Amnesty International Briefing

CZECHOSLOVAKIA



THE CZECHOSLOVAK SOCIALIST REPUBLIC (CSSR) IN OUTLINE

The Czechoslovak Republic came into existence in October 1918 on the dissolution of the Austro-Hungarian Empire. It consisted of the Czech lands (Bohemia, Moravia, part of Silesia) and Slovakia, to which was added the autonomous province of Subcarpathian Ruthenia. The first Czechoslovak state was dismembered to the advantage of Germany, Poland and Hungary following the Munich agreement of September 1938. In March 1939 a German-sponsored Slovak state was proclaimed and the Czech lands were incorporated into the German Reich as the "Protectorate of Bohemia and Moravia".

In May 1945 the Czechoslovak Republic was restored and Subcarpathian Ruthenia transferred to the USSR. A coalition government of four Czech and two Slovak parties known as the National Front was in power until February 1948 when a predominantly communist government was formed. The first years of rule by the Communist Party of Czechoslovakia saw mass persecution and mass imprisonment, often without trial, of alleged opponents of the government. In 1968 under the leadership of Alexander Dubcek, the Communist Party introduced a far-reaching program of political and economic reforms, but after armed intervention by five Warsaw Pact states on 21 August 1968, the Moscow Agreement of 26 August 1968 was imposed. This bound the Czechoslovak government to abandon most of the reforms, and accept Soviet forces stationed on Czechoslovak soil, Alexander Dubcek was forced to step down in April 1969.

Political power is held by the Czechoslovak Communist Party, whose General Secretary is Dr Gustav Husak. He has also been President of the CSSR since 1975. The CSSR is a member of the Warsaw Pact and its foreign policy is closely linked to that of the USSR and other countries of the Eastern bloc. In July 1974 the CSSR and the Federal Republic of Germany (FRG) ratified a treaty which normalized relations and annulled the Munich agreement of 1938. The CSSR is a member of the United Nations and most of its specialized agencies.

The CSSR has an area of 127,880 square kilometres and a population of 15,277,000; 64.3 per cent are Czechs and 30.5 per cent Slovaks. Ethnic minorities include the Hungarians (3.8 per cent), Poles (0.4 per cent), Germans (0.4 per cent), Ukrainians (0.3 per cent) and Russians (0.1 per cent). The capital is Praha (Prague) with a population of around 1,183,000 (November 1980 figures).

Seventy per cent of the population are Roman Catholic and 15 per cent belong to various Protestant churches. The churches are under state control; the clergy need official consent to perform their duties and their salaries are paid by the state. Many Catholic clergy belong to the state-sponsored organization *Pacem in Terris*.

The CSSR is industrially developed and next to the German Democratic Republic (GDR) has the highest standard of living in Eastern Europe. In 1977 the industrial sector accounted for 65 per cent of national income with engineering, glass, beer, ceramics, footwear and textiles the main industries. Foreign trade represents 35 per cent of national income. The CSSR is a member of the eastern European economic bloc, the Council of Mutual Economic Assistance (CMEA), which accounted for 68.3 per cent of the CSSR's foreign trade in 1978, half with the USSR. Outside the CMEA the most important trading partner is the FRG, followed by Austria and the United Kingdom. About 95 per cent of Czechoslovak agriculture is organized into state farms and cooperatives.

Czechoslovakia (CSSR)

1. Introduction

Annesty International is concerned about a number of human rights violations in the Czechoslovak Socialist Republic (CSSR). The following issues are especially disquieting:

- a) the arrest and imprisonment of CSSR citizens under the national law for the non-violent exercise of internationally recognized human rights, in particular the right to freedom of expression and information;
- b) the abuse of legal provisions relating to arrest, pre-trial detention and trial procedure;
- c) the poor treatment of prisoners of conscience and inadequate conditions of detention;
- d) the retention of the death penalty.

2. The Background to Political Imprisonment

After Alexander Dubcek was ousted from the leadership of the Czechoslovak Communist Party in April 1969, the government set out to implement a policy of "normalization". Extensive house searches were carried out, and large numbers of people opposed to abandoning the 1968 reforms and the Soviet occupation were interrogated and arrested. A series of trials followed.

The first large trial was held in March 1971. Nineteen young members of a radical left-wing group were accused of "producing and distributing anti-Soviet materials in which they attacked the socialist system of the Republic". They were sentenced to prison terms of up to four years. Between November 1971 and January 1972 another wave of arrests took place. Among the detainees were many people charged with producing and distributing leaflets pointing out the constitutional right to abstain from voting in the national elections. The arrests culminated in a series of nine trials held in July and August 1972: 46 people were charged, about two thirds of whom were former members of the Communist Party. All were found guilty of subversion; 32 were sentenced to prison terms of up to six and a half years and the other 14 received suspended sentences. From then on political trials continued on a smaller scale.

Official measures to remove all opponents of the political leadership from positions of influence were even more widespread than the trials. As early as 1969 political screening and dismissals from work had begun within the Communist Party and the state apparatus, and these occupational sanctions were quickly extended to the army and educational, scientific, cultural and

economic institutions. By the end of 1970 the total membership of the Czechoslovak Communist Party, (just under 1.7 million at the beginning of 1969), had been reduced by 450,000. Some 7,000 regular officers were dismissed from the armed forces. Many organizations were disbanded, including the League for the Defence of Human Rights, the Club of Engaged Non-Party People (KAN), the Club of Former Political Prisoners (K231), and culutral, youth and children's organizations set up in 1968. In 1970/71 at the faculty of philosophy, Charles University in Prague, 20 professors out of 56, 15 associate professors out of 76 and seven per cent of all lecturers were dismissed, prematurely retired or forced to emigrate. Conditions were similar in other universities. By the end of 1972, 40 per cent of the total membership of the Union of Journalists had been expelled from the union. About 200 historians had been barred from their profession by August 1975. The Writers' Union was disbanded, and by July 1977 the membership of the new Writers' Union which replaced it was only 164 compared with 400 in 1968. By July 1979 130 writers had been barred from publishing, and 90 had emigrated.

1977 saw the founding of an unofficial human rights movement which has become known as Charter 77. In January 1977, 241 Czechoslovak citizens signed a manifesto reminding the political and state authorities of their duty to ensure strict observance of the rights guaranteed by the constitution, the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights and the Final Act of the Conference on Security and Co-operation in Europe (1975). By April 1981 more than 1,000 people had signed the Charter 77 manifesto. Foremost among the complaints voiced by Charter 77 was the frequent violation of the right to freedom of expression. In its manifesto, Charter 77 affirmed that it was not an organization and did not seek to form a base for oppositional political activity. It wished to promote general public interest and to conduct a constructive dialogue with the political and state authorities, particularly by drawing attention to individual cases of human rights violations.

In January 1977, the month that Charter 77 was founded, the Federal Procurator issued a statement, binding upon administrative and judicial bodies, declaring that Charter 77 did call for actions contrary to the constitution and for the organization of anti-socialist and anti-state activities. The repressive measures that followed were directed not only against Charter 77 signatories and their supporters but also against other people suspected of dissenting views. They were denounced by the media, subjected to prolonged and repeated interrogations, and often dismissed from work. By April 1977, 81 people are known to have been dismissed for either signing or supporting Charter 77.

The first detentions took place within days of the publication of the Charter 77 manifesto. Four people, all well-known in Czech cultural life, were arrested in mid-January 1977 charged with criminal activities directed against the foundation of the Republic. In October 1977 they were convicted of sending literary texts abroad for publication in emigre journals and sentenced to prison terms of up to three and a half years.

Charter 77 has become a focal point for unofficial activities: discussions;

seminars; readings and theatrical performances in private homes; pop concerts and recordings; and the unofficial publication of uncensored books and other texts. People taking part have been continually harassed and a number have had criminal charges brought against them.

In April 1978 a group of Charter 77 signatories established the Committee for the Defence of the Unjustly Persecuted (VONS), to "monitor cases of people who have become victims of arbitrary actions by the police or judiciary". VONS has become the most active part of the Czechoslovak human rights movement.

In May 1979, 10 members of VONS were arrested on charges of anti-state activities. In October 1979 six of them were found guilty of circulating information about people whom they considered to be unjustly persecuted within Czechoslovakia and abroad for use against the Republic. They were sentenced to prison terms of up to five years. The remaining four were released in December 1979 but criminal proceedings were still continuing in April 1981.

In December 1979 VONS became affiliated to the Fédération internationale des droits de l'homme, The International Human Rights Federation, a non-governmental organization based in Paris. By April 1981 the committee had issued more than 240 statements about alleged violations of human rights in the CSSR.

3. The Constitutional Context

Since 1 January 1969 the Czechoslovak Socialist Republic (CSSR) has comprised two constituent republics with equal rights: the Czech Socialist Republic (CSR) and the Slovak Socialist Republic (SSR). Each republic has its own government and parliament (National Council). The supreme state authority is the Federal Assembly which has overall legislative responsibility for foreign affairs, defence, foreign trade, transport and communications. Executive power in these areas is vested in the Federal Government. Both national governments retain their own ministries of justice and of the interior; no ministry of justice exists at the federal level.

The Federal Assembly is made up of two chambers with equal rights: the Chamber of the People and the Chamber of the Nations. The composition of the Chamber of the People reflects the relative populations of the two republics with 137 Czech deputies and 63 Slovaks. The Chamber of the Nations has 150 deputies, half Czech, half Slovak. The Federal Assembly elects the President of the Republic and the President appoints the Federal Government.

The electoral system is based on a single list of candidates approved by the National Front, which is headed by the Communist Party, and also incorporates the Socialist Party and the People's Party of the CSR, the Party of Revival and the Freedom Party of the SSR, the trade unions and other mass organizations. The leading role of the Czechoslovak Communist Party is acknowledged in the constitution. In practice its power is absolute.

The 1960 constitution remains in force and guarantees the citizens a number of internationally recognized human rights. Among them are: freedom of opinion and expression and freedom of peaceful assembly and association (Article 28); the right to petition (Article 29); the right to privacy of the home

and of correspondence, and freedom of residence (Article 31); freedom of religion, and the right to openly express beliefs (Article 32). The constitution also guarantees certain economic and social rights.

Article 34 lays down that civil rights must be exercised in a manner "consistent with the interests of the socialist state and the working people". The definition of what constitutes these interests is so general that in practice, all the rights granted in the constitution may be denied. The limits to the exercise of civil rights laid down by state and party policy are drawn so narrowly that virtually all political or religious dissent is proscribed.

During the reforms of 1968, a constitutional act was adopted creating a court to determine whether legislative and administrative regulations accord with the constitution, but the act has never been implemented. In addition to the 1960 constitution, a set of secret constitutional rules is in operation, composed of internal directives, party resolutions and departmental instructions.

Amnesty International believes that the restrictions imposed on human rights violate internationally agreed standards, and that the people affected have no effective remedy.

4. International Law

The CSSR has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Political Rights of Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the UNESCO Convention against Discrimination in Education. It is also a signatory of the Final Act of the Conference on Security and Co-operation in Europe (1975) known as the Helsinki Final Act. The CSSR has not ratified the Optional Protocol to the International Covenant on Civil and Political Rights allowing for the Human Rights Committee to receive complaints from individuals, nor has it made a declaration under Article 41(1) of the covenant accepting the procedure for inter-state complaints.

The Czechoslovak Government maintains that international treaties on human rights, including the Helsinki Final Act, are contracts among states and that individual citizens do not derive any rights directly from such treaties. It also holds that international undertakings in the human rights field are applicable only within the framework of the legal and political systems of each participating state. The CSSR regards any external examination of the implementation of its international human rights commitments as an inadmissible intervention in its internal affairs, especially when coupled with demands for change. It expressed this view at the 1979 session of the United Nations General Assembly. Amnesty International maintains that states who ratify such international agreements as the International Covenant on Civil and Political Rights are under an obligation to the international community to abide by their undertakings.

5. National Law

(i) The judiciary and the police

The introduction in 1969 of a federal system of government was followed by the

restructuring of the judicial system on similar lines. A Supreme Court of the CSSR and Supreme Courts of the CSR and SSR were established along with regional and district courts.

Judges of the Supreme Court of the CSSR are elected and recalled by the Federal Assembly. Judges of the Supreme Courts of the CSR and SSR and of the regional and district courts are elected by the National Council of the respective republics. Both professional and lay judges sit on the benches of courts and have equal authority, according to the law. Lay judges are elected by district committees and carry out their court functions in addition to their regular employment.

The federal system was also introduced for the state prosecuting bodies. The Office of the Procurator General of the CSSR and Offices of the Procurator General of the CSR and SSR were established along with regional and district procurators' offices. Responsibility for ensuring that public bodies and individual citizens observe the laws and legal regulations rests with the Office of the Procurator. In exercising his control, the Procurator General has the right to challenge any court decision or subordinate regulations which he considers contrary to the constitution or statute. The Procurator General of the CSSR is appointed and recalled by the President of the Republic and is accountable to the Federal Assembly.

The police force (Shor Narodni Bezpecnosti or SNB) has two component parts: the public security police (Verejna Bezpecnost or VB), carrying out normal police functions; and the state security police (Statni Bezpecnost or StB), the political police. The state security police is organized along military lines, with agents at every level in political, economic and cultural institutions. The state security police has close links with both state and party bodies and greatly influences the criminal justice process.

The Communist Party is strongly represented on state bodies and effectively controls the state apparatus. It controls the judicial institutions at central, regional and district level through special departments within its structure. It also confirms appointments to the state security police, the courts and the Office of the Procurator, and controls and coordinates their activities.

(ii) Legislation under which prisoners of conscience may be held The Czechoslovak Penal Code of 1973 contains a number of provisions which make it possible to construe the non-violent exercise of internationally recognized human rights as criminal. The right to freedom of expression and the right to seek, receive and impart information regardless of frontiers, (Article 19 of the

seek, receive and impart information regardless of frontiers, (Article 19 of the International Covenant on Civil and Political Rights), are restricted by a number of provisions in Articles 91 to 115 of the penal code, which deal with "crimes against the Republic". Most Czechoslovak political prisoners have been convicted under Articles 98 and 100.

Article 98—subversion of the Republic—prescribes a prison sentence of one to 10 years for any person "who, out of hostility to the socialist social and state system of the Republic, engages in subversive activity against the social and governmental system of the Republic, its territorial integrity, defence capability or independence, or against its international interests".

Article 100--incitement -- punishes with a prison sentence of six months to five years any person "who out of hostility to the socialist social and state system of the Republic, incites two or more persons:

against the socialist social and state system of the Republic;

- against the territorial integrity, defence capability or the independence of the Republic; or
- against the alliances or friendly relations of the Republic with other states."

In contravention of international law, both Articles 98 and 100 have been applied so as to criminalize political or other public activity which does not conform to official policy. The wide formulation of these articles and the excessively broad interpretation given them by the Office of the Procurator breach international standards. This is illustrated by the fact that, although both articles require proof of hostile intent, Amnesty International knows of no case where the prosecution has substantiated this element of the charge.

In 1971 and 1972 a number of supporters of the "Prague Spring" were charged with subversion under Article 98, and in the late 1970s it was used against members of Charter 77 and VONS.

In January 1977 the state security police arrested four people on charges of sending literary texts abroad for publication in emigre journals. In October 1977 the court sentenced Ota Ornest, a theatre director, and Jiri Lederer, a journalist, to three and a half and three years' imprisonment respectively under Article 98. Dr Frantisek Pavlicek, a writer and theatre director, was sentenced to 17 months in prison, suspended for three years. Vaclav Havel, a playwright, was convicted of attempting to damage the interests of the Republic abroad (Articles 8 and 112) and was given a 14-month sentence suspended for three years. In January 1978 Ota Ornest's prison term was reduced from three and a half to two and a half years on appeal. He was released in April 1978 before the expiry of his sentence.

In May 1979, 10 VONS members were arrested on charges under Article 98. They were accused of preparing statements about people whom they considered to be unjustly persecuted, and of circulating this information within Czechoslovakia and abroad. Six of them were brought to trial in October 1979 and convicted of subversion "in collusion with foreign powers" and "on a large scale". Petr Uhl, an engineer, was given a five-year sentence, Vaclav Havel. a playwright, four and a half years, Dr Vaclav Benda, a mathematician and philosopher, four years and Otta Bednarova and Jiri Dienstbier, both journalists, three years each; Dana Nemcova, a psychologist and mother of seven children, received a two-year sentence suspended for five years. The remaining four defendants, Jarmila Belikova, Dr Ladislav Lis, Vaclav Maly and Dr Jiri Nemec, were released from pre-trial detention in December 1979, but criminal proceedings against them are continuing. In September 1980 Otta Bednarova was conditionally released on health grounds. An 11th VONS member, Albert Cerny, a former actor, was arrested in March 1979 and sentenced in November 1979 to three and a half years in prison for participating in VONS and for

distributing Charter 77 material.

A number of people have been charged with incitement under Article 100, which is used to punish people who write, reproduce, distribute or even possess texts critical of the government's policies. Miloslav Cerny, an industrial worker, was sentenced to three years in prison in July 1977 for writing leaflets which criticized the government in connection with Charter 77, and for posting them in public places. Gustav Vlasaty, an active trade unionist, put on his office wall clippings from the party newspaper Rude Pravo announcing salary increases, and placed next to them his payslips showing no rise in his own pay. He was sentenced in April 1978 to 18 months' imprisonment under Article 100. Petr Cibulka, a land surveyor, Libor Chloupek, a librarian, and Petr Pospichal, a printing apprentice, were sentenced in November 1978 to two years' 20 months' and 11 months' imprisonment respectively for arranging private performances by unofficial artists and for reproducing and disseminating Charter 77 material. Vaclav Umlauf, a miner preparing for theological studies, was sentenced in May 1980 to three years' imprisonment. He had complained at work that the equipment in the mines was inadequate, and had openly condemned the Soviet military action in Afghanistan. He was also charged under Article 112 with damaging the interests of the Republic abroad by sending a letter to a priest in the UK in which he criticized the October 1979 trial in Prague of six VONS members.

Other provisions of the penal code which explicitly restrict freedom of expression include: Article 102-defamation of the Republic (up to two years); Article 104-defamation of a state belonging to the world socialist system or of its representatives (up to two years); and Article 112—damaging the interests of the Republic abroad (up to three years).

Some dissenters have been sent to prison on criminal charges which Amnesty International believes to be false, rather than on overtly political charges. A number of non-conformist artists have been prosecuted under Article 202disturbance of the peace—which prescribes a prison sentence of up to three years. Nineteen young people associated with two rock groups were arrested in March 1976 on a charge related to their cultural activities and life-style. In July 1976 three of them, Karel Havelka, Miroslav Skalicky and Frantisek Starek, were given prison sentences ranging from eight to 30 months which were later halved on appeal. At the second trial in September 1976, Ivan Jirous, an art historian and artistic director of one of the rock groups received a sentence of 18 months; Pavel Zajicek, a lyricist, 12 months; Svatopluk Karasek, a former pastor and singer, and Vratislav Brabenec, a saxophonist, eight months. The remaining prisoners were released after several months in custody, but criminal proceedings against them have not been suspended. One of them, Karel Soukup, a song writer and a member of the Charter 77 collective of spokespeople, was sentenced in November 1980 under Article 202 to 10 months in prison for singing songs with "anti-socialist content and using rude expressions" at a private wedding party.

Jan Simsa, a pastor and Charter 77 signatory, was sentenced in August 1978 to eight months in prison for "assaulting a public agent" (Article 155). He had

defended his wife when a police officer tried to take a letter from her while searching their home. Professor Jaroslav Sabata, a psychologist and Charter 77 spokesperson and a former prisoner of conscience, was sentenced in January 1979 to nine months in prison for "grossly insulting a public agent in the execution of his function" (Article 156). He had been arrested in October 1978 near the Polish border after the police had broken up a meeting of members of the Polish Committee for Social Self-Defence (KOR) and Czech human rights activitists. Eyewitnesses reported that he was beaten up by the police. Dr Josef Danisz, a lawyer who defended a number of Czech human rights activists, was convicted in March 1979 of "insulting a police officer" and sentenced to three months in prison, suspended for one year. He was also expelled from the Prague City Association of Lawyers and disbarred for three years. In January 1980 he was again brought to trial on charges of "grossly insulting a state agency and a public agent in the exercise of his function" (Articles 154 and 156) and sentenced to 10 months in prison and disbarment for another two years. His prison sentence was set aside under a general amnesty in May 1980.

Religious freedom (Article 18 of the International Covenant on Civil and Political Rights) is restricted by Articles 101 and 178 of the penal code. Article 101 deals with "misuse of religious function" and prescribes a prison sentence of six months to three years, and Article 178 covers "obstruction of the state supervision of the church", with a sentence of up to two years. Both provisions have been used to convict clergy for carrying out their duties as priests. Stefan Javorsky, a Roman Catholic priest, was arrested in November 1975, charged with "influencing young people to become religious" (Article 101) and subsequently sentenced to two years' imprisonment. Vojtech Srna, a Roman Catholic priest, was sentenced in May 1979 to 12 months in prison suspended for three years for obstructing the state supervision of the church (Article 178). He was accused of participating in a mass held without official permission at an Esperanto camp in July 1977. He was also barred from priestly duties for three years. His co-defendant, Miloslav Svacek, a civil engineer and leader of the camp, was sentenced to 15 months in prison suspended for three years for allowing the mass to be held. Oskar Formanek is a retired 66-year-old Jesuit priest who had been barred from carrying out his functions as a priest. He was sentenced in June 1980 to 18 months in prison suspended for four years for holding prayer meetings in private houses (Article 178) and for publicly stating that the church in Czechoslovakia was under communist control (Article 100).

Religious believers have also been charged under Article 118 which deals with profiteering and implies that official religious literature is being sold for personal gain, prescribing a prison sentence of six months to eight years. In September 1979, the police confiscated large quantities of religious literature and printing equipment from Roman Catholic priests and laity throughout the country. Eleven people were charged of whom six were remanded in custody: Josef Adamek, a retired printer; Jiri Kaplan, an engineer; Jan Krumpholc and Josef Vlcek, both workers; and two Jesuit priests, Frantisek Lizna and Rudolf Smahel. The remaining five were released from detention, but the authorities continue to investigate their cases. Of the 11, two were charged with obstructing the state

supervision of the church (Article 178) and nine with profiteering (Article 118). The six remanded in custody were released in January 1980. Amnesty International has learned that the investigation of their cases was completed by the end of 1980 and that they can expect to be brought to trial.

Military service is compulsory under Article 37 of the constitution. The law does not allow any exemption or alternative service to those who refuse military service for reasons of conscience. Article 280 of the penal code orders prison sentences of six months to five years for anyone evading or refusing military service; and five to 15 years or the death penalty if the country is in a state of emergency or at war.

The majority of conscientious objectors serving prison sentences are members of small religious sects such as the Jehovah's Witnesses, Seventh-Day Adventists and Nazarenes. Among those adopted by Amnesty International as prisoners of conscience in recent years are two Protestant former students of theology: Frantisek Matula, sentenced in January 1977 to two years; and Ales Brezina, a Charter 77 signatory, sentenced in June 1977 to two and a half years' imprisonment.

The right to leave any country, including one's own, (Article 12 of the International Covenant on Civil and Political Rights) is restricted by Article 109 of the penal code which prescribes a term of imprisonment of six months to five years for those who leave the Republic or stay abroad without official permission. Pavel Buchler, a graphic artist and Charter 77 signatory, was arrested in December 1978 in Budapest when attempting to make his way to Vienna on a forged passport. He had previously been harassed by the Czechoslovak authorities for his dissenting views and his application for permission to travel to western Europe had been refused repeatedly. He was handed over to the Czechoslovak authorities in February 1979 and, in August 1979, sentenced to one year in prison under Article 109.

(iii) Legal and administrative detention procedures

- (a) House searches. The police may search homes without a warrant only in urgent cases where consent from the Procurator cannot be obtained in time and the suspected or accused person must be present (Articles 83 and 85 of the Code of Criminal Procedure). Although this provision was designed for exceptional situations, many house searches have been carried out without warrants and, in some cases, in the absence of the suspect.
- (b) Custody (pre-trial detention). The standards for pre-trial detention are set out in the Code of Criminal Procedure of 1973. The relevant provisions are formulated in very general terms and lend themselves to abuse.

People may be remanded in custody for up to 48 hours without an order from the Procurator only in urgent cases when the Procurator's consent cannot be obtained. The Procurator must decide within a further 48 hours whether the detained person should be released or kept in custody (Articles 75, 76 and 77). In practice, however, many individuals have been held in custody for up to 96 hours without charge.

According to the code, if a person is detained, a member of the family must

be informed without delay, but in many instances families have been without news of their detained relatives for days (Article 70).

People may be held in pre-trial detention for up to two months, but the Procurator may extend this period at his discretion and the law does not set an upper limit (Article 71). In many cases pre-trial detention has lasted several months and on occasions over a year.

The investigation of political cases is usually carried out by the state security police. Amnesty International has information about people being physically or psychologically ill-treated to make them confess or make statements incriminating their friends. Prisoners of conscience have reported that they were asked questions which had no connection with the charge under which they were being held.

The accused have the right to be defended by a lawyer of their own choice (Article 33). In practice, however, most defendants are represented by lawyers appointed by the state and meet their lawyer for the first time only after two or even three months in custody.

(c) Conduct of trials. The Communist Party is brought in and consulted before political trials take place. Important decisions have to be approved beforehand by the party though they are implemented by judicial authorities. Article 102 of the constitution states that judges shall interpret the laws "in harmony with socialist legal consciousness".

Article 199 of the Code of Criminal Procedure stipulates that trials should be open and the general public may be excluded only if public proceedings would endanger "state, economic and official secrets, the undisturbed conduct of the trial or public morality" (Article 200). In practice, however, almost all political trials are closed to the general public and only family members or close friends of the accused are admitted. Public galleries are usually filled with officially invited people, and foreign correspondents and other foreign observers excluded. Political trials are very rarely reported by the news media and the general public has almost no opportunity to learn about the details of such cases.

Trials of political prisoners have failed to measure up to internationally recognized standards in other respects: the proceedings tend to be hasty and do not allow for a proper defence. For example: the trial of Ota Ornest et al in October 1977 and the trial of Petr Uhl el al in October 1979 lasted only two days each, and the defendants were interrupted and prevented from presenting their case; in the trial of Ivan Jirous et al in September 1976 and the trial of Petr Uhl et al the courts did not allow defence witnesses to be called. At the trial of Petr Uhl et al in October 1979 and Drahomira Sinoglova in September 1980 family members were not allowed to take notes of the proceedings. At the trial of Ivan Jirous et al the Procurator made changes in the file without informing the defence lawyers, and their request that the trial be postponed so that they could study the changes was refused.

Sentences passed in political cases are normally upheld although they have been reduced or increased on appeal. In one case known to Amnesty International, that of Petr Cibulka, the Plzen Regional Court on 11 March 1981 set aside the entire 10-month sentence imposed by the court of first instance.

(d) Release process. Prisoners who have served half their sentences and have shown good conduct may be released on parole by the courts (Article 61 of the penal code). In practice, however, most prisoners of conscience serve their full prison term.

The President of the Republic is authorized to grant amnesty and to waive or mitigate sentences passed by the courts but rarely uses these powers to benefit prisoners of conscience. The most recent amnesty, on 9 May 1980, affected only one person adopted by Amnesty International as a prisoner of conscience.

6. Prisoners of Conscience

(i) Number of prisoners of conscience

It is not possible to be precise about the number of prisoners of conscience in the CSSR. Information is limited because political arrests and convictions are rarely reported in the news media. Private individuals who publicize information about prisoners of conscience risk imprisonment themselves.

In April 1981 Amnesty International groups were working on behalf of 29 adopted prisoners of conscience and investigating six further cases. According to the 1976 Czechoslovak Statistical Year Book, 757 people were sentenced in the years 1973 to 1975 for "crimes against the Republic". The figure excludes people convicted under Article 109 of the penal code for leaving the CSSR or staying abroad without official permission. This official figure suggests strongly that there are many more prisoners of conscience in the CSSR than those about whom Amnesty International has definite information.

(ii) Location of prisons

There are two types of prison (both under the Minister of Justice): those for people remanded in custody and those for convicted prisoners. The latter, called corrective-educational institutions (NVU), are divided into three categories: category I has the most lenient regime and category III the strictest.

At the end of 1975 there were 45 prisons and corrective-educational institutions. Of 16 pre-trial prisons, 11 are in Bohemia and Moravia, and five in Slovakia. These are: Liberec, Litomerice, Ostrov nad Ohri, Plzen-Bory, Praha-Pankrac, Praha-Ruzyne, Ceske Budejovice, Hradec Kralove (in Bohemia); Brno-Bohunice, Olomouc, Ostrava (Moravia); Bratislava, Leopoldov, Banska Bystrica, Kosice, Presov (Slovakia). In Bohemia and Moravia there are 20 corrective-educational institutions.

A number of prisoners sentenced to category II prisons have been held in Mirov and Minkovice prisons. There are two prisons for category III prisoners: Valdice for men and Opava for women. The Praha-Pankrac prison has a section for non-CSSR nationals, and Praha-Ruzyne and Brno-Bohunice prisons also serve as investigation centres.

(iii) Prison conditions

The law governing prison conditions is only a guideline and detailed conditions of imprisonment are defined in secret orders of the Minister of Justice. There is no law on conditions in pre-trial custody.

Czechoslovak law does not recognize political prisoners as a separate category,

but there is strong evidence that they have suffered discrimination. Information received by Amnesty International shows that conditions of pre-trial custody and imprisonment fall short of the United Nations Standard Minimum Rules for the Treatment of Prisoners. These rules, adopted by the United Nations Economic and Social Council in 1957 and amended in 1977, "seek to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions". The account that follows sums up persistent complaints by prisoners of conscience over the last eight years.

- (a) Accommodation: political prisoners share cells with ordinary criminal prisoners. In Praha-Ruzyne prison two or three prisoners are kept in cells only 6sq m in area. In Brno-Bohunice prison there are five or six prisoners in cells of 8.5sq m. In Mirov prison 32 prisoners were kept in a 55sq m cell in January 1981. The windows normally have bars which do not allow sufficient light or air into the cells and which prevent prisoners from seeing out. The artificial light in the cells is weak.
- (b) Work: prisoners normally work eight hours a day, five days a week, but political prisoners have been known to work up to 12 hours a day and occasionally a six-day week. The work ranges from threading beads to heavy industrial work outside the prison compound. Refusal to work is punished, sometimes with a further term of imprisonment. For example, Petr Cibulka went on hunger-strike in Plzen-Bory prison in May 1979 because he could not fulfil the work norm and because of repeated physical attacks on him by common prisoners. In March 1980 the Plzen Regional Court sentenced him to a further one year's imprisonment for "obstructing the purpose of custody". In September 1980 the district court in Liberec ordered that Jiri Wolf be transferred from Minkovice prison to a category III prison for not reaching the work target and for violating prison regulations.
- (c) Food: the diet is generally poor and lacks variety. Serious deficiencies of vitamins and protein impair the prisoners' health. The range of foods obtainable from the prison canteen is limited and most prisoners do not earn enough to supplement the prison diet.
- (d) Contacts with families: the number of visits, parcels and letters prisoners are allowed depends on which category prison they are in. Category I prisoners are normally allowed visits only of one hour every three months by two adults and the prisoner's children. Category I prisoners are allowed one food parcel of up to 3kg every three months. Letters are censored and sometimes confiscated without reasons being given, and prisoners are allowed to keep only the letter they received last.
- (e) Exercise and relaxation: 30 minutes' exercise a day seems to be the norm. Political prisoners in category I prisons are normally allowed to take one newspaper and one book a week from the prison library. Technical and scientific literature and books in foreign languages are banned.
- (f) Medical care: prisoners are allowed to see a doctor once a week, on a specific day. Prisoners of conscience have complained that prison doctors are

reluctant to declare prisoners unfit for work. Prisoners frequently have to work despite ailments like tonsilitis or influenza, and with temperatures of up to 38°C. Cases have been reported of prisoners taking antibiotics being certified fit for work. Prisoners suffer from lack of basic medical attention even if seriously ill, and the treatment of injuries is inadequate. In some known cases operations were performed after substantial delays without sufficient after-care.

- (g) Religious restrictions: religious services are not permitted in prison, and priests and ministers are not allowed to enter. Churches and chapels have been abolished in penal institutions, and prisoners are not allowed to possess bibles. The prison authorities do not even tolerate religious rites which the prisoner can perform alone.
- (h) Punishment: in general political prisoners are more strictly disciplined than ordinary criminal prisoners. Punishment takes several forms: a cut in food ration; denial of the right to have visits; denial of the right to receive food parcels; reduction of pocket money; confinement in locked wards and solitary confinement. In 1979 in Plzen-Bory prison locked wards were in the cellar; flush lavatories were installed in the cells; the cells were damp and airless; and a hole about 10cm by 40cm in the ceiling was the only ventilation.

In 1979 Petr Cibulka was put in solitary confinement for 15 days in Plzen-Bory prison for not fulfilling the output target. In October 1980 Petr Uhl complained to the director of Mirov prison about unacceptable prison conditions and about frequent discrimination against political prisoners. In November 1980, as a disciplinary punishment, he was confined to a closed section for 30 days, outside working hours, and his pocket money was cut by three-quarters, ostensibly for insulting a fellow prisoner and for resting before "lights out". When he complained that he was not allowed to read the daily press, he was forbidden a parcel during his next visit in May 1981. Common grounds for disciplinary punishment are conflicts with the guards, the prison administration or members of the "self-administration" selected by the prison administration from among the ordinary criminal prisoners, and failure to achieve production targets at work.

(iv) Released prisoners

Reports received by Amnesty International suggest that a number of prisoners of conscience have returned home from prison in a poor state of health and in need of medical treatment and convalescence. Because of their record, they have been unable to take up the kind of work for which they have been trained, and have often had to take menial and badly paid jobs for which they were not even physically fit. Many former prisoners of conscience are faced with heavy debts. They have to pay the cost of the preliminary examination, the trial, the lawyer and the cost of their upkeep in prison from the day they are remanded in custody until they are released. Prisoners of conscience are known to have owed the state five months' average earnings on their release from prison.

7. Death Penalty

Under the penal code the following offences may be punished by the death

sentence, or long-term imprisonment: high treason; violent acts against the state; homicide; disruption of the state system or of its defence capability; disruption of the state economy in time of war; sabotage; espionage; endangering public security; hijacking; genocide; the use of prohibited weapons in war; and wartime atrocities. A number of military offences also carry a discretionary death sentence.

Pregnant women and people under 18 are exempt from the death penalty. An execution can take place only after the Supreme Court has examined the case and confirmed the verdict and after a petition for clemency has been refused by the President of the Republic.

According to figures provided by the CSSR, in the period 1974 to 1978 22 people were sentenced to death and 16 were executed; two were sentenced for offences against the state and the rest for offences against the person (Report of the Secretary-General of the United Nations Economic and Social Council (ECOSOC) on 29 July 1980). In March 1978 some 300 Czechoslovak citizens publicly called on the Czechoslovak Federal Assembly to abolish capital punishment.

8. Other Violations of Human Rights

In addition to imprisonment, other more widespread forms of punishment are imposed on people for expressing their opinions.

(i) Harassment

Short-term detentions, mostly for up to 48 hours, and ill-treatment of dissenters occur frequently, as well as a range of measures which fall outside Amnesty International's terms of reference, such as personal and house searches, confiscation of personal property, surveillance, defamation of character, discrimination at and dismissals from work, and loss of pension and social security benefits. Such measures are often followed by arrest. Other human rights violations outside Amnesty International's mandate include restrictions on foreign travel, or conversely, the forced emigration of dissenters and the removal of their nationality.

The case of the sociologist, Charter 77 spokesperson and VONS member Rudolf Battek, whose history of persecution and imprisonment for political activity goes back to 1969, illustrates the continuous harassment to which many active dissenters are subjected: in the year leading up to his arrest in June 1980 the police moved against him nine times. The measures used included repeated house searches, short-term detentions, interrogations and surveillance. On two occasions, after being interrogated, he was driven a long way from Prague and abandoned. His car was wilfully damaged and later stolen. On 14 June 1980 he was called to the local police station about the theft of his car. When no one attended to him he left, and a police officer ran after him and dragged him back. He was detained and charged with "assaulting a policeman". This charge was later changed to one of "causing bodily harm". In January 1981 the Procurator informed Rudolf Battek's wife that in addition to the charge of causing bodily harm, he had been charged with subversion. In April 1981 Rudolf Battek, who suffers from a serious asthmatic condition, was still awaiting trial. For most of the

10 months of pre-trial custody he was denied contact with his wife and his lawyer. In recent years there has been a marked increase in incidents of brutality towards dissenters. In June 1979 Zdena Tominova, a Charter 77 spokesperson, was attacked in her apartment block by a man in a stocking mask. In October 1980 two men tried to push Anna Marvanova, a Charter 77 signatory, in front of an approaching train in the Prague underground. Petr Pospichal, a former prisoner of conscience, was picked up in the street in October 1980 in Ceske Budejovice, pushed into a car and driven to a wood in South Bohemia. He was beaten up,

made to sit on the edge of a ravine and told he had the choice of either emigrating or collaborating with the state security police. When he refused to talk he was beaten up again before being allowed to go. Incidents of this sort have never been properly investigated and a strong impression prevails that they happen with the connivance of the state security police.

The state security police is also responsible for the interception of mail, filming and photographing individuals, monitoring telephone conversations, the installing of bugging devices in private apartments, and the withdrawal of driving licences.

(ii) Dismissals from work

In 1977 the International Confederation of Free Trade Unions (ICFTU) submitted a document to the International Labour Organization (ILO) accusing the CSSR Government of repressive measures affecting the employment of people who had signed, supported or refused to condemn Charter 77. The ILO, after investigation, found that the ICFTU complaint was justified.

Many of the people who were dismissed from work because of their opinions instituted legal proceedings against their employers for unfair dismissal, but in all known cases they lost. Many intellectuals who lost their jobs have had no alternative but to accept badly paid menial work, so that historians, philosophers, sociologists, natural scientists, journalists, writers and teachers are working as stokers, waiters, porters and the like. The families of those dismissed also face discrimination. Adults are often penalized at work and children are frequently barred from higher education. A number of the dismissed have also lost their old age pension or disability pension or had it reduced.

(iii) Restrictions on religious freedom

Since 1969 the activities of the churches and religious communities have been increasingly restricted. Church assemblies, cultural activities and religious meetings of young people and children require official permission from the State Secretariat for Religious Affairs. Children of practising Christians are frequently barred from higher education. The theological faculties, Roman Catholic and Protestant alike, operate a strict quota system. Those wishing to attend must obtain approval from the State Secretariat for Religious Affairs. After being ordained, priests need state approval before they can practise their office. In 1975 seven students from the theological faculty in Bratislava who had passed their final examination were barred from consecration as priests because they refused to attend a meeting organized by the state-sponsored

organization Pacem in Terris. Two to three hundred out of a total of around 3,500 Roman Catholic priests are barred from exercising their office and have to earn their living as manual workers. Since 1970 religious orders have not been allowed to accept novices and Roman Catholic nuns have been prohibited from working in hospitals and from attending schools of nursing.

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(iv) Restrictions on freedom of movement

In January 1980, when the Human Rights Committee set up under the International Covenant on Civil and Political Rights was examining the implementation of Article 12 of the covenant which guarantees the right to leave any country including one's own, the Czechoslovak representative stated that two of the reasons for refusing to issue a passport were that a journey would not accord with the interests of the state, and that a person might harm the good name of the CSSR during the journey. Most former prisoners of conscience and people dismissed from work for political reasons or suspected of oppositional views, and their families, have not been allowed to travel to the West, but in recent years the authorities have put pressure on some active dissenters to emigrate. A number of those who did emigrate were later deprived of their nationality for "anti-state" activities, including the writers Pavel Kohout (October 1979), Milan Kundera (November 1979) and the actor Pavel Landovsky (November 1980), all of whom were abroad with official permission. Others were deprived of their nationality before being allowed to emigrate: for example the journalist Jiri Lederer (September 1980) and Ales Brezina, a former student of theology (October 1980).

9. Action by Amnesty International

- (i) Amnesty International groups have persistently appealed to the Czechoslovak authorities for the release of all known prisoners of conscience. They have repeatedly expressed concern about the conditions which many prisoners of conscience face and urged the CSSR authorities to take remedial action. In their approach, they stressed the obligation of the authorities to abide by their international human rights undertakings. In each individual case they pointed to breaches of the rights proclaimed in the Universal Declaration of Human Rights, and in the International Covenant on Civil and Political Rights which the CSSR has ratified.
- (ii) Human rights violations in the CSSR have been widely publicized. Czechoslovak prisoners of conscience have featured in the Prisoner of the Month campaigns and urgent appeals have been initiated on behalf of prisoners in need of immediate attention on medical or legal grounds.
- In August 1976 Amnesty International (FRG Section) published, under the title CSSR 1976-Junge Kultur unter Anklage, a comprehensive account of the persecution of non-conformist artists and of two trials of young people associated with rock groups. Major trials of human rights activists in the CSSR have been the subject of reports: Charter 77-Human Rights Movement in Czechoslovakia (January 1978) and Trials of Members of the Committee for the Defence of the Unjustly Persecuted (VONS) in Czechoslovakia (January 1980). Amnesty International has translated and distributed documents on prison

conditions in CSSR, and in March 1977 a first edition of this briefing paper was issued.

- (iii) In recent years Amnesty International has sent observers to a number of trials of prisoners of conscience but its representatives, without exception, failed to gain access to the court room. Three of Amnesty International's trial observers were refused entry visas into the CSSR. In October 1978, Austrian lawyer Dr Wolfgang Aigner, delegated by Amnesty International to observe the trial of Petr Cibulka, Libor Chloupek and Petr Pospichal in Brno, was detained for five hours. In December 1979 another Austrian lawyer, Henry Goldmann, nominated to observe the appeal hearing in Prague of Petr Uhl, Vaclav Havel, Dr Vaclav Benda, Otta Bednarova, Jiri Dienstbier and Dana Nemcova, was detained for four hours and expelled from the country for "interference in Czechoslovakia's internal affairs".
- Amnesty International has provided financial aid to the families of prisoners of conscience, and assisted in their rehabilitation after release with relief funds.

These papers are intended to summarize available information on political imprisonment, torture and the death penalty in a single country or territory governed by a specific political authority. They are designed to be concise and factual and are written primarily for reference purposes.

Since Amnesty International is limited by its statute to act only in specific human rights situations, reference is made to the political, economic and social situation in each country only where this had direct relevance to particular human rights problems. The information contained in each paper is accurate at the time of publication.

AMNESTY INTERNATIONAL BRIEFING PAPERS

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The Death Penalty, 209 pages, 1979, £2.00.

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The Amnesty International Newsletter. This eight-page monthly bulletin provides a regular account of the organization's work for human rights throughout the world. Articles include summaries of the latest published reports and findings of Amnesty International missions; new information on arrests and releases; and reports of torture and executions. The newsletter provides basic information for activists. It includes the "Campaign for Prisoners of the Month" and one or more appeals on behalf of likely victims of torture.

It is available in English, French and Spanish from London, Colombo, Paris and San José. National section newsletters in various languages are available from Amnesty International national section offices.

Copies of Amnesty International publications can be obtained from the offices of the national sections of Amnesty International. Office addresses and further information may be obtained from the International Secretariat, 10 Southampton Street, London WC2E 7HF, England.

AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed "prisoners of conscience".

It advocates fair and early trials for all political prisoners and works on behalf of such persons detained without charge or without trial.

It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

AMNESTY INTERNATIONAL acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

AMNESTY INTERNATIONAL has over 2,500 adoption groups and national sections in 41 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 93 countries. Each adoption group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the Coordinating Committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

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