence, Captain Ludvík informed me that it allegedly happened in the morning. I therefore ask that the time of the offence is more precisely specified.

Since this is a case of a completely untrue assertion, fabricated with the aim of confiscating my driving licence under any pretext, I refused to undergo a test of my knowledge of Ordinance 100/75. I also did so because I was unwell (I had a high temperature) and felt indisposed.

* VB = Public Security Police

I would like to adduce some more facts concerning this matter to support my supposition that this is a case of fabricated accusation and unsubstantiated chicanery.

Even admitting that I committed the offence, the manner in which the members of the VB proceeded with the confiscation of my licence is quite irregular. Under normal circumstances the offender receives a summons to an interview regarding a driving offence. In my case two emergency police cars came to collect me and since at that time I was seeing my doctor and the members of the VB could not find me at home, they came to the surgery in Česká Lípa and alarmed the entire Institute of National Health.

What a coincidence it is, Mr. Director, that in Prague too, so I am informed, a number of my friends (at least fifty) have been subjected to similar unlawful actions.

Thus, for instance, Associate Professor Zdeněk Mlynář was also invited for a driving test with the same intention. When he successfully passed the test his driving licence was confiscated all the same, with a different trumped-up reason.

As you can see, Mr. Director, the real reasons for confiscating driving licences from me and from my friends lie elsewhere. My main offence is that I am one of the signatories of CHARTER 77 and the measures taken against me are not substantiated by any driving offence but by political considerations. I wish to protest against this discrimination and chicanery on the part of the police and I must remind you that this is a case not only of a gross violation of civil rights and freedoms but also of abuse and transgression of authority.

I therefore request that my driving licence be returned.

Furthermore, I request that the person who made out the false report about my alleged driving offence be punished.

Ladislav Lis
Sosnova 84
Česká Lípa District

For information: to the District Procurator

Zahrádky, 30th January, 1977

Text of a letter from the widow of the executed (1952) General Secretary of the Czechoslovak Communist Party, Rudolf Slánský; he was later rehabilitated as it was found to be a case of judicial murder.

Open letter to the
General Secretary of CC CPCS and
President of the ČSSR
Dr. G. Husák
Prague

My astonishment turned into anxiety when I read in Rudé právo on the 12th January of this year an article entitled "Wreckers and Pretenders". There subsequently followed reactions to this article in the press, radio and TV. I was reminded of the 1950s, the period in which, incidentally, the term "pretender" was first used in this context. It was the very label you yourself were given at that time by Václav Kopecký.

The campaign currently being waged against CHARTER 77 and its signatories cannot but remind us of the 1950s when it was possible to condemn anybody for anything, when under the slogan "Comrades, trust the Party" 10,000 resolutions were masterminded demanding death penalties, including one for yourself.

And now again people, from young pioneers to pensioners, are asked to condemn CHARTER 77 and its signatories without even knowing the real content of this CHARTER.

The first consequences of this campaign are detentions, house searches, dismissals from employment and other kinds of persecution.

Would you really want the people to suffer again, after many years, from bitter remorse because they fearfully raised their hands against something they did not know about, thereby causing injustice to those who want nothing else than to help ensure a consistent implementation of the pledges which must be abided by not only by our State but also by all its citizens?

I ask you, therefore, to see to it that the smear campaign and the repressions are stopped.

Josefa Slánská
Widow of the former General Secretary
of the CC CPCS

Prague, 17th January, 1977

*Children are made responsible for the acts of their parents.
A protest from a university professor.*

Associate Professor
Jaromír Obzina, CSc.
Minister of the Interior of the ČSSR
Prague

Mr. Minister,

On 6th February I received a summons for a technical inspection of my car, registration number PZ5 2200.

On the same day my wife was invited to the Prague-West police station with her driving licence. My 18-year old son was also summoned in connection with his driving licence.

These actions on the part of the Ministry of the Interior make me a victim of the measures taken against all the signatories of CHARTER 77, in which the driving licences and technical vehicle certificates of their families and themselves are confiscated.

I have nothing against such measures being taken against me. I am not really surprised even. It is not the first time in history that power has dealt with ideas by force. As Minister of the Interior you know the nature of this power very well.

But in the case of my relatives, you, Mr. Minister, are punishing not only the bearer of the ideas but also those close to him, despite the fact that they have nothing to do with his signing CHARTER 77.

In Nazi Law there was a provision called "Giepenhaft". Under this provision all the members of a family were responsible for the actions of the others. I am not aware, however, that such a provision also exists in Czechoslovak Law; despite that you proceed against me as if such a provision did exist in the prevailing Czechoslovak Law. [...]

Dr. Michal Lakatoš
Černošice 1
Karlická 318

Prague, 7th February 1977

Associate Professor Jaromír...1

The so-called political delicts are tried in Czechoslovakia according to Chapter One of the Special Part (Part Two) of the Criminal Code enacted on 10th October 1973 under No. 113 of the Collection of Laws. The Chapter bears the title "Crimes against the Republic", and it contains articles numbered from 91 to 115. Given below is a list of the relevant articles of the Criminal Code and a survey of the number of offences against them on which people were tried and convicted from 1968-1975 (last year for which data are available). The information was culled from the official Statistical Yearbooks; it suggests that 4,718 people were sentenced for various political offences in the first seven years of the so-called "normalisation" (1969-1975).

- (1) Articles of Chapter One, Part Two, of the Czechoslovak Penal Code

CRIMES AGAINST THE REPUBLIC

91	-	High Treason
92	-	Sedition
93-94		Terror
95-96		Diversions
97	-	Sabotage
98	-	Subversion
99	-	Damaging a state belonging to the world socialist system
100	-	Incitement
101	-	Abuse of religious office
102-103		Defamation of the Republic and its representative
104	-	Defamation of a state belonging to the world socialist system or its representative
105	-	Espionage
106-107a		Endangering a state secret
108	-	Espionage and endangering a state secret to the detriment of a state belonging to the world socialist system
109	-	Leaving the Republic
110	-	Penetration onto the Territory of the Republic
111	-	Violation of international flight regulations
112	-	Damaging the interests of the Republic abroad
113	-	Collaboration with the enemy
114	-	War treason
115	-	Service in foreign armed forces

(2) Number of Offences on Which People Were Tried and Convicted
1969-1975

Year	Total Number of Offences	Of Which Against Chapter One: Crimes against the Republic*
1969	101,933	942
1970	149,891	1,576
1971	181,090	861
1972	183,717	582
1973	158,180	279
1974	170,565	272
1975	151,077	206

* Not including Article 109, i.e. 'Leaving the Republic'.

9. THE INTERNATIONAL ASPECT

"The participating states are ... conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims i.e. strengthening of peace and understanding among peoples and the spiritual enrichment of the human personality without distinction as to race, sex, language or religion ."

(Helsinki Final Act. Section on Co-operation
in Humanitarian and Other Fields. Preamble.)

Newspapers published in the Western countries are sold to Czechoslovakia in two ways:

1. By the newspapers themselves,
 - a) either in bulk, or
 - b) by subscription.
2. Through agencies that specialize in the export of periodical publications,
 - a) either in bulk, or
 - b) by subscription.

In Czechoslovakia it is the Artia national enterprise that imports and distributes material from abroad.

On the whole, the situation is dismal. No Western newspapers can be bought anywhere, not even in tourist hotels. In spite of the fairly sizeable number of periodicals imported (see chart), they are strictly forbidden to the average citizen. It is, after the USSR, the most uncompromising country concerning the free flow of information of a political nature.

As for subscriptions, there are, first of all, the institutional subscribers: the press sections of the Communist Parties' central committees; institutes of the Academies of Sciences; the Foreign and other Ministries and institutes concerned with foreign affairs; the editorial offices of national newspapers. The subscriptions are paid for out of the allocation of hard currency for that particular institute. Towards the end of the financial year there are sometimes difficulties in obtaining newspapers, even through these few channels. Hotel porters in the capitals of Eastern Europe get a small allocation of foreign newspapers as well: the usual arrangement is to sell them to foreign visitors, in most cases for hard currency. Apart from Western communist newspapers no other Western papers can be obtained in the streets, railway stations or airports in East European capitals.

Few individuals are allowed to have private subscriptions to Western newspapers, apart from those whose subscription is paid for by friends abroad. A Czech citizen, for instance, who wishes to receive a regular copy of a foreign newspaper - both Eastern and Western - must apply to the newspaper service of the Post Office, which transmits his order or not, according to its own internal policies. The paper will then be forwarded through the same Post Office department, and occasionally, if the newspaper deals, in a defamatory fashion, with Czech affairs, it may not reach the subscriber.

With regard to the Final Act provision "2. Information.

(a)(ii) Printed information. To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other Participating states", the Czechoslovak authorities have recently introduced a limited sale of Western newspapers at a few stalls in several major cities. Newspapers which are not easily accessible to the Czech reader from the linguistic point of view, for instance from Turkey, are always to be had. On the other hand, newspapers for which there is a considerable demand are hardly ever on sale. This is caused, for instance, by the fact that soon after the newspapers are delivered to the shops they are bought up by plain-clothes policemen; when other potential buyers show interest, the vendor truthfully informs them that they are already sold out. If either these newspapers or even the newspapers of the Western communist parties, distributed here for a considerable number of years, contain an article critical of Czechoslovakia, they are immediately on arrival confiscated at the airport or the railway station. For instance, the organ of the Italian Communist Party l'Unità of 17th February, 1977 was confiscated because it contained a letter from the professors of Charles University with a critical editorial comment. At the General Post Office in Prague there is a notice for subscribers to the organs of the Western communist parties, l'Humanité, l'Unita and Morning Star, saying that the following editions of these papers "are not available" (dates given) and that "all enquiries are pointless".

The following document shows that during personal searches the Czechoslovak police has confiscated copies of the organ of the British Communist Party.

The Political Committee of the
Communist Party of Great Britain

Brno, 23rd February, 1977

Dear Comrades,

On 20th February after being followed, I was detained for three hours by the Czechoslovak Security Police, physically assaulted and subjected to a personal search during which, apart from other things, the police confiscated four copies of the Morning Star dated 9th, 10th, 11th and 12th February, 1977, translations of some readers' letters concerning the Czechoslovak authorities' campaign against the CHARTER 77 signatories, and a translation of the Proclamation of the Political Committee of the Communist Party of Great Britain concerning the same issue.

The afore-mentioned documents were confiscated because of their "state security nature", i.e. as was explained to me, because they were at variance with the policy of the Communist Party of Czechoslovakia.

I am a signatory of CHARTER 77 released from jail in December 1976, after five years' imprisonment for political activities. I consider it my duty to inform you that your party's documents are being used as the cause of the persecution of a Czechoslovak citizen.

Jirí Müller

Jana Babáka 3-5
616 00 Brno

Part 2. Information, letter (c) of the Helsinki Final Act deals with improvement in the working conditions of journalists. The Czechoslovak authorities have refused entry visas to many journalists from the Western countries, particularly since 1976. If the journalists who are unable to obtain visas travel to Czechoslovakia as tourists, they run the risk of being expelled. More and more often the Czechoslovak authorities have been expelling even those journalists who come with an official entry visa and an authorization to carry out their work, as can be seen from the following survey.

In the period from 1968 to March 1977 Czechoslovakia has expelled 36 Western journalists. Among the victims were correspondents of important newspapers and other mass communication media, such as the American dailies, The New York Times and The Christian Science Monitor; the British newspapers and journals The Economist, The Daily Mail and The Times; the West German weeklies Der Spiegel, Stern and the daily Frankfurter Rundschau; the Swedish daily Aftonbladet, the Belgrade Politika, the organ of the Italian Communist Party l'Unita, and correspondents from Italian TV, the BBC, Radio Luxemburg, the Yugoslav press agency TANJUG, the Agence France Presse, the Associated Press and others.

In 1977 we have witnessed an increasing number of cases of the Czechoslovak authorities' negative attitude towards foreign journalists. The Frankfurter Allgemeine Zeitung has characterized the situation as follows: "For many weeks the Czechoslovak authorities have been creating difficulties with regard to the granting of visas to Western journalists [...] Some of them have been informed by representatives of the Czechoslovak passport and visa offices that in future the granting of visas will depend on how they report Czechoslovak events".

The way the journalists are treated when their reporting of the Czechoslovak situation does not satisfy the Czechoslovak authorities can be exemplified on the experience of Walter Kratzer, a correspondent of the West German weekly Stern. Czechoslovak Radio announced that during his stay in Czechoslovakia he was guilty of collecting information for his reports from sources he himself considered interesting, for instance the writer Pavel Kohout who gave him an interview. Kratzer was subjected to a very strict "customs inspection" during which the customs officers devoted most of their attention to Kratzer's correspondence, which they immediately read through and identified in it the addresses of some proscribed Czechoslovak writers.

The correspondent of the New York Times, Paul Hoffmann, was forced to leave the Prague - Vienna express train and was interrogated for 11 hours. All his papers were given a detailed inspection and even envelopes and unused sheets of headed notepaper were confiscated; even a translation of the official Czechoslovak statement on CHARTER 77 aroused suspicion.

In the period...1

A few days earlier another American journalist, Leslie Collit, had a similar experience. He was interrogated and searched for seven hours by the Czechoslovak border guards on the border between the CSSR and the German Democratic Republic. They confiscated 90 pages of various materials, including interviews with some signatories of CHARTER 77, but also with representatives of the official press and officials of the Czechoslovak Ministry of Foreign Trade.

During his stay in Czechoslovakia the American journalist Michael Getler was incessantly followed by the Czechoslovak secret police. Behind his car he could always see a Škoda with three passengers and behind it two Tatrás. This continued throughout the five days of his stay in Prague. As soon as he got out of his car, the car behind him stopped as well, two men sprang out and followed Getler on foot. Michael Getler described this in detail in the Washington Post on 6th February, 1977.

There is freedom of the press in Czechoslovakia...without preliminary or subsequent censorship... It would be therefore incorrect to assume that every comment in the press, radio, or television reflects the attitude of the party or states offices. This...should lull no one into believing that this freedom of the press in Czechoslovakia stretches so far as to negate party resolutions.

Rudé právo, Prague, March 12, 1977

The Prague Government has tried to solve the question of the existence of its embarrassing critics by putting pressure on them to emigrate. The writer Pavel Kohout shows here how unrealistic it is to expect that the forced emigration of the regime's critics can represent a positive solution. He also draws attention to the fact that forced emigration is a violation of elementary human rights.

According to information broadcast by several radio stations, the Austrian Government is reported to have declared, possibly in reply to a query from the Czechoslovak Ambassador in Vienna, that it was prepared to offer the signatories of CHARTER 77 political asylum. With all respect for such a demonstration of human solidarity, I am deeply disquieted. Does our peaceful attempt to exercise rights anchored in the law have to come to such an abrupt end? Would it not perhaps be more suitable, in the spirit of the Helsinki agreement, to make it impossible for people to have their lives wilfully confounded in their own country and to force them into exile? In the last eight years, for example, nobody has tried to prove that I have done something to cast doubt on my natural right to live in my own country. Therefore no-one is entitled, if all the solemn signatures are not to lose their validity, to deprive me of my family, my friends, my fellow-countrymen, of everything which gives my life its true meaning. I wish to appeal again to my government to use against me and the other signatories of CHARTER 77 only political means. I appeal to all governments and parties of the East and the West which are genuinely interested in human rights to act as mediators. It must not be called interference if someone from abroad attempts to attenuate conflicts before they grow into tragedies whose consequences would be felt throughout the world.

Pavel Kohout

Prague, 26th January, 1977

On 14th February, 1977 the Frankfurter Allgemeine Zeitung printed several texts by Pavel Kohout, the Czech dramatist of international renown and a signatory of CHARTER 77, who has for years been subjected to chicanery and interrogations by the political police. Set out below is Kohout's stand on the question of whether or not he intends to accept political asylum in Austria.

On 28th January, 1977, in the presence of my wife, I was asked by the officials of the District Passport and Visa Office whether I intended to ask for political asylum which the Austrian Government had allegedly offered to those signatories of CHARTER 77 who were dissatisfied with the conditions in their own country.

I was told that, should my answer be in the affirmative, then the authorities of this country would be prepared to issue a free exit visa within 48 hours, including permission to take all our belongings with us. On the basis of this short interview we were also asked to make our own decision concerning our Czechoslovak citizenship. In view of the fact that the two officials present had not been empowered to accept any answers other than "yes" or "no", I asked them to let me reply in writing. The Austrian Government's offer is in my opinion an exemplary gesture of human sympathy. All world governments should express such sympathy towards those who are persecuted because of their political convictions.

The reaction of the Czechoslovak Government is, in my view, a manifestation of a permanent misunderstanding. The dissatisfaction of a citizen with the situation in his homeland, if expressed openly and without violence, does not signify lack of identification with one's own country but rather the opposite. We are dealing here with the most elementary of human rights. Failure to respect it is hurling the world back to the time before the French Revolution. I have lived through all the hard as well as all the happy days of the last half century with and in my country. ...

Departure under these conditions would only endorse the lawlessness and take the boundaries of oppression still further. On the other hand, if I stay, conditions can be created for turning the conflict into a dialogue and for reason to be victorious at long last. The quarrel I am having is with the Government, within the limits of this country's prevailing laws, and not on any account with my country. [...]

I will not leave Czechoslovakia of my own free will. I am turning to my Government with the renewed request that they ensure that it will not be the police but the relevant political authorities who will examine without prejudice my human and professional situation which looks less and less like that of a citizen and more and more like that of an outcast. I want

On 28th January...1

to live here rather than vegetate there. I do not see any reason - and no-one has tried to formulate it in legal terms - why in the 1970s I should be forbidden to use the telephone, drive a car, live where I am used to living, and keep possession of my identity card; why should all my mail - with the exception of threatening letters - be checked, why should I be secretly filmed and followed day and night by any number of cars and men. If all these and other acts of repression (such as, in the first place, the harassment of my friends, who in spite of everything still are my friends) do not stop, then it will only be a different kind of prison here which might finally lead to some other form of banishment.

Pavel Kohout

Prague, 30th January, 1977

On 28th January...2

The Helsinki Final Act says: "In order to promote further development of contacts on the basis of family ties the participating states will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily [...] in order to visit members of their families". The document given below concerns one of the many cases of non-observation of this stipulation by the Czechoslovak authorities; it is a letter by Ota Filip, the writer, to the spokesman for CHARTER 77, Dr. Jiří Hájek, about the fact that Mr. Filip's mother has had her request to visit her son turned down nine times.

Dr. Jiří Hájek
Spokesman for CHARTER 77
Prague 10

Dear Dr. Hájek,

[...] I have lived with my family in the German Federal Republic since the summer of 1974, having been allowed to move there legally. In the meantime I have become a German citizen. My mother, Mrs. Marie Filipová, resident at Kamenná 1089, 252-10 Mníšek pod Brdy, has asked the Czechoslovak authorities nine times to be allowed to visit me. Her application has been turned down on every one of these occasions. Several times she has appealed against the decision, without any avail. My mother is 68 years old; having worked as a cook in the Nová Ves pod Pleší sanatorium, she is now retired.

I had lost my Czechoslovak citizenship shortly before emigrating from Czechoslovakia, so that, once I crossed the border into West Germany, I became legally unable to commit any offence which would contravene Czechoslovak laws. In publishing articles and comments which may not be to the liking of the present leadership of the Czechoslovak CP and state, I am doing so as a citizen of a democratic country.

I regard the fact that my mother cannot and must not visit me as a gross violation of the principles of simple humanity.

With best wishes.

Yours sincerely,

Ota Filip
Amalienstrasse 71
8 Munich 40

26th February, 1977

Dr. Jiří Hájek...1

Extracts from a letter from a German University Professor, who was prevented from attending the funeral of Professor Jan Patočka, one of the three spokesmen of the CHARTER 77 movement.

Mr. Pavel Kohout
Prague

Dear Mr. Kohout,

I do not know who is now, after the death of our friend Jan Patočka, the spokesman for CHARTER 77. I am writing to ask you to kindly inform your friends of the contents of this letter. I flew to Prague to attend the funeral of Jan Patočka. The Czechoslovak authorities had given me a visa for four days. On the morning of the funeral two members of the Czechoslovak State Security Police took me from my hotel to a police station, where after a while another Security official told me that I must leave the country because the purpose of my visit was allegedly to stage a demonstration of professors from Aachen at the funeral. I replied that there were no Aachen professors present and that I myself work as a professor in Düsseldorf and, further, that I came to pay Professor Patočka my last respects. There followed the brusque answer that I was a sympathiser and supporter of the CHARTER 77 representatives. I told the official that in mid-January I had written an open letter to the President of the Republic, Husák, pointing out that the lengthy interrogations, to which Professor Patočka was being subjected, were endangering his life because he suffered from a heart condition. And my apprehensions, mentioned in that letter, have been vindicated.

I was then prevented from telephoning to the Federal German Embassy; nor was I allowed to telephone to the members of Patočka's family. At around 10 a.m., when the funeral was already in progress, I was taken back to the hotel and from there, in a police car, to the airport. ...

I left Prague with a heavy heart over such gross contempt for the most elementary human rights; I was sad - I have said this quite often - that any regime could demean itself by such shameless conduct as that of present-day Czechoslovakia, a country which in the recent past has offered hopes for the possibility of a humanitarian form of socialism which found an eager response throughout the world. The fact that an appeal to the authorities to respect the country's own Constitution could be earmarked as a subversive stand and a crime, as was often claimed by the policeman who spoke to me in Prague, was extremely hurtful to me. Only now can I fully appreciate what the signatories of the CHARTER must endure. I had respect for them all along but now I have begun to admire them.

Mr. Pavel Kohout...1

The Security authorities in Prague have accused me of identifying myself with CHARTER 77. But I am ashamed that until now I have done so little for it. Yes, I am ashamed that so little has been done for this movement in the Federal Republic of Germany. I hope that this situation will change. I myself will certainly do everything within my powers to help you. Tell your friends that when faced with a choice between the protection of humanity and barbarous oppression, every man of reason must take his stand on the side of humanity.

In conclusion, my dear Mr. Kohout, accept my most cordial greetings.

Prof. Dr. Walter Biemel
Aachen

Aachen, 17th March, 1977

More and more often the Prague Government resorts to depriving Czechoslovak citizens living abroad of their citizenship only because they disagree with its policy. By way of example we give below the full text of one such decree.

The Ministry of the Interior of the Czech Socialist Republic
Department of Civil Administration
Prague

Zdeněk Hejzlar
STOCKHOLM, Sweden

Reference No. VS/3-57/225/77

In accordance with Article 14, para. 1(f) and para. 2 of Law No. 39/1969, as amended by the legislative provisions of the Czech National Council No. 124/1969, the Ministry of the Interior of the Czech Socialist Republic hereby deprives you of your citizenship of the Czech Socialist Republic and thereby also of your citizenship of the Czechoslovak Socialist Republic.

It has been ascertained and proved that on 21st August, 1973 you appeared on Swedish television and made a speech hostile to the CSSR. On 26th November, 1975 you again spoke on Swedish TV in the same spirit. Your activities as a journalist must also be interpreted as damaging to important interests of the CSSR; in particular your articles published in the daily Dagens Nyheter on 21st and 23rd August, 1976.

Since by your activities abroad you have harmed important interests of the CSSR and at the same time violated the basic principles of the CSSR Constitution, factual and legal prerequisites are thereby provided for depriving you of your state citizenship.

Dr. Baštl

Prague, 16th February, 1977

Tail-piece

HOW THE CZECHOSLOVAK MEDIA SEE IT

Human Rights Issues in the Czechoslovak communication media - a selection. (The following newspapers and periodicals are quoted here: Rudé právo, a daily published by the CC CPCS; Tribuna, a weekly of the CC CPCS; Život strany, a fortnightly publication of the CC CPCS; Nové slovo, a weekly of the CC of the Slovak Communist Party; Právník, a monthly publication of the Academy of Sciences - Institute of State and Law; Mladá Fronta, a daily of the CC of the Socialist Youth Union; Matičné čítanie, a fortnightly publication of the Matica slovenská in Martin).

The General Declaration of Human Rights proclaimed in 1948 has never become legally binding for any state; it has always remained purely recommendatory. It is only the covenants concluded in 1966 - with Czechoslovakia as a fully committed participant - that have become legally binding. They are the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. These two covenants already assign concrete duties to the participating states aimed at a gradual improvement of their particular conditions in the sphere of human rights to reach the internationally agreed standards.

Thus, every participating state has a duty, on the one hand, to improve its internal legal order in this respect, and, on the other, the right to claim that those participating states which do not strive to ensure the achievement of the minimal standards of human rights should honour the pledges taken upon themselves by acceding to the covenants. [...]

What should we then understand by the rights accruing from the international covenants? We are bound to maintain that the CSSR is abiding by them fully. However, the rights stemming from the international covenants cannot be exercised by individuals because individuals are not competent to conclude international pacts. This right is reserved solely to states. Consequently, even groups of individuals cannot claim the right to teach their fellow-citizens how to live according to the international pacts acceded to by their particular state. As a matter of fact they cannot claim the rights from these documents for themselves even when their texts have been published in a gazette of internal legal regulations, i.e. in our case, in the Collection of Laws.

Czechoslovak Television, 8th April 1977

As far as the agreements on human rights are concerned, it is necessary to mention the International Covenant on Civil and Political Rights [...]. Article 19 of the Covenant - which has the nature of an agreement - stipulates the right for everybody to freely hold and express views, receive and disseminate information and ideas regardless of frontiers. On the other hand,

the same article imposes a restriction on this right in cases which are stipulated by the internal laws of the various states and which are indispensable for the observance of the rights of other persons, the protection of their reputation and for safeguarding the security of the state, public order, health and morality. [...]

It is indisputable that the afore-mentioned restrictions are only natural since it would not be logical - under the pretext of freedom of information - to allow on an international scale an activity (implicit propaganda) which would be at variance with the laws of the particular state and which would subvert its security and its legal order, while under the laws of that state this selfsame activity is qualified as a criminal offence. [...]

Právník, No. 9 - October 1977

The third part of the Final Act of the Helsinki Accord, dealing with co-operation in the humanities and related spheres, is one of the most politically sensitive. Although the document emphasizes the principle according to which each state has the right to freely choose its own political, economic and cultural order, this very section can open the way to a legalization of ideological diversion according to the ideas typical of anti-communist centres. Under the slogan of the free exchange of people, ideas and information they organize continual provocations and ideological confrontations aimed at eroding the unity of socialist society and undermining the confidence of the people in socialist ideas.

Právník, No. 2 - February 1977

What is typical of the present noisy campaign for human rights is that all the mouthpieces of bourgeois propaganda attempt to belittle these very fundamental human rights and to uncritically present the parliamentary system as some kind of panacea safeguarding human rights. [...] However, the working man is conspicuously absent from their understanding of human rights. The human rights which we are proclaiming, such as the right to work and the like, "are not allegedly fundamental", etc.

The critics from the bourgeois camp cannot deny that it was socialist society that ensured the widest basis of fundamental rights for all citizens. That is why they put individual rights before collective rights. They claim that it is not the rights relating to all citizens but individual rights which form the basis of freedom. In this way they are attempting to create an antagonism between the individual and society. However, the freedom of the individual depends on the freedom of society. The highest level of real individual freedom can be provided only by a society which creates objective conditions for the full development of the individual, that is a society where everyone regardless of his material means can realize his abilities. However, this measure of individual freedom can only be provided by a socialist society.

Consequently, in our country the real personality can develop only within the society and not in opposition to it. In such a society there is not and cannot be any place for the wolfish freedom of the a-social individual or for the freedom of drones to live on other people's work.

It is in this class attitude that there is the most fundamental "disagreement" between our conception of freedom and theirs.

Rudé právo, 16th April 1977

In our socialist society the rights and duties of citizens have a social nature. The Communist Party and the socialist state and society create the material as well as the all-round political, ideological and cultural prerequisites for our citizens to be able to exercise their rights and fulfil their duties.

That does not mean, however, that the rights and duties of citizens can be interpreted in the abstract independent of the nature of the class relations, the nature and intensity of the ideological struggle between socialist ideas on the one hand and bourgeois or reformist ideas on the other.

Nor does it mean that the wide-ranging freedoms and rights of citizens can be abused for a "free" defamation of our socialist order as the followers of rightist reformism and revisionism, or the defenders of the bourgeois social system, claim for themselves. In our society freedom is understood as a concrete, historical and class category, as a freedom which is being realized under conditions of working class rule. The working class is not prepared to give opponents connected with the class enemies of socialism the "freedom" to wage an anti-socialist struggle; it does not allow freedom to be abused for anti-socialist purposes.

It is in full accordance with securing the socialist and democratic development of our society if both the state and the law take all the necessary protective measures against all those who by their activities try to undermine the socialist order which safeguards the rights and freedoms achieved in the people's struggle.

Rudé právo, 8th April 1977

When we start to speak of freedom and democracy we should immediately ask ourselves a question: For whom? We do not make any secret of the fact that in our socialist countries there is not and will not be any freedom for the propagation of capitalism. Yes, all freedoms and rights are given to the workers, to those who are creating real values for this society. At the same time we are aware that not all our citizens yet know how to use their freedoms and rights for the further development of the welfare

and progress of our Republic. But those who subscribe to hostile ideologies will not be allowed to wreck our freedom or undermine our socialist order.

Czechoslovak Radio, Prague - 16th January 1977

[...] our conception of freedom is a class one; we will not allow it to be abused to the detriment of the interests of the workers and society.

Matičné čítanie, Bratislava, No. 4 -
February 1977

In our country human rights always have a class and social content. We are using these rights to foster the interests of the working class and of all the workers while in capitalist countries they predominantly serve the interests of the wealthy classes. Any attempt to force upon us the bourgeois conception of civil rights is therefore bound to fail.

Rude právo, 19th March 1977

The signatories of CHARTER 77 spat at us, tried to accuse us in the eyes of the world maintaining that we are lacking freedom in Czechoslovakia, that democracy and the fundamental human rights are being trampled on. Well, let us try to see the substance of the issue.

Let us speak clearly - without playing games with abstract concepts. What kind of freedom, what kind of democracy, what rights and for whom? In a socialist state there will never be any freedom for counter-revolutionary intrigues, there will never be democracy for class enemies and no-one will be given the right to publicly vilify, slander and betray the working class, the working people! [...]

On the fingers of one trembling hand they are counting the so-called dissidents of Poland, Hungary, the CSSR, a few traitors in the Soviet Union, and they are trying to prove that they are representative of a resistance movement against socialism throughout the socialist camp. However, they are only proving that they themselves timed this co-ordinated action before the Belgrade Conference "to put the Soviet Union into the dock" - as put impertinently by one influential British daily. That is what they want. By calumnies, to discredit socialism in the eyes of their own people so that they stop their continuous "flirting with the East".

No! They will not get away with anything of the sort!

Rude právo, 26th January 1977

Even the grossest outrage can be dressed into sweet-sounding words. They are appealing to the "human mind". But it is not only positive values that have been created by the human mind; the racist theories of fascism, the murderous gas chambers of Auschwitz, as well as the atomic bomb dropped on Hiroshima - all these were also the fruits of the human mind. What is important is always to realize whom and what the human mind serves.

In contradistinction to our class approach they are appealing to some kind of "generally human" values; but the "generally human" is also conditional on class differences. But the cloven hoof of these platitudes standing seemingly above classes will always be uncovered when we start dealing with concrete concepts. Let us take, for example, the question of education; they protest against the application of the class approach in the selection of students for institutes of higher education which ensures that half of all university students come from the families of workers and co-operative farmers in proportion to the composition of our society.

Rudé právo, 26th March 1977

The wide-ranging democratization of the school system giving everyone access to education is something which does not exist in capitalist countries. [...]

In capitalist countries secondary education is almost inaccessible to poorer people. Only one percent of the children of unskilled and semi-skilled workers attend secondary schools. It is the fate of all the others to follow in the footsteps of their fathers and become unskilled workers too. Naturally amongst the hardest hit are the coloured who are the victims of the discriminatory practices still prevailing in the American system of education. [...]

Život strany, Prague, No. 4 - March 1977

Among the elementary freedoms and rights of the individual is also freedom of the press. The bourgeois ideologists accusing the socialist countries of suppressing this freedom, of censorship and the employment of other anti-democratic measures naturally use their own system as an exemplar. [...]

In our country the real substance of the freedom of the press consists above all in the fact that newspapers, printing offices, the radio, TV and film studios and the material means necessary for their functioning are not in private ownership but belong to society. They are in the hands of the state, which is the instrument of the people's power, or in the hands of political

parties and social organizations. They are controlled by the people, by its democratically elected representatives, and are never in the hands of private persons. It is for this reason that it is not possible to buy either newspapers or journalists in our country because they are bound to serve solely the interests of the broad masses. [...] Unlike the capitalist press which floods the reader with a great deal of disorienting news and reports, our mass communication media have a completely different policy. They analyze important party and governmental resolutions and bills, and the problems of the social, cultural and economic development of society and they seek ways of speeding up this development. [...]

Zivot strany, No. 6 - March 1977

In the field of the so-called freedom of information both *de lege lata* (if *lex lata* comes into consideration at all) and *de lege ferenda* are the prevailing element of the generally accepted fundamental principles of international law - in particular the principle of state sovereignty and the principle of non-interference in the affairs of other states.

The so-called freedom of information, which does not belong to the seven general principles of international law cited in the resolution of the General Assembly of the United Nations No. 2625 (XXV), and which does not ensue from the International Covenant on Civil and Political Rights either, does not and cannot supersede the other principles of international law: the opposite is true; in the existing drafts it is substantially restricted, namely in the interests of the principle of state sovereignty.

Právník, No. 9 - October 1974

Bourgeois propaganda relies heavily on the hope that the media can penetrate beyond the frontiers of the socialist countries without passports and visas, that they can get into our people's minds any time they want and that they can bring them anything in any form they choose.

Tribuna, Prague, No. 17 - 27th April 1977

The states of the North Atlantic Treaty Organization, who were pressing for the so-called free dissemination of information at Helsinki, at the same time knew that they themselves are unable to enforce this requirement in their own countries. For example, they are refusing to take responsibility for the contents of information because, allegedly, their governments cannot influence the activity of the mass media. Nor can they order them - as they put it - to publish this or that particular piece

of news. What a strange interpretation! What they are proposing is a one-way road. On the one hand they require the socialist states to accept whatever they choose to offer while the decision about what will be published in their media about socialist countries depends solely on the goodwill - and in many cases rather the malevolence - of the owners of the various mass media.

In the West they know very well that a much wider range of exchange of information, ideas and views could be achieved if at the same time they adhered to the principle of non-interference in the internal affairs of others - one of the fundamental points of the Helsinki document. But as long as the influential circles of the capitalist world are interested in setting up defamatory campaigns more than in promoting understanding between nations, it will be difficult to achieve any real progress.

Rudé právo, 5th January 1976

Bourgeois propaganda approaches each layer of the population with a concrete problem; its main target is young people. Young people who are not yet fully mature and lack the necessary experience of life are greatly attracted by abstract values and are open to the ideals of "pure" democracy, freedom and humanism. [...] But for a long time the reality of everyday life has demonstrated that none of these concepts can be divorced from the class structure of society and that they must be interpreted with reference to the latter. Using strong individuals as examples, bourgeois propaganda induces young people to refute our socialist conception of collectivism and social life. In this way young people acquire a false desire for excessive individualism, for man's right to so-called authoritative "free" expression.

Mladá Fronta, Prague - 25th January 1977

Nor shall we be drawn in the future into a kind of polemic which they would like to force upon us with one particular aim, i.e. to attempt to reduce the Helsinki accords to the third basket. What is most important is the policy of detente and disarmament, the policy of peace. [...] We will continue to defend all that has been achieved by the workers' struggle; we will continue to develop socialist construction in a positive way and will not allow ourselves to be manoeuvred in accordance with their intentions; we will not be fooled into drawing the joker and - in the same way as the predecessors of today's Góbbelses in 1945 - we will transfer our offensive onto the territory of the opponent.

Nové slovo, Bratislava, No. 14 -
31st January 1977

[...] peaceful co-existence must not be understood as an ideological compromise between capitalism and socialism just because of the antagonism of their class interests and ideals. The brotherly communist and workers' parties consider peaceful co-existence to be a specific form of class struggle on the world arena which originated after the victory of the October Socialist Revolution and which continues to develop in accordance with changes in the power ratio to the advantage of socialism. [...] The policy of peaceful co-existence and relaxation of international tension [...] accords with the interests of the peoples of all countries and of progress; under no circumstance, however, does it aim to preserve the political and social status quo in one country or another. Just the opposite - it creates the best possibilities for the development of the struggle of the working class and all democratic forces, for the enforcement by each nation of the inalienable right to choose freely the road of its development and to follow it, for the struggle against the hegemony of the monopolies - for socialism.

Rudé právo, 17th November 1976

We have never made any secret of the fact [...] that it is neither the political status quo nor an ideological compromise that we principally seek to achieve by our peaceful efforts. That would be at variance with the laws of contemporary world development which reveals an unequivocal trend towards socialism. It would be not only reactionary but virtually quixotic to attempt to stop this objective trend in the world's development. It grows stronger and stronger and will continue to do so in the conditions of peace.

Rudé právo, 15th December 1975

The achievements of socialism throughout the world meet with a fierce opposition and hatred on the part of the imperialist reactionary forces! To counter the socialist countries and the communist and national liberation movements they join together to create some kind of new Holy Alliance consisting of all possible reactionary forces ranging from unconcealed fascists to the renegades of the workers' movement. In order to forward their interests they are organizing ideological diversion but they do not shrink even from repression and crime.

Vasil Bilak, member of the Politburo of the
CC CPKS; according to Czechoslovak Radio -
28th April 1977

Socialism is becoming the main force determining progress in the world. Nothing and nobody can stop it because the truth, the revolutionary truth is on its side. Because the development of this world is determined by the unalterable and objective laws of development of human society. The revolutionary Marxist-Leninist parties have learnt to know these laws and used them in conjunction with the scientific teachings of socialism in their practical revolutionary activities.

The life of the individual is very complex - the life of the individual human society is even more complex. But no complexity can change the perspective of mankind. This perspective - as we can convince ourselves by our own experience - aims at communism.

Rudé právo, 19th May 1977

