

# CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

A Non-Profit Organization Founded In 1918 — Devoted to Promote  
Co-Operation of All Peoples for the Preservation of Democratic Freedom

(Chicago, Ill.)

The Savoy, Apt. 610, 1101 New Hampshire Ave., N.W.  
Washington, D.C. 20037

Tel.: 872-1900 or 296-4128



17 APR 1986

## CZECHOSLOVAKIA SINCE BELGRADE

### compliance with the provisions of the Helsinki Final Act

BASKET I, Principle VII: human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and the exercise of civil and political rights.

The trial of the six Charter 77 signatories and members of the Committee for the Defense of the Unjustly Persecuted (CDUP-VONS) which was held in Prague in October, 1979, is only a small sample of the violations by the Czechoslovak authorities of their international obligations and accepted standards of justice. Four years after Helsinki, the Prague regime "celebrated" its signature on the Final Act by staging a major trial of citizens who called upon it to abide by its own Constitution and its explicit commitments to international agreements, such as the Helsinki Final Act, the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights.

The trial brought a new twist to the concept of justice, guilt and subversion. The Prague regime has imposed a new definition of subversion on Czechoslovak citizens: they can now be found guilty of subversive association with "hostile forces" abroad, if Radio Free Europe - or any other radio station - broadcasts their protests, even though they have had no personal contact with such radio station. "Guilt by association" has become a new element in the Czechoslovak judicial system.

The six Charter 77 signatories were found guilty of the crime of subversion of the Republic under Article 98 of the Penal Code and sentenced as follows: Petr Uhl to 5 years imprisonment; Vaclav Havel to 4½ years; Dr. Vaclav Benda to 4 years; Jiri Dienstbier to 3 years; Otta Bednarova to 3 years and Dana Nemcova to 2 years, suspended for 5 years. Petr Uhl to serve the sentence in the second prison category; Vaclav Havel, Vaclav Benda, Jiri Dienstbier and Otta Bednarova in the first category. The appeal hearing was set

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For December 20, 1979. It lasted 16 hours, but Dr. Marie Dojcarova, The Presiding Judge of the Supreme Court of the CSR, rejected the appeal and upheld the sentences passed by the Municipal Court. The sentenced Charter 77 signatories and members of VONS were then transferred to other prisons: Petr Uhl to Mirov; Dr. Vaclav Benda, Vaclav Havel and Jiri Dienstbier to Hermanice; because of ill-health, Otta Bednarova was transferred to <sup>the</sup> Prague-Pankrac prison hospital.

Only close relatives of the accused were permitted to attend the hearing. At least 60 of their friends gathered in front of the court after they had been refused entry in the building. In the course of the day, at least 20 of them were detained for questioning, while six of them were taken to a remote village late at night and then, after questioning, driven to various places in Central Bohemia from which they had to walk 4 to 10 miles to reach the nearest railway station. Some of those detained had their hair cropped as a warning to others. Those detained and/or transported out of town were: Rudolf Battek, Milan Balaban, Pavel Balac, Pavel Smida, Nada Cachova, Radko Doupovec, Dana Fajtlova, Jiri Gruntorad, Martin Hybler, Tomas Liska, Olga Rychtarova, Karol Sidon, Andrej Stankovic, Anna Bednarova, Lukas Tomin, Vera Vranova, Zdena Tominova, Julius Tomin and Petr Tomisek.

Among persons from abroad who tried to attend the trial but were refused admission, was the British lawyer and Vice-Chairman of the International Association of Democratic Lawyers, John Platts-Mills, Amnesty International representative, Austrian lawyer, Henry Goldman and four members of a French delegation: Elizabeth Guyot, a lawyer, professor Marcel Berger, journalist Jean-Jacques Marie and editor of "Esprit", Paul Thibaud. All six were detained and, with the exception of John Platts-Mills, expelled from the country.

Other human rights activists in Czechoslovakia were charged with subversion and sentenced to various prison terms, while the only "crime" they committed, was to duplicate and distribute various documents of Charter 77, "samizdat" literature and other Charter 77 materials: Albert Cerny, 3½ years of imprisonment, Dr. Jaromir Savrda, 2½ years of loss of freedom and others, whose persecution was protested by VONS.

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Religion and religious activities are also being repressed by the Prague regime. In the months following the Pope's visit to Poland, many catholic activists were arrested, including several priests. They were charged with subversion and with impeding state's supervision over religious activities. The homes of the activists were searched, religious books and materials were confiscated, and typewriters and duplicating devices were removed from the homes. In Bulletins No.135 (September 28, 1979) and No.159 (January 11, 1980), the Committee for the Defense of the Unjustly Persecuted reports in detail on a nationwide campaign against active catholics and independent catholic literature. Over thirty persons were interrogated, apartments and houses of 21 catholics were searched, 10 persons were detained for 2 or 3 days and 5 of the most active catholics were imprisoned for several months: Josef Adamek, pensioner of Olomouc; Frantisek Lizna of Olomouc, a priest, practising without a state license and a Charter 77 signatory; Rudolf Smahel, a priest, of Uherske Hradiste; Josef Vlcek (who was imprisoned in the 1950's when he was accused of espionage for the Vatican, sentenced to death; the appeal court reduced the sentence to 21 years imprisonment, eight of which he spent in the uranium mines in Jachymov; he was released in 1960); Jan Krumpholc, worker, Radikov near Olomouc (the police authorities confiscated two truckloads of paper and stencils which were in his possession, as well as 300 copies of the History of the Roman Catholic Church in Bohemia and Moravia, which were found in his apartment; Jan Krumpholc and his wife were imprisoned for similar activities in the 1950's). All were released in the second week of January, 1980.

Also detained but later released were Dr.Joséf Zverina, Charter 77 signatory, and Jiri Kaplan, both of Prague; Dr.Mecislav Razek of Brno; Josef Brtnik of Sivice near Brno; Svatopluk Krumpholc of Olomouc and Dr.Silvo Krcmery of Bratislava. All of the detained and imprisoned catholics were charged under article 118, sec.1 of the Penal Code (unlawful business activity).

Bulletins No.160 (January 4, 1980) and No.161 (January 15, 1980) of the Committee for the Defense of the Unjustly Persecuted, speak of new cases of police repression in Prague, Brno and the northern region of Bohemia, especially against young people.

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About 40 to 50 young adults were detained, interrogated and/or had their apartments searched. Many of those detained were Charter 77 signatories, while others were accused of duplicating and distributing Charter 77 materials. Five young people, Petr Svestka, Milan Pankraz, Helena Abrahamova and Slavek and Jana Kaplan, were detained because they were using the apartment of Charter 77 signatories Olga Rychtarova, Jarmila Kusnirova and Zdenek Buk, for regular meetings to study the English language. The apartment was sealed by the police and, as far as is known, remains sealed to this day.

Another wave of police action against young people in Czechoslovakia, took place in the middle of March, 1980 in Brno, where friends of Petr Cibulka requested permission to stage a peaceful demonstration in protest against an additional sentence of six months meted out by the Appeals Court in Plzen to Cibulka, for "obstructing the carrying out of official duties". The request was signed by over 170 persons, most of whom were then interrogated by the police. Some were detained, all were threatened with reprisals and all received a written order not to enter the inner city of Brno from 4.p.m. on March 14th to midnight on March 16th. Jan Litomisky, Charter 77 signatory from Vyskytne near Pelhřimov, whose return address was used on the envelope, was followed by the secret police wherever he went. On March 12th the police took him to Prague for interrogation while his apartment was being searched. He was released late in the afternoon. Detained also were Ivana Hyblerova with her two babies; Zdenek Brodak and Zuzana Pospichalova, both minors. -- Petr Cibulka was sentenced in 1978 for organizing illegal concerts and for distributing Charter 77 materials. He staged three hunger strikes in prison in protest against treatment of political prisoners and harsh prison conditions.

It is worth noting that the sons and daughters of Charter 77 signatories are also constantly under surveillance: Jan and Jiri Bednar (sons of Otka Bednarova), Ivan Kyncl, Jaroslav Kukal, Ivan Dejmal, Svatopluk Karasek, Ivan Ruml, David Nemeč, Marketa and Pavla Nemcova, were detained on several occasions and subjected to questioning.

In January of 1979, Charter 77 prepared a list of persons known to be in Czechoslovak prisons for political reasons. The list numbered 40. Today, the estimate is close to 100. This figure, however, is imprecise because the government does not recognize

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prisoners of conscience as a separate category. Political prisoners are indicted on the basis of charges such as "subverting the Republic" or "damaging the interests of the Republic".

A special category of persecuted citizens consists of several defense lawyers, appointed by the state to "defend" political opponents of the government, who had charges brought against them for defending their clients too vigorously. A special case is that of Dr. Josef Danisz, who was sentenced on January 24, 1980 to 10 months imprisonment, as reported in Bulletin No. 165 of the CDUP (VONS), dated January 26, 1980. Dr. Danisz was charged with "insulting the judge" while presenting the defense in behalf of Dr. Jaroslav Sabata and Jiri Chmel. Vaclav Havel, the famous playwright, sentenced to 4½ years of loss of freedom, was also Dr. Danisz' client. The Paris Bar Association sent two observers to Prague to attend the trial of Dr. Danisz; however, they were not admitted to the courtroom and their letter of protest was ignored by the authorities.

The long arm of Czechoslovak "justice" reaches also beyond the borders of Czechoslovakia. Several human rights activists, who have had the government's permission to reside abroad for a specific period of time - because of their cultural activities - have been stripped of Czechoslovak citizenship. Among those thus affected are author Milan Kundera, who lives in Paris, Ivan Binar, teacher and writer, who made his home in Austria and Pavel Kohout, author of "The Poor Murderer", who lives in Austria.

The basic right of citizens everywhere, the right to education, is grossly abused and violated by Czechoslovak authorities. Children of parents, whose political views do not conform with the party line, are barred from higher education. In October of 1979, the French Federation of Pedagogues appealed to French universities and research institutions, as well as to educational institutions in other countries, to study and research more actively the various forms of repression in Czechoslovakia, which affect the life of human rights activists and their families. Secretary of the Federation, Elie Joen, was in Prague during the trial of the six members of VONS, and reported on the various forms of repression which affect the children of human rights activists in Czechoslovakia. Students, who wish to enter an institution of higher learning, must execute a special form

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which includes questions as to political activities and political reliability of their parents.

Charter 77 issued on January 23, 1977 document No.24 regarding discrimination in education in Czechoslovakia, which has been practiced for many years. Bulletin No.134, issued by the CDUP(VONS) on September 28, 1979, reports on government action against "seminars", which have been organized in Czechoslovakia along similar lines as the Polish "flying university". The authorities detained several members of the underground university, whose apartments were used for conducting lectures, and confiscated various materials used by the students. In October, 1979, the Prague secret police detained Norwegian professor Thorolf Rafto, who was invited by professor Julius Tomin to present a lecture to students of these seminars, known as the "Patocka University".(It was named after professor Jan Patocka, one of the first spokesmen for Charter 77, who died on March 13, 1977, as a direct consequence of 11 hours of brutal police interrogation.) Professor Rafto was interrogated for several hours and then expelled from Czechoslovakia.

In March of this year the Czechoslovak authorities have begun a new drive to break up this channel of intellectual dissent. The police raided the home of prof.Julius Tomin, just as Dr.William Newton-Smith, Canadian born professor from Oxford, had begun a lecture as a guest speaker. Dr.Newton-Smith was forcibly removed from the apartment, interrogated at the police headquarters till midnight and then taken by car to the Czechoslovak border and forced to cross into West Germany. In another development, a British student was detained after police broke into the apartment of Ivan Dejmal, Charter 77 signatory, interrupting the philosophy lecture Dr.Radim Palous was giving to a group of about 25 students. Angus Cargill, the British student, was later released and ordered to leave Czechoslovakia the next day. Later in the week the police broke into the same apartment and detained eight of the 27 persons attending another lecture of Dr.Radim Palous: Dr.Julius Tomin, Dr.Radim Palous, Milos Rejchrt, Jan Ruml, Jiri Streda, Karel Sling and Tereza Kohoutova. All were released after 48 hours detention.

Dr.Tomin and his friends are Charter 77 signatories, who have been objects of continued harassment because of their refusal to be silent. Dr.Tomin's study group

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consists of about 30 young people who have been discriminated against educationally because of their parents' support of the Charter. Dr. Tomin is known for his defense of scientific and intellectual freedom. He has aroused considerable sympathy in West European universities, with promises of visits by lecturers to the study and cultural groups that maintain a clandestine but vigorous activity as part of the cultural underground. The latest police actions are aimed at cutting off these embarrassing international connections.

The violation of the right to work is a daily occurrence in Czechoslovakia. In a letter to the International Labor Organization, dated February 7, 1979, Charter 77 spokesmen informed the ILO of persecution of Charter 77 signatories. Discrimination by Czechoslovak governmental agencies and employers' organizations against citizens holding critical and differing opinions, continues in violation of the Czechoslovak Constitution, the Labor Code and the ILO Convention No. 111/1958, which was ratified by the Czechoslovak government. Many citizens lost their jobs because they had signed Charter 77, or because they expressed agreement with its sentiments. They were forced to take jobs which are far below their qualifications, or they were deprived of their jobs altogether and are unemployed. Some of these citizens were forced to emigrate. Some, who were fired from their jobs, have tried to use court action, hoping to force the employers' organizations to hire them back. However, the courts, in violation of existing Czechoslovak laws, confirmed the action of the employers' organizations, even though it was discriminatory.

Amnesty International, in its publication entitled the "Labor News", reported on the case of Gustav Vlasaty, a worker for 29 years in Chemopetrol, who was fired from his job for criticizing conditions in the factory and for not being "properly deferential" to his superiors. He was arrested in January, 1978, on charges of "incitement", and on April 5, 1978, sentenced to 20 months imprisonment in Litomerice prison. His "crime"? On a bulletin board in his office he pinned various news clippings from the union newspaper and from Rude Pravo. These articles included items on labor conditions in Chile and the "exploitation" of the working class in various western countries. Next to these

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clippings, Vlasaty posted his payslips, thus showing, that his status had not improved either. Another case in point is the case of Dr. Julius Tomin, philosopher, Charter 77 signatory and husband of Zdena Tominova, Charter 77 spokeswoman, who has held a succession of jobs as turbine operator, night watchman and boiler man. Cases, similar to that of Dr. Tomin, run into tens of thousands.

In this connection it is worth noting that scientists and their families in Czechoslovakia, have also suffered greatly because of the tight control the regime is keeping over this profession. On July 8, 1976, under Ref.No.62843/77/76, the Czechoslovak Academy of Sciences published an addendum to Annex No.1 of the Ordinance of the Federal Ministry for Technical Development and Investment No.3, which states that ".....all economicotechnical employees have to be qualified in terms of political maturity..... and have an active approach to the promulgation of Marxist-Leninist policies...". In 1977 all academy members had to complete an affidavit relating not only to their own political reliability, but also to that of their relatives and in-laws. At least two scientists, Vladimir Lastuvka, a nuclear engineer, and Ales Machacek, an agronomist, have been imprisoned for distributing Charter 77 material. It is estimated that at least 40 percent of scientists with differing political views, have been dismissed from their jobs in Czechoslovakia. One dissident, who left Czechoslovakia in 1977, put it this way: "Prague today is full of highly educated men sweeping streets and stoking boilers".

Labor unions, whose executives are nominated by the communist party, and/therefore, are accountable to the party; not to the workers, keep records about the activities of all workers - on the job as well as off the job. Spying and informing on workers' activities is common and information thus collected, is used against the workers. Strikes are not officially forbidden but they must be approved by ROH (Revolucni Odborove Hnuti - Revolutionary Trade Union Movement), which is under the control of the government.

It is also necessary to bring to the attention of the Commission a frightening fact - i.e. that the Czechoslovak regime has adopted the Soviet practice of interning dissidents in mental institutions, where they are being administered drugs, harmful to their physical and mental health. The British magazine "Nature", volume 279 of May 10, 1979, reported



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on the case of 45-year old Augustin Navratil, who was committed to the mental hospital in Kromeriz. In January of 1978 he was charged with "slandering the state", for collecting signatures for civil rights petitions connected with Charter 77. And Bulletin No.129 of VONS, dated September 3, 1979, reports on the case of Tomas Liska, who was treated at the psychiatric ward in Praha-Bohnice prison. He was arrested at the Czechoslovak-Polish border on August 20, 1979 and sent to the psychiatric ward for observation and treatment. He was released on September 3, 1979. Dr. Julius Tomin and several other Charter 77 signatories, have been subjected to a similar procedure.

As it is impossible for many Czech and Slovak writers to publish at home, publications abroad function, in fact, as one substitute to enable the Czech and Slovak readers to become acquainted with the works of Czech and Slovak writers. In document No.12, Charter 77 lists 130 writers whose works cannot be published in Czechoslovakia because of the writers' political beliefs. Since 1968 about 90 writers left Czechoslovakia and the membership in the Writers' Union has been reduced from 400 to about 160. Some publications appear in "samizdat" form (Edice-Petlice), but because the government constantly confiscates typewriters, duplicating devices, paper and other material, it is almost impossible to circulate any of the writings. The most prominent among these authors are Vaclav Havel (The Memorandum), Ludvik Vaculik (The Guinea Pigs), Jiri Grusa (The Questionnaire), Ivan Klima, Alexandr Kliment and Jan Skacel.

However, the Paris based publishers of "Svedectvi" (Testimony), a quarterly for politics and culture, devoted its winter, 1979, issue to articles written exclusively by dissident writers still in Czechoslovakia. Twenty nine Czech and Slovak authors in Czechoslovakia prepared the issue and sent it to Paris in September, 1979. A French translation of the publication will be published in the near future. Among the authors are Ludvik Vaculik, Frantisek Pavlicek, Jan Mlynarik, Vaclav Cerny and Jiri Grusa.

Authors in exile include a number of writers who rank among the most eminent in Czech literature today: Milan Kundera, Josef Skvorecky, Jan Benes, Zdena Salivarova, Jan Drabek, Pavel Kohout and others.

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BASKET III: reunification of families and emigration; travel and free flow of people ideas and information.

As the State Department noted in its seventh semi-annual report, Czechoslovakia has improved its record in the field of divided family cases and visits. However, fees for emigration - i.e. reimbursing the state for educational expenses - restrictions on the amount of hard currency a Czechoslovak citizen may take abroad, as well as strict government regulations, make it still almost impossible for the great majority of Czechoslovak citizens to either emigrate or to travel abroad. On March 26, 1979, Charter 77 issued document No.24 on the freedom of travel, which cites and analyses all government regulations which restrict travel abroad, to the West in particular. Apart from numerous other documents, permission from the employer has to be attached to an application for permission to travel abroad. Citizens, who wish to emigrate, must sign a so-called "Renunciation statement", with which they leave all their properties to the state and wave all claims against the state, including the right to social security benefits.

In this connection it should also be noted that <sup>the</sup> Czechoslovak authorities refuse exit permits to relatives of those who are engaged in activities of or work for organizations critical of the Czechoslovak government. These relatives are, in effect, held hostage for the public silence of their loved ones. This, in turn, amounts to a gross intimidation by the Czechoslovak government of citizens of other countries, including the United States. They are indirectly told: If you want to see your mother again, stop working for that organization.

There has been very little progress as far as freedom of information is concerned: mail is still censored, most books, magazines and newspapers sent to relatives in Czechoslovakia are confiscated, and journalists, writers and scientists with differing views and political thinking, cannot publish their articles or works in Czechoslovakia. The jamming of broadcasts of the Voice of America has stopped, but the broadcasts of Radio Free Europe continue to be jammed. The Prague radio, however, broadcasts to many countries without interference. Neither is the Prague regime faced with a prospect of having the newspapers and magazines it sends abroad to thousands of former Czechoslovak citizens, confiscated.

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The magazines, such as the Czechoslovak World (Ceskoslovensky Svet) are sent abroad free to all who will accept them. "Free flow of information" has, for the most part, been a "one way street", benefiting the Prague regime, not the people of Czechoslovakia.

"Free flow of information, peoples and ideas" is also being impeded by the physical barriers separating Central and Eastern Europe from the West - such as the Berlin Wall, the Watch Towers, the Barbed Wire and the Mine Fields, the Vicious Dogs and the Guards, who are trained to shoot first and ask questions afterwards.

In conclusion it may be appropriate to repeat the statement made by Mr. Hodding Carter 3rd at the State Department, during the trial of the six Charter 77 signatories and members of VONS, in October, 1979: "We cannot agree that the acts which the defendants were accused of committing, were in any way criminal or that they warranted punishment. The six Czech defendants were working to see that the Government acted according to its own laws, legal procedures and international commitments on human rights. The trial contradicts the spirit and letter of the 1975 Helsinki Accords on European security and human rights. We are, and will continue to be, concerned about violations of human rights wherever they occur. We have, and will continue to speak out forcefully against these actions. In the case of Czechoslovakia, we are particularly disappointed, given its past tradition and experience of democracy and respect for law and rights of individuals. The human rights of Czechs and Slovaks and their freedom to exercise these rights, have obviously been a matter of interest to some of Czechoslovakia's neighbors, who have had more than a little influence over the internal affairs of that country, in particular during the past 11 years".

The implication is clear. We have to work unyieldingly towards/furthering/the  
implementation of <sup>of the</sup> ~~all~~ provisions of the Helsinki Final Act.

Anna Faltus

Czechoslovak National Council of America

Washington, April 2, 1980