



International Conference
**European Conscience
and Communism**

Prague, 2–3 June, 2008

Proceedings

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Jiří Liška, Vice-chairman of the Senate,
Parliament of the Czech Republic



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Proceedings of the International Conference

European Conscience and Communism

which took place on

2–3 June, 2008

in the Main Hall of the Senate, Parliament of the Czech Republic

hosted by

the Committee on Education, Science, Culture,
Human Rights and Petitions
of the Senate, Parliament of the Czech Republic

under the auspices of Mr Alexandr Vondra,
Deputy Prime Minister for European Affairs

“Communism is a common European legacy, together with fascism
and Nazism. Until Europe accepts its common past and comprehends
its common responsibility, it cannot be united.“

Preface

The twentieth anniversary of the fall of the Iron Curtain is approaching which brought about the end of the Cold War in Europe. A first new generation has come of age in societies freed from communist dictatorship that lasted over forty years. In the last two decades of establishing democracy and market economies in Central and Eastern Europe, coming to terms with the traumas of the past was not a principal issue in society. With growing historical distance, however, the time is coming to face our past honestly, to assess the nature of the crimes committed by communist regimes and to deal with the legacy of totalitarianism. We need to reach a historically objective understanding of European history of the last century.

Thanks to the accession of former communist countries to the European Union, this debate is now possible on a common level. Indeed, in the past few years, European democratic institutions - notably the Parliamentary Assembly of the Council of Europe and the European Parliament - have started addressing the legacy of totalitarianism and communism in Europe and stressing the need for further attention to the issue (Resolution of the PACE condemning the crimes of totalitarian regimes, Resolution of the EP on the occasion of the 60th anniversary of WWII, Resolution of the EP on the 50th anniversary of the Hungarian uprising in 1956 etc.). This conference, held in the heart of Europe once shut away behind an iron curtain by the communists, wants to help to carry the European historical and political discussion a step further.

Jana Hybášková, Martin Mejstřík (from the conference programme)

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Crimes of Communism

Monday 2 June, 2008

JAROMÍR JERMÁŘ

Vice-chairman of the Human Rights Committee, Senate,
Parliament of the Czech Republic



Welcome

Ladies and gentlemen, dear guests,

On behalf of the Committee on Education, Science, Culture, Human Rights and Petitions of the Senate of the Parliament of the Czech Republic, let me welcome you at the conference “European Conscience and Communism”. I would like to cordially welcome all the representatives of Embassies, representatives of European institutions and the rest of the audience but let me especially welcome Václav Havel, former president of Czechoslovakia who has been, is and will be a symbol of the pre-November struggle for freedom.

I think that none of you participating in this meeting needs to be reminded of the meaning and importance of history. I am a historian by profession, therefore I know that history is extremely important so that we do not repeat the mistakes which we committed in the past. It still holds true that who does not remember history will have to relive it. It is my wish that we may remember not only the positive sides but especially also the negative things that occurred in our past so that we do not repeat them any more.

I wish you all successful deliberations, I wish that history always be evaluated as objectively as possible and I wish that all of us continue to live in a democratic system which we have been enjoying for almost 20 years now.

I wish you a nice stay here in Prague and in the Senate.

ALEXANDR VONDRA

Deputy Prime Minister of the Government of the Czech Republic
for European Affairs



Greeting

(read by Jiří Liška, Vice-chairman of the Senate)

Dear ladies and gentlemen, dear guests,

Government responsibilities are unfortunately preventing me from opening this conference to which I gladly provided my patronage. Therefore, let me address you at least through this message.

Recently, at a solemn gathering to commemorate the victims of communism I said that we are all repaying a debt which we have toward those whose fates were often cruelly distorted by communism. I also said that coming to terms with the past is the main prerequisite for it not to repeat itself. We, citizens of the post-communist countries have been struggling with this task for better or worse since the fall of the iron curtain. Our Government addresses it with full responsibility. We have established the Institute for the Study of Totalitarian Regimes whose task it will be to analyse and to provide access to documents testifying about the time of captivity, including materials about the activity of the communist secret services. We are also negotiating an Act on the third, anticommunist resistance which is to honour those who fought against the communist regime. Gradually, however, the time is coming to transfer the debate to the European level as well. Even Brussels should not lack a memento reminding those who were lucky not to experience it themselves about what communism was. We are members of the EU, we are part of a community which takes pride in sharing common values and a common apprehension of the past certainly is one of them. Therefore, I am extremely happy that a conference which wants to contribute toward this goal is taking place in Prague.

I wish you two days of stimulating discussions. I would also like to take this opportunity to invite you to this evening's reception where I will be happy to meet you and talk to you personally.

Yours truly,

Alexandr Vondra



JANA HYBÁŠKOVÁ

Member of the European Parliament, Czech Republic



MARTIN MEJSTŘÍK

Student leader of 1989, Senator of the Parliament of the Czech Republic

Graduated from the Theatre Faculty, Academy of Performing Arts in Prague. Co-organizer of the student demonstration on November 17, 1989. One of two leaders of the student strike. Founding member of the Civic Forum. In the 1990s, worked as a journalist. Active in local politics, Senator since 2002. His main topic is coming to terms with communism.

Introduction

(Jana Hybášková)

Dear Mr President, your Excellencies, esteemed international guests, dear friends in the fight against communism, dear dissidents who have arrived here from countries in which totalitarianism and captivity still prevails,

Why are we meeting in Prague? Precisely because Prague is one of those hurting European cities which came to know both forms of totalitarianism - Nazism and after that, communism.

Why precisely now? Because even 20 years after the fall of the iron curtain, Europe is not united, it is deeply divided by its past, it is deeply divided in its conscience. And precisely for the reason that we should not continue dividing Europe into postcommunist countries and the old member states, into East and West in colloquial terms, we must admit one thing: communism and Nazism both represented a rape of ideology, of science like biology or sociology. They have common causes and they had common horrible consequences. Therefore they have to be treated as equal, like two sides of one coin. This conference will attempt to do so in its historical reflection.

The first day of the conference should deal precisely with the question whether communism is a crime against humanity. Most of all, this conference should lead to a Prague Declaration summarizing the conclusions of the first and the second day of the negotiations. In the conclusions of the second day, we should arrive at the question how to establish in Europe an Institute of Conscience, a European memorial to the victims of Nazism and communism and we should also arrive at a debate whether 23 August as a terrible common remembrance of the signing of the Ribbentrop-Molotov pact should become a European Day of the victims of totalitarianism.

I thank all those very much who will help us reach these conclusions, I thank Mr President very much for supporting us and I hope I am allowed to say at this moment: I beg you for a minute of silence for all the victims of Nazism and communism.

Thank you very much.

Introduction

(Martin Mejstřík)

I thank Jana Hybášková, I thank the Vice-chairman of the Senate Mr Liška for reading Mr Vondra's greeting.

As long as European institutions will defend the so-called rights of communists and not the rights of their victims, we will not be able to speak about law and justice in Europe. Such a Europe will not be a union of morally healthy, free and proud people dedicated to democracy.

Dear ladies, dear gentlemen, dear guests, before we start the conference, let me say a word of thanks to those whom we are grateful to for being able to be here and negotiate today. First of all it is the Human Rights Committee of the Senate of which I am a member, especially its secretary Dr Hubová. It is also the team of Jana Hybášková, Member of the European Parliament, especially Lukáš Pachta, it is the Department of services of the Senate, especially Dr Horká and Ms Baránková – I could not imagine the organisation of such an event without them.

It is not customary to thank assistants but in the first place I want to thank my assistant Ms Neela Heyrovská – Winkelmann. All of you sitting here have communicated with her, wrote, telephoned, clarified details, requests, possibilities for many weeks. It surely is a blessing to have good ideas. But they are useless if you do not have good people around you with whom to realize them. Without Neela Heyrovská-Winkelmann there would have been no conference. Neela, thank you.

Many were addressed, many have had to excuse themselves for time reasons or other causes. This morning, sad news reached us. Just before the conference, the office of Mr Vytautas Landsbergis called to say that he would not participate in the conference because of a bereavement in his close circles... I will take the liberty now to quote the words of three personalities who are not here with us today. The first is former national security advisor to President Carter Mr Zbigniew Brzezinski. I quote:

I applaud the organizers of this initiative for holding a conference which deals with historically important and morally sensitive subjects. The world cannot forget the crimes committed by the communist regimes, nor can the world forget those who, against all odds, struggled against totalitarianism, both of the left and the right varieties. The conference in Prague will therefore be an act of important historical and political education. Democracies without historical memories can be more susceptible to demagogy and self-deception. Historical memories are not a call for vengeance but are a reminder that in politics one often has to make transcendental moral and political choices. I wish the participants in this conference a truly lively, creative, and uncompromising discussion.

Zbigniew Brzezinski

We tried hard to bring somebody from France to our conference. Unfortunately, we did not succeed; we believe next time we will. However, it is my honourable task to quote a message from Mr Nicholas Sarkozy, conveyed to us through the Head of his Cabinet, Mr Cédric Goubet:

“Dear friends, the President of the Republic of France has asked me to thank you very much for your extremely kind invitation to the conference. Due to many obligations, unfortunately, he will not be able to participate. He is very sorry about this and he wishes the conference a lot of success and many constructive debates.”

So much from Nicolas Sarkozy.

And last but not least – a message from London:

I am sorry that I cannot be with you as you gather in Prague for your conference European Conscience and Communism. As the twentieth anniversary of the fall of the Iron Curtain approaches, this is a timely moment to reflect on those momentous events. Let us never forget that the triumph over communism was not merely a physical victory, it was a moral victory also. After almost half a century of oppression in the countries of Central and Eastern Europe, freedom prevailed and the structures of state control were dismantled. Today, some find it all too easy to forget the suffering of those years. Just as communism had many apologists who sought to blind us to its horrors and its failures, so there are people who now talk almost nostalgically about the past and deride all that has been achieved over the last two decades. Our duty is to remember and to remind. To forget the past would dishonour all those who fought heroically to resist communism's evil – it would also place us in danger of repeating its mistakes. I know that among your speakers are many who distinguished themselves in that great struggle – who better to bear testament to mankind's limitless hope for freedom. I wish you well in your deliberations.

Margaret Thatcher

Three out of many who are keeping their fingers crossed for us in Europe and overseas. You are here, dear and esteemed guests, you have come in order to shape history from Prague, from the heart of Europe.

Ladies and gentlemen, please consider the conference opened.

Ladies and gentlemen, let me now give the floor to the former political prisoner, my fellow combatant from the days of the Velvet Revolution, the writer, playwright, thinker, the first speaker of our conference, Mr President Václav Havel.

VÁCLAV HAVEL

Former dissident, political prisoner,
former President of Czechoslovakia and the Czech Republic



Playwright and writer. Founding member of Charter 77, dissident, political prisoner. Founding member of the Civic Forum, leader of the democratic opposition during the “Velvet Revolution”. After 1989, he became the first President of free Czechoslovakia and after the split of the federation, President of the independent Czech Republic. His main political field of interest is human rights.

Inaugural address

Ladies and gentlemen,

First of all, allow me to greet this conference and give a warm welcome to those who have come to Prague from far away. Why do I consider this conference important? Many times in my life I have thought about what the identity of an individual, society, nation or state is and from where it originates. Again and again, I have realised that there is no identity without continuity; we have to be ourselves if we want to be distinguishable and identifiable – we have to answer today for what we did yesterday, take responsibility here for what we have done elsewhere. If we cannot assume personal responsibility, we must at least be aware. That is why I believe that establishing institutes of national remembrance in various European countries is a good and important process. These institutions remind us of two totalitarian systems Europe bred and that subsequently spread all over the world. Europe is thus responsible for giving birth to Marxism and Nazism and, to put it simply, for exporting communism to Russia on a train from Geneva. Europe should remind itself of this fact, realise it and study it with composure and impartiality.

The above-mentioned totalitarian regimes bear manifold similarities. Hannah Arendt wrote a beautiful and profound book about this, and it is also worth mentioning three other books that analyse the modern history of Russia. They are a book about Alexander Litvinenko, *A Russian Diary* by Anna Politkovskaya and Alexander Yakovlev’s *A Century of Violence in Soviet Russia*. In these works the facts about the Stalinist era, its aftermath and cautionary facts about the current situation in Russia have been gathered. The resemblance between the regimes becomes apparent to anyone who is at least slightly familiar with the topic: analogous ways of manipulating the public, establishment of special paramilitary guards, expansion of the secret police, surveillance of citizens, a perverted judiciary, executions and censorship. In this context I would like to mention two people I knew well. The father was executed by the Nazis, the son was executed by the communists. It was the Wahl family. I actually noticed that a younger member of this family, an ornithologist, is depicted in the exhibition accompanying this conference. Both of them were liberal-minded patriots and both of them had to perish.

However, there are also differences between the regimes. I see the first difference in the basic genre dissimilarity of their underlying ideologies. The ideology of Nazism was based on obscure theories and obscure theories induced disgust or ridicule in respectable and educated circles. Communism was in contrast based on an ideology that enjoyed a certain credibility and appeared to be sounder, since it had scholarly roots consisting of Marx’s and Engels’s analyses. The strong inclination of the intellectuals towards the left and communism – it took many of them a long time to sober up – and the class of so-called café communists, all this was possible precisely because it was not only an obscure ideology. The consequences were all the worse. The communist regime was – if we consider the millions of dead – probably worse than the Nazi regime.

I see the next difference in the nature of totalitarianism. In the era of Nazism a clearer divide existed between those who formed the regime and ruled, and the manipulated, oppressed, suffocating and violated ones who were trying to survive. Some were more aware of it, some less, but everyone had an idea of whether they were collaborating with the evil power and how far they went because there was a clear dividing line between, on the one hand, the members of the SS, the Gestapo, those in power and party officials, and on the other hand, citizens. Communism was different. It was more subtle, it invaded the soul of every person and thus everyone was partially its victim and partially its creator. Certainly, the general secretary of the Communist Party bore more responsibility than the factory worker. Nonetheless, the principle of shared responsibility mattered, and thus it included the whole society and everyone bore their share. Despite these differences, there existed a similarity in the regimes' substance, and in some respects a striking similarity. This was mainly the fact that both regimes were criminal.

Throughout history, humankind has proven somehow unable to learn from its mistakes. Twenty years have passed since the fall of the Iron Curtain and a generation that does not remember communism is reaching maturity. Yet one can observe that it tends to repeat the mistakes of the preceding generations now and then. The divide between East and West is not as pronounced as it used to be; young people here resemble those in the West with all their illusions and fallacies. The young always break with the establishment; this is an invigorating ethos and it would be suspicious if it were not so. And yet this ethos cannot mean an automatic loss of the ability to be involved with the past, a disregard, ridicule or repetition of past mistakes. I am a man of the sixties and back then I closely followed young people rising up in America, France and in Czechoslovakia with great suspense. I was a great supporter of the ethos of that time, but at the same time I felt uneasy about some ideas, for example about pacifism, which is the first step towards the politics of appeasement. Those of us who lived through the times of the Munich Agreement know very well where such policies lead. Those who yield to evil, conform to it or compromise with it, open the doors for greater crimes to come.

Everyone who has lived under a totalitarian regime and has personally experienced it has an obligation to put their experience into words and share it with the lucky ones who escaped it. I am not sure whether we are successfully executing this task. I am not even sure whether it can be done in its entirety. There may be some experience that is impossible to articulate or transfer to others. And yet, to stop history from repeating itself, or to stop its bad parts from repeating themselves, a basic lesson or summary should be formulated. Hence the current task for the European Union is to stand up more resolutely for the defenders of freedom and support more emphatically groups of dissidents and human rights activists from Cuba to Belarus to Burma who wish to expand democracy. This basic sympathy should not be infringed upon by political and economic interests. This civilisation grew out of European soil and Europe shaped its current face with all its good and bad aspects, including the ambiguous consequences of globalisation. Europe in its entirety – not a divided Europe – also gave this world both the regimes discussed above. In my opinion it thus bears a special and greater responsibility for the freedom of man.

Thank you for your attention.

(Transcript of the spoken word, edited by V.H.)

Session I

WITNESSES OF CRIMES OF WORLD COMMUNISM

Chair: Jaromír Štětina, Senator



Panelists:

Ivonka Survilla

President of the Belarusian Democratic Republic in Exile, Civic Leader and Artist, Canada

Alexander Podrabinek

Specialist on human rights issues and on the political transformation process in Russia

Tseten Samdup Chhoekyapa

His Holiness the Dalai Lama Representative based in Geneva, Switzerland

IVONKA SURVILLA

President of the Belarusian Democratic Republic in Exile,
Civic Leader and Artist, Canada



Studied Art at the Parisian École Nationale Supérieure des Beaux Arts and is a graduate of the Sorbonne (1959). Since 1969, she has been living in Ottawa, working for the government and also engaged in Belarusian civic, scholarly and artistic activities. Founded and headed (1989-1997) the Canadian Relief Fund for Chernobyl Victims in Belarus. In 1997, elected President of the Rada of the Belarusian Democratic Republic in Exile.

The Case of Belarus

I have the honour to be the sixth president in exile of the Rada of the Belarusian Democratic Republic. The BNR Rada is the longest-living government in exile. It left Belarus close to 90 years ago because of the aggression and the subsequent occupation of our independent state by our communist neighbour.

Communism can be examined according to its large scale, long-term impact on the lives of individual human beings and also according to the impact on the appropriated nations, nations that do not define the political and cultural epicentre of communist power, but rather find themselves in forced subjugation. This is the reality and legacy of the communist experience, felt by many nations in modern times, evidenced by Tibet's real-time struggle and by countries like Belarus who continue to experience the fallout of the Soviet experience.

While the academic conceptualisation of the communist experience is usually articulated on a theoretical level, I would like to begin this testimony on a personal level. Because of communist aggression, I lost my homeland at the age of eight; I grew up as a refugee and have lived most of my life far from my people, from my culture, from my extended family. I had to adapt to four new cultures before I reached the age of 12. At the age of three, I was deprived of the presence of my father while he was in Soviet jail. My grandfather died while being deported to Siberia. My only sister died at the age of 18 months as a consequence of the ordeal my family went through while fleeing the Soviets.

I am one of the six million Belarusians whose life has been altered or destroyed by what we still call communism, but what in fact is a deficient ideology which has become a powerful tool in the hands of a corrupt and amoral neighbouring empire. Three generations of Belarusians have been victimised by the communist ideology used to brainwash or terrorise a nation into submission. The effects of this process are an exacerbated survival instinct that continues to deprive the people of Belarus of the most basic of human rights – freedom.

The forced collectivisation, from the end of the 1920s to the beginning of the 1950s, affected the totality of the Belarusian rural community and resulted in 350,000 deaths (Zaprudnik, 1998). Mass murder, as evidenced by the mass graves of Kurapaty near Minsk, uncovered 20 years ago by Zianon Pazniak, who is going to present a paper later today, and the many other mass graves in Belarus, contain the remains of two million innocent Belarusians who died as a result of Stalinist purges between 1937 and 1941. One in every four Belarusians died as a result of World War II, which was partly fought on Belarusian territory. Both German Nazis and Soviet Russia must be held responsible for this slaughter.

The post-war purges in Belarus and the deportation of hundreds of thousands of Belarusians to Siberia up until the end of the 1960s are another chapter of the history of Soviet Belarus. The way the authorities have dealt with the Chernobyl catastrophe is another example of the inhuman genocidal policies of the Soviet regime. In 1950,



my predecessor, Mikola Abramtchik, published his famous “I accuse the Kremlin of genocide of my nation”. The concept of “captive nations” has come to be widely used. It was clear to all of us that the perpetrators of the new wave of crimes against humanity were the rulers in the Kremlin. Communist ideology had become a marketing tool used to extend Russia’s rule to as many hotspots in the world as possible. Little did we, the Belarusian diaspora, know up to the very end of the 1980s that Moscow had completed its cynical task of brainwashing the people of Belarus into believing that Russia was in fact the benevolent “big brother” without whom they had no chance to survive. The Russian-speaking *homo sovieticus* was born.

The second category of the Kremlin’s crimes against the people of Belarus was intended not only to subjugate but to erase from the maps of the world the very existence of the country of Belarus and of the nation which had lived on its territory for a thousand years. The first offence in that category was the aggression and destruction of the Belarusian Democratic Republic in 1918 and the division of Belarus by the Treaty of Riga. The territory of the Belarusian Socialist Soviet Republic, which was created to replace the independent Belarusian Democratic Republic, was reduced to a fraction of the ethnic territory of Belarus. I would count in this category the extermination of Belarusian writers, artists, politicians and the vast majority of the national intelligentsia which lasted from the end of the 1920s to the end of the 1930s. According to historian Jan Zaprudnik, “Of the 238 writers arrested during the years of repression, only about 20 survived. The Belarusian Academy of Sciences lost ‘nearly 90 percent’ of its members.” (Zaprudnik, 1993).

Our historical memory and our language – the very foundation of our Belarussianness – were for most of the 20th century and still are the victims of the Soviet imperial policies and of their most loyal present-day disciple, Alexander Lukashenka. I would like to mention that in 1990, there was not a single Belarusian school in the capital of Belarus, Minsk. Our churches were blown up, our material heritage has been destroyed not only by war, but through political mandate, because it was material proof of the long existence of a highly civilised European country. Belarusian history runs in the face of Soviet attempts to suggest that nothing of value had existed in the land before 1919.

The most serious threat to the existence of Belarus, however, still is Moscow’s desire to make it a province of the Russian Federation, whose goals are surprisingly similar to those of the Soviet Empire. This was clearly stated by Mr Putin in August 2002. The second most serious threat to the existence of our nation has been the damage which communist propaganda, fed to our people for close to a century, has done to their self-perception, critical thinking and sense of place. It will take many generations to normalise the right to explore, to feel pride, to simply be after such a deeply scarring colonial experience.

You may have noticed that for me as a Belarusian, communism is closely linked to our eastern neighbour using communist ideology as a tool to achieve its expansionist goals. But communism has affected the lives not only of people who have been ruled by its adepts in the Soviet Union. This has also been the case of millions of people who have been affected

by the actions of communist sympathisers in the world who, as President Havel said it, have often unknowingly been helping delinquent regimes to continue perpetrating crimes against humanity and who are at this time helping the Russian Empire to regain its strength.

After our family escaped the Soviet Empire, my father considered it his mission to explain to anybody he met and mainly to the French *intellectuels de gauche* – we lived in France at that time – what living under communism meant. At my father’s funeral, a good friend told me that he realised my father was telling the truth only after the Soviets invaded Czechoslovakia in 1968... For 20 years this friend, who was a lawyer and had every chance to verify the facts, was obviously not able to admit that he was wrong. This is probably also why there are still people in Belarus who readily believe the propaganda of the present regime.

We rarely learn from the mistakes of the past. I hope, however, that the time will come when the Soviet lesson will be learned by the thinking portion of humanity.

Thank you.

ALEXANDER PODRABINEK

Specialist on human rights issues and on the political transformation process in Russia



Active in the fight for human rights in Russia and the former USSR. In 1977, he completed his book “Punitive Medicine” about the use of psychiatry in the USSR for political purposes. The book was published in the USA in 1979 and 1980. A founding member of the Working Committee for Investigation of the Abuse of Psychiatry for Political Purposes (1977). Sentenced to 5 years in exile and to 3.5 years imprisonment for his publication activities. Founder of the newspaper Express-Chronicle (1987). Since 2000, Editor-in-chief of PRIMA-News, a human rights news agency.

Ladies and gentlemen,

Almost 20 years have passed since the break-up of the communist system in central and eastern Europe. That is a negligible period in terms of the world’s history, but a very important one for those countries that freed themselves from communism. Twenty-five or 30 years ago, a collapse of communism in our countries seemed unimaginable. Now it seems unbelievable that the spectre of communism is still haunting us, and not only in Europe!

We are pressed for time, so I will only try to say the most important things and not waste time on minor matters. When I said we were pressed for time, I was talking about today’s conference. But if some of you thought I was referring to the time we have left in our lives to overcome the legacy of communism, you would be right too. It appears to me that many people around the world believe that communism is a part of the history that is taught at schools and universities and exhibited at museums. But history is a stick beating on the head those who have forgotten it or who don’t appreciate its lessons. In Russia this stick is beating the heads of all those who are desperately and with unbelievable exertion trying to forget their experience of our recent communist past and our recent historic errors and crimes. I don’t have to remind you that those who don’t remember their past mistakes are condemned to repeating them in the future.

Today’s Russia is heading towards authoritarianism. A dramatic change of course from democracy towards authoritarianism took place in 2000, when the ailing and weary President Boris Yeltsin handed power over to Vladimir Putin, a young and energetic ex-KGB agent. The new president surrounded himself with a team of people most of whom were chekists like himself, and he launched an attack on civil liberties. As a result, the sphere of freedom in Russia began to contract. The press quickly lost its independence and nongovernmental organisations were suddenly fettered by new laws and extrajudicial persecution. Political parties were gradually banned. Civic and political activists and independent journalists began to be exposed to various types of persecution, from lawsuits to assassinations. Business has been definitively subjected to the control of the government bureaucracy. Governors are no longer elected, but appointed based on the president’s recommendation. Presidential and parliamentary elections have become a blatant farce. Courts are completely dependent on executive power. Corruption in all power structures has acquired extraordinary dimensions. Foreign policy has adopted a hard anti-western rhetoric and, in a suicidal move for Russia’s democratic ambitions, has instead befriended authoritarian and dictatorial regimes. Russia continues to interfere in the internal affairs of neighbouring countries that have set out on the path of democratic development and integration in pan-European structures. The Kremlin’s propaganda is now presenting them as prototypical enemies and exploits them for domestic political purposes.

Many of those present here have lived under communism. Tell us: Aren’t today’s events in Russia similar to communism? I’m not saying these are communist practices, but they approximate them significantly. And above all, they are spreading exponentially. Russia is resurrecting not only practices of governance known from the communist era, but also the

attributes and symbols of the communist regime, including the national anthem approved under Stalin's rule. Streets still bear the names of communist leaders and their statues still tower over the squares of many Russian cities including Moscow.

In view of these lamentable events in Russia, what is happening with the European conscience? Is educated democratic Europe showing any political reaction to the revival of the communist order in Russia? To be honest, it isn't really. The most recent evidence of this includes the parliamentary elections in late 2007, which were unbelievably manipulated, lacked transparency, and undemocratic voting laws turned them into a farce. The presidential "elections" in March 2008 followed the same pattern. European observers concluded that the Duma elections were unfair and violated many international standards. For the presidential elections, the OSCE's Office for Democratic Institutions and Human Rights and its Parliamentary Assembly refused to send their observers out for fear their reputation might suffer. For those following Russian affairs from a distance this is certainly enough to get a picture of the quality of Russia's elections.

What, then, has been the European reaction to the election parody in Russia? Has anyone challenged the legitimacy of the new Russian MPs? Has anyone questioned the right of these MPs to represent Russia at the Council of Europe? Has any European politician warned President Dmitri Medvedev that fixing presidential elections is unacceptable? It would obviously be too naive to invest in futile hopes that European politicians will adopt a principled stance towards Russia. But if we are speaking here today about the European conscience and communism, it doesn't mean we have only to talk about the past. Communism, after all, is not only a matter of the past.

Is the European conscience enraged by today's events in communist countries, above all in Cuba? Not really, guessing from the position taken by Louis Michel, the EU commissioner for developmental and humanitarian aid. Speaking last week at the European Parliament, he insisted that it was necessary to lift the sanctions against Cuba introduced in 2003 after mass arrests of dissidents. Michel called for a "normalisation" of relations between the EU and communist Cuba and said that European public opinion had "realistic expectations" in this matter. What the source of these realistic expectations was and why we should moderate European policy towards Cuba, the commissioner did not explain. But we all know very well that 55 out of the 75 dissidents and independent journalists arrested in 2003 are still sitting in Cuban prisons. Seven of them have been released on parole and can be sent back behind bars any time. Overall, Cuba has more than 200 political prisoners, according to the most moderate estimates. If freedom-loving Europe regards this as progress that needs to be encouraged, then I have to conclude that there exists a huge gap between Cuban dissidents' ideas about freedom and democracy and those of European politicians. The opinion of commissioner Michel obviously doesn't represent the views of all of Europe, but his efforts to cooperate with the Cuban communist regime at the cost of forgetting about the fate of Cuban political prisoners is far from isolated and points toward a more general tendency. One need merely recall the new policy and friendly gestures adopted towards Cuba by the Spanish socialist government headed by Premier José Luis Zapatero.

Relations with another communist country, China, are developing in a similar fashion. A year after the 1989 shooting of peaceful protesters on Tiananmen Square in Beijing, the EU imposed an embargo on arms sales to China. China's human rights record has not changed significantly since, but for the past five or six years Europe has been actively discussing the possibility of lifting the embargo. After a meeting in 2006 with Chinese President Hu Jintao, French President Jacques Chirac signed a joint communiqué stating, among other things: "The two sides believe that the European Union should take the expanding EU-China partnership into full consideration, most notably by lifting the arms embargo which is no longer pertinent to the present situation." It is obviously possible to lift the embargo and trade with China as a normal country. But how will we come to terms with the fact that communism is not a thing of the past in China, but rather is today's reality? By the way, this embargo is already being successfully circumvented in Europe. According to a joint report by Oxfam International, Amnesty International and IANSA (International Action Network on Small Arms), the new Chinese Z-10 military helicopter could not fly without parts and technologies from British-Italian company Augusta Westland and French-German concern Eurocopter.

It has to be said that Europe's conscience is a very conditional and general concept, as is Europe itself in a way. After all, Europe includes traditional western democracies, the countries of central and eastern Europe that only 20 years ago overthrew communism, Russia balancing on the edge of an abyss, and even the last European dictatorship, Belarus. Who, then, embodies Europe's conscience? Maybe it is nongovernmental organisations and the media rather than politicians. Speaking of the peculiarities of European policy towards Cuba, I am not forgetting about People in Need, an NGO based here in the Czech Republic. My friends who are Cuban dissidents say that People in Need is contributing significantly to the fight for freedom and democracy in Cuba. If Europe's conscience has an address, it is probably not dwelling in the luxury of Palacio de la Moncloa, the residence of the Spanish premier, or at the Elysée Palace in Paris, but is rather squatting at this Czech NGO.

Ladies and gentlemen, in Estonia as we speak the trial of an organiser of deportations of Estonians to Siberia in 1949 is underway. Estonia is aware of the criminal nature of the communist regime and by indicting one of the dispensers of Stalinist repression it is establishing justice. At the same time, a campaign is spreading in Russia to defend this same person. This is an illustrative example of how two countries choose different ways of coming to terms with their past and how attitudes toward the crimes of communism influence our present and future.

To realise what communism is, is not a task for or a pastime of historians and other scholars. It is an obvious political necessity and a prerequisite for normal democratic development in post-communist countries and of their integration into Europe. And Europe too must contribute to this collective effort.

Thank you for your attention.

TSETEN SAMDUP CHHOEKYAPA

His Holiness the Dalai Lama Representative based in Geneva, Switzerland



Mr Chhoekyapa has worked for the His Holiness for over 15 years in India, London and Geneva. A graduate of Columbia University in New York. He was born in Nepal after his parents escaped in 1959 when China occupied Tibet.

Witnesses of the Crimes of World Communism

The fall of the Iron Curtain brought democracy in eastern Europe, but the Bamboo Curtain is still standing. We Tibetans have been under communist China’s rule for the last 50 years. I am a Tibetan but I haven’t seen my country. My parents, like thousands of Tibetans, followed His Holiness the Dalai Lama into exile after the Tibetan people’s uprising on 10 March 1959 against Communist China’s rule in Tibet, which was brutally crushed. I was born in a refugee camp in Nepal. I am now a second-generation Tibetan living in exile. I long for the day when we can return to Tibet with our heads held high.

Tense and tragic situation

Recently Tibet has once again been the focus of international attention because of merciless repression by the Chinese security forces on peaceful Tibetan protesters. There have been over 90 spontaneous uprisings throughout Tibet against Chinese rule since March 2008. The Chinese security forces have killed over 200, over 6,000 were arrested and thousands injured. Tanks and helicopters including elite units of the People’s Liberation Army were involved in the crackdown on Tibetan protesters. The new T-90 armoured personnel carrier and T-92 wheeled armoured vehicles were deployed on the streets of Lhasa, similar to the 1968 invasion of Czechoslovakia, when Soviet tanks entered the streets of Prague. The Chinese government has declared de-facto martial law in Tibet and a complete information blackout.

The current crisis in Tibet is a manifestation of decades of Chinese repression – human rights violations, cultural and political discrimination of the Tibetan people. Over 1.2 million Tibetans have died as the direct result of China’s invasion. That is one-fifth of Tibet’s population of six million. Of the 6,259 monasteries and places of worship before 1959 in Tibet, only eight have survived Chinese destruction. Tibet was made up of three provinces – U-tsang, Kham and Amdo. After invading Tibet, China divided Tibet into five provinces – one is the Tibet Autonomous Region (TAR), while half of Tibet’s eastern territories were incorporated into the Chinese provinces of Qinghai, Yunnan, Gansu and Sichuan. When China uses the phrase Tibet, it only refers to the TAR.

I would like to highlight the case of an individual Tibetan’s resistance against Chinese rule. Tanak Jigme Sangpo was arrested in 1960 and released on medical parole on 31 March 2002 at the age of 76, after serving 33 years in prison. He was Tibet’s longest-serving political prisoner. Tanak Jigme Sangpo represents the pinnacle of an individual Tibetan’s struggle against Chinese rule. This long sentence was imposed because of his beliefs and conviction; he has continuously advocated the fundamental rights of the Tibetan people. Today, he lives in Switzerland in a Tibetan monastery, praying and writing his memories.

Population transfer, discrimination and “patriotic education”

The Chinese government’s policies of the massive migration of Han Chinese into Tibet and its political reliance on Han Chinese chauvinism has exacerbated tensions between Tibetans

and Chinese in Tibet. According to a recent article in the *Sydney Morning Herald*, a Chinese official told Australian diplomats and academics in Beijing that rivers of money from the Chinese government had ended up with ethnic Han migrants, leaving an angry class of unemployed Tibetans. A vast number of people who had joined the demonstrations were unemployed youth. The main reason for the high level of unemployment among Tibetan youth is that state education is in the Chinese language. Beijing has ended its policy of guaranteeing jobs for Tibetan high school and university graduates, further disadvantaging ethnic Tibetans. Up to 80 percent of Tibetan youth are unemployed and more than a third of Tibetans are living below the poverty line. The Qinghai-Tibet railway, opened in 2006, has further increased the influx of the Chinese population into Tibet. This high-speed train was also run to transport Chinese troops during the crackdown. Today, we Tibetans are a minority of second-class citizens in our own land. Shortly before the 10th Panchen Lama passed away in January 1989, he said that Tibet had lost more than it had gained under Chinese rule.

Instead of creating a climate of calm, China has intensified the “patriotic education campaign” across Tibet. Buddhist monks, nuns, civil servants, school students and lay people are forced to attend special classes on the virtues of Chinese rule and denounce His Holiness the Dalai Lama as a “political reactionary” and “betrayers of the motherland”. A recent article in the *Times* said that from civil servants to yak herders, barley farmers and street traders, the residents of the Tibetan capital and surrounding countryside are being subjected to a two-month re-education campaign to combat anti-Chinese sentiment. For thousands of monks such campaigns have become part of life in the monasteries. “Patriotic education” is one of Tibetans’ major grievances against Chinese rule. The very basic route of people’s daily life is being interrupted, from the offering of holy water and lighting of a yak butter lamp to saying prayers, debating with fellow monks or spending time with religious teachers. Monks and nuns who refuse to speak against His Holiness the Dalai Lama are usually expelled from the monastery or arrested. These incidents have been more regular in the Kham region of Tibet. The clashes that erupted recently in eastern Tibet were reportedly triggered when the head of the Tongkor Monastery objected to Communist Party teaching materials criticising His Holiness the Dalai Lama. Eight Tibetans were killed in the incident on 3 April 2008.

Reincarnation rules as tool of political control

The Chinese government announced new measures in 2007, stating that all reincarnated lamas must have government approval. Those who do not have government approval are “illegal or invalid”. This policy aims to control the selection, installation and education of reincarnate lamas, as a means of strengthening China’s position as the official arbiter of Tibetan Buddhist culture. These measures strike at the heart of Tibetan religious identity and are aimed at destroying our unique identity.

Gedun Choekyi Nyima was recognised by His Holiness the Dalai Lama as the 11th reincarnation of the Panchen Lama. In May 1995, the Chinese arrested him and his family. He was arrested at the age of six and was the youngest political prisoner in the world. The

whereabouts of Gedun Choekyi Nyima are unknown. He is deprived of the teachings essential for his religious tradition to continue. We marked his 19th birthday on 25 April 2008. Gedun Choekyi Nyima’s fate is of profound religious, spiritual and political significance to Tibetans and to Tibet’s future. It exemplifies the Chinese authorities’ current systematic approach towards undermining both the authority of His Holiness the Dalai Lama and the core belief system at the heart of Tibetan Buddhism. This is a deliberate policy to ensure China is in a position of control over the next incarnation of His Holiness the Dalai Lama. But His Holiness has clearly said on record on numerous occasions that if the present situation regarding Tibet remains the same, he will be reincarnated outside Tibet, away from the control of the Chinese authorities.

Even after nearly 50 years in exile, His Holiness the Dalai Lama continues to inspire loyalty among his people. Tibetans in Tibet express their devotion and allegiance through songs, poems, and careful subtle acts of dissent. When the His Holiness the Dalai Lama expressed his “shame” at Tibetans in Tibet wearing wild animal pelts in January 2006, thus endangering Asia’s wild animals, Tibetans all over Tibet held spontaneous burnings of fur coats, hats, and ceremonial robes, often worth hundreds of dollars. The inspiration for their actions was clear.

The difficulties faced by China following its failure to secure the allegiance of the 17th Karmapa, who escaped from Tibet in 1999, and of Arjia Rinpoche, former abbot of Kumbum Monastery in Qinghai, who sought refuge in the US, are a major setback. The search team appointed by China to find the Panchen Lama sought His Holiness the Dalai Lama’s assistance. What is interesting is that in recent years the number of Chinese from mainland China attending His Holiness the Dalai Lama’s annual teachings in Dharamsala has been growing.

China attempts to paint an image to the world of governmental tolerance for religion. In Tibet, it may appear that some monastic institutions are thriving and that Tibetans are still able to express their devotion through traditional rituals; yet the reality behind this appearance is quite different. Monasteries that once housed thousands of monks are now reduced to a few hundred, whose main responsibility is no longer religious study but tending to the buildings and tourists. Every year, many Tibetans cross the mighty snow-capped mountains into India to receive a monastic education in exile. Last year China destroyed two giant Buddha statues. One of them was a 30-foot-high statue of Guru Rinpoche donated by Chinese Buddhists to the Samye monastery in Tibet and demolished by Chinese People’s Armed Police in mid-May 2007.

Tibetan character – a Buddhist upbringing

A recent letter from Tibet read:

But even in this difficult time you still see brave and good actions. Yesterday I saw a little boy, around one or two years old, who I believe displayed a good example of the Tibetan spirit. The baby looked as if he had just learnt how to walk and was out with his grandmother and her little dog. They were standing in front of Jokhang Square where the military in blue uniforms ensures nobody crosses the square. The baby walked up the three steps to the square and started to make prostrations towards the Jokhang

while his grandmother also prayed but her frail body prevented her from prostrating as well. When the boy finished, he looked at the guards, then at his grandmother and then started to walk closer to the temple. The guards looked at the baby, not knowing what to do. After about 10 metres the baby boy stopped and prostrated again, then turned around, walked back to one of the guards and took his hand to say goodbye. Seeing this reminded me that all Tibetan people want is religious freedom and the right to preserve their culture.

In response to the recent earthquake in China, Tibetan monks in monasteries across the plateau have held prayer ceremonies for those who died and have donated money to earthquake relief. Many of these monasteries are still under lockdown in the crackdown that has followed protests across Tibet since 10 March against Chinese rule. They also sent a moving and bold message from inside the monastery, expressing compassion for those who died and explaining that their protests had not been aimed at the Chinese people, but at the government.

Conclusion

One of the world's most ancient religious cultures faces its most serious threat to survival. Tibetans call the present religious crackdown the second Cultural Revolution. Zhang Qingli, the Communist Party chief in the Tibet Autonomous Region, has used harsh rhetoric against His Holiness the Dalai Lama, reminiscent of Cultural Revolution jargon. Zhang Qingli has referred to a "life or death struggle" against His Holiness the Dalai Lama and his "clique", and described the Tibetan religious leader as the "biggest obstacle hindering Tibetan Buddhism from establishing normal order". The TAR Party chief labelled the Communist Party of China a "living Buddha" and a "parent" to the Tibetan people. This clearly demonstrates Han Chinese chauvinism and their failure to understand that Tibetan Buddhism is an integral element of Tibetan identity and Tibetan nationalism.

His Holiness the Dalai Lama is not seeking Tibetan independence from the People's Republic of China, but rather genuine autonomy for the Tibetan people.

Session II

WITNESSES OF CRIMES OF COMMUNISM IN CZECHOSLOVAKIA

Chair: Jaromír Štětina, Senator

Panelists:

Jiří Stránský

Writer, playwright, political prisoner,
Czech Republic

Růžena Krásná

Politician, political prisoner,
Czech Republic

Václav Vaško

Political writer, catholic activist,
political prisoner, Czech Republic



JIRÍ STRÁNSKÝ

Writer, playwright, political prisoner, Czech Republic



Writer, screenwriter, playwright, translator, boy-scout. In 1950, shortly before graduation, suspended from grammar school for political reasons. Arrested in January 1953, accused of high treason and sentenced to eight years imprisonment. In prison, he met with catholic writers who motivated him to write. Amnestied in 1960, earned his living by manual labour, later on as a technician. In the 1970s, freelance film collaborator. After 1989, resumes publishing. In 1992, elected president of the Czech Centre of the International PEN club.

First I have to correct the announcement that I'm going to talk about my experiences from Czech concentration camps. I won't because I write about my experiences and mainly because I share them with children – or rather students – at schools. Just look at me – I can already be placed in the category of fossils, as young people call us, but I'm happy they don't mind because they understand they should know as much as possible about this matter.

Speaking of which, I have to say that I have from the beginning worked with People in Need on a project entitled *Příběhy bezpráví* (Stories of Lawlessness). These are documents about Czechoslovak uranium-mining work camps. Schools are purchasing the publication and I'm glad to see it spreading on a grand scale. At times children show unbelievable interest, their questions are well informed and sometimes they leave me dumbfounded. I'm gradually learning not to be dumbfounded – not because I don't believe what I tell them, but mainly because they cannot imagine the lack of freedom, being a completely free generation. Yet their freedom obviously doesn't mean that they shouldn't learn the truth about the blank stretches of history which communism was so good at covering up.

I have started this way because, during my talks with audiences ranging from 10-year-olds to university students, there is always a point at which they ask this one question that is actually not addressed to me, but rather to their parents or grandparents: How come we didn't know about this? And suddenly I have to explain that their parents and grandparents feared communism, that they were afraid to tell them, their children, anything – and now children are discovering, through me and *Příběhy bezpráví*, what happened in this country and are starting to imagine what communism meant.

My family has always fought totalitarian regimes. Mr Štětina was talking here about the truths of Auschwitz. My father was imprisoned by both the Nazis and the communists. He was in Auschwitz and he was one of the first prisoners after 1948. Back then communists didn't yet need show trials: My father just got a single piece of paper saying that he, Dr Karel Stránský, had been so cautious that nothing could be proved against him, and hence he was sentenced to two years of forced labour. That was in 1948 and the communists were still inexperienced. A year later they knew better and had mastered the art of torture and execution. They learned fast, especially from their Soviet advisers.

At this point I will say what bothers me most of all today: In interwar Czechoslovakia, my grandfather was a Prime minister and for many years the Chairman of the Chamber of Deputies. Since then we've had at home a thick volume of transcripts from the parliamentary sessions. They include, for example, a question addressed to Communist MP Klement Gottwald [president after the 1948 coup], asking why he had been absent from the Parliament for a week or 10 days. And Gottwald told the Parliament: We have been to Moscow to learn how to wring your necks. And everyone laughed – as if something like that were possible in a democracy! I am only saying that because even today, a number of Czech MPs laugh at the witticisms of Communist MPs, who obviously don't want anything other than to usurp power and wring our necks again. I just believe that, while my 10 years in prison taught me to be tolerant, we should not tolerate this.

Thank you.

RŮŽENA KRÁSNÁ

Politician, political prisoner, Czech Republic



After World War II, she was the regional secretary of the National Socialist Party in Liberec. In 1949, she was arrested and sentenced to death in a public show trial with parliamentarian Emil Weiland. Later the sentence was changed to 22 years. In 1960, she was released on an amnesty. After the “Velvet Revolution”, she was a founder of the Confederation of Political Prisoners. In the 1990s, she acted as the Chairwoman of the National Social Party – the Czechoslovak National Socialist Party.

Mr Chairman, Mr Senator, dear guests,

I hope you are all prepared for new action against communism! Even if there were only ten of you here, I would be happy, just as I was happy at a time when our philosophy professor lectured to us, young students. We wanted to study philosophy; we wanted to be historians or maybe teachers. We wanted to find out about the world, to teach future generations. At that time, I was immensely happy. But then I went to prison. Now, after prison...

After being released from prison they gave me a piece of paper. On it was written: Marie Košková. But my name is Růžena! All of a sudden they didn't even know my name. Before they locked me up, they knew absolutely everything. They knew precisely the property we had at home down to the last crown. The verdict read not only “sentenced to jail”, but “sentenced to jail and to the confiscation of all property”. They took away my right to vote for ten years. They took away my chances to be employed in any reasonable job...

Then, luckily, they didn't persecute us any more. They watched us, but one could get used to that. We didn't want to have anything to do with them. My husband and I met other political prisoners. We remembered confinement, the years in various prisons... It was terrible... I can't even describe it... Finally, after a never-ending period spent under communism and in prison camps, we forgot about many things and didn't even want to know about many other things. We wanted to live, to have a normal family life... And now we find that young people, schoolchildren, students, maybe even their families know almost nothing about the horrors of communism, about the February 1948 coup, about the prisons we experienced! Teachers don't know what to say to young people, how and what to teach them... So they prefer to keep quiet and not teach anything about that time! This must change! This must be remedied! We're still here! We realise that we should live our lives not only for ourselves, but especially for these young people! So that they know and never forget!

Yes, we have freedom here, the democracy we so longed for, but on the other hand many political officials have failed. To a certain degree, democracy isn't working here in Bohemia... The nation is again being frustrated. The communists have assets; we have no assets. What we wanted to fight for in this country has come to nothing. We read it every day in the newspapers. Those criminals, the billions they stole – who will return them to us? Who will punish them? When, in this country, in this beautiful land, will we again be able to live beautifully and humanely?

My friends, it was horrible... I remember a girlfriend, Milada. Her husband was a regional judge in Karlovy Vary and set free two men who then escaped over the border. It was necessary that they leave; they had their calling there. But helping them cost him not only his life in prison; it affected his wife as well, who knew nothing of the matter. They had two small children. The mother was arrested and the children were put into an orphanage. Then in 1958 the communists had a small amnesty for women with children. She came home to her children. They were glad to give them to her, because in the orphanage they were neither happy nor well-behaved. But she couldn't handle these two children, her own. When she tried to raise them, the children told her: “You're not our mother, we only have nurses.

We don't have anyone else. You're just trying to discipline us. There they let us do anything we wanted." She didn't want this. In this family, the most terrible thing that can happen in life occurred. Milada went shopping. She came back. The girls were lying on the sofa in the house, with the gas turned on in the kitchen. It was over.

That is communism... Please, don't give up! Don't be afraid of communism! Don't allow this to ever happen again! Now we just want to die. I'm 87 years old. I'd like to die in peace, but I still have a responsibility here: We must conquer communism! It won't be easy. You must all help! We have to explain to those bigger and stronger states what communism is. What it is responsible for! My friends, please, we must go on... for our children at least!

Thank you.



VÁCLAV VAŠKO

Political writer, catholic activist, political prisoner,
Czech Republic



Participated in the Slovak National Uprising (1944), captured, imprisoned by the Gestapo. Diplomat (1945–1951), worker (1951–1953). In February 1953, arrested and sentenced for “high treason” to 13 years (uranium mines). Following an amnesty in 1960, construction worker. Since 1968, a collaborator of bishop Tomášek, chief publisher. Charities, dissident. Director of the catholic publishing house Zvon (1990–1993). Currently a scholar in history, author of books and studies on the ordeal of the church in communist Czechoslovakia.

I am 87 years old, my father was Czech, my mother Slovak, and I am a Christian. I grew up in Banská Bystrica, where an uprising took place in 1944 in which I took part. During my studies in Bratislava I was strongly influenced by Jesuit Tomislav Kolaković, a Croat who had fled the Gestapo and found asylum in 1943 in Slovakia, then not yet occupied by Germany. In the circle he founded and called Rodina (Family), he introduced me to the ideas of modern Catholicism, which matured in the Church after the Second Vatican Council and won me over to new forms of the lay apostolate.

Kolaković significantly influenced the path of Slovak Catholicism, as well as Czech Catholicism after the war. This was partly because his mission had received the support of such Slovak luminaries as Bishop of Banská Bystrica Andrej Škrábik and Prešov’s Greek Catholic Bishop, Peter Gojdiš. Among his Czech supporters were Archbishop of Prague Josef Beran, Bishop of Litoměřice Štěpán Trochta, theologians Josef Zvěřina and Otto Mádr, Prof. Růžena Vacková of Charles University in Prague and other notables. Kolaković was harshly critical of the 1939-45 Catholic Slovak state because of its alliance with Nazi Germany and Nuremberg-style approach to solving the so-called Jewish question. His approach to Russia was quite strange. Together with philosopher Jacques Maritain he believed that the Russians were perhaps the most spiritual nation of the world. He also shared the conviction of some western politicians, including Czechoslovak President Edvard Beneš, that the Soviet Union would experience gradual democratisation after the war. Two years later, when I discussed the matter with Leopold Braun, the American parish priest of Moscow’s Cathedral of Saint Ludovic, he said he was astonished by the naiveté of western intellectuals.

In summer 1944, a few days before the start of the Slovak National Uprising, Slovak bishops held a conference in Banská Bystrica. Kolaković presented his proposal of “pastoral work in difficult times”. He recommended that an alternative church administration be established before the arrival of the Red Army. Most bishops were not prepared for conspiracy, but Rodina and its Catholic Action groups thought differently.

I took part in the armed uprising. I was captured, handed over to the Gestapo and imprisoned in the Banská Bystrica Regional Court building from where groups of Jews, Roma, French and Anglo-American Mission officers etc. were deported almost every day. On the last day of 1944, a public execution of 10 local citizens was planned at the main town square. I was one of them. The 10 of us owe our lives to the actions of Bishop Škrábik and Slovak President Jozef Tiso, who intervened on our behalf with Waffen-SS General Hermann Höfle.

In addition to gaining personal experience with Nazism during the uprising, I also had my first head-on collision with Slovak communists. Unlike the pro-Czechoslovak army officers and Civic Bloc democrats, they did not wish for the restoration of the Czechoslovak Republic, but instead sought to create a socialist Slovakia. Their effort was aided by partisan groups controlled from Kiev. Four years ahead of the Czech lands, the Slovak communists had swallowed their social democratic brethren and established control over trade unions. The Civic Bloc was not able to cope with their aggressiveness.

The Red Army liberated Banská Bystrica on 25 March 1945 and cadaverous German silence gave way to drunken revelry. I set out for Košice, the new republic's interim capital. Strangely enough, President Beneš's bodyguards were not Czechoslovak soldiers but Soviet NKVD agents. The Soviet ambassador, Valerian Zorin, looked every bit as important as our president. The Košice Government Programme also gave cause for concern, as it was formulated in Moscow. It was not immediately clear what to think of such new concepts as "people's democracy" and "National Front". As we would find out later, "people's democracy" was not really a democracy, as it was truncated, class-based and controlled by the Communist Party. Likewise, the National Front represented no national reconciliation but a pact between leftist and centrist parties to exclude the right wing from the government. Even though the Communists, National Socialists, Christian Democrats and the Democratic Party were supposed to enjoy parity of representation in the National Front government, the communists used every trick in the book to secure a comfortable majority. In addition, they hijacked the crucial interior and information portfolios. The former exiled prime minister, M. Jan Šrámek, later said: "Although the Communists did not wield absolute power, they had all it took to gain it – a monopoly on truth and a monopoly on security."

In Košice, I was offered a job at the Ministry of Foreign Affairs. I couldn't have wished for more. When peace came and the Košice government was moving to Prague, I was sitting on a government train. We got stuck in Brno for a day due to technical problems and I saw a shocking procession of Germans, mostly old people, women and children, herded together by the "revolutionary guards" and headed for God knows where. I had recently been handled in this way by SS guards, but I didn't feel any satisfaction; in fact I was ashamed because we were no better than they. But it would not be fair to blame only the communists for the expulsion crimes, a tragedy that has yet to be brought to light. Responsibility rests on the whole democratic representation. And churches were also silent. There were numerous protests against the beastly deportations, even the Soviets protested, although they did not have the slightest moral right to do so. I was already in Moscow when our embassy conveyed to Prague a Soviet diplomatic note, warning that we would lose Soviet support if the deportations continued in the same way. At that time, the degree of Soviet licentiousness was not as evident to me as it is today, when I know all about Soviet deportations of Crimean Tatars, Volga Germans, Lithuanians, Latvians, Estonians, Belarusians, Ukrainians and even Soviet soldiers freed from German captivity and hauled straight to the gulags. Every decent Czech must abhor the crimes committed during the expulsions, but was it not a crime to have our fellow citizens of German origin expelled and place the label of collective guilt on them?

I had barely established myself in Prague when two of my colleagues and I were transferred to our embassy in Moscow, all of us having earned the status of attachés, an initial diplomatic rank. By the middle of June 1945 I found myself serving in the country that, as even the Russians themselves say, you can't understand using common sense. Nevertheless, my Soviet experience allowed me to make my own judgement about many things. I could meet people I wouldn't have had the chance to meet. On the first evening we were invited to the home of the chief of our military mission, General Heliodor Píka. He was an imposing

figure and model diplomat who defended the interests of our country at all posts, including Moscow. That cost him his life. He was arrested shortly after the 1948 communist coup in Czechoslovakia and convicted on charges of espionage against the Soviet Union and high treason. He was rehabilitated 20 years after his execution.

On 29 June 1945, Czechoslovakia and the Soviet Union signed a treaty in Moscow on ceding Carpathian Ruthenia to the Soviet Ukraine. I was not present at the signing but later I tried, and failed, to reduce its impact on people's lives. First of all, it is not true that the local population wanted to join the Soviet Union. A 1944 plebiscite was rigged by propagandists and held under the aegis of NKVD troops, and it fared no better than any popular vote staged by any totalitarian regime. Characteristically, the members of the mission from our government in exile in London, which was supposed to take over the administration of our liberated territories in accordance with the Czechoslovak-Soviet treaty of 1943, were detained for the duration of the referendum. The easternmost tip of Czechoslovakia was in fact annexed and over a million Czechoslovak citizens found themselves behind a hermetically closed border. Hundreds of families were separated only because particular individuals happened to be in a neighbouring village when the curtain fell. The issue of reuniting separated families was to be resolved by treaty in June 1945. Nothing was resolved, however; the Soviets had imposed a clause that Czechoslovak citizenship could be opted for only by Czechs and Slovaks, not by Ukrainians and Ruthenians. This clause hit hard for thousands of Czechoslovak Eastern Army soldiers who had risked their lives for our freedom.

The Czechoslovak-Soviet agreement on the right of option and resettlement of Soviet citizens of Czech and Slovak nationality from the Volyn area – a Soviet-annexed Polish territory – had equally inhumane implications. The right of option was denied to the family members of Volynian Czech families unless their origin was Czech or Slovak. For many families, the years of separation meant their dissolution. Again, one wonders why Czech diplomats allowed such treaties to be imposed on them.

I was acutely aware of the tragic plight of those families, for I suffered a similar tragedy. In Moscow, I had married a Soviet woman with a university education and Catholic background. Her Polish roots had made her embrace the Catholic faith, to which she converted under Father Braun during the war. She taught me my Russian, we were married in the Cathedral of Saint Ludovic in Moscow and our marriage was properly registered by Soviet authorities. This would not have been possible a mere year later when Soviet citizens were banned from marrying foreign nationals. Even though the legal character of our marriage was unquestionable, my wife was prevented from moving to Prague. In addition, she was the daughter of a *vrag naroda*, or "enemy of the people". Her communist father, one of the founders of Soviet cinematography, had been executed in a 1938 Stalinist purge.

A separatist conspiracy was uncovered in Slovakia in April 1946. The Slovak Ministry of the Interior seized the opportunity to apprehend members of Kolaković's Rodina, including Kolaković himself, although it was evident that they had nothing to do with the alleged plot. Among those arrested was my father, then serving as a deputy minister of internal trade in Prague. The so-called Kolaković Affair made world headlines and reached the front page of Moscow's

Pravda. I was immediately transferred to Prague. I had tried but failed to persuade the ambassador it was absurd to link a Slovak separatist to a Czech who played an important role in the revolt against the Slovak state. My parting with my wife was bitter; we were expecting a child.

When we pleaded on our father's behalf with Interior Minister Václav Nosek, he said without blushing that he would be released from detention after the elections. My father had run as a Christian Democrat for general elections in 1946. The reportedly last democratic elections in Czechoslovakia were not as democratic as portrayed. My father, Kolaković and other Rodina activists were indeed set free after the elections. They owed their release to the state prosecutors, who had not yet fallen into communist hands and were easily able to distinguish religious activities from Slovak separatism. The foreign ministry, which had not lost faith in me as my father was vindicated, sent me back to Moscow. After one and a half years of separation I was reunited with my wife and nine-month-old daughter. However, the joy of reunion was marred by me knowing any future parting might be for good. The fear that gripped us when the communists took power in Prague eventually led to my failure. During the February 1948 communist takeover of Czechoslovakia, there were only eight communists among 25 diplomats and other staff at the Moscow office. But now their cell stepped out from illegality and its leader, whose wife was taking Russian lessons from my wife, offered me membership in the KSČ (Communist Party of Czechoslovakia), arguing I could not keep my position as only a communist could hold such an important post in Moscow. I thought I would otherwise never again see my family and I agreed. I felt humiliated and miserable, for it caused so much pain to my parents. And it only served to postpone my *persona non grata* status by one year. When I left Moscow in the summer of 1949, my daughter wasn't even three; when I saw her again she was 25.

The atmosphere was nightmarish at the foreign ministry. Mistrust and mutual suspicion reigned and candidates for party membership, including myself, were too shy to meet each other. I think my party novice period came to its end during a vetting session in 1950. I was sacked two months later. My mother said: "It was high time." I was not my usual self. I felt like Peter denying Jesus Christ.

In Prague's Letná park, where I worked as a general tunnelling hand, I began to see the light. My friends from Kolaković's Rodina accepted me and did not ask questions. Two Catholic Action groups met at our place. As I started to take the sacraments, I met Father Otto Mádr, with whom I still enjoy a close friendship which has stood the test of incarceration. Mádr found asylum in Prague with the Sisters of St Borromeus shortly before his arrest, and wrote his memorable "pastoral letter", *Slovo o této době* (A Word about Our Times), a guidebook of Catholic dissent. He wrote:

What to do? Defend yourselves and forge ahead. The enemy is a liar. Tear off his mask. Care for those who are in danger of believing him. Support their wavering with your words, postures and practical love. Be an example of true love prevailing over death. The enemy will isolate faithful priests and surround them with traitors. Be close to them... Take good care of your children; teach them to live in religion... You must not only defend yourselves. The Church must grow.

I sat on the fence while the Catholic Church, which communist President Klement Gottwald hoped to change into a servant of his regime, was exposed to untold trials and tribulations. In spite of all the threats, the official Church had never recognised the legitimacy of the February 1948 coup. Gottwald labelled it public enemy number one. Summer 1948 saw the first arrests of priests and friars and trials under Law 231 on the protection of the people's democratic republic. In an effort to separate the Church from Rome and change it into a national church, a state-run and communist-organised so-called Catholic Action was launched in the summer of 1949. Bishops attacked it in a pastoral letter, the dissemination of which sent dozens of priests behind bars. A communist-assembled clique whistled and made noise as Archbishop Josef Beran attempted to read the letter in the St Vitus Cathedral in Prague. That was the start of the sixteen-year detention of the archbishop, which ultimately led to his expulsion to Rome after he was made Cardinal. All bishops were then interned and many were jailed. A set of laws and regulations passed in October 1949 curtailed the internal freedom of churches. The consistories were filled with state-appointed representatives called district and regional secretaries, who monitored priests in the field, while the State Office of Church Affairs decided who would and would not be consecrated as priests. All these watchdogs were closely supervised by the omnipresent StB (State Security) secret police.

The state's official church policy was formulated by a special committee, reporting to the central committee of the Communist Party. The state wilfully distorted the contents of theological studies and faculties of divinity were sequestered from the universities they once helped to establish. Church societies were outlawed and the communist regime-truncated church press became a regime trumpet in the guise of religion. In April 1950, Operation K eliminated 429 monasteries and sent two thousand friars to detention. Two million books and countless paintings and other works of art of untold value were destroyed. Six months later, an estimated 8,000 nuns suffered the same fate. Almost simultaneously, Operation P was launched in Slovakia, ostensibly aimed at returning Greek Catholics to the Orthodox realm. In actual fact, about 300,000 Eastern Rite Catholics were outlawed. Uniate bishops were imprisoned and hundreds of priests and lay activists were sent to detention camps, called monasteries.

During the 1950s there were many show trials held according to Gottwald's directive that "a judge must proceed in accordance with the law but also take into account public opinion and government position". That directive changed in line with the Kremlin's progressive paranoia. After the trials of various "reactionaries", farmers, smallholders and World War II resistance fighters, both domestic and foreign, it was the turn, in 1952, of Communist Party officials, handpicked by the StB and Soviet security advisers. In the show trial of the ringleaders of an imaginary "anti-state conspiratorial centre" allegedly headed by Rudolf Slánský, the general secretary of the Communist Party, 11 defendants were sentenced to death and three were sent to prison for life. The Jewish origin of nearly all the defendants was duly emphasised. I was not surprised to hear that because I had seen a dispatch during my time in Moscow in which our ambassador reported to Gottwald about the anti-Semitic overtones of a campaign against bourgeois nationalism which was underway in the USSR in 1949.

We Catholics could not escape the attention of the StB. In addition to trials of the “high Church hierarchy” there were also trials of friars, Catholic writers, the Catholic sports association Orel, boy-scouts units with their integral Catholic units, and especially there was a series of trials involving Catholic Action in general and Kolaković’s Rodina in particular. In the June trial of the Mádr case, led against the leaders of Catholic Action, theologian Otto Mádr was sentenced to life in prison and his five “accomplices” were sentenced to a total of 102 years. The Mádr case was linked to the unrelated case of a resistance group that executed a provocateur in the partisan style. This allowed the prosecutor to point his finger at Mádr and the media could quote him as saying, look what the upbringing individuals like Mádr received leads to! In November of that year, a group of 25 lay clerics, mostly students, and five priests including Father Josef Zvěřina were sentenced to a total of 330 years in prison.

I was arrested in February 1953. I spent a year in solitary confinement in Prague’s Ruzyně Prison. Everybody knows what happened there but I would like to talk about one of my repeated encounters with my interrogator, which was fairly characteristic of the situation. We talked about Kolaković, his Rodina and its groups. I repeated, for the umpteenth time, that Rodina was not an anti-state organisation and our activities were strictly religious. He asked me if a Christian can be a Marxist inasmuch as the Church is opposed to class struggle and dictatorships and defends private property. I said it was not possible as long as one takes Christianity for real. He was triumphant: “Well, now you say that a Christian cannot be a Marxist. It means that if all people were Christians, there would be no Marxists and hence also no communists, and hence also no people’s democracies. Therefore your religious activity has led by implication to undermining the people’s democratic system.” I laughed. He said: “You won’t be laughing for long.”

My trial took place in March 1954. I got 13 years for high treason. I had two stints mining uranium at the Nikolaj camp, where they tied us to a rope and herded us to work, and I was at the Mariánská camp, once a Sudeten German pilgrimage shrine at Maria Sorg. I did one year in Leopoldov and four years at Mírov prisons, where I learned that my marriage had been administratively dissolved. I came home seven and a half years later, after a major amnesty for political prisoners.

After a succession of menial jobs I earned my milling-machine certificate. During the Prague Spring of 1968 I helped to found the Council Renewal Work, one of the organisations condemned as counter-revolutionary after the Soviet occupation of Czechoslovakia in 1968. On the recommendation of Archbishop František Tomášek and in the atmosphere of the later Prague Spring I was appointed head of the Česká katolická charita publishing house. I was sacked after my 1981 clash with the so-called peace priests, who I had refused to work with. At that time I started work on my books on the crimes of communism.

After the fall of communism I founded the Catholic publishing house, Zvon, which has put out many good books. My wife and I recently celebrated our diamond wedding anniversary. We have a daughter and two grandchildren. I can say I am grateful to God for all that happened to me and for the opportunity to bear witness to what totalitarianism is about.

Thank you.

Session III

CLASSIFICATION COMMUNIST CRIMES FROM A CZECH PERSPECTIVE

Chair: Lukáš Pachta, political scientist and writer



Panelists:

Jiří Liška

Vice-chairman of the Senate,
Parliament of the Czech Republic

Eduard Stehlík

Deputy director, Institute for Military
History, Czech Republic

Miroslav Lehký

Deputy director, Institute for
the Study of Totalitarian Regimes,
Czech Republic

JIŘÍ LIŠKA

Vice-chairman of the Senate, Parliament of the Czech Republic



Active in politics since 1990 (e.g., deputy in the People's Chamber of the Federal Assembly), member of the Civic Democratic Party. In 1994–2002, Mayor of the town of Jičín. Since 1996, Senator; since 2004, Vice-chairman of the Senate. His main interest is a consequent coming to terms with the communist past; he is e.g. co-author of the Act on the Institute for the Study of Totalitarian Regimes and of the proposed Act on anticommunist resistance.

Ladies and gentlemen, dear guests,

In the presentations in the previous session we heard testimony by those who had the full weight of communism fall upon them, those who came to know firsthand the horrors of communist prisons. Political trials, executions and the imprisonment of innocent people, in an international context the remorseless conduct of the Cold War, the support and incitement of military conflict – in all these phenomena communism fully revealed its true essence, and it was built upon on these events. They were not mistakes or excesses on the path to communism, but a necessary part of that path. The Czech experience in this regard is clear. Without judicial murders, without a demonstrated remorselessness and despotism on the part of the police and the judiciary, without terror applied against all political opponents as well as against brave and free-thinking people, the communist regime never would have assumed power, never would have enthroned such dominance through fear. Massive propaganda went hand in hand with this Orwellian brainwashing, which, in a situation where state power held an absolute monopoly on information, of course did the job. Those who joined in, those who believed the attractive slogans about a classless society, as well as those who pulled back and adapted to the new situation as best they could, lived absolutely different lives and remember things differently than do political prisoners. This is also why constant reminders are necessary of the other side of the communist paradise on earth.

At the same time, I also think it would be a mistake if we were to remain fixated only on those most garish cases of injustice and evil, as if the term “crimes of communism” were limited to its initial terror. If this were to happen, the fact that communism was carried out here in an evil and malevolent way could evaporate away. Let's not forget that human dignity was degraded in all sorts of ways, and that the regime ruefully affected the lives of a huge number of people – I will even venture to say most people – in one way or another. Communism set out as its goal to change human beings. In real life this meant above all the necessity to scatter all the values upon which society had until then been based and turn them on their head. The ‘revolution of the heart’ had to be consequential, but it was saddened to learn what the old order was replaced by. The concept of a right such as the search for justice was completely distorted, the relationship to and honour of labour and personal property were consistently violated; societal structures and relations which had formed over years were dismantled and the landscape and environment were irreversibly destroyed. And what took their place? Hypocrisy, adaptation at the price of betraying one's personal beliefs and indifference to the fates of others became the basic assumptions for more or less conflict-free survival. Economically, the country was absolutely and senselessly looted through the need to catch up to and surpass the West; our homeland was turned into a prison surrounded by barbed wire. Envy and class hatred were declared the main motor of building this paradise on earth. Violent collectivisation eventually recast society towards a premeditated atomisation, where no one could trust anyone. Awareness of personal responsibility for one's actions was also crippled. Pretence and lies became somewhat of a matter of course and a necessary part of our lives. In addition, the communist regime very

skilfully ensured that nearly everyone became an accomplice and to some extent took part in its functioning. Even former president Václav Havel spoke of this in the morning session. Due to constant degradation and forced active participation in various ignominies, this sowed in the manipulated majority feelings of powerlessness and guilt, which we do not want to return to and which we would rather forget.

We cannot therefore measure communism only by the number of violent actions it perpetrated, but above all by the wounds it inflicted upon our souls and morals with the everyday stagnation it cast us into by exploiting the negative emotions and qualities within all of us. Reality fully revealed that the nature of communism's initial postulates and ideologies was criminal, relying on the evil side of human beings. In this case, theory and practice are one and the same. Many of the horrors we have been eye-witnesses to could have been easily predicted from *The Communist Manifesto*. Unfortunately, it holds true here more than elsewhere that those who didn't live it won't believe it, while those who did don't know how to share it. At the same time it is our duty to bear witness and to warn. This is the reason for our legislative activity here in the Senate; this is the reason for our proposal, eventually adopted, to create the Institute for the Study of Totalitarian Regimes. This is also the reason for our proposal, currently in the Chamber of Deputies, to recognise anti-communist resistance.

It is also our duty to bear witness and to warn. Above all, post-communist Europe must bring this experience and information to its western allies. This can be said even more emphatically: It is up to us to convince the West and the democratic world as a whole that it is in their best interest to listen to us on these issues. Communism may be dead in the form we lived it, but the desire to change the world, to correct it no matter the cost, this desire stands at the foundation of other movements as well. We have experienced firsthand where the elevation of ideology to the level of state religion leads, and we should be maximally sensitive when we encounter similar tendencies at their inception. Just as we have disastrous experience with how deeply entwined the totalitarian regime is – and probably not just the communist type – with bureaucracy, the command economy and centralism; how these traits are characteristic ones and hence should be viewed as cautionary and dangerous. With gritted teeth from behind the Iron Curtain, we watched how easily the democratic world allowed the wool to be pulled over its eyes while various so-called useful do-gooders did a great service to our oppressors.

Ladies and gentlemen, if coming to terms with Nazism renders the democratically-thinking person allergic to expressions of xenophobia, racism and anti-Semitism, then in the same way coming to terms with communism should bring about a priori a rejection of any kind of political movement based on human envy, class hatred and denial of private ownership. The double standard we still see applied to fascism and Nazism on the one hand and to communism on the other should be unacceptable for us. If Europe gave the world an ideology that brought suffering to millions of people across the planet, it should bear the greatest responsibility for its eradication and “removal to the ash heap of history”, as the communists were fond of saying.

Ladies and gentlemen, allow me in conclusion to remember a rare person, my former colleague from the Senate who dedicated his life to the struggle against communism. I am speaking of Václav Benda, who was not only one of the leading dissidents, but also a post-1989 politician who vigorously advocated for a thorough coming to terms with the communist era. I recall this because today it has been nine years since Václav Benda left us. Let us build on the things he struggled for.

Thank you for your attention.

EDUARD STEHLÍK

Deputy director, Institute for Military History, Czech Republic



Graduate of the Philosophical Faculty of Charles University. Military historian, political writer, professional soldier, university teacher. Deputy director of the Institute for Military History. His specialisation is contemporary military history of Czechoslovakia and the Czech Republic, especially the period 1914–1956. He lectures on the history of international relations, wars and conflicts after 1945 and on issues of international terrorism.

Bohuslav Ečer and the Prosecution of War Crimes

Ladies and gentlemen, dear guests,

Although the international conference at which we have assembled today is called European Conscience and Communism, and I am actually addressing its session debating the Czech view on the crimes of communism, I would nevertheless like to highlight in my paper the personality and views of Court Service General Bohuslav Ečer, a lawyer who served during World War II as the Czechoslovak envoy and minister plenipotentiary of the United Nations Commission for the Investigation of War Crimes, and later as the chief Czechoslovak delegate to the International Military Tribunal in Nuremberg. I hope you will understand my reason for doing so. Bohuslav Ečer, who has fallen into virtual obscurity in the past six decades (not only in the Czech Republic), was not only a democrat, patriot and excellent lawyer who devoted most of his life to the struggle for law and justice, but also a man who significantly aided the establishment of a new legal discipline – international criminal law – in the mid-1940s. Few people know that he was the first, in April 1944, to clearly define the concept of “crime against humanity” and his findings were the nucleus of the future Universal Declaration of Human Rights, adopted by the UN General Assembly in Paris in 1948, that fundamental document so sincerely hated by totalitarian regimes all over the world.

I am convinced that many of the ideas formulated by Ečer during the Second World War have not lost their validity over the decades. This is also why I have decided to share them with you, even though they refer to Nazi, and not communist totalitarianism. The attentive listener will find that Ečer’s conclusions are applicable also to communist crimes and can therefore be used to document the Czech view on this issue. Moreover, I am sure that had he been given the opportunity, Ečer would have emulated his effort in identifying Nazi crimes and tracking down and prosecuting their perpetrators and would have worked to reveal the crimes of communism and their masterminds. Regrettably, he had no such opportunity. His heart failed to withstand the enormous psychological strains he was exposed to after the February 1948 communist takeover, as he used his legal erudition to fight for the rights of the victims of communist “class-based justice”. General Bohuslav Ečer died of sudden heart failure on 14 March 1954 in a Brno hospital. A few hours later, StB secret police agents arrived in his flat to arrest him...

In discussing Ečer’s role in the punishment of war criminals and laying the foundations of international criminal law, we should initially stress that one day after his arrival in London from exile in France, on 7 October 1942, news came of the establishment of the United Nations Commission for the Investigation of War Crimes. But in actual fact, this doubtlessly important body was in fact established one year later, on 20 October 1943. This goes to show that while the world – in the thralls of a major conflagration – was acutely aware of the need to clearly identify, document and prosecute the crimes of war, the international community still had no clear idea what crimes to prosecute, what courts to appoint, and who exactly should stand trial.

Bohuslav Ečer helped in no small way to find the answers to these nagging questions. Through his tireless efforts during the war and in the months to follow, and by virtue of their significance that exceeded the boundaries of our state, he earned a position for Czechoslovakia in the field of war crimes prosecution that was far more important than the geopolitical status of a small central European country.

When representatives of nine countries, including Czechoslovakia, met in London on 13 January 1942 to release the St James Declaration, the first clear statement of the need for the Allies to punish war criminals, it seemed that a broad consensus on the issue had been reached. Nothing could have been farther from the truth. A clear common programme was still a very distant proposition and a definite solution was not provided until the Allied treaty of 8 August 1945. Even though the Allied governments released scores of declarations on the prosecution of war crimes during World War II, none of them clearly and unambiguously stated what actually constituted a crime of war. The casual reader, untrained in the intricacies of international law with all its loopholes and shortcomings, would doubtlessly conclude that what the Allies had in mind in the first instance was the “original crime” the Nazis and their allies committed by attacking peaceful and unsuspecting nations. Anyway, the man on the street would probably assume as much. However, Allied diplomats and lawyers thought differently. To begin with, they were in the dark as to who actually was responsible for the war, whether the war’s originators bore criminal or merely ethical responsibility, and were not able to jointly establish whether war of aggression was an international crime and indeed also whether to prosecute the statesmen and governments that were guilty of starting a war of aggression. In addition, the Second World War had brought to the fore a number of new, hitherto unknown problems, including a new character of war (total war) and the introduction of criminal organisations such as the SS, SA, Gestapo etc. At that time, Bohuslav Ečer noted:

The western Allies had long been unaware of the fundamental feature of Nazi criminality, i.e. state-organised mass banditry and terrorism. They viewed the German criminals the way they viewed common criminals in civilised countries. In a civilised state, crime is naturally an exception and the state itself suppresses crime. To prevent crime it suppresses the causes of criminality, and as a reprisal the state prosecutes. However, Nazi Germany was anathema to the civilised state. A gangster state was formed in the heart of Europe, in which crime was the rule and employed almost a majority of that nation, as well as being a state policy. In order to commit state-organised crime, organisations were either established or borrowed from the past, such as military organisations. United Nations lawyers were faced with the problem of how to cope with this phenomenon, which was new to the modern history of mankind, and how the Allies should approach this mass criminality, which not only deserves punishment but needs to be ruthlessly eradicated lest it threaten peace in Europe and the world at large.

United Nations legal experts really faced this problem, but since there was no official body until October 1943 to tackle it, the task was entrusted to the London International Assembly (LIA), an organisation associating legal experts from many

countries; however, they were not delegates of their countries and acted on their own. As one LIA committee was preoccupied with the legal aspects of prosecuting war criminals, Bohuslav Ečer joined that section shortly after his arrival in Great Britain and was quick to push through his ideas. On 9 December 1942 the LIA war crimes commission debated a resolution on the prosecution of war crimes and draft statutes of an international court. The draft started with “Inasmuch as the punishment of war crimes has been repeatedly declared one of the main purposes of this war...” Ečer proposed that the first sentence of the preamble should start with “Inasmuch as the punishment of the perpetrators of the war and crimes of war is one of the moral conditions of postwar reconstruction...” His motion was defeated at that time. However, Ečer did not give up trying and finally two of his cardinal proposals went through. In his first motion of 29 March 1943, entitled “Superior orders and German war criminals”, he labelled the NSDAP, SS, SA and Gestapo as criminal organisations. He stressed that their members had joined them of their own accord and thus manifested their criminal intent; therefore it was not possible to recognise their defence citing the execution of orders issued by their superiors. In his paper “Criminal liability of heads of the Axis states” of 28 April 1943, Ečer offered that “The heads of the Axis states that condoned or ordered that war and common crimes be committed in the territories or against the members of the Allied Nations shall bear personal and criminal responsibility and shall be tried and punished by a court, not by any political assembly.” Both of his proposals were subsequently passed.

Further progress in the prosecution and punishment of war criminals was largely affected by the events of autumn 1943, as at long last the United Nations Commission for the Investigation of War Crimes was officially established on 20 October and a few days later, on 1 November 1943, the United States, the Soviet Union and the United Kingdom signed a declaration in Moscow demanding the transfer of war criminals to the states where they committed crimes for prosecution in accordance with the laws of these states. These principles were duly put into practice within the framework of the Kharkov Trial on 15-18 December 1943. The proceedings were led against a local traitor and three Germans who participated in executions of local residents in mobile gas chambers. For the first time the endeavour to prosecute war criminals left theory and entered the practical stage. It is quite interesting, from our point of view, to see that the Kharkov Trial based its verdict on Ečer’s postulates (see the above-mentioned paper, “Superior orders and German war criminals” of 29 March 1943). All four defendants were executed immediately after the verdict was pronounced. Ečer quickly reacted in his brochure *The Lessons of the Kharkov Trial*, published in quantity in English and helped significantly in better informing the public of Nazi war crimes and how to finally settle the score with their perpetrators. The Kharkov Trial also demonstrated the need to intertwine international law with criminal law.

When the Kharkov Trial was in progress, Ečer had spent many weeks in the United Nations Commission for the Investigation of War Crimes, to which he was delegated as an envoy and minister plenipotentiary of the Czechoslovak government. He was the commission’s

legal committee rapporteur and, in a doubtlessly key appearance before the commission on 27 April 1944, he presented a paper in which he sought the answer to the question of the actual extent of the Allied programme of prosecution of war criminals, what crimes should be tried by Allied courts and especially the planned international court of justice. Ečer proposed at the end of his speech that the Allies should prosecute not only the preparation and initiation of World War II, but also the violation of laws and war customs as well as crimes against humanity, such as murders in the hinterland, forced deportations and enslavement of civilian populations, and crimes committed against people on the grounds of race, religious conviction or political belief. With respect to this last group of crimes, Ečer supported his motion as follows:

Nazi Germany promoted these crimes to the level of state policy. The extermination of whole races and nations was the programme of this criminal policy. State-organised crime originated long before the war in Germany. State-organised criminals prepared and trained the German people for further crimes to be committed in occupied territories. It is therefore correct to describe these crimes as an attack on the very foundations of human civilisation. If one could get away with taking a human life because of his race, religious or national background, or political conviction, the world would be a jungle. There would no longer be civilisation.

Although the legal committee accepted the main points of Ečer's motion on 15 May 1944, the commission did not dare decide on its own and returned the motion to the legal committee, which in turn contacted Professor McNair of Liverpool University, an authority on international law who vehemently rejected Ečer's proposals. The professor argued that there were not enough legal standards to declare a war of aggression a crime, and if such standards were prepared in the aftermath, they were not usable inasmuch as laws must not be retroactive; he also insisted on preserving the immunity of heads of state. In the face of this legal opinion, the legal committee altered its original proposal in favour of McNair's position. Ečer was annoyed by the decision but he fought on and on 22 July 1944 he put before the commission his report on three Nazi organisations, namely the SA, SS and Gestapo, asking the commission to adopt and recommend to governments the following conclusions: (a) membership in these organisations is criminal; (b) it is assumed that members thereof harbour criminal intentions; (c) citing superior orders is not an admissible defence in the case of these criminals; (d) they must be prosecuted along the lines of collective responsibility; and (e) all protective measures against these criminals to prevent them from disturbing the establishment of peace in Europe and the whole world are legitimate.

Some members of the commission were literally taken aghast by Ečer's proposals (as he himself said, these lawyers mostly represented countries not occupied by Germany and they were anchored by age and time in the legal ideals of the 19th century). Although they could not prevent some of these principles being adopted, they managed to engage the commission in endless unproductive discussions for many months. On 18 September 1944, however, the legal committee held a meeting attended by Ečer's critic, McNair. Ečer wrote about his recollections of that meeting: "The atmosphere was tense as in my opinion we discussed the whole rationale

of the war in light of international law that must necessarily lead to the victory of justice over the dark forces of evil and bring its perpetrators to the justice they deserve." Ečer vehemently defended his logical postulates but gained few votes in the legal committee. He was then asked to support the McNair position so the commission could be presented with a unified proposal. Ečer categorically refused and now stood alone against all the others.

On 10 October 1944, during a plenary session of the United Nations War Crimes Commission, he put forward the "Minority report by Dr Ečer on whether the preparation and initiation of the war should be considered crimes within the competence of the United Nations Commission for the Investigation of War Crimes", in which he thoroughly discussed all legal authorities, agreements and analogies in order to argue that:

1. The preparation and initiation of a world war is a crime not only in the moral or historical sense but also according to the criminal codes of the attacked countries, and a crime against mankind according to general principles of international law.
2. The heads of states, members of their governments and of the high command that prepared and started the Second World War have committed crimes for which they can be tried by the criminal courts of the countries attacked.
3. The states with the legal authority to judge them can delegate these powers to an Allied criminal court. Such a court should be entitled to act as an instrument of international justice in accordance with the general principles of international and criminal law.
4. The problem is a lack of legal authority on the part of the United Nations Commission for the Investigation of War Crimes, which is not authorised to include the perpetrators of the current war in the list of war criminals.
5. Should any doubts arise, Ečer proposed that the commission should recommend that the governments of the United Nations extend its authority in this basic issue and empower it to list this war's originators as war criminals.

Ečer's carefully prepared arguments did not go unheard. Australia's delegate, Lord Wright, immediately backed his position, followed by China and Yugoslavia. Other delegates joined in during the following meeting on 17 October 1944 and in the end all members of the commission agreed with Ečer's proposal. The Allied governments were duly notified of the proposal and all of them ratified it sooner or later. Encouraged by his success, Ečer proposed that Adolf Hitler and all members of his government be put on the commission's list of war criminals for judicial murders committed on Czechoslovak territory. The commission accepted his proposal on 22 November 1944 and agreed to the principle that Hitler and the members of his government were collectively and severally responsible for crimes organised by them and the Nazi regime they installed, and were collectively responsible for all these crimes. Some delegates, however, expressed doubts about the resolution shortly after it was adopted. In all likelihood they had intimated the issue to their foreign ministers, had been criticised for agreeing to something that went too far, and were told they had not been diplomatic and restrained enough on the issue of heads of state and government. It was therefore decided that the matter be discussed again in

the legal committee and Ečer would be asked to explain why membership in Germany's Nazi government made those involved criminally and personally responsible for the crimes committed by the totalitarian Nazi regime. On 13 March 1945, Ečer put before the legal committee the memorandum entitled "Criminal and personal responsibility of members of the German Nazi government", which stated:

1. Being NSDAP members, the officials of the Nazi government were unconditionally committed to pursuing all the goals of that party, including those which were criminal.
2. They joined that government with the criminal intention to pursue the criminal aims of the Nazi party and by joining it they committed an act which can be described as conspiracy under Anglo-Saxon criminal law or as the crime of banditry under Soviet, French and partly also Czechoslovak criminal law.
3. Being members of the German government they were accomplices of Adolf Hitler and each of them, in his purview, committed numerous crimes in an outwardly legitimate manner by issuing various edicts, decrees, regulations, etc.
4. Therefore all members of the Nazi government are liable, as any member of a criminal band would be liable for all acts committed by that band in accordance with the principle that every act committed with a collective intention shall be ascribed to all members of that band.

The commission embraced the principles outlined by Ečer and the legal committee confirmed them in due course. However, Ečer's Czechoslovak approach was to earn grand satisfaction over time. The long, drawn-out, complicated process of adapting legal formulas and definitions to war crimes was approaching its final stage at long last. On 25 June 1945 a four-day conference of the four great powers began to debate the American proposal for setting up an international tribunal for the prosecution of the main criminals of war. An agreement was finally endorsed on 8 August 1945. The Charter of the International Military Tribunal became a part of this agreement. Let us open it and see what Article 6 says:

The Tribunal... for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organisations, committed any of the following crimes:

1. **Crimes against peace:** namely planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing crimes.
2. **War crimes: namely, violation of the laws or customs of war.** Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.
3. **Crimes against humanity:** namely murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or

persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

The treaty of 8 August 1945 determined the extent of crimes for which the Nazi leaders were punishable exactly in the outlines worked out and presented to the United Nations War Crimes Commission by Bohuslav Ečer. By virtue of the fact that the Charter declared the preparation and initiation of a war of aggression to be crimes and crimes punishable through a court, and by virtue of the fact that the Charter contained crimes against humanity and that the Nazis were in fact punished for them through a court, the Charter itself and the verdict announced on its basis marked a turning point in the development of international law. Precisely at this point, international law really started to protect peace and human rights. Ečer was acutely aware of these implications when he wrote (emphasis mine):

*As far as crimes against humanity are concerned, I see the importance of this particular provision of the Charter and the verdict also in the fact that certain human rights, namely the right to freedom of thought and religious beliefs and the right to pledge allegiance to nation and race, are placed under the protection of the international community and become articles protected under international law. I believe this has special significance far beyond the [Nuremberg] trial. The Charter itself will not protect elementary human rights all over the world, as it is primarily concerned with German crimes, but the Charter indisputably marked the start of the development of international law towards international protection of elementary human rights. **This means that, in the new international legal order, not even his own state can strip a citizen of his basic rights unless it wants to face universal condemnation. The individual takes precedence over the state, and the state is here to serve the welfare of the individual instead of subjugating and enslaving him.***

What to say in conclusion? Not only in the Czech Republic but in many other countries after the collapse of communism, judges had to address problems not unlike those with which renowned legal experts grappled during the Second World War; namely, what crimes should be punished, what perpetrators should stand trial and whether state or party officials can be prosecuted for something that was perfectly in line with the totalitarian legal order they served. Many legal cases, if they were actually opened, were adjourned because of the statute of limitations or a previous amnesty, which stripped the murderers and tormentors of their legal accountability. I believe it is time to remember the principle that Bohuslav Ečer so often emphasised in dealings with his friends and foes: "Never allow the law to kill justice!"

Thank you for your attention.

Appendix

Biography of Professor Bohuslav Ečer, General of Court Service

* 31 July 1893 Hranice na Moravě

† 14 March 1954 Brno

General of Court Service, lawyer, envoy and minister plenipotentiary of the United Nations Commission for the Investigation of War Crimes, Czechoslovak delegate to the International Military Tribunal in Nuremberg, one of the main proponents of the prosecution of war criminals, and an initiator of the International Court of Justice.

In connection with the prosecution of war crimes and crimes against humanity committed by totalitarian regimes in the 20th century, what usually comes to mind is the International Military Tribunal in Nuremberg or the International Court of Justice in The Hague. Today, however, few people know that one of those who stood at their inception and at the foundations of international criminal law was a Czech lawyer and general of the Court Service, Dr Bohuslav Ečer – a democrat, patriot, outstanding barrister, and also a victim of the communist regime.

Bohuslav Ečer was born on 31 July 1893 to the family of a smallholder in Hranice na Moravě. He went to school at Rousínov and graduated from a secondary school in Kroměříž in spring 1911. His intelligence, talent and inherent sense of justice predestined him for law studies at the University of Vienna. However, law studies were very expensive for a young man from Moravia; he studied independently most of the time and travelled to Vienna often only to take compulsory examinations. Still an undergraduate, he started writing for the social democratic press (he was a registered Social Democrat from 1910), especially the newspaper Hlas lidu and the Kroměříž-based weekly Československá Morava. One of his anti-Austrian articles earned him the suspension of his studies and he was called to the army in 1915. But he lived to see the end of the First World War and the establishment of an independent Czechoslovak Republic. In autumn 1918 he enrolled in the Law School at Charles University in Prague and thanks to his efforts he earned his doctorate in law by November 1920. After a short but necessary stint at a district court, the young lawyer opened an office in Brno, and thanks to his expert knowledge, meticulousness, honesty and exceptional diligence, he won an excellent reputation very quickly. As a prosperous lawyer, he could afford to start a family. In March 1922 he married Ludmila Gallová and the couple had two daughters – Naděžda (1922) and Jarmila (1926).

In the struggle against Nazism

In addition to his professional career, Bohuslav Ečer continued his involvement in politics. In 1924-1939 he served as a member of the Brno City Assembly and he was second deputy mayor in 1935-1939. At the same time he devoted himself to intensive language studies (in addition to German, which he spoke fluently from his student years, he spoke also English, French and Russian), took a pilot's course once a week at Brno airport, was an active member of the Dělnická tělovýchovná jednota sports club and his interests encompassed also literature, music and theatre.

Being a man of considerable political experience and broad education, he soon recognised the danger of Nazism rising in neighbouring Germany. When civil war broke out in Spain, he became a member of the Brno Committee in Support of a Democratic Spain. During 1938, a very fateful year for Czechoslovakia, Ečer gave a series of public lectures and appearances to rally support in defence of his country. Shortly before a general mobilisation was called, he flew to Great Britain on 16 September 1938 to deliver eight lectures on the topic "Czechoslovakia's fight against Nazism, for peace in Europe and the world", in which he criticised the policy of appeasement and warned of the further expansion of Nazi Germany. After the signing of the infamous Munich Agreement, he and his friends collected documents and maps to prove that the extent of territories annexed by the German army in early October 1938 exceeded the Munich terms, failed to respect the ethnic border and was in fact designed largely to prepare a convenient bridgehead for a military strike against the truncated Czechoslovak Republic. Again he flew to Britain in an attempt to alert political leaders and the general public. Unfortunately, his attempts were futile.

Ečer's anti-Nazi activity could not escape the attention of the Gestapo, which launched an investigation against him shortly after the occupation of the remaining parts of Czechoslovakia in March 1939. Harboured no illusions about the likely fate of his family at the hands of the Nazis, he and his wife along with their two daughters fled across Slovakia and Yugoslavia to France at the start of April 1939. He immediately joined a resistance group in Paris and worked for the international section of the Czechoslovak National Committee in exile. After France's defeat he took refuge in its unoccupied south, working briefly as a deputy to the Czechoslovak consul in Marseilles. On 22 June 1941 he and his family fled to Nice, to where, coincidentally, the French Institute of International Law had been evacuated from Paris. Ečer seized the opportunity and enrolled as a student. He received his degree in international law and other international sciences in August 1942, amidst fears of Nice's imminent annexation by fascist Italy. The Ečers crossed the Spanish border on 3 September 1942 and managed to depart for London via Portugal.

In London, Ečer was appointed an adviser to Dr Jaroslav Stránský, minister of justice of the Czechoslovak government in exile, and asked to study the issue of war crimes and their prosecution, a topic he had previously researched in Paris. Little wonder that when the United Nations Commission for the Investigation of War Crimes was established on 20 October 1943, Ečer became its Czechoslovak delegate in the capacity of envoy and minister plenipotentiary (he held the post of rapporteur to its legal committee). His extensive

knowledge and ability to reason with authority were fast to earn him due respect on the international scene. His proposals and ideas ultimately led to the establishment of the International Military Tribunal and the inclusion of crimes against peace and humanity in the draft indictment.

In the service of international criminal law

Immediately after World War II, Bohuslav Ečer (who officially held the rank of colonel and later general of Court Service) was appointed head of the Czechoslovak Search Service in Germany, which would track down and help bring to justice those German war criminals who committed their crimes on Czechoslovak territory. In a US detention camp in Wiesbaden he found and transferred to Prague the former state secretary of the Protectorate of Bohemia and Moravia, SS-Obergruppenführer Karl Hermann Frank, and the commander of the Gestapo's Malá pevnost police station in Terezín, Heinrich Jöckl.

However, his greatest task in the field of prosecution of war criminals had yet to be accomplished. For two years starting in December 1945, General Ečer led the Czechoslovak delegation at the International Military Tribunal in Nuremberg. He and his team shared in the preparation of background documents for the prosecution and defended the interests of Czechoslovakia. He personally interrogated former Reichsprotektor in Prague Konstantin von Neurath, former German Foreign Minister Joachim von Ribbentrop, General Wilhelm Keitel and, last but not least, Luftwaffe chief Hermann Göring. His performance during the Nuremberg Trials earned him general recognition and many awards, including the US armed forces decoration, Legion of Merit.

In addition to his important international duties during the post-war period, Ečer devoted considerable attention to writing. His voluminous monograph *Norimberský soud* (Nuremberg Trials) and his memoirs *Jak jsem je stíhal* (On the Prosecution Trail), co-authored by journalist Edvard Cenek, were both published in 1946.

Victim of communist dictatorship

Having fulfilled his duties at Nuremberg, Bohuslav Ečer became one of 15 judges of the International Court of Justice in The Hague and he seemed to be on the verge of an illustrious international career. However, soon after the February 1948 communist coup in Czechoslovakia, the veteran of the Western anti-German resistance and former right-leaning social democrat – an even worse crime from the communist point of view – was stripped of all his posts for political reasons. Disgusted by political intrigue, he decided to return to Brno, halt all political activity and devote himself to teaching at the Law School of Masaryk University. At first, it seemed his wish would come true. On 25 June 1948 he was appointed associate professor and on 25 September full professor of international criminal law. But the situation dramatically changed two years later. The Brno law school was disbanded in June 1950 by a decision of the Ministry of Education. Ečer was still on the Masaryk University payroll but was prevented from teaching and conducting research.

The early 1950s, marked by terror and judicial murders in Czechoslovakia, were doubtless a shocking period for a scholar of Ečer's magnitude. He tried to help where he could; he spoke out in defence of Milada Horáková, whom he knew personally, but his effort came to nothing. The mental stress he was exposed to duly took its toll on his health. Because of multiple health problems, Ečer was awarded a disability pension on 28 March 1953. Three days later, Masaryk University terminated the contract of the "former professor of law".

Not even then did Ečer completely withdraw from public life. He launched a battle to save his close friend, Dr Josef Babák, who was sentenced to death on fabricated charges. Thanks to Ečer's tireless efforts and personal involvement, Babák's death sentence was commuted to life imprisonment. But Ečer paid an enormous price for his interventions. It is difficult to tell whether the battle for Babák's life left deeper scars on his health or his political fate. His condition rapidly worsened and on the evening of 13 March 1954 he was rushed to the internal clinic of Brno's teaching hospital, where he died a few hours later. The immediate cause of the 60-year-old general's death was infarction of the left ventricle. One day later, StB secret police, unaware of Ečer's death, came to his flat to arrest him for "anti-state activities and high treason".

His family was not spared communist persecution, however. His widow Ludmila spent a time hiding in a psychiatric hospital but his two daughters and their husbands were arrested, and the younger daughter, Jarmila, received a 12-year (!) prison sentence in a sham trial. She was released after an amnesty in 1960. The harassment of Ečer's close family was generally considered the communists' revenge for the untimely demise of the general they hated so much.

In memoriam

General Bohuslav Ečer was virtually wiped out of Czechoslovak history for the next 35 years. His achievements could be appreciated only after the change of political climate after Czechoslovakia's Velvet Revolution in November 1989. In 1990 a street in Brno's Bystrc district was named after him and in 2001 the Brno town hall posthumously declared him an honorary citizen of Brno.

MIROSLAV LEHKÝ

Deputy director, Institute for the Study of Totalitarian Regimes,
Czech Republic



In the 1960s, he studied at the Faculty of Catholic Theology in Bratislava. He could not finish his studies for political reasons. In the 1980s, co-organizer of an underground university in Bratislava. Charter 77 signatory. After 1989, secretary of the Czechoslovak (Czech) Helsinki Committee. He was an employee of the Office for the documentation and investigation of communist crimes of the Czech police. In 2003, he was involved with the foundation of the Institute of the Nation's Memory in Slovakia.

Communism and Crimes

Ladies and gentlemen,

The establishment of the International Military Tribunal in Nuremberg in 1945 after the end of World War II and the fall of the Nazi regime in Germany represented a significant milestone in the history of international law. The tribunal was designed to try people who had committed a) crimes against peace, b) war crimes, and c) crimes against humanity, namely, murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds – whether or not in violation of the domestic laws of the country where perpetrated. Leaders, organisers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes were responsible for all acts performed by any persons in execution of such plans. The fact that a defendant acted pursuant to orders of his government or of a superior did not absolve him from responsibility, but could be considered in the mitigation of punishment. Never before had tyrants been subjected to laws under which they would have to answer for their crimes, including crimes against their own citizens. This was neither an act of retribution nor a peace treaty, but a judicial process, with defendants tried not because they had lost the war but because they had started it.

In the late 20th century we saw the fall of communist totalitarian regimes in Europe, which were responsible for millions of deaths in Europe and elsewhere, but nothing similar to the Nuremberg Tribunal took place. In Cambodia, a tribunal of local and international judges was set up in 2004 under UN auspices to investigate the crimes of the Khmer Rouge in 1975-79, who killed more than 1.7 million people. Yet only the three highest-ranking officials of the regime were tried in absentia and only two officials of the death squads were prosecuted in custody. When German weekly *Der Spiegel* interviewed one of the commanders of the Cambodian concentration camps – who was known for his brutality, in whose camp hundreds of people had died and who now runs a souvenir shop with mainly American goods – he said cynically: “Well, there weren’t that many of them.” I will not comment on the situation in the former Soviet states other than the Baltic republics.

But let us come back to Europe. Of the former communist countries, former East Germany has been the most successful in coming to terms with the criminal aspects of its communist past. This was thanks to the reunification of Germany. Yet even there problems appeared and not all expectations from 1990 have been met.

Our reality

In 1993, the Czech Republic adopted a law stipulating that the former communist regime was illegal and that the former leadership and members of the Communist Party (KSČ) were responsible for violating human rights and freedoms, including miscarriages

of justice and terrorism, and that the regime and its active supporters did not hesitate to commit crimes or made it possible for these crimes to be committed without punishment. Yet when courts today review crimes committed under communist totalitarian rule, this law is not taken fully into consideration. I believe that Constitutional Court Judge Vladimír Čermák very aptly expressed the way in which Czechs have come to terms with the criminal aspects of their past when he wrote: “Most crimes of the former regime remain unpunished. The crimes are being treated as ordinary crimes, which detracts from their severity.” If the offenders have been charged at all, their crimes have been qualified as abuse of power, as if these were individual excesses by individual officials – whether they were officers of the StB secret police, border guards or other officials of the communist state. So it looks as if everything was alright and communist Czechoslovakia fully respected the rule of law.

Was, then, communism, the communist totalitarian regime in Czechoslovakia, criminal? Yes it was. I believe that after analysing facts for more than a decade and after many discussions here and abroad it is possible to qualify the following actions of the communist totalitarian regime in Czechoslovakia as crimes and crimes against humanity, to which no statute of limitations applies.

Crimes

We can regard as crimes the systematic and persistent imprisonment of thousands of people on the basis of their political or religious beliefs or affiliations. They were sentenced in show trials orchestrated by the secret police using serious physical and psychological violence, and condemned to long-term or life imprisonment – that is those who were not executed. These unjustly convicted people served their sentences in the inhuman conditions of slave labour camps, where many of them died while others were “kindly” released by the regime so they could die at home soon afterwards. The convicts were innocent people who were forced to confess to serious crimes – high treason, espionage, subversion – which they had never committed. All trials were directed by top KSČ officials. These were not crimes or excesses committed by individual officials; this was organised crime.

During today’s investigations of these show trials as ordinary crimes committed by their individual actors, the argument has commonly been made that these actions can no longer be investigated or that they were pardoned in the past, mainly by a presidential amnesty in 1960. But, we often forget that these amnesties were prepared and approved by the KSČ politburo, of which the president himself was a member. There was nothing innocent people could be pardoned for. Instead, the amnesties were to cover up the crimes of the communist officials and members of repressive elements of the communist state.

Polish legislation has adopted the terms “crime of communism” and “official of the communist state”. Past amnesties do not extend to these officials, which in fact removes obstacles to their prosecution previously posed by the fact that the crimes were effectively not punishable at the time they were committed.

The Czechoslovak communist regime corroborated its criminal identity throughout its existence by upholding its court rulings from the 1950s. For example, between 1968 and 1975 – a period of judicial rehabilitations for those convicted in the 1950s – the regime pardoned convictions for high treason and espionage, but did not pardon convictions for subversion, although the convicted had not committed any such crime and had been innocent.

Crimes against humanity

We can regard as crimes against humanity the systematic and persistent murders of civilians attempting to cross the country’s borders to escape to the free and democratic world. More than 320 people died in 1948-89 in mine fields or electrified barbed wire fences or were shot dead. At a time of peace, automatic weapons were used to shoot civilians, including women and children, and in some cases the sovereignty and territorial integrity of neighbouring countries was violated and the lives of foreign nationals were endangered. It is not only the soldiers serving at the border who are responsible for this deadly practice, its establishment and maintenance, but also the border guards’ commanders, chiefs of staff, and above all ministers of the interior and the political leadership of the state and the KSČ, especially members of the politburo.

After the fall of the Berlin Wall and the East German communist regime, high-ranking GDR officials Fritz Strelitz, Heinz Kessler and Egon Krenz were convicted for encouraging murders on the border between the GDR and FRG. The trio appealed to the European Court of Human Rights, claiming that, at the time they had taken place, their actions had not been considered crimes under East German and international law. The Strasbourg court rejected their complaint on 22 March 2001, saying that the actions had indeed constituted criminal offences at the time they were committed under both domestic and international law. In his opinion, Judge Egils Levits wrote:

I think that the ability of courts in the newly established democracies to deal with the ‘legacy’ of former non-democratic regimes should not depend solely on the wording of the legal norms of the non-democratic regimes, formulated in the first place not for legal but rather for propagandistic purposes. After the change to a democratic political order, the persons responsible cannot rely for justification of their conduct on the ‘specific’ way in which law is interpreted by non-democratic regimes. That practice should be regarded as a misuse of law. Consequently, interpretation and application of national or international legal norms according to socialist or other non-democratic methodology (with intolerable results for a democratic system) should, from the standpoint of a democratic system, be regarded as wrong. In my view, that is a compelling conclusion which derives from the inherent universality of human rights and democratic values by which all democratic institutions are bound. At least since the time of the Nuremberg Tribunal, this conception of the democratic order has been well understood in the world and it is therefore foreseeable for everybody.

The Charter of the International Military Tribunal for the Prosecution of the Major War Criminals of the European Axis was the first international document to define crimes against humanity in positive international law (adopted and published in Czechoslovakia on 2 October 1947). The view that the Nuremberg principles were subject to international common law was established after Resolution 3074 of the UN General Assembly on 3 December 1973.

In a concurring opinion on the Krenz, Streletz and Kessler case, Judge Loukis Loucaides wrote:

The minimum elements of the offence in question appear to be the following: (a) murder; (b) committed against the civilian population; and (c) systematic or organised conduct in furtherance of a certain policy. The last element is implied from the combination of elements (a) and (b). Even if one is only guided by the concept of 'crimes against humanity' emerging from the Charter of Nuremberg ... as far as it relates to the facts of the present case ... the actions for which the complainants were found guilty undoubtedly qualified as 'crimes against humanity', of the most serious nature.

There are obviously more aspects involved in coming to terms with our history, criminal law being only one of them. But why is it important? It is important not only because any state respecting the rule of law has a responsibility to remove injustice and seek justice as well as to punish crime regardless of who has committed it and when it occurred, but also because it prevents frustration and disillusionment in society (since in the depth of human nature, in the heart of every person there is a desire that cannot be silenced for goodness and justice), and because it helps develop legal awareness, which was systematically devastated for more than 40 years. The Old Testament says that justice brings peace – peace to the heart and hence also to society.

Ladies and gentlemen, thank you for your attention.

Session IV

CLASSIFICATION OF COMMUNIST CRIMES FROM A EUROPEAN PERSPECTIVE

Chair: Jaroslav Hutka, dissident songwriter



Panelists:

Jüri Luik

Ambassador, Permanent representative of the Republic of Estonia to NATO

Zianon Pazniak

Former Member of Parliament and leader of the Belarusian opposition, USA

JÜRI LUIK

Ambassador, Permanent representative
of the Republic of Estonia to NATO



Served as the Ambassador of Estonia to the United States, Canada and Mexico. Worked as a journalist (1988–89). Director of the Political department at the Ministry of Foreign Affairs (1990–1992). In 1992, elected Member of Parliament. Minister of Defence (1993, 1999–2002), Minister of Foreign Affairs (1994–1995). Senior Distinguished Fellow at the Carnegie Endowment in the USA (1995–1996). Ambassador to the Benelux countries and NATO (1996–1999). Head of Delegation in the accession negotiations to NATO and Special adviser to the Ministry of Foreign Affairs (2002–2003).

Dear friends,

I am very proud to be here and I thank the organisers for inviting me. Since I'm a standing government official I have to say that my thoughts such as they might be do not represent the official position of Estonia. They might, easily, because the official position of Estonia is very clear. There should be a remembrance of communist crimes and an investigation of communist crimes, but obviously the details of what I'm going to say are not fully official. Rather than read a prepared speech, let me immediately address some of the issues which have been discussed here at this very interesting conference.

First about law and legislation. Let us not kid ourselves, as our colleague from the Institute for Military History said, and I very much agree with him. There is a legislative basis to condemn and even to investigate, or even to prosecute the crimes of communism. The international legislation is there. If you read, for instance, the Nuremberg Charter which was invoked many times here in the meeting, the charter does not use any names, no country is specifically named in the Nuremberg Charter. It can easily be used to prosecute criminals of whatever country if there is political will. And of course the question is the issue of political will.

There is a lot of political will in Estonia. As was mentioned already here, Estonia has started a number of criminal proceedings against KGB officers and other security officers whose guilt can be proven as an issue of personal guilt. Again, this legislation exists in most of the European countries; the question is whether there is the political will to apply it. We have prosecuted all in all, I think, six individuals and there is now a very high level, high visibility prosecution going on in Estonia. The guy who is being prosecuted is the hero of the Soviet Union, and that is why President Putin obviously has a lot of interest in this case. And again it is very clear-cut. He has been accused of taking part in genocide which was the deportation of the civilian population to Siberia. There are witnesses for the prosecutor; there are witnesses for the defendant. It is fairly clear-cut. It becomes interesting when you look at the political landscape around it. It is clear for instance that Russia is exerting political pressure not to prosecute. So the question is, is there political will to enforce your own laws? Interesting in these cases is that when we have successfully prosecuted some of the criminals, they apply to the European Court in Strasburg and the court has upheld all the decisions of Estonian courts, literally all of them. The documents which the court has used are very interesting legal material because they accept all of the principles we have been talking about here – very similar to the principles upon which Nuremberg was based in its time.

Now about the time. I think it was well put here that the victims of communism are searching for the truth. Analysing this issue, I think we should look to the experience of the Jewish community after the Second World War. What happened with the Jewish community after the war, how they created the negative attitude, the anger towards fascists; the disgust towards the Holocaust is something which we should take a careful look at. Today we think of it as something being very easy. This is not true. In the late 1940s and 1950s there were prosecutions, but there was not the sort of angry feeling in all societies in Europe against what

happened. Only in the 1960s, when the first build-up or restoration of civil society or even material wealth was achieved, did people start to ask more penetrating questions than the questions asked at the Nuremberg trial, which you know was very much a political trial.

Building on these questions is hard work. It is not a question of a couple or a handful of enthusiasts; it is an issue for scholars and international lawyers. These people get paid, they are professionals. They can add a lot of value to what we are talking about here. The search for the truth has been, if you will, professionalised and this is a great strength of this community. You have to keep in mind that this has been a very difficult path. I have personally heard from Eli Wiesel, who is a well-known Holocaust survivor and who is the creator of the Holocaust Museum in Washington (a very impressive place by the way) that when he went around and asked for donations, this was not an easy task. There were often arguments: Why should we spend money for this when there are more important causes? If you want to spend money for good will, let's try to fight world hunger. Why do you search in history, what's in it for the future? Basically the same arguments. Let us not underestimate what the Jewish community has gone through in building up the case which today seems rock solid but which wasn't even at the end of the 1950s. Let us not despair, we have a good chance. I would compare what happened in the 1960s to what is happening today, again almost 20 years after the end of the Cold War. There is some logic to it, although for us perhaps it is not very comforting, but that's the way it is.

When it comes to how Europe should act, let me make this point: It is often said – and it has been said at this conference – that old west European countries, possibly French politicians or German politicians, are not very interested in this issue. To some extent this is probably true, but it is not the key issue. The key issue is, are the central and east European countries themselves interested? Are they determined? If they were determined... I am an ambassador. If I were an ambassador to the EU and all central and east European ambassadors to the EU received the same instructions from their capitals saying to push for legislation or a document, we would be an enormous force. Enormous. It would be impossible to say no to us. Now obviously, this would lead to complicated negotiations, we would have to make compromises. But nobody could say, “the requests of yours are without merit and we don't care about them.” Nobody can say that. The problem is that there is no such central and eastern European coalition, which is almost absurd because we are the victims and we have the responsibility towards our brothers and sisters who were persecuted. We have the first responsibility to investigate and to study. It would have been absurd, for instance, if the Jewish community had said, we will not do anything because there are many countries who do not think it wise. They didn't do it and we shouldn't do it. So the common will, if you will, of central and eastern Europe is the crucial issue.

There are basically two ways to proceed. One way is the European Union way. This is a very arduous process; it has a lot of benefits because, in the end, you have achieved a certain type of consensus among the European countries. Again, the process is known; if you want pan-European law, you should first convince the member states. How can you convince the member states? I come back to the issue of a central and eastern European

coalition on this issue. Requests for European law should be well thought out. It is impossible to imagine, let's face it, that the European Parliament, as a legislative act, would declare the communist party a criminal organisation. It will not happen. But there are other ways; there are other questions which should be asked and legal points which could be pursued. Could it be possible, for instance, to declare that when you don't acknowledge criminal acts which happened due to communism, this in itself is a crime? As you know this has been passed in several countries. Something like that might be possible, I don't know. There are other ways; there are other issues which can be passed.

Then there is still the European Commission. We have commissioners there who would probably be sympathetic to our cause, not necessarily all central and east European commissioners, but also other commissioners. You know the commission itself has already tried to act, in a very modest way. Franco Frattini, former Commissioner for justice affairs who I think has now left the Commission to join the new Italian government, has held hearings about this very issue. The hearings were very confused; nobody exactly had a clear idea about what should be done, but at least they have happened and that is an important point. If then such a legislative proposal can be moved to the European Parliament, this is a matter of parliamentary lobbying. It has its own rules; I think it can be done much more easily than pushing a proposal through the EU Council. Although, as we know from the voting in the European Parliament, not everything in this area is very easy to get passed. But there is an option of working with it. That is basically the EU way; it has a lot of benefits but it is very slow. If you go for a legal act, it is especially slow. If you go for another declaration, it is not necessarily so useful, although everything moulding political opinion is useful in some ways.

The other way would be to operate among the central and eastern European countries. For instance, let us imagine that the foreign ministers or even the heads of states of central and eastern European countries were to gather for instance here in Prague and make a strong political statement that this is a key issue and they would work with this issue through the EU, but also through other channels. There can be an international agreement among central and eastern European countries on this issue. Theoretically it should be easier, although practically this is possibly not the case.

I have made a proposal which I would like to highlight here very quickly, namely that central and eastern European countries could create something which would be called an investigative commission. This idea may have been around in other countries, I don't know. I have called it the Commission for the Investigation of Communist Crimes in Europe. This would be a very high-level body featuring distinguished leaders, although not necessarily political leaders of this very time. It would start to go through cases. For instance, the killing of Polish officers in Katyń. The procedure would be very similar to court proceedings including open testimony of witnesses, which I would consider of immense importance. And it would pass a decision based on legal documents. Why not the Nuremberg Charter? But it wouldn't be a court; it would be an investigative commission, a sort of a semi-court, if you will. This would be the first step. It is possible that from that period we could go on.

But at first we have to create a body of materials and decisions about these crimes, which can then be given as official documents to the European Commission, to the Council of Europe and to the European Parliament. We have this experience in Estonia; this idea is actually modelled on the Estonian experience. We have had something which was called the Commission for the Investigation of Crimes Against Humanity in Estonia. This commission looks at two periods; one is the Soviet period and the other is the Nazi period. As was pointed out, Estonia has been a victim of two harsh occupations, one of them very long. This commission has done exactly that; it has studied the material; it is very high-profile, led by a very famous Jewish diplomat and academic, Max Jacobson from Finland. It has passed decisions which do not have the legal power of court rulings, but which have the strength of moral decisions. The question is of course whether we can create a commission which is distinguished enough and whether we can enjoy the support of the central European states strong enough so that this commission is not another gathering, but rather an institution of great political value, which can then be transferred to something which has legal value.

And finally, one of the issues which I have noticed especially in the European proceedings is that people have asked us not to use the word communism. Use the word totalitarianism, then you know you can use it from Franco to whosoever, and it will become a very large complex issue and historians can study it for hundreds and hundreds of years. I think that is a mistake. If we are talking about the criminal regime of communism, if we are talking about victims of communism, we shouldn't give these names away. They have important political meaning, important political value. Nobody would ask anybody not to use the word Nazism. Nobody would. So we shouldn't be cheap and allow this name, these words to be destroyed by people who are not interested in finding justice.

I will finish here, thank you very much.



ZIANON PAZNIAK

Former Member of Parliament and leader of the Belarusian opposition, USA



Studied fine arts, worked as an archaeologist. In 1988, published his research on alleged NKVD mass executions (250,000 people) in the forest of Kurapaty near Minsk. A leader of the Belarusian national revival movement. Deputy of the Belarusian Parliament (1990-1996), involved in conducting public investigations of the Chernobyl accident and proclaiming the Declaration of independent Belarus (1990). Left Belarus (1996), granted political asylum in the USA. Member of the PEN-Center.

Getting Rid of the Consequences of Communism after the Collapse of the Soviet Union

Communism no longer represents an international phenomenon in Europe. Its ideology, however, has survived. The history of communism has not been condemned in the appropriate way. Political forces resembling communism which survive in various forms of dictatorships and corrupt democracies have not been condemned either. If people do not fight communism, it returns in new forms. A symbiosis of communism and fascism becomes possible. We can observe these processes in contemporary Russia.

Russian communism committed horrible crimes against humanity. Millions of innocent people were executed and murdered without trial in Siberian concentration camps. It was typical of Moscow, especially in Belarus and in the Ukraine, to use the doctrine of building communism as a pretext to eliminate national elites. It was a policy of genocide against the non-Russian peoples. In Belarus in the 1930s and 1940s, for example, Russian communists executed 70 percent of Belarusian writers, more than 500 people. Most of the remaining writers were deported to the Gulag (the system of concentration camps). At the same time, Moscow exterminated the leadership of the Belarusian Soviet administration. 98 percent of the heads of the Belarusian regional administration were shot, 102 out of 104. Moscow then sent Russian cadres from Russia to Belarus. These administrators replaced the executed Belarusians. Their task assigned by the party was to continue to destroy all forms of Belarusian life and culture. In accordance with this imperialist-repressive policy, the Soviet administration organised the great famine in the Ukraine and in Kazakhstan and initiated the extermination of the Crimean Tatars. The Crimean Tatars lost their homeland, their state and state territory. The Chechens and the Ingush and the peoples of the Baltic were murdered and deported. And so on...

Russian communism was not only a repressive and terrorist regime based on an inhuman ideology of deprivation of freedom and denial of property. Communism in Russia was an aggressive form of Russian imperialism. This form did not arise in Russia by chance. It was the consequence of aggressive Russian chauvinism. Russia understood itself as a military state whose mission it was to determine the fate of the world.

A "Nuremberg trial" on communism would be a cornerstone for the defence against a recurrence of the red catastrophe. Communism can only be defeated when it is condemned internationally, in the same way as Hitler's German fascism and its helpers were. Until 1988, the issue of a "Nuremberg trial" on communism did not seem immediately obvious. The communist leadership in Moscow labelled genocide as "Stalinist repressions", "conflicts" and "mistakes" within the Communist Party. Soviet officials told false half-truths about the so-called "Stalinist repressions", trying to preserve face as well as their power.

In 1988, Kurapaty was discovered. On June 3 1988, the truth and the material about the extermination of people in Kurapaty near Minsk were published. Until then, many had known about the genocide and the elimination of the Belarusian population; however, this information was not systematised. The main problem was that there was no indisputable

proof. Kurapaty became this proof. In the language of criminology, the corpses were found – proof of a crime against humanity. This proof confirmed the fact that genocide had been committed. Moscow sanctioned a plan to shoot and kill people in every region, every district and every village in Belarus. This plan was carried out by the secret police, the NKVD. The murderers called this plan the “plan to reveal the enemies of the people”. Every day, they sent a report to Moscow over the telephone about the numbers of people executed. Every night, NKVD trucks drove into Belarusian villages and cities to arrest people. Some of these people were sent to extermination camps in Siberia and Kazakhstan. The others were shot and killed in Kurapaty and other places. In Kurapaty, more than two hundred thousand people were executed. In Belarus it was almost two million people altogether.

Together with the public prosecutor’s office, we found and questioned more than 200 eye-witnesses. They had seen the tragic events and knew about the executions in Kurapaty. I also spoke to relatives of the murderers who killed innocent people in Kurapaty. Their statements were like apparitions of surrealism and absurdity. “He was so kind and loved his children,” the wife of a murderer who used to return home stained with human blood told me, for example. We managed to discover Kurapaty under the Soviet reign (which was already weakened at the time), to study it using archaeological methods and to publish the results of the excavations. It was an unbelievable success, made possible by a lucky coincidence of circumstances. Still, everything looked like a miracle – something like this was impossible in principle during the Soviet era. Tomorrow, on 3 June 2008, it will have been twenty years since the discovery of Kurapaty. We, members of the Belarusian Peoples’ Front, democrats and supporters of our national revival, celebrate this jubilee. Kurapaty offers the formal possibility to begin a “Nuremberg trial” on Russian communism. However, today’s situation shows us that the proceedings must take on another form, with different content. What form and what content? We need to find a combined answer to this question.

The Soviet Union fell apart without a war. As a result, communist criminals were not pursued and arrested. There was no real victorious force that could carry out a trial as was the case in Hitler’s ruined Reich. And something even more serious happened. After the collapse of the USSR, political power remained in the hands of the communist nomenclature. Some time later, the KGB seized power in Belarus and in Russia. As a result, a dictatorial authoritarian pro-Russian regime was established in Belarus, with help from Moscow. This regime exercises a non-democratic policy of ethnocide, destroying all features of Belarusian culture and Belarusian life.

In Russia, a typical corporative dictatorship was established. The absolute power and absolute control in the Russian state lie in the hands of the KGB. The KGB has become a political power, a super-party in Russia. This super-party is completely in control of the economy, the banks, finances, state structures, trade, media, sports and the criminal world. The super-party is financed by the state. The Russian KGB system is weak. It does not have an articulated ideology which could justify its existence. As a result, the KGB uses Russian imperialism which was tested in the past. Under conditions of the breakdown of the former greatness of the USSR, the combination of KGB-ism and imperialism represents a straight

road to classical fascism (or a modification thereof). We can observe these processes in Russian society and in the actions of the KGB regime in Russia. In the meantime, officers of the KGB and the NKVD, “comrade Stalin” and the executors of aggressive communist politics have become heroes of Russian mass literature, propaganda and cinema. The KGB has seized absolute power in Russia. The deplorable system of KGB-ism is evolving and influencing international society in a corresponding fashion. The free world is not capable of understanding this phenomenon. The free world continues to remain caught in myths and illusions of so-called “Russian democracy”.

A “Nuremberg trial” will not be possible as long as the successors of the communist murderers and the perpetrators of the goals of the NKVD remain in power. It is those countries which have liberated themselves from communism that should condemn it. Society must be immune to communist propaganda and demagogy. Otherwise, you will wait in vain for repentance or compensation for the destruction of the country and the people. Russia even refused to compensate Belarus for losses after the Chernobyl catastrophe. However, it is important to pose the question of responsibility for the genocide and the destruction of the country. This legal case must be brought forward. The victims of genocide must not be forgotten. The countries and peoples who suffered under communism have a moral right to ostracise communist activities. There are attempts to deny that Kurapaty is a place of martyrdom; it is necessary to prosecute the Kurapaty lie in court. This will be possible in a free and democratic Belarus.

In the course of preparing the “Nuremberg trial”, not only evidence and testimony on the crimes of communism should be collected, in my opinion, although this is of course important in the very first place. We also need to sharply criticise communist ideology and to demonstrate its tragic consequences. This is very important, as different groups are borrowing from communist ideology and making use of methods of terror. We must not betray tolerance and democracy for communist ideology. The law is the best method for averting a new outbreak of the red plague.

**Institute
of European Conscience**

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Opening lecture

Coping with the National Socialist Past in Germany

Dear Senator Mejstřík, dear ladies and gentlemen,

Let me thank you cordially for the friendly and honourable invitation to give a talk here in Prague at your conference. I would like to begin my presentation with three initial remarks.

First of all, even 60 years after the end of the Third Reich and even for a German who, being born in 1960, cannot have any direct personal relationship to the events of World War II, it is simply not easy to speak here in this country which had to suffer so much under the criminal German occupation about National Socialism and the so-called “coping with it” after 1945. You asked me as a historian to analyse which roads were taken especially in West Germany to come to terms with the burden of the National Socialist past, in order to be able to draw conclusions for coming to terms with communist dictatorships in eastern Europe. Therefore, when I speak about the roads and the dead-ends, perhaps even about the successes of this “coping work”, I beg you not to understand this in any way as a relativisation of the German guilt for World War II or of the resulting responsibility for the following generations in Germany. Quite the contrary!

However, the circumstance that I am telling you this as my conviction may at the same time serve as the first hint at the effect of all that can be called “coming to terms with the past” in Germany: I myself, like probably most of my generation, literally grew up with this question of coping with the National Socialist past. The topic played a role in my family just as much as in the schools which I attended, during my studies just as much as in the newspapers I read, etc. The topic was and is present in public discussion in Germany to a high degree.

Secondly, whether the German “coming to terms with the past” has been successful and which measures worked better or worse can hardly be decided with certainty today. In fact it would require a comparative standard, optimally perhaps an international systematically conceived comparative study of the post-dictatorial handling of totalitarian regimes. The objective of your conference therefore points methodically, too, in the right direction, as I find.

A third comment: Precisely because the topic “coming to terms with the National Socialist past” enjoys a considerably high social status in Germany to this day, there is hardly anything about it that is not controversial.

Almost every position which I will present to you probably has an opposing one to match. At most it could be said perhaps that sharp, polemical views like those of Ralph Giordano are becoming rarer. Giordano, himself a Jewish victim of the Nazi era, spoke even at the end of the 1980s of a “second guilt” of the Germans, a guilt which arose by suppression of instead of coming to terms with the past. Today, rather, a historicisation of the process



prevails, which nevertheless keeps arriving at quite different results. And here, too, one might start observing a characteristic of the German coming to terms with the Nazi past: it is not over, the Nazi past is never truly “coped with”, the issue remains on the agenda in various forms. The fact that the issue of “coming to terms with the past” is so controversial is, in my opinion, quite decidedly connected with the term itself. The term “coming to terms with the past” is a more than unfortunate choice of words which is contradictory in itself. It is not known who invented it. Only one thing is certain – the first federal German President, Theodor Heuss, used it often, probably thus facilitating its rapid entry into common use. The term found acceptance in Germany because people generally *believe* they know what it actually means. However, this perceived knowledge is usually interlaced with judgements which are historically and critically inaccessible and on top of that of a morally-political nature, which makes the problem even more complex. This is why there have been quite a few suggestions to replace the term. Theodor W. Adorno for instance pleaded for the expression “evaluating the past”.

The scientifically working historian will at any rate have to distinguish among three areas when dealing with the phenomenon of “coming to terms with the past”:

1. Dealing with the Nazi era from the legal and penal perspective

This encompasses, e.g., the activity of tribunals, the prosecution of Nazi crimes by local and foreign authorities but also the non-penal work of the authorities responsible for de-Nazification or political purges.

2. Reparation and compensation

These include not only financial benefits for all the various groups of victims but also the often overlooked rehabilitations, repayments, professional compensations and other similar actions.

3. Public attitude, dealing with the Nazi past in social discourse

This field is especially hard for a historian to cover as far as the sources are concerned, because it is extremely varied. Nevertheless, it is exactly these living world contexts that create the strongest disagreements.

What then has been achieved in these three areas of “coming to terms with the past” in Germany?

I. The judicial treatment of the Nazi past in West Germany

The prosecution of the Nazi crimes was, and is in isolated cases to this day, for many people in the country and abroad the crucial measure of the distancing of the Germans from National Socialism. If you compare the results of this work in Germany with the radical measures against supposed or real collaborators in most of the European countries occupied by the Wehrmacht, taking into account the naturally much larger extent of

convinced involvement and cooperation with the regime in Germany, the balance looks rather disappointing at first sight. Although the Western Allies, acting differently in their occupation zones, imposed extensive detention imprisonment and job dismissal sanctions in the first weeks and months after the end of the war, much of this was quickly cancelled upon the transfer of de-Nazification to German hands through the “Law on the Liberation from National Socialism and Militarism” of 5 May 1946, which had been decisively co-formulated by the German side. If you take the American occupation zone *pars pro toto*, then the total of 1,654 main perpetrators sentenced there to heavy punishment is a relatively meagre result. However, it needs to be kept in mind that in the beginning, neither the de-Nazification committees nor the German criminal courts were responsible for the sentencing of violent Nazi criminals. This was left to the Allied courts which pronounced an estimated 50,000-60,000 penal verdicts. The best known of these verdicts were probably those of the Nuremberg Tribunal. From when competence to pursue criminal prosecutions was restored to the German courts until the end of 1997, 912 trials against 1,875 persons had been carried out for Nazi killings. There were 14 death sentences, 150 cases of life imprisonment and 842 cases of shorter imprisonment imposed. If we expand the circle further beyond the crime of killing, by 1958, altogether 6,000 Nazi criminals were sentenced and by the end of the 1990s, about 30,000-40,000 investigations had been initiated.

However, there were strong fluctuations in time in the prosecution of the Nazi crimes. Already in the 1950s, the number of trials decreased significantly, settling at around 20 sentences per year in the second half of the 1950s. The severity of punishment decreased rapidly and an influential “mercy lobby” achieved a considerable number of amnesties: the first in 1949, the second in 1954 and in 1958 the last of those sentenced at Nuremberg, apart from the main war criminals, were released. It is considered a particular scandal today that not even the lawyers of the so-called “people’s court” which pronounced thousands of death sentences were ever brought to justice.

That the above-mentioned number of sentences did materialise at all is linked substantially with the fact that the German federal states agreed in 1958 upon the creation of one Central office of the State Justice Administration in Ludwigsburg which became responsible for the coordinated prosecution of Nazi crimes. At the end of the sixties, 130 people worked there on the prosecution of Nazi crimes, 50 of them prosecutors and judges. Admittedly, the Central office was not a very potent authority either. Its work was obstructed in many ways. Although the eager Ludwigsburg prosecutors achieved much less than they had really wanted, they created a level of knowledge about Nazi crimes, especially those in eastern Europe, which nobody could doubt any more, which nobody could sidestep easily. Today, the historical material evidence gathered there represents an irreplaceable resource for broadly conceived research on Nazi crimes in eastern Europe.

This example already demonstrates what has become important as a general side-effect of the judicial evaluation of a totalitarian past, which is especially important in the long-term perspective: in criminal trials like the Frankfurt Auschwitz trial or the Majdanek trial, which created great interest on the part of the media in Germany, despite all the

shortcomings in the proceedings and many an unsatisfactory result, the entire despicability of National Socialism came to stand out clearly for everyone to see. Thus the topic remained present, the dimensions of the crimes became gradually clearer and a simple forgetting and setting aside was not thinkable anymore.

In view of this background, perhaps the bitter realisation drawn from the results of the prosecution of Nazi criminals in Germany which is unsatisfactory in its sum will be somewhat easier to bear: all in all, criminal justice under the rule of law has actually proved itself to be insufficient for the punishment of political guilt, for the coming to terms with a totalitarian dictatorship. Criminal trials under the rule of law provide victims and perpetrators alike with legal protection. They call for prosecution and defence, conclusive evidence and an objective attribution of guilt. Too easily, criminal justice under the rule of law gets stuck in the dilemma of the legal recording of facts from an era in which there was no rule of law. Too easily also this way, perpetrators can hide behind superior orders which they merely carried out or behind laws valid at that time which did not make their actions punishable. Leaving completely aside the fact that as a rule, endlessly traumatised victims are not capable of reconstructing contexts of events and personal constellations without contradictions anymore, causing chains of evidence to break down too easily.

Nevertheless, it also has to be acknowledged that by using the path of the rule of law, however unsatisfactory its individual results may be, the negative sides of purely political criminal trials were avoided. Let us only recall the French *Épuration* which in the first years after 1945 clamped down on collaborators while affecting quite a few innocent people, settling other political scores at the same time or even leading to inhumane excesses like the shaving of heads of women supposedly guilty of so-called “horizontal collaboration”.

II. Reparation and compensation

With this background, the reparation for the injustice suffered by the victims of the dictatorship appears so much more important. Of course, the murder of millions and immeasurable suffering cannot be “repaired”, in colloquial terms, and guilt, as it were, cannot be turned into “debts” by the stroke of a pen. This term rather means, in an old German sense, “replace, pay, atone” and that is exactly what happened in Germany after 1945, in a total of five areas: (1) through the restitution of property assets which were stolen or confiscated from those persecuted; (2) through compensation for the loss of life opportunities such as, e.g., the loss of freedom, health or professional advancement; (3) through special regulations for those persecuted in public service and in social security; (4) through legal rehabilitation, for example through the annulment of the unjust verdicts of the Nazi judiciary; (5) through a number of international agreements aimed above all at the compensation of foreign victims of the Nazi era.

Already at the end of the 1950s, restitution in Germany was largely completed and, without wanting to present things all too positively, we can say that what was within human power was done. For the remaining areas, too, Walter Schwarz issued a good certificate for

the Federal Republic of Germany. Walter Schwarz was the son of Polish-Jewish immigrants who started a legal practice in Berlin in 1952 and soon became the central authority in questions of reparations. He even said in 1984 that, in his opinion, “a German [had] the right... to be proud of the reparation work”.

On the other hand, critiques of the reparation stress that the respective payments in Germany, especially in the initial years, had to be forced by the Allies against the overall atmosphere in the German population. The procedure itself is especially subject to criticism because in the reparation proceedings, the victims had to elaborately prove their right to the claims. And it should not be overlooked either that some groups of victims, such as e.g. homosexuals, asocials, Sinti and Roma, Jehova`s Witnesses and then especially the eastern European forced labourers had to fight arduously for their right to claims.

This is being countered by saying that reparations cannot be processed in any other way than in a legal procedure in order to exclude misuse which had been attempted often enough. And it is also true that the compensation which was agreed upon by German Chancellor Konrad Adenauer with the state of Israel in the Luxembourg agreement in 1952 was followed by compensation agreements with eleven West European countries and with Poland in 1975. However, these general compensation payments were in part not forwarded to those affected or, as in the case of the USSR, even refused as the Russian side regarded the forced labourers who were entitled to compensation as despicable collaborators. This attitude facilitated the restraint of the FRG, based on the London debt agreement, in the compensation of east European victims of National Socialism which in practise took place only after the Cold War in the 1990s.

Altogether, DM 75 billion were spent by 1986 in all areas of reparations. 1.5 million people persecuted by the Nazi regime received compensation payments. This was certainly only a fraction of the estimated 20 million people harmed by the Nazi regime.

III. How society deals with the past in Germany

Finally, we need to ask the question of the social and political attitude toward the dark chapters of history. For a historian, this is a very difficult topic to cover as far as sources are concerned, not least because it affects so many different areas of social life. Where can we find convincing indicators which can give us information about the attitudes of the West Germans toward their past?

Anyone who studies the German press of the 1950s quickly arrives at the conclusion that there was an intensive examination of National Socialism going on, e.g. on the memorial days like 20 July or 8 May, which in its predominantly clear anti-Nazi orientation helped to advance the distancing from National Socialism. The coverage thus stood on a footing which had been prepared by the Constitution of the Federal Republic of Germany already in 1949: in many aspects our Constitution is to be understood as nothing other than an explicit attempt to learn from the past and to prevent the recurrence of a totalitarian regime on German soil under any circumstances. German post-war literature and post-war film also provide much evidence of a distancing examination of the dark past. Let us recall films like *Die Mörder sind unter uns*

(The Murderers Are Among Us) by Wolfgang Staudte who as early as in 1946 disclosed the German responsibility even for the crimes of the Wehrmacht in the German East and provoked significant viewer interest. Let us recall the literary work of Elisabeth Langgässer, Reinhold Schneider, Heinrich Böll and Günter Grass, just to name a few.

The scholarly examination of the topic was supported by the establishment of the Institute for Contemporary History in Munich in 1953. To this day the Institute for Contemporary History is the most important and most respected historical research establishment in Germany. Through an extensive number of scholarly publications on National Socialism it has enriched our knowledge of this dictatorship enormously. In parallel to that, already in the 1950s, the first political educational institutions for adults were founded on both the federal and state level, the Federal and Land Centres for Political Education whose most important task to this day is the stabilisation of democracy and a critical examination of the Nazi dictatorship. Since the end of the war, thousands of streets, squares, schools and convention halls in Germany have been named after resistance fighters and victims of National Socialism so that the distancing from National Socialism becomes quite obvious in public spaces, too. Essay competitions, prizes and distinctions have been initiated which acknowledge and honour the public discussion on the Nazi past. Large numbers of memorials and monuments have been built, partly on private initiative, partly with public support, which keep the memory alive at the sites of crimes. They record consistently growing numbers of visitors to this day. The topic of National Socialism has entered the school curricula in history, religion, politics and social science classes to such a broad extent that many teachers have begun to see a danger of oversaturating the youth, which could be counterproductive. The role model function played by prominent personalities and convinced democrats in the consolidation of an anti-totalitarian social consensus should not be underestimated either. I am thinking here for instance of the speech of the first federal German President, Theodor Heuss, who in 1954 presented a very clear commitment to German resistance against Hitler which had its impact. Or perhaps also of the courageous prosecutor Fritz Bauer, who already in 1952 in the so-called Remer trial, a defamation trial against a neo-Nazi, brought about a distancing from neo-Nazi groups also in conservative circles. The list of such examples of elucidating and re-educating work and the development of democratic, humane values in Germany could be extended considerably.

But is this real evidence of a broad social distancing of the Germans from National Socialism and its crimes? Many historians doubt this and refer to the functional political character of such anti-totalitarian activities under conditions of the occupation until 1955 and thereafter. They refer to scandalous cases of the return of functionaries of the Nazi state into important positions of the federal German democracy and last but not least to the first opinion polls carried out by American military offices but also by the German Allensbach Institute. They showed e.g. in 1948 that 57% of those questioned thought National Socialism a good idea which had only been carried out wrongly. Such results were recorded well into the 1950s. Admittedly, the validity of such research is strongly questionable, because what should you expect from the opinion of a largely unenlightened society still infected by the propaganda of Goebbels?

Nevertheless, for critical historians, it was the generational change and the critical opposition around 1968 which brought about a real profound distancing from National Socialism, because now the generation of children boisterously and self-righteously asked their mothers and fathers the unpleasant questions which they had been successfully avoiding for two decades. Thereafter also individual affliction was emphasised, as in the 1970s television series “Holocaust”, a film which traced individual Jewish fates and thus allowed audiences to identify with the victims.

In the area of the social examination of National Socialism it becomes clear again how difficult it is to arrive at valid statements about the Germans’ “coming to terms”: depending on the starting point one chooses, the sources allow for a very large range of interpretation. However, there is one thing that the divergent findings do suggest to me: As the German-Jewish historian Michael Wolffsohn once formulated, the process of “coming to terms with the past” always develops in steps of four which Wolffsohn describes as “knowing, assessing, crying and wanting”.

At the beginning there always stands the enlightenment, the “knowledge about what happened”, in order to open the eyes of society which in totalitarian regimes is essentially unenlightened. This procuring of knowledge can have several stages and can gain in depth over time. This mediation of knowledge as such never reaches a real end in post-dictatorial societies simply because the functioning mechanisms of modern dictatorships are quite complex. Only on the basis of secured and diffused knowledge can the “assessment of deeds as atrocities” happen and thus a foundation for a broad social reorientation can be laid. As the German example illustrates quite ostensively, this “assessment” can even become part of the self-conception of the state; it can become part of a basic social consensus on an anti-totalitarian, humane future in accordance with the rule of law and it thus becomes a permanent process. Undoubtedly, the “crying” mentioned by Wolffsohn in the sense of establishing broad social empathy for the victims of the dictatorship provides important support to this process. This empathy, as the German example also clearly shows, is as a rule considerably promoted by individual offers for identification, by the drama of the individual fate. On this basis, finally a political future plan for a “better and more morally perceived community” can be developed which is a “prerequisite for action”.

Admittedly, one must doubt whether such a new political “wanting” is of eternal value. It is probably more realistic to believe that it will take a constantly new reassuring of each coming generation for us to become aware of the social dangers of totalitarian challenges.

Thank you very much.



Session I

**COMING TO TERMS WITH
COMMUNISM FROM A WESTERN
EUROPEAN PERSPECTIVE**

Chair: Jan Urban, journalist

Panelists:

Joachim Gauck
Former Federal Commissioner
for the Records of the State Security
Services, Germany

Christopher J. P. Beazley
Member of the European Parliament,
Great Britain



JOACHIM GAUCK

Former Federal Commissioner for the Records
of the State Security Services, Germany



Graduated in theology and worked as an evangelical priest. Spokesman of the opposition movement “Neues Forum” and co-initiator of church and political resistance. Member of Parliament since 1990, and in the years 1990–2000, government Commissioner for the Records of the State Security Services of the Former GDR. Host of ARD talk-show “Joachim Gauck” (2001). Chairman of the association “Gegen Vergessen – Für Demokratie” (*Against oblivion – for democracy*) since 2003. Awarded numerous honorary doctorates, medals and prizes.

Thank you very much for the friendly welcome and for the reference to the realm of legends. I have got to live with this but today I am here with you, quite alive and quite normal, simply to tell you about my experience. I am very grateful to you that we were able to start by listening to the lecture by Professor Kießner because he somewhat describes the situation which we found in East Germany in 1990 when the question was how to come to terms with a dictatorship. And in contrast to other central European countries it was clear that we had a head start. What West German society had gathered in errors and success provided us with a very particular starting situation. This was one of the prerequisites for our own very special arrangements.

Let me proceed with my initial comments:

(1) The revolutionary overthrow in the GDR in 1989-90 was connected, already during the demonstrations of autumn 1989, with various activities of the pro-democracy movement aimed at de-legitimising communist rule. We did not know yet what would become of this rule but the way it was, it had to be de-legitimised. Only at the beginning of the popular movement was it a question of elements like Glasnost and Perestroika, of necessary reforms within the communist system. Very quickly, deficiencies in democracy and the demand for civil rights, freedom of information and finally the demand for a basic rearrangement in society pushed their way forward. A tactical heavyweight of the protest movement in the GDR was action against the most important instrument of power of the leading party, against the secret police, abbreviated in Germany as “Stasi”. This stands for Ministry for State Security. The struggle against the Stasi had two advantages. First, it weakened the real exercise of power by the party and secondly, with an allusion to the Stasi, the entire communist system could be unmasked as repressive and hostile to democracy. They called their system “socialism”, we called it “late Stalinist dictatorship”. A reference to the Stasi was sufficient to make this clear. As a result of this focus, the civic movement succeeded first of all at the Round Table ‘89 in putting through a decision on the complete dissolution of the Ministry for State Security and secondly, to gain possession of the entire files of the State Security and to retain them for later use.

(2) This political will of the pro-democracy movement was then turned into legislation by all fractions of the first freely elected Parliament, the *Volkskammer* of 1990. Already in the summer of 1990, a law was created which regulated access to the Stasi records innovatively and comprehensively. The core asset of the law was a formulation demanding the opening of the files for the sake of a political, legal and historical evaluation of the past.

Let me take a break here and relate this to what Jan Urban just said about Karl Jaspers. At that time, I was a deputy in the free Parliament and I helped to promote the law decisively, may I say. We must have known this little book, *Die Schuldfrage* (The Question of Guilt), dear Jan Urban, because the formulation, “evaluating the past legally, politically and historically” refers back to Karl Jaspers. Let me take a small excursion here. In his little book after the war, *Die Schuldfrage*, Karl Jaspers says: “Guilt always comes in different dimensions.” Let me say it: as criminal guilt, as moral guilt, as political responsibility and as metaphysical

guilt. And the particular thing on this elaboration by Jaspers is his saying: “When one wants to deal with guilt, one needs a special instrument for every dimension of guilt, a special authority. No single authority can deal with all types of guilt, we need one authority for each dimension.” It is clear what he meant – criminal guilt can only be dealt with by a court, but moral guilt cannot. Those are the limitations of a court. And I am very grateful that Mr Kießner pointed out that a court cannot do everything. What would be the authority which deals with moral guilt? There is a relationship between two people in which guilt arose. Here the victim can perhaps forgive the perpetrator. That is the authority. And what about political responsibility? Not every guilt is of a criminal character but it still may be called guilt. That is what he called political responsibility. The authority to deal with it is the public. A public discourse based on facts. And finally, for believers guilt is always also a destruction of their relationship with God. And that is why the religious person needs rituals or elements of forgiveness here in order to put this destroyed relationship back in order. That is why all the debates which do not reflect these differences in guilt are so difficult, because duties are being given to courts which they cannot possibly cope with. That is why, dear Jan Urban, I am so happy that you mentioned this book. Because in fact all societies which are plagued by guilt should get this book as mandatory reading material.

Now let me return back to my text. I had mentioned the basic formulation in the Law on the Stasi Records about the legal, historical and political evaluation of the past. What we did not accomplish in the ex-GDR was a de-communisation, analogous to the de-Nazification after the war. You in the Czech Republic have tried it by removing members of the communist party from public service by an audit. We did not want this, we in the *Volkskammer* ‘90 found it disproportionate. There was no majority for the examination of the public sector for membership in the SED. There were about 2.3 million comrades that we had at that time, in a population of 16.5 million. And only very few of these comrades had leadership duties. Therefore what you call “lustration” in the East applies in Germany only to collaborators of the secret service, not to those of the state party. This might be in order, from the point of view of the rule of law; however, it has the political drawback that leading party cadres were left considerably better off than insignificant Stasi helpers. Many of these party cadres soon began new political careers, not to mention their careers in business.

(3) Even after the Reunification, this fundamental decision did not change; however, the German Parliament, the Bundestag established a Committee of inquiry for two legislative periods which in yearlong hearings of experts and of those affected, collected and documented facts about the dictatorial character of state socialism. The post-communists of course did not find this exciting; they instantly established an alternative Committee of inquiry in order to try once again to regain sovereignty of interpretation in the public debate about what socialism was. They did not succeed but as in your country, the public in Germany’s East is deeply divided between those who consider the truth of the post-communists to be correct and those who consider the truth of enlightenment to be correct. In parallel, next to the Committee of inquiry a legal evaluation of the past also occurred. This means

that prosecution was made possible, albeit to a limited extent, for delicts which had in fact been punishable already in the times of the regime. Let us take for example voting fraud or corruption; these would have been punishable under socialism, too. This was naturally not enforced because voting fraud was a state policy. These proceedings were permitted. It became difficult with proceedings which basically breached the legal principle that measures should not have retroactive effects. Here the judges complied with the so-called Radbruch formula. Gustav Radbruch was an important lawyer in Germany who passed away before we started using his formula. This formula says that you can prosecute somebody even if there was no corresponding law. For example the killing of people at the Wall – the shooting of innocent people in the back is injustice apparent to everybody. When such a case is at hand, said the highest German court, prosecution is certainly possible. And so those who killed at the border were taken to court and received punishment, relatively mild as it turned out, but at least they were punished. This is also true for the commanders and for the state government all the way up to the politburo of the SED, the communist party.

There is of course another element which goes hand in hand with legal evaluation and that is legal reparation. Judicial rehabilitation for erstwhile victims is a fundamental element, together with laws on reparation, including financial compensation. Such laws were also passed after 1990 in Germany. Looking back in a generalising fashion, however, the same thing can be asserted as we heard in the introductory lecture, namely that the constitutional state with its instrument of criminal law alone was capable of bringing about only a very limited de-legitimation which was considered wholly insufficient in fact by many victims. Therefore, it needs to be pointed out that next to criminal prosecution, other forms of coming to terms with the dictatorship can be used and were used in our country. Most importantly, a change in elites was to take place wherever it seemed essential. There was no general change of elites, however, but at least a partial one. An examination of the public sector for former Stasi activities was enacted and carried out. The point is that such examinations were not penal sanctions but that the evaluation for Stasi collaboration asked about qualification criteria; it was an aptitude evaluation. Those who had worked with the secret police against us were to be regarded as not sufficiently trustworthy for particular tasks in public service. In many areas, e.g. at universities or in the field of justice, additional forms of examinations also took place, such as professional aptitude. My home university of Rostock for instance had a rector who had been simply instated by the party. When he took office he was not even habilitated. You might know such cases as well. And with lawyers this was essential anyway. The Stasi informers were removed but also those who had pronounced verdicts which grossly violated legal state principles. For this there were special committees of judges and prosecutors who, after the change of system, evaluated who would be allowed to continue working in a democratic judiciary. For the sphere of private business, the possibility of an evaluation was not offered in general but at least for leading employees. However, business made use of this right only to a very limited extent. For many forces in business it was important to have people with elbows, with assertiveness. An evaluation was not important for them but nevertheless, the possibility was offered.

(4) It turned out that despite all these measures a sufficient coming to terms was not yet ensured. Therefore we may recall that there are further forms of public evaluation which the state can support or constrain. I am talking about different forms of public debates and discourse. Under the rule of law, the state can promote them through regulation of the legal framework. Examples:

- a) In Germany, all archives of the dictatorship are open to the public; the normally enforced blocking of personal records for 30 years does not apply to documents from the dictatorship. Therefore, not only Stasi files but also party and state records are open to scholars and research by the media.
- b) The interests of the victims of the dictatorship must be legally supported more strongly than those of the erstwhile perpetrators. The personal rights of the perpetrators can be considered subordinate to the interests of the victims of the regime when the aim is to ascertain who harmed or tortured them. The interest of educating the public, too, can be considered higher than the personal protection of the perpetrators, those involved with or those favoured by the regime. We have had to learn and we learned that the protection of data privacy does not automatically mean the protection of perpetrators. I am stressing this expressly because we have a comparison in Germany to the time after the war. After the war, victims of the Nazi regime had to stand like beggars in front of closed doors to the archives. The robbed dignity of these people, their stolen rights, civil rights and human rights, weighed less than the privacy rights of the perpetrators. Because of this historical experience, the German Parliament in 1990-91 undertook a change of perspective in favour of the victims. Legally, this is possible; one just has to want it politically. We experienced in the whole of central Europe and especially then in Russia and the former Soviet republics that many former top scholars, lawyers but also politicians said to the population: “No, no, now there is democracy, now there is protection of data privacy, we cannot just simply open the files. That is not possible. We are a state under the rule of law.” The German legislation has shown that this *is* possible. To provide support for the interests of the victims and at the same time to respect legal norms. The interests of the victims of the dictatorship must be recognised and protected more strongly by law.

(5) The fact that we had a legal regulation for the evaluation tasks in Germany very quickly has to do with the experience of the West Germans with the coming to terms with the Nazi dictatorship and that is why I am so happy that we heard Professor Kißener’s talk. Try and compare our approach in Germany in 1990 to that in Poland. The most respectable first Polish Prime Minister Tadeusz Mazowiecki formulated for his society a *gruba kreska*, a “thick line”. You can imagine that the formulation “thick line” was completely de-legitimised in an enlightened Germany of 1990. All those who wanted a line were considered reactionaries; therefore, we practically did not have this fight any more and there was agreement between the opposition and the government coalition that there naturally would not be any “line”. In Poland, there have been painstaking efforts in the past 18 years to reverse this fundamental decision for a “line” in favour of the victims of the communist regime. This is why we were able to start earlier.

We have heard a quotation here on the sequence, how coming to terms with the past gradually changes in character. I would like to return to it once again and would like to state that the coming to terms with dictatorships, with guilt always is a multi-step process. It usually comes with a denial or relativisation of facts which means with a tendency toward the “line”. In fact it always starts this way. The aim of this denial or reinterpretation of facts is the construction of a painless memory. It is in fact what we know from our private lives. We recall things in a way that does not cause pain. This exists in the public sphere as well. The general term for it is “nostalgia”. Then there is another reason for the concealing, which is of a slightly philosophical nature. Often the representatives of the “line” ideology tell us that under all circumstances the inner peace of the nation must be preserved. Inner peace is evoked and avoiding conflict is what is meant. That is why these representatives tend to enforce amnesia or amnesty, for inner peace, they say, not out of fear – for the sake of inner peace. In reality, however, it is a very fragile inner peace if it is based on silence, as silence and nostalgia and the “line” always benefit the former elites and always put those formerly oppressed at a disadvantage. This is the great political and moral drawback of every “line” settlement. That is why we need a recovery of facts and their extensive dissemination. This is happening, although often only in part. It was not without reason that Professor Kißener mentioned a survey which was started in Germany in 1948 by the Allensbach Institute. Do you believe that National Socialism was a good thing carried out wrongly? Oh yes, yes, said the majority, we do. We the former people from the East know this very well, although most of us were not born yet in those days. But we happen to know this from our fellow countrymen. Do you believe that communism was a good thing that was just done wrongly? Oh yes, yes, they say – in a very similar percentage, by the way.

I have visited several countries in South America and I have also visited Spain. And I discovered that it is not only a European quirk but that everywhere where people experienced dictatorship, you find this falling apart of memories. And always there is also a positive reminiscence of bad times. There may also be psychological reasons for this; I will not go further into it now. It is sufficient to say – in fact it is so in every transformation society – that the memories fall apart. There are the reminiscences of the pioneers and those of the masses which are not interested so much in the facts.

Hannah Arendt, the Jewish German scholar who emigrated to the United States to escape Nazi barbarism, came back to Germany and wrote, somewhat later than Jaspers wrote his book *Die Schuldfrage*, a book called *Besuch in Deutschland* (A Visit to Germany). There she says that people who have lived under dictatorship for a longer time suffer a “loss of reality” because under dictatorship, the adherence to facts is not so important. It is more important to know and share the opinion of those in power. And when one is accustomed, over years and decades, to complying with what it says in *Rudé právo*, *Neues Deutschland*, *Pravda*, when one has practiced this over and over as life-saving and career-promoting, one becomes careful with the facts, they are not important – loss of reality. We must realise that this affects all societies which have lived under a dictatorial regime for many years.

Well, this can be broken naturally, but it takes its time. Therefore, facts have to win new ground, first in science and then in politics. And that must happen not only in textbooks but also in mass culture. That means what Professor Kißener said before about the effect of the series on the Holocaust on television in West Germany in the 1970s. Not only in general, so and so many million Jews were killed but here is the Weiß family and they meet the following fate. You know, my parents who never told me anything about the Nazi time, who had allegedly forgotten everything, when they saw the film, they began to cry. Terrified, they remembered the old days. They remembered names of Jewish fellow countrymen which they had never told me before, although I had attacked them as a young student, although they knew the newspaper articles meaning they knew the facts, but this element of inner shock, inner agitation, this crying had not reached them. A generation later, through a true story they were finally reached. And then this extended form of coming to terms arrives which involves the inside, the psyche. That is why the character of coming to terms as a process is really obvious; it is not an assumption but a fact. This element of crying as Mr Wolffsohn said could also be characterised as a catharsis. This cathartic element, an inner permeation, will always be reached only relatively late by society. This is because it is difficult in the beginning to accept guilt. For the Germans in the so-called times of 1968 when the critical youth asked their parents questions, it was important for example to read the book called *Über die Unfähigkeit zu trauern* (The Inability to Mourn) by the Mitscherlichs. It moved the Germans a lot. They came to understand that a complete coming to terms includes repentance, shame and mourning, not only the mere knowledge of facts.

When we look at post-communist societies today, we find this element, naturally in a limited form, but we do see it in some. To summarise, we have to assert that in a transformational society, there regularly already exist, in addition to the denial of knowledge of facts, initiated informed circles of scholars or victims who can lead their own discourse alongside the general forgetting. That means that there is a non-concurrent development of awareness in the public in all these transformational societies. Part still bathes in nostalgia while the others have a wealth of facts in their hands with which they harass the public. And it takes time for us to take the next step, the step of inner coping, of real coming to terms with guilt. I do not see any post-communist country having reached this phase yet. Rather – we must really say this – we are still a transformational society and when our dream of civil society comes true one day then the elements of evaluation will also be more successful. In this respect we East Germans were lucky. The civil society of West Germany placed norms and behaviour patterns in our hands which gave us this access to an inner turning away. Despite that, a large portion of the East German population lives practically as if in the Far East of the Soviet Union. Eyes shut, knowing nothing and warbling silly songs from the times of yonder. Well, that is why the rest of us have a lot of work to do – you and me and everyone in their place.

I thank you for your patience.



CHRISTOPHER J. P. BEAZLEY

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Worked at the Bank of England (1974–1976). Teacher (1976–1983). Research officer, Sussex University (1983–1984). Member of the European Parliament for Cornwall and Plymouth (1984–1994). European consultant and writer (1994–1999). Since 1999, Member of the European Parliament for the Eastern Region. In the European Parliament: since 2007, Member of the Committee on Foreign Affairs, since 2004, Chairman of the “Baltic Europe” Inter-Group.

Senator, ladies and gentlemen,

I have been asked this morning to talk about coming to terms with communism from a western European perspective. The first thing I find important to say is that, despite the experience of my generation for which it appeared to be a permanent reality that Europe was divided between East and West, it always struck me as wholly unnatural. Europe, I have always believed, has a real unity which is based on culture and history and experience. If there are divisions – and I don’t think that there are divisions, so if there are variations – they are basically between the north and the south, based on climate and to some extent on culture. A Russian writer – and I do apologise if I am about to lower the tone from that of my two predecessors – a Russian writer described the variety of Europe through a drinking analogy. He said that the most boring Europeans are the beer drinkers from the north – people like the English for example and indeed Germans. More interesting are the Mediterranean peoples, who drink red wine; they are much more civilised, they drink outside, they know how to dance – in other words, they can converse with the opposite gender which the English find very difficult. But of course the most interesting Europeans are those who drink white spirit – vodka. And of course he was Russian himself and described himself as European.

I think we have to come to terms with the fact that the East-West divide was wholly unnatural. We thought it was permanent. What we’re doing now, as has just been brilliantly explained, in this sort of transition phase is trying to put back the harmony which existed before – and I would argue not just before the Second World War but also before the First World War – and we have to accelerate that process. We have to do it through an understanding of our past and a facing up to some of the most appalling things which happened.

I want to follow very briefly on the discussion that we have had so far about guilt. The English find it very difficult to be guilty, possibly because we are well known as hypocrites – things go wrong but they always tend to be somebody else’s fault. Therefore, when my parents moved to Frankfurt am Main in 1965, as an Englishman I was absolutely amazed to discover – through the press, on television and indeed from my German teenage friends – that the conversation was all about Hitler and the 1930s and the dictatorship. If the English had been in that position I’m sure we would have talked about the weather or cricket. It would have been the last thing that we would have wanted to concentrate on. To me this was perplexing. Even more perplexing was the fact that my teenage German colleagues blamed their parents personally for what happened.

I will just demonstrate this by an anecdote. The son of my mother’s friend was quite a famous German cartoonist called Kurt Halbritter. Many of his drawings were autobiographical without any explanation. One was of a small German boy aged eight in Frankfurt by the *Bahnhof* holding his mother’s hand and he had a black eye. My mother said, what is the story, what’s the meaning of this? In 1937-38 all civilians in Frankfurt, if they passed an SS guard on the corner, had to give the salute. And quite clearly Kurt aged eight decided that he was not going to do this. So he was dragged around the corner and

had his face punched presumably by this SS guard. The conclusion which we drew from this was that the English have not really experienced dictatorship since Oliver Cromwell, in other words in three and a half centuries. But you have got to be a pretty strong individual when your own police force, your own state is basically run by criminals. I think that the fact that this eight-year-old boy did take that stand was a sign that there are people who are very strong. But of course they are very few in number. One can think of Dietrich Bonhoeffer, one can think of Sophie Scholl, one can think of many others, but I just wanted to say that in passing because my main theme is coming to terms with communism from a western perspective.

We touched on this in some extent yesterday, and though I say that I don't think that Europe is divided, we are divided in our experience in the sense that France and Italy had extremely strong communist parties after the war. In France in particular the Communist Party was the single biggest party. There was a sort of understanding with President de Gaulle, which was rather extraordinary. The French family I used to spend some holidays with as a child – very strong, very individual, very French in many ways – would vote communist and vote for President de Gaulle as the leader of their country, which to me seemed a paradox. The Americans in particular – and I think we will have the world perspective in the next discussion – I think were extremely concerned about the possibility of communism spreading to the whole of western Europe, particularly in Italy where the two parties in a sense were the Christian Democrats against the Italian Communist Party.

But from a western perspective it is important to say, and this distinguishes our views between Nazism and communism, that our experience of communism went back much earlier, almost 20 years earlier. Talking again of guilt, the English are guilty because *Das Kapital* by Karl Marx was written in the British Library. Had we been a bit more perceptive, no doubt we would have been a bit more critical to what was going on. England has always offered a haven for political exiles; and now there is a professor from the East End of London who is describing a number of meetings in London which the early Russian founders of the communist movement, including Lenin and Stalin, attended. Stalin never admitted this but I believe the professor was speaking the truth. So from an English point of view, there was an experience of 20 years, from 1918 roughly to 1938, of communism which did cause tremendous fear, but the fact that there was no direct conflict meant that the view about communism as opposed to fascism was different. There is another illustration of this fear of communism in England. As many of you will know from history books, the last tsar of all Russians, Nicholas II, looks as if he is the twin brother of King George V of England. There's an extraordinary resemblance. And George V is often criticised for not doing more to try to save the Russian imperial family from the appalling assassination which took place in Yekaterinburg. My belief is that the king tried very hard to do what he could to save his cousin. But one of the reasons the British officially did not try to rescue the imperial family from Russia was fear of revolution in Britain, particularly in Glasgow. This may explain to some extent the indulgence in Britain towards Hitler and the fascists, that they were seen somehow as a barrier against the spread of communism.

Communism in France and in England also had a sort of intellectual chic about it. To be a moderate or even a conservative was regarded as not particularly adventurous. To be supportive of the communist party was thought to show certain status, certain stature. Of course this is based on naivety and on ignorance. There were a series of British students who had communist sympathies and who of course ended up working for the KGB like Burgess and Maclean. They caused tremendous damage to the European Allies. They were instrumental for example in switching Britain's allegiance during the war in Yugoslavia to supporting Tito, while King Peter of Yugoslavia was exiled in London. They frustrated an attempt to change the communist regime in Albania. Of course there were other renowned British opinion formers who were taken in by the Soviet Union. The most famous comment was perhaps "I've seen utopia and it works." This was after 10 days being trotted around by Stalin and his KGB – maybe a little bit like Empress Catherine and her minister Grigori Potemkin seeing the false village hiding the poverty that lay behind. From that particular perspective there was a mixture of feelings. Initially, there was fear of the danger of the spread of revolution, then there was the recognition that for example Poland had successfully fought off a Soviet invasion. And so there was a sense of relaxing about the Soviet Union. There was no knowledge of the Hitler-Stalin pact, the Molotov-Ribbentrop Pact. That Hitler's troops were being trained in Russia against the terms of the Treaty of Versailles was simply not known. It was known by one Englishman, Sir Winston Churchill, who was not noted for his shyness or indeed modesty. He was supplied with accurate information on what was happening about the restoration of the Wehrmacht and in particular of the Luftwaffe with the direct support of Stalin. But the British establishment did not want to know this. The reason they did not want to know of course was because of the terrible experience of the First World War. In 1919, the notion was that this was the war to end all wars. As Hitler made more and more demands, starting with the remilitarisation of the Rhineland and ending up of course with the Munich Agreement, there were many people in England who said "the French are being too tough on the Germans, all Hitler wants of course is to restore German speakers to the German fatherland, we're not going to go to war again simply because of these continental disputes." Churchill stood up against this and warned again and again of the danger and he was extremely unpopular for doing so; he only became Prime minister of course when the full consequences of appeasement were understood.

France has a different experience. My wife is French and of course they do have the experience of occupation. I think perhaps the most difficult element of that is not merely that your institutions of state are completely destroyed and that you are occupied by another invading force, but what happens to your own society. In other words there was a *résistance* against the occupation, grisly exaggerated of course after the war. But the *résistance* was divided into those who were members of the Communist Party and those who weren't – as was my wife's grandfather's experience coming back from a prisoner of war camp. As a French officer he did join the *résistance*, but he wasn't a communist and so he wasn't trusted by the communist *résistance*. And the French communists of course did nothing until Russia was invaded by Hitler's troops because they were just following orders

that were coming along various ways from the Soviet Union. The myth of the *résistance* of course was that these were heroic figures who were doing everything they could to liberate their country. The reality was they were very often fighting the other *résistance* who were not communists. Again, just a very brief story from *grand-mère*: There had been an ambush, German soldiers killed, reprisals taken, grand-mère goes to the funeral of one of the farmers who is being buried. They are stopped by the communist *résistance* as they come back from the cemetery and asked, what have you been doing? We've been burying Mr Legrange. The communist *résistance* go to the cemetery and they fire a volley of salute for a fallen hero. It then transpires that they were on their way back from the next village where they had murdered the mayor because he was not a communist.

In other words – and again, this is something the British have little experience of – when your own society is completely divided in that way, it causes terrible long-term psychological disillusionment with the institutions of state, which is one of the reasons why the French and the Germans were the founding members of the European Union. They had drawn the correct conclusion that nationalism leads to conflict and that internal disillusion of your own society is something wholly unacceptable, and therefore to pool not only your economic but also your political resources is the only way in effect to restore harmony.

Can I just very briefly mention the Baltic Sea states, or the eight EU countries around the Baltic Sea. Me and others have taken an interest in them for very many years because it seemed to be a microcosm of what went wrong as a result of Yalta. Today, as I mentioned earlier, there are nine countries, eight of them EU member states, the ninth of course being Russia. For most of my life, Estonia, Latvia and Lithuania were legally forced into the Soviet Union. Finland and Sweden were neutral countries. Different forms of neutrality were explained to me by a Finn. He said we are both neutral countries, but we Finns try to be pleasant to everybody across the world – and I'm conscious there is a Swedish member of the Moderate Party over there but I can't get out of it now. But, he said, the thing about the Swedes is that they go out of their way to be unpleasant about everybody in the world. Excuse me, that's a Finnish joke. Denmark, a member of the EU and a member of NATO, Germany divided, Poland under communist rule. In other words, the whole harmony which existed for centuries around the Baltic Sea had been completely fractured. What we are trying to do in the European Parliament is to simply help and to accelerate as a catalyst the restoration of the harmony which existed.

The first thing you must do is to understand the history. The history of the conflict between Denmark for example and Sweden. Then the conflict between Sweden and imperial Russia. And then of course the effects of the First and the Second World Wars. First of all comes understanding. Secondly, you have to make sure that people know about it, not just enthusiasts, and I'm obviously referring here to this afternoon's discussion about the Institute because I think there are a series of practical steps which have to be taken. First of all to face the facts, to face our historical background; secondly to be in a position to disseminate it; and thirdly to try to emphasise those things which we all have in common. May I come back to this Senate building, the Wallenstein Palace. We tend to teach history at

schools nationally, at least the English do and the Danes do, but even the Germans or the Czechs. History can be, in a democratic society, a mild form of propaganda which basically justifies the status quo, the national institutions of state. The Thirty Years War, as I vaguely remember, started with the Battle of White Mountain and the Elector Palatine's wife, the Winter Queen, was of course Elizabeth Stewart, the sister of King Charles of England. Our history is all interrelated.

The other thing I would say is that it is not only a question of teaching history but also a question of teaching languages. The English are now dangerously advancing to the stage where they speak no language other than English, and even that not particularly well. If you want to understand Europe's culture, it seems to me you have to be to some extent multilingual. I think that is an aspect in our common identity. Through this process of examining our past – not simply the official textbooks, which of course are written by various interests but also the past through the experience of our own families – we can make some sense of how we restore democracy. Churchill said, "It takes a thousand years to form a state, an hour can lay it in the dust." Stalin, in effect, took control of central and eastern Europe in a period of four years at most. It is going to take us at least 40 years to restore the harmony which should never have been destroyed in the first place.

Thank you.



Session II

COMING TO TERMS WITH COMMUNISM FROM A WORLD PERSPECTIVE

Chair: Jan Urban, journalist

Panelists:

Lee Edwards

Chairman of the Victims
of Communism Memorial Foundation,
Washington, D.C., USA

Emanuelis Zingeris

Member of Parliament, Lithuania



LEE EDWARDS

Chairman of the Victims of Communism Memorial Foundation,
Washington, D.C., USA



Distinguished Fellow in Conservative Thought at The Heritage Foundation and Adjunct Professor of Politics at the Catholic University of America. He is the author of twenty books on American and global politics, including “The Collapse of Communism” and “The Global Economy.”

**Coming to Terms with Communism
from a World Perspective**

Unfortunately, most people around the world have never come to terms with communism. To understand why, we must go back nearly two decades to 1989, the Year of Miracles. Soviet communism, the dark tyranny that controlled more than thirty nations and was responsible for the deaths of tens of millions of victims during the twentieth century, suddenly collapsed without a shot being fired. In just two years - from 1989 to 1991 - the Berlin Wall fell, the Soviet Union disintegrated, and Marxism-Leninism was dumped unceremoniously onto the ash heap of history. There was dancing in the streets and champagne toasts on top of the Brandenburg Gate. And then most of the world - including many in the academy - got on with living without bothering to ask relevant questions such as: Why did Soviet communism collapse? Why did a totalitarian system that appeared to be so militarily and economically strong give up almost overnight? What role did western strategy and leadership play in the fall - or was it all due to a correlation of forces? And the most important question of all: Was communism really dead?

A decade later I was privileged to edit a collection of essays by such eminent authorities as Zbigniew Brzezinski, Richard Pipes, Robert Conquest, Martin Malia and Michael Novak that sought to provide answers. Brzezinski discussed the critical role of leaders like Ronald Reagan, Mikhail Gorbachev, and John Paul II. Pipes and Martin Malia debated the relative importance of history and ideology. Conquest analysed the lasting impact of the Stalin years. Novak delineated the missing element of faith in communism. These experts suggested that a wide range of factors - political, economic, strategic, and religious - along with the indispensable role of the principled statesman and the brave dissident brought about the collapse of communism in eastern and central Europe and the Soviet Union.

But such discussions were all too rare, and as a result, the full extent of communism’s crimes against humanity remains dimly understood. Yet the truth about communism must be told. Our Jewish brothers and sisters understand what is at stake. They understand that history must not be forgotten lest it be repeated. They keep reminding the world of the Holocaust, crying, “Never again!” So too must we remember the crimes and victims of communism. The political scientist Joshua Maravchik has written that “if we cannot get straight the rights and wrongs of the struggle between Communism and anti-Communism, itself perhaps the greatest moral struggle of the [20th] century, then it is hard to see what other issues we will ever be able to address intelligently.” The failure to get straight the rights and the wrongs, the facts and the fictions, the myths and realities of communism explains in part why it persists in Cuba, where the regime silences any opposition; in North Korea, where the people live in a totalitarian nightmare; in Laos and in Vietnam, where the most elementary human rights are denied men and women; and in China, the land of a thousand *laogai* camps, where Tibetans are brutally suppressed for practicing their faith.

“The fall of the [Soviet] empire,” Václav Havel wrote, “is an event on the same scale of historical importance as the fall of the Roman Empire.” And yet what do many historians say about the collapse of Soviet communism? That it was inevitable. That it happened in spite of and not because of President Truman’s policy of containment and President Reagan’s policy of peace through strength. Historians like Leslie Adler and Thomas Patterson, for example, write that Soviet communism “was a system proclaiming a humanistic ideology” that only “fail[ed] to live up to its ideal”. In truth, the Bolsheviks failed to deliver in every way. They promised bread but produced chronic food shortages and rationing. They pledged peace but sacrificed young men in wars in far-off lands. They guaranteed the peasants land but delivered them into collectives.

Some historians are satisfied to call Lenin, Stalin, Pol Pot, and other communist leaders simple politicians, not the dictators they were. I refer you to *Webster’s New College Dictionary*, in which Hitler and Mussolini are described as “dictators” while Lenin and Mao are called “leaders”. Fidel Castro is given special status as “Cuban revolutionary premier”. In a world where Castro is a “revolutionary premier”, Stalin a “leader” and communism a “social system”, it is not surprising that a popular nightclub in New York City is the KGB Bar. The club is reportedly crowded most nights and especially on Sundays when Marxist writers read their works under the club’s symbol – the hammer and sickle. I wonder: How long would a New York nightclub named the Gestapo last?

When asked the true price of communism, the award-winning foreign correspondent Eugene Lyons had a ready answer. “It is a price,” he wrote, “paid in the coin of terror, forcible collectivization, man-made famine, slave-labour camps, blood purges, thought control, brutal exploitation of workers and farmers, persecution of religion, political oppression, genocidal massacres and deportations.” In his classic work, *Workers’ Paradise Lost*, Lyons listed the costs of communism in six major areas. There were, first, the epic costs in human life, estimated in the authoritative *Black Book of Communism* to be between 85 and 100 million men, women, and children. That is approximately 10 times the number that perished in Hitler’s holocaust. There were the costs in terror among those who survived. “We lived in a world swarming with invisible eyes and ears,” wrote Soviet defector Victor Kravchenko. It was a world where a knock on the door in the middle of the night was not that of a family member or neighbour but of the KGB. Millions of Soviet citizens experienced the Gehenna of the slave-labour system – the Gulag Archipelago. There were the costs in thought control, echoing the darkest passages of George Orwell’s prophetic work, *1984*. No book, no song, no poem, no play, no radio or television programme, no newspaper, no lecture, no scientific paper or experiment, was immune from ideological scrutiny and censorship. After visiting Stalin’s “paradise”, the leftist French writer André Gide wrote, “I doubt whether in any country of the world – not even in Hitler’s Germany – have the mind and spirit ever been less free, more bent, more terrorised and indeed vassalised – than in the Soviet Union.”

There were the political costs of communism, including the denial of open elections, multiple parties, free assembly, a free press, an independent judiciary, all the institutions that make representative democracy possible. Under Soviet communism, the individual had no

effective role in government, lawmaking, or decision-making. The Communist Party was all. There were the terrible costs to the world. It is impossible to mention a major crisis of the last 70 years – from World War II to Korea to Vietnam to the continuing conflict in the Middle East – in which the territorial and ideological ambitions of the communists were not involved and were often the major cause of the crisis. There is the latest and perhaps most insidious cost of communism: terrorism. Author-analyst J. Michael Waller examined the links between international terrorism and communism. He concluded: “The USSR and its proxies armed and built the international terrorist networks of the 1960s through the 1980s.” If the communist-coordinated terrorists had been quashed or had never existed, Waller wrote, in all likelihood the world would not be plagued today by the terrorism of the Islamic Jihad, Hezbollah, Hamas, al-Qaeda and the other violent organisations that commit mass murder “in the name of God”.

An image that came to Robert Conquest when considering Stalin was Goya’s horrific painting Saturn Devouring his Children. But Stalin was Saturn magnified a hundred times, for the Soviet dictator devoured millions of men, women and children, the equivalent of entire nations. As the Yugoslav dissident Milovan Đilas, who knew the Soviet dictator personally, said bluntly, “He was the most cruel and despotic figure in history.” Yet Stalin’s crimes against humanity were surpassed by another despot, Mao Zedong, the so-called Great Helmsman of China. The *Black Book of Communism* estimates that from 1949, when the Chinese communists seized power, through 1978, when the pragmatic communist Deng Xiaoping took control, an estimated 65 million Chinese citizens died. For Chinese communists, the enemy was the landlord, the well-off peasant, the intellectual, all to be exterminated or “won over”. Mao revelled in the bloodletting, once boasting, “What did [Emperor Shih Huang of the Chin Dynasty] amount to? He only buried alive 460 scholars, while we buried 46,000.”

Wherever they came to power, communists killed – in the “killing fields” of Cambodia, where one-sixth of the civilian population perished; in the “re-education” camps of Vietnam, filled with half a million to one million people out of a population of 20 million; with the tragic famines that have decimated the population of North Korea for half a century. They found their justification in Lenin, the revered father of Marxism-Leninism, who created a system “based on the ideology of violence”, in the words of the late Russian historian Alexander Yakovlev.

All these truths about communism must be recorded and passed on. That is the mission of the Victims of Communism Memorial Foundation: to educate this generation and future generations about the history, philosophy and legacy of communism.

The first step in our educational plan was to build the world’s first memorial to all the victims of communism. It is located on Capitol Hill in Washington, just two blocks from the main train station and four blocks from the US Capitol itself. The memorial features a 10-foot-high bronze replica of the Goddess of Democracy statue erected by Chinese students in Tiananmen Square in the spring of 1989 and later destroyed by Chinese communist tanks. We selected the Goddess of Democracy, based on the American Statue of Liberty in New York City harbour, because it is a graphic reminder of how communism suppresses anyone who challenges its authority and because the statue has become a global

symbol of man’s innate desire for freedom. The front pedestal reads: “To the more than one hundred million victims of communism and to those who love liberty.” The back pedestal reads: “To the freedom and independence of all captive nations and peoples.” These words remind visitors that one-fifth of the world’s population still lives, and not by their choice, under communism. I am pleased to report that the leaders of many eastern and central European countries have visited the memorial and laid wreaths in remembrance of those who died under communism, including Prime Minister Mirek Topolánek of the Czech Republic.

The second step in our educational plan is to build the Global Museum on Communism on the internet, the first online museum that will tell the complete story of communism from Karl Marx’s *The Communist Manifesto* to current events in communist countries like China and Cuba. The Global Museum on Communism will include: (1) compelling histories of Russia, China, Vietnam, Cuba, and 30 other nations that suffered under communism; (2) a multimedia Timeline of Communism from the Bolshevik Revolution of 1917 to the present; (3) a Gallery of Heroes, depicting those who led the struggle against communism; (4) a Hall of Infamy, showing the instruments of repression used by communists, such as the Berlin Wall, the Gulag, the KGB, the Stasi and the *laogai*; and (5) oral histories of the brave men and women who suffered and survived under communism. We have been in touch, for example, with the organisations of former political prisoners here in the Czech Republic and expect to include their stories in our museum. The Global Museum on Communism will draw upon the wisdom and knowledge of experts like Richard Pipes and Mark Kramer of Harvard University, Robert Conquest of the Hoover Institution, Paul Hollander of the University of Massachusetts at Amherst, Armando Valladares of Cuba, Harry Wu of China, and Elena Bonner of Russia. The Global Museum on Communism will employ state-of-the-art technology to attract and educate the internet users, especially those under 30. It will be multimedia and multidimensional.

While building the museum – which will take three years to complete – the foundation will build a network of organisations in America and around the world with a core interest in the crimes and victims of communism. The global network will include universities, traditional museums, virtual museums, think tanks, and civil society coalitions. The Global Museum on Communism will support its educational programme with a robust public information campaign. A variety of outreach activities will demonstrate to all museum visitors the relevance of studying the history and philosophy of communism and its malign influence in the world today.

The third step in our programme is the construction of a bricks-and-mortar museum and library in the Washington area, similar to the highly successful United States Holocaust Memorial Museum in Washington.

This is admittedly a highly ambitious programme, and sometimes I am asked: “Why do you bother? Communism is dead and gone.” My answer is always the same. Communism is not dead but alive and all too well in China and Cuba and North Korea and Vietnam and Laos. Its pernicious influence can be seen in some western countries.

Those who use communism to maintain power would like us to forget the crimes and victims of communism, past and present. That we will not do. We will not forget those who were tried and shot as “enemies of the people” or the wives who were taken to a camp as “members of an enemy’s family” or the children who grew up in orphanages and joined criminal gangs or the uncles and aunts and cousins who cut off contact with each other for fear of also being sent to the camps. In their many different languages, these victims keep saying, “Remember us, remember us.” We cannot, we must not, we will not forget those who died and are still dying under communism. The Memorial to the Victims of Communism, the Global Museum on Communism on the internet and the bricks-and-mortar memorial museum and library on communism will all serve to remind us that never again must nations and peoples permit so evil a tyranny to terrorise the world.

Thank you.

EMANUELIS ZINGERIS

Member of Parliament, Lithuania



Active member of the movement for Lithuanian independence “Sajūdis”. Member of the State Committee for negotiation of the relations between Lithuania and the Soviet Union (1990–1991), signatory of the Act of Independence. In 1992, 1996 and 2004, elected to the Seimas of the Republic of Lithuania. Chairman of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes, Chairman of the Group on interparliamentary relations with Israel and of the Group on interparliamentary relations with the USA, Parliament of the Republic of Lithuania.

Dear friends,

I am very glad to see you today. Just one hour ago in the Lithuanian parliament, the commemoration of the twentieth anniversary of our democratic movement Sajūdis began, which had a little goal to destroy such a little country as the Soviet Union. And I remember yesterday questions from Czech Radio, Czech TV to me about Lech Wałęsa. Somebody published a book claiming that Mr Wałęsa was possibly engaged in relations with the local Polish KGB and the question was about the authenticity of movements. I can assure you that our movements were authentic democratic movements aiming for the restoration of freedom. Here I see Tunne Kelam from Estonia, who was a part of the Estonian Liberation Movement, and other freedom fighters – it was all authentic restoration of freedom. In 1988, 89, and 90 those were authentic events not manipulated by the Soviet KGB and the result was the restoration of our free will and of our freedom of expression. We are not asking who was more important, whether the fall of the Berlin Wall, or the Solidarność movement in Poland or the Lithuanian Sajūdis movement. We see our Czech movement here, which was so important for us.

The most important question I would like to raise today is: Are 18 years of independence in central European countries, countries that are now members of the European Union, enough? Enough to summarise the 50 years of captivity? Is it enough or should we have more time for that? This is the main issue. We have posed this question for discussion.

The government of Lithuania asked me to chair a governmental group to negotiate with the European Union the inclusion of the issue of crimes committed by totalitarian regimes into the EU Justice and Home Affairs policy. I can tell you it was a spectacular and artistic experience during the last year, trying to include the values of new member states into the system of EU common values which largely correspond to values of the old member states. First of all I would like to say thank you on the German side to Madam Brigitte Zypries, who supported our idea to extend the formulation of xenophobia, racism, intolerance and anti-Semitism to all totalitarian regimes. So it was extended.

Last June, the European Council made a reference to the conclusions of the hearing on Crimes Committed by Totalitarian Regimes, the first European hearing of its kind, and noted the need to continue the process. The hearing took place on 8 April, following a year of discussion on how we should proceed. On our side we struggled to have country reports, which were ultimately rejected. The EU suggested that it should be a first evaluation. A first evaluation should happen and so the 8 April hearing was, let’s say, a little bit controversial. The chairmanship of the hearing under Mr Fratini was away and the chairmanship of the European Commission was against the will of 90 percent of all attendees – more than a hundred people attended – to include five points. So now we are counting on the Czech leadership to include those points signed by the most visible European thinkers and politicians invited by the European Commission to be in Brussels on 8 April. It’s my first occasion to read these few points.

The first European hearing on Crimes Committed by Totalitarian Regimes recognises that in the 20th century the central and east European countries experienced two major totalitarian regimes, the Nazis and the Soviets, which brought along violations of human rights and freedoms,

genocide, war crimes and crimes against humanity. Recognising the need to increase awareness about the second, often forgotten part of Europe's history and to ensure its evaluation and recognition on an equal footing with the history of western Europe, recognising the need to develop a common approach towards the crimes committed by totalitarian regimes, whereby an anti-totalitarian stance would become a part of common European identity and a common system of values, the first European hearing invites the member states and the respective EU institutions:

- to ensure the continuity of the process of evaluation of totalitarian crimes, thus bringing deeper understanding of the meaning, extent and the consequences of the crimes committed by totalitarian regimes as well as preventing totalitarian rule from being forgotten,
- to establish a special international commission to investigate and evaluate the crimes committed by the communists and other totalitarian regimes in Europe,
- to establish a European foundation to promote public awareness on the EU level,
- to declare 23 August, the day the Molotov-Ribbentrop Pact was signed, the European day of remembrance for victims of Stalinism and Nazism,
- to consider establishing a European museum of totalitarian regimes, and
- to ensure the principle of equal treatment and non-discrimination of victims of all totalitarian regimes.

I think this last point is very important.

I am just citing the few points of this document, initiated by the people who attended the first European hearing. We hope that the second European hearing will be held during the Czech presidency. How do we envision the next hearing? I hope we will see this hearing with reports, reports from countries.

And now I would like to ask this for our next discussion: Have 18 years been enough for the evaluation of the totalitarian regimes, or do we need more time? The bureaucrats in Brussels are telling us that not enough time has passed. Germany needed 20 years for their authentic trials, the Frankfurt Auschwitz Trials. Mr Gauck remembers it better. It was in 1964-65 that authentic German trials opened and only in 1968 did the authentic German evaluation begin. The argumentation from the European Commission was that the time possibly had not been enough. But for our part, we think we have institutions for example in Lithuania, Latvia, Estonia, Poland and all respective countries who did their homework and compiled this evaluation of communist crimes. We just produced a report for Lithuania about the crimes of the Soviet regime, of the occupying forces. We consider the regime in Lithuania not to have been a communist regime but rather an occupying regime. The regime was not an authentic Lithuanian product; it was an invasion from the Soviet Union. In this case, the report is ready. I would like to ask the countries, the new member states, to finalise their reports and possibly to validate them in parliaments or by governments. We think it is very important to include the knowledge of the last 18 years in one ten-page or twenty-page paper and to present these reports to the Council of Justice and Home Affairs in order to have an evaluation from a judicial point of view. I think the time of the anti-communist congresses has slowly passed. Now it is time for a final evaluation of communist regimes in central European countries and to put that through the solidarity channel of the EU.

What about Russia and the EU's neighbourhood policy? We tried to bring Ukrainians to the first European hearing. The Commission did not agree but they invited Russian friends to present their history. The Russians were very constructive in presenting the atrocities of Joseph Stalin, but the Ukraine was not presented. It is our business inside the EU first of all to settle the issue of totalitarian regimes. The second step is our relations with our neighbourhood, the EU's neighbourhood. I am very glad that Lithuania pushed through four points in the EU agreement with Russia, for these points are related to history and the totalitarian regimes and to deportations of Lithuanians, and we were very glad that the EU countries have finally supported us, including this official task in the schedule of future EU-Russia negotiations.

I would like to come back a little to my private experience. I remember what totalitarian regimes mean to me. In 1964, it was the time of the Khrushchev thaw, the end of Khrushchev and the beginning of the Brezhnev era, and I remember my classmate Kristina Zurkeviciute in the so-called atheism lesson. It was an exercise in religious denial. She was my neighbour; she was a ten-year-old girl. She stood up and said, my granny and I go to church on Sundays. It was like an explosion. It was 1964 in the Lithuanian city of Kaunas. The atheism teacher was dressed up in sportswear from the German Democratic Republic and he cried out, Kristina please sit down, nobody asked you. Actually, all the children were secret churchgoers and Kristina ought better to have merely kept quiet and lied in the way all the others did as they were taught. Instead Kristina remained standing and asked that a record be made in the large red book that she was going to church on Sundays together with her grandmother since her parents had been sent into exile in Siberia. As for me, I was in a better position; I am Jewish so nobody asked me about the synagogue. Kristina was standing there alone insisting, please write into your book that I am a churchgoer. Then the teacher turned to the audience, mostly children from religious families, and he told the children, well children, it is for you to decide because now you can see the reason for your problems in the future. The reason of the problems was Kristina, in the eyes of this communist. Encouraged, the children, children who were themselves believers, beat Kristina during the next break for being an outsider and for her failure to submit to the key conditions of the Soviet system: hypocrisy and lies. Consequently, two weeks later she was sent to another school to prevent her from poisoning the atmosphere in the class. Forty years later I wrote my first article entitled "Kristina Where Are You?". I was trying to find where my former classmate is, and I cannot find her.

For me, for a Jewish guy whose mother's whole family was killed by the Nazis, this was the experience of Soviet communist rule which tried to put down all our authenticity and steal from us our mentality. I am very familiar with diplomatic sources from American and British intelligence from 1944-45, which were reporting from Bulgaria and from Czechoslovakia that the Soviets were going to establish communist regimes with future captivity for those nations for years and years. I think it is time for the western side of the European club to understand why we are in a sense second-class citizens in the EU today and why some of our nationals are washing windows in London. A real feeling of understanding between the new and old members of this club should come with an evaluation of our past.

Thank you.



Session III

INSTITUTES OF THE NATION'S MEMORY IN GERMANY, POLAND AND THE CZECH REPUBLIC

Chair: Martin Mejstřík, Senator

Panelists:

Hans Altendorf

Director, Federal Office for the
Records of the State Security Services
of the former GDR, Germany

Łukasz Kamiński

Historian, Poland

Pavel Žáček

Director, Institute for the Study
of Totalitarian Regimes,
Czech Republic



HANS ALTENDORF

Director, Federal Office for the Records
of the State Security Services of the former GDR, Germany



Studied law, education science, political science, German language and literature. Entered higher public service in Hamburg (1980). From 1993, Senate director in the Department of schools, youth and education. Since September 2001, acting Director and representative of the Federal Commissioner for the Records of the State Security Services of the former GDR (BStU).

Dear Senator Mejstřík, dear ladies and gentlemen,

I am very glad to be able to speak to you today and to briefly provide deeper insight into the situation in Germany. In doing so, I can follow up very well on both colleagues from Germany who spoke this morning. This means that I can leave out some remarks which I had intended to make.

The topic of discussion here is European conscience, memory and the coming to terms with injustice. I thank the organisers very much for the friendly invitation and especially for offering us an international forum for a specific examination of the European dimensions of these debates which are also being held on the national level.

With the enlargement of the European Union, a scientific, historical and political discussion about the decades of communist dictatorship and about ways of dealing with its legacy has become a pan-European issue. Until then, Germany with its GDR-past was often an isolated element within the European Union. And even in Germany itself, a danger existed and sometimes still exists of reducing the history of the GDR to East German regional history, so to speak, and of not properly examining the dimensions contained in this topic.

I have been invited to talk about the work of an office which was founded in 1990 as a unique institution in its time, the Office of the Federal Commissioner for the Records of the State Security Services of the Former GDR. Ms Marianne Birthler has been the Federal commissioner since 2000. Mr Joachim Gauck whom you heard here today held the office for the ten preceding years.

Let me start by bringing up several questions which should be of importance for every country which has decided to deal with history in an open way. These questions have already been the subject of our discussions this morning. How does society deal with the victims of political abuse? Will they be rehabilitated? Will they receive compensation? Will they and their fate become subject of public attention? Will those responsible be made accountable? Will the perpetrators be taken to court? Will their names be disclosed? Will reviews take place with the objective of identifying former professional and unofficial collaborators of the secret services and to keep them away from positions important for the state and society? Will the archives be opened? Will the knowledge of the former governing class be made accessible to the public? Are there attempts to study the structures of power on a basis which is transparent for all involved, rather than functional in the sense of a particular historical policy? How will this knowledge be made public? Which forms of public evaluation of the past exist? Is the resistance against dictatorship honoured? Is there a public commemoration of the victims? Will stories of the victims and of the resistance be collected and preserved for future generations?

These and similar questions have been preoccupying us since 1989-90. Not all states with a dictatorial past have found the same answers to them. There are differences in content and in progress over time but there are also many things in common. The experiences of

individual countries must be taken seriously, no unified model exists. However, it is rewarding to learn mutually from the practices in individual countries, especially in a Europe which is growing together. In Germany, we were faced by and are facing the task of evaluating two very different totalitarian regimes. This occasionally produces tensions which need not be mentioned again here. However, I am convinced that our attempt to evaluate the communist regime immediately after its end has to do with the deficiencies in the evaluation of National Socialism in Germany after 1945 which Professor Kießener described this morning. Not again were the victims to have to wait a long time for their compensation, not again were the former elites to be allowed to continue their careers unrestrained.

It would exceed the limits of this talk if I were to explain the history of all the institutions in Germany which are dedicated, across a broad range of topics, to the evaluation of the communist dictatorship in the former GDR. The Office for the Stasi Records, the office which I come from, is the largest of these establishments. It is responsible for some 158 kilometres of files of the secret police and some 15,500 bags of documents which had been destined for destruction and torn up by the Stasi. In addition, there are 1.4 million so-called special information carriers, photos, films, videos, sound recordings and data recording devices. Based on all these materials, a relatively complete picture can be obtained. The Office which still employs almost 2,000 collaborators contributes substantially to evaluation processes on a personal level and within society as a whole. Nevertheless, it is only a part of a network consisting of central and regional, public and private institutions. As an example, let me mention the Foundation for the Evaluation of the SED Dictatorship, countless private archives and evaluation initiatives, as well as victim associations and consulting centres. The activity of these institutions is complemented by laws aimed at alleviating injustice, i.e. laws which primarily regulate rehabilitation and compensation for those formerly persecuted for political reasons.

The most important institutions came into existence thanks to political decisions by Parliament, which in turn were preceded by civic involvement. The same is true for the Office for the Stasi Records. The securing of the records and their immediate opening to the public date back to the peaceful revolution and the occupation of the Stasi stations in many cities in the GDR in 1989-90. It took great public pressure to bring the governments of the GDR and the Federal Republic of Germany to include a clause in the Reunification Treaty which guaranteed that the files would remain open in a reunified Germany. The Law on the Stasi Records, on which the work of our office is based, rests on two fundamental principles: the right of the individual citizen and of the public to access the documents on the one hand and the protection of privacy rights on the other. The substance of the law and of our practice which is based on it is to carefully balance these legal values. The law has been in force for over 16 years now. It has undergone several amendments but its core has been repeatedly confirmed by a large majority in Parliament. Special importance is given to the right of all people to study the Stasi records existing about them. More than 1.6 million people have exercised this right by placing a request and then receiving a notification from us.

The demand for these documents has been uninterrupted and it is rising. In 2007 alone we received more than 100,000 citizens' requests for files. In addition, the records of the Ministry for State Security are being utilised to a large extent by scholars and writers studying the structures of power in the GDR. Legal regulations are in force for the release of documents for these purposes, prescribing the consideration of the public interest and the protection of privacy rights for every individual case. Scholars at our office are concentrating on the structure, the means of action and methods of the Ministry for State Security. In the meantime, numerous publications are available which have become standard works of the historiography of the GDR. In Germany, there is still a divide between the available knowledge on the ruling system in the GDR, one of the best-studied areas of contemporary history, and public awareness about it. For this reason, one of the objectives of our work is to teach the public and especially the young generation, mostly through exhibitions, events and educational materials for schools.

The review of personnel in public service occupied an important place in our work for over 15 years. Today, this option is available only for top personnel in certain areas. Nevertheless, due to research by scholars and the media, every now and then individual cases of involvement with the State Security services appear and it turns out that the majority of the public continues to oppose former Stasi collaborators holding important positions in politics, administration, sports or the media.

Before I proceed with talking about our achievements, I do not want to conceal some deficiencies and unresolved problems connected with the transition from dictatorship to democracy. These issues were also partly mentioned this morning. While many victims of communist regimes, despite compensation for imprisonment and a special pension, find themselves in a difficult economic situation, former state leaders and Stasi officers receive respectable pensions. Except for the shootings at the Wall, there was practically no prosecution of the communist crimes. There is still a regrettable lack of public knowledge about the GDR dictatorship. Only a fraction of school instructors are sincerely interested in these issues. And regrettably, there is also a certain tendency toward trivialisation, toward the described nostalgia.

Nevertheless, from my point of view, in an interim balance of the work of the evaluation institutions and initiatives, the positive side prevails. A lot has been achieved. The GDR past is not concealed. It is a public issue. Often, it is the subject of passionate argument. More and more, this part of our history is also finding its way into art and culture. With the help of Stasi records, victims have been able to elucidate their fates. They have been rehabilitated and have received compensations. In politics and administration, there has been a far-reaching replacement of personnel. Extensive research has offered insights into the mechanisms of the dictatorship. This can help us to value freedom and democracy better. With the aid of secured knowledge, we can confront myths and historical lies with facts. And, last but not least, stories of courage, of resistance and of the victims have been saved from oblivion.

I would like to combine these positive results of our work with the fact that we have been nurturing good relations particularly with partner institutions in Poland and the Czech Republic for many years. On the occasion of the visit of your Minister of the

Interior Ivan Langer last summer, we were informed about the new Institute for the Study of Totalitarian Regimes. This spring we had the honour of welcoming the new director of your Institute, Mr Pavel Žáček in Berlin, together with the deputy director, Mr Lehký, known to us from our earlier collaboration. Only two weeks ago, we had a larger group of directors and collaborators from your institute with us on a two-day working visit. This is a pleasant development. It should continue to develop freely into bilateral and multilateral cooperation among the institutions of the former countries of the Eastern Bloc. We see a necessity to introduce professionalism into the cooperation by making these relations constant. Therefore, we have decided to bring all the institutions dealing with the records of former secret services in their respective countries to one table in the 20th year after the fall of the Iron Curtain. The cooperation should develop continually within a stable network. The manifold relationships between these institutions, established e.g. through scientific meetings, conferences and working visits, could be raised to a new level this way. In addition, central and eastern Europe should speak up jointly in the future in the new EU on the issue of the evaluation of the recent past. This would improve the chances that the experiences of our countries with communist rule are noticed and taken seriously also in the West and thus in the entire EU. European memory must include the memory of communist dictatorships in Europe. This is an important condition for the creation of a European identity. Institutions which have been explicitly charged with the opening of files and the evaluation of dictatorships can contribute substantially toward this goal. A lot remains to be done.

Thank you very much for your attention.



ŁUKASZ KAMIŃSKI

Historian, Poland



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Public Education Office

Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation

Despite the fact that after the fall of communism in Poland the matter of accounting for the past was widely discussed, state authorities did hardly anything to put this idea into practice. As late as December 1998, the lower house of the Polish parliament, the Sejm, adopted a statute establishing the Institute of National Remembrance – the Commission for the Prosecution of Crimes against the Polish Nation (over objections by the post-communist party and its allies). After a veto by President Aleksander Kwaśniewski was overridden, the statute came into force in 1999. However, the institute began operating only in the second half of 2000.

The preamble of this statute stipulates that when establishing the institute, the Sejm aimed at keeping in memory the vast number of victims, the enormity of losses and damage inflicted upon the Polish nation during the Second World War and after its end; the Polish nation's patriotic tradition of waging a fight against occupiers, Nazism and communism; the deeds of Poles performed in order to re-establish independent Poland and to secure freedom and dignity; the obligation to prosecute crimes against peace, and humanity as well as war crimes, and the duty to express gratification and render compensation in order to redress all the injustices perpetrated by the state as a result of violating human rights, as we believe that unlawful acts by the authorities against their nation should be neither concealed nor forgotten.

The institute's main objective is to investigate the repressive system from 1939 to 1989 and the various forms of resistance to totalitarianism, as well as to make archival records available to the wronged and to prosecute Nazi and communist criminals.

The Institute of National Remembrance is headed by an 11-member council. The term of office in the council is seven years, and its members are appointed by the Sejm (7) and the Senate (2) by an absolute majority of votes. Two members of the council are appointed by the President of Poland. The council decides on the areas in which the institute will conduct its work, enacts its statutes, rules and regulations, and also expresses opinions on current work. The most important task of the council, however, is to select a candidate to serve as the institute's president. The council appoints a candidate for the office and the Sejm takes a vote. It is necessary for a candidate to obtain a constitutional majority of votes (that is, two thirds of votes cast) and the consent of the Senate. The president of the Institute of National Remembrance enjoys broad immunity; he can be neither arrested nor detained without the consent of the Sejm. He directs the work of the institute on a daily basis, nominates and hires employees, and once a year he is obliged to report on the institute's work to the Sejm. Initially, it turned out to be extremely difficult for candidates to obtain a two-third majority of votes and the process of electing the first president thus lasted over a year. Finally, Professor Leon Kieres, a lawyer, was appointed the first president of the institute. Currently, this position is held by Professor Janusz Kurtyka, a historian who was previously the director of the institute's branch office in Kraków.

The first years of the institute's existence were spent on the structuring and organisation of its work. The buildings had to be redecorated, staff employed, and most importantly the archival resources had to be taken over from their then-custodians such as the special services, police, courts and public attorneys' offices. The institute has gathered more than 85 kilometres of files altogether. It has been one of the greatest operations of its kind in the history of Poland so far. Right now the process of establishing the structure of the Institute of National Remembrance is in its final stage. Apart from the headquarters located in Warsaw there are 11 regional branch offices and seven delegations. Together they employ some 1,900 people. Both the headquarters and branch offices were initially divided into three basic divisions: the Chief Commission for the Prosecution of Crimes against the Polish Nation, the Office for the Preservation and Dissemination of Archival Records, and the Public Education Office.

The first division continues the work of the Chief Commission for the Prosecution of Nazi Crimes in Poland that existed even before 1989. It employs 111 public prosecutors (appointed by the minister of justice), who carry out investigations in the areas of Nazi crimes, communist crimes, war crimes and crimes against humanity. Last year the public attorneys of the Institute of National Remembrance completed 1,291 investigations, including 350 probes related to Nazi crimes, 871 to communist crimes and 50 to war crimes and crimes against humanity. However, the number of indictments filed with courts is less impressive, as from the start of the institute's activity there have been only 190 of them (concerning 261 people). Eighty persons have been sentenced since the moment the institute was established. The harshest sentences were up to seven years of imprisonment. The significant discrepancy between the number of investigations carried out and the number of those charged and convicted is the result of several factors. First, a vast number of investigations have been of a historical character, which means that they are carried out despite the fact that the perpetrators are dead. So why are those investigations conducted, one may ask? The point is that we want to identify the culprits, their crimes and their victims in the name of the law. Due to the passage of time, the collection and hearing of evidence is full of obstacles. Secondly, the courts are not willing to sentence people who are guilty of communist crimes, especially lawyers – who are former judges, prosecutors and public attorneys. Nowadays, they are accused of committing so-called judicial crimes, e.g. taking an active part in sentencing an innocent person to death. The last factor affecting the situation is the amnesty law of 1989. The intention of the authors of this statute was to protect the activists of anti-communist opposition movements from persecution. However, now it sometimes protects the communist criminals themselves. Those communist crimes that were not connected with homicides and assassinations will be barred by the statute of limitations in 2020, and those connected with murder in 2030.

The Office for the Preservation and Dissemination of Archival Records deals with gathering and making available documents created by Nazi and communist security apparatus structures as well as those of other repressive bodies (for example courts) from 1939 until 1990. Documents are made available to victims and wronged persons (that is, people who were victimised) as well as researchers (historians, political scientists, etc.) and journalists. Documents pertaining to selected groups of public persons are open for all citizens. The

great majority of documents are available to the public now, but for reasons of state security, several hundred metres of files have been stored in a special repository with restricted access. This repository contains mainly the foreign intelligence documents of the communist security apparatus. The repository is being systematically reviewed in order to make more files available. Victims receive photocopies of documents with personal data redacted. They may, however, request that the names be revealed to them and they may demand the names of the secret collaborators of the security apparatus who informed on them. Historians and other researchers receive original documents.

The Public Education Office, which is the third division, carries out research in the field of the history of Poland from 1939 to 1990 and conducts educational activities. Right now there are 12 nationwide research projects as well as a number of local projects being conducted. The research concentrates both on the events of the Second World War and the period of communist dictatorship in Poland. The Institute of National Remembrance has published more than 300 books either independently or as a co-publisher so far since the end of 2000. The books are published in several series, including monographs, documents, eye-witness accounts and remembrances, albums, dictionaries, conference materials, etc. In addition, the following have been published: 87 issues of the institute's *Biuletyn IPN*, 12 issues of the semi-annual *Pamięć i Sprawiedliwość* (Remembrance and Justice) and five issues of the journal *Aparat represji w Polsce Ludowej* (Repression Apparatus in the Polish People's Republic). The results of the research have also been published in other publications. By the end of 2007, employees of the Public Education Office had published a total of 2,000 scholarly articles. These figures indirectly reveal the scale of the breakthrough in research into the history of Poland from 1939 to 1989.

The Institute of National Remembrance also plays a key role in educational activities concerning the most recent history of Poland. The exhibitions organised by the Public Education Office are of great significance. So far, the office has organised 160 exhibitions that acquaint society with problems connected with period of the Second World War and unknown aspects of the communist dictatorship. Some exhibitions are devoted to the relations of Poles with other nations in the 20th century, and they are organised in various language versions. For example, an exhibition organised on the occasion of the 35th anniversary of the Warsaw Pact armies' intervention into Czechoslovakia was devoted to Polish, Czech and Slovak relations in 1968. It was shown in many different cities in the Czech Republic for over a year. Now we are preparing a new exhibition on this topic. In addition, the office organises scholarly and popular-scholarly conferences, which is another way of carrying out educational activities. Thus far the office has organised 210 conferences, several of which were international.

Some of the Public Education Office's work is directed toward schools. Fifteen educational packages consisting of copied documents, photos, maps and other material have been published so far to assist history teachers with class preparation. Sixty nationwide and local history competitions for teachers and students of secondary and post-secondary schools have been organised. Moreover, there have been countless training sessions for teachers, open lectures, classes and workshops in schools, etc.

Employees of the Public Education Office have co-authored dozens of documentaries and hundreds of TV programmes dedicated to the modern history of Poland, and have offered expert historical advice on a number of projects of this kind. The Polish Television Theatre has recently produced shows based on facts as depicted by the historians of the Institute of National Remembrance. This is proving to be a particularly effective method of popularising this knowledge and reaching the public. One should mention large-scale co-operation with the press – dailies and monthlies in particular. Employees of the Public Education Office have published over 2,000 popular scientific articles so far. Some periodicals feature special historical inserts prepared in collaboration with the Institute of National Remembrance.

The internet has been used on a larger scale since last year. Some projects have their own websites, such as *Following the Traces of Crime*, described below. Two popular scientific portals have been launched dealing with martial law (www.13grudnia81.pl) and the March of 1968 (www.marzec68.pl). They feature popular historical studies, eye-witness accounts, documents and multimedia materials (videos, photographs, recordings). It is also possible to download selected scholarly publications by the Institute of National Remembrance. Both portals have already won much recognition from visitors.

The Public Education Office is also engaged in a number of documenting activities. There are two nationwide projects. One, called *Notations*, deals with digital recording of hours of accounts made by historical eye-witnesses – victims of the totalitarian systems. A film library produced in this way will be made accessible for educational and scientific purposes in the future. The other project, *Following the Traces of Crime*, aims to locate and document (in the form of photographs and video recordings) places, as preserved, connected with communist terror, such as detention facilities, prisons, execution scaffolds and victim burial sites. Some of these places still bear traces of the crimes that were committed there (wall inscriptions made by prisoners, traces of bullets, etc). Alas, more and more sites like this are undergoing degradation and the reminders of repression are being devastated.

In 2007, due to an amendment to the act, another department, a fourth one, was established within the institute: the *Vetting Office*. It deals with verification of vetting (lustration) statements, as submitted by the most important persons in the country, as well as the publication on the internet of lists of staff of the communist security services, leaders of the Communist Party and victims of state repression.

Apart from the nationwide activities we should not forget about international cooperation, which is very important as well. The Institute of National Remembrance, also in cooperation with foreign partners, has organised many international scholarly conferences.

All these activities, however, still cannot be perceived as satisfactory. There is a disproportion in the level of scholarly research into the functioning of the security apparatuses in individual countries, which impedes comparative studies and attempts at creating a synthetic picture of the post-war history of this part of Europe. Educational activities still have an exclusively national character or they are carried out within the framework of at most bilateral relations.

Therefore, it is difficult to initiate actions which will influence the awareness of European societies, especially the societies of western European countries. And if the experience of communist totalitarianism is not accepted as a persistent element of European identity, true and successful integration will be impossible.

The Polish experience shows that the full recognition and punishment of crimes committed by totalitarian regimes requires the following:

- undertaking attempts to identify and prosecute perpetrators, based on the principle of non-limitation of the crime of genocide, war crimes and crimes against humanity, as well as prolongation of the period of prescription in case of other crimes,
- granting free access to the records produced by totalitarian regimes (in particular by the Nazi and communist parties and security apparatuses, courts, etc.) to victims and researchers,
- conducting wide-scale scholarly research of the crimes committed by totalitarian regimes, as well as resistance to these systems,
- launching and implementing numerous educational activities based on the results of scholarly research, including among other things, proper exposure of the subject of crime in school curricula, providing students and teachers with appropriate teaching materials, organising competitions for young people in order to encourage interest in history, popularising the subject by means of publications, staging exhibitions, producing documentaries, launching websites, etc.,
- commemorating crimes and their victims within the public space (monuments, memorials, museums, protection of crime sites against degradation and devastation),
- removing from the public space symbols connected with totalitarian regimes (street names, monuments, etc.), and
- adequate honouring of the victims of totalitarian regimes, both on the symbolic level (nullification of illegal acts by totalitarian regimes, e.g. court sentences, awards and honours, etc), and the material level (compensation, provision for appropriate living standards, social benefits, proper medical care), recording of evidence (accounts) by victims of totalitarian regimes for generations to come.

A significant portion of the people living in our world have had to deal with the experience of communist systems. On the one hand it was an experience of terror and persecutions and unprecedented attempts to change social relations, human awareness and consciousness, but on the other hand it was one of a heroic fight for fundamental values. Each nation marked by communism has a right to face its own past. This right should not be questioned, as is sometimes done by those who were lucky at that time and could live in peace and freedom. It may happen one day that the nations who were independent and enjoyed their liberty before 1989 living in the free parts of the world will decide to face their own past. They may then ask themselves whether, during the decades of communist rule over nearly half the world, they did enough to support the struggle of others for freedom and democracy.

PAVEL ŽÁČEK

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Historian and journalist. Graduate of the Faculty of Journalism and of the Philosophical Faculty, Charles University (history, political sciences). In the 1990s, he worked at the Office for the documentation and investigation of the activities of the state security (later the Office for the documentation and investigation of the crimes of communism, ÚDV). In 1995–1996, scholar of the Fulbright Foundation (Stanford University, USA). After the creation of the Slovak Institute of the Nation’s Memory, he went to Bratislava. In December 2007, he became the first director of the Institute for the Study of Totalitarian Regimes of the Czech Republic, which is dedicated to the study of communism and Nazism in Czechoslovakia.

Mr Chairman, Madam Deputy, ladies and gentlemen,

It is my honour to present here at the Senate, which initiated the establishment our Institute for the Study of Totalitarian Regimes, the youngest institution of its kind in the entire post-communist world and one that is striving to reach the standards of our partner institutions. The two previous speakers were the representatives of these institutions. Because we only started our work on 1 February of this year, we do not have anything to evaluate yet. I would therefore like to highlight some of the milestones in the long process that led to the establishment of our institute following the example of our colleagues in other post-communist countries from Germany to Romania.

I believe that the specific political developments in the Czech and Slovak Federal Republic and later in the Czech Republic made possible the passage of many laws and amendments. One of the most important pieces of legislation on coming to terms with the past is probably the so-called lustration law of October 1991. This law was a specifically Czech contribution to this complex process. Unfortunately, it was passed without any coordination with the legislative process in Germany, where at that time the Bundestag was debating the establishment of the Office of the Federal Commissioner for the Records of the Stasi (Secret Police) of the former GDR. The German amendment was passed in a much more sophisticated form only six weeks after the passage of our law here. The Czechoslovak law achieved the maximum possible and prevented representatives of the former regime from acquiring top government posts, but by far did not solve all problems, with the most prominent example being the opening of archives. Furthermore, we did not have the same starting point as Germany, where the process had begun before reunification. In the Czech Republic we preserved continuity with communist times both in legal matters and in the personnel of the security services, which used some of the documents even after the communist State Security Service (StB) had been dissolved. It was a complicated process accompanied by a fight over archival records, their interpretation and the approach that should be taken toward them, over access to them and over the ways to exempt them from the power of the executive.

Other milestones were a 1993 law on the illegality of the communist regime and on the resistance against it, which affected the formation of the Office for the Documentation and Investigation of the Crimes of Communism, and a 1996 law concerning access to documents created by the StB secret police. The latter was the first imperfect law that concealed rather than revealing various aspects of the operative agenda of the StB. It is little wonder that in 1999, various initiatives especially in the Senate took place to correct these legislative defects. They were successful in some cases.

A theoretical conceptual predecessor to our institute focusing on the 1938-1945 period had not been founded, but a relatively broad 2002 amendment (107/2002 Coll.) of the original law on the declassification of the StB files was more successful. The Senate was aware of the fact that it had to proceed carefully given the political and social situation; it was impossible to achieve the ultimate goal, i.e. the founding of an institute of national

remembrance, at the very beginning. When it became apparent that the state administration would not be able to implement even the 2002 amendment, the Senators proposed the establishment of an Institute of National Remembrance. The initial proposal stemmed from the Slovak concept connected with Ján Langoš, the founder the Slovak Institute of National Remembrance, and partially also from the Polish concept. The authors of the proposal were aware that it would be impossible to follow the Polish model of establishing a large institution which would also have the authority to prosecute the crimes of communism. At the beginning it was not even considered that the institute might include research, public education and other activities related the period from 1938 to 1945. Here the basis was current legislation, especially the fact that the Office for the Documentation and Investigation of the Crimes of Communism already existed and was partially civilian and partially run by the police, the ratio being roughly 50 to 50 percent as a portion of employees. Its major task was to prepare criminal prosecutions of politically motivated crimes from the years 1948-1989. Moreover, in the last phase of the office's existence in its original form a major shortcoming became apparent (and was justly criticised), namely that historical research was conducted by police authorities. There was another, no less important setback with a political dimension: The public heard almost nothing about the activities of the office. Only a single case has even been mentioned in the media, and even that is mainly because the justice minister and the supreme public prosecutor reacted to its outcome. Since the establishment of our institute and after the changes initiated at the Ministry of the Interior, the Office for the Documentation and Investigation of the Crimes of Communism continues to operate under the police and as such is to continue to investigate this important agenda.

The mere proposal to establish our institute sparked an intense debate in various committees. I dare say that should the outcome have only been this debate, it would nevertheless have been a positive result. As in other post-communist countries, this discussion had many dimensions – political, legal, moral, academic as well as pragmatic. It was impossible to separate one dimension from the others or to avoid any of them, and the discussion covered the entire spectrum of approaches to our history. It is true that occasionally questionable information appeared or information from abroad was inaccurate. Despite these problems, the depth of the discussion had its purpose and cause. Martin Mejstřík has already mentioned the dimension of discussions that continued among archivists even after the establishment of the institute. I believe that the consensual change in the Chamber of Deputies as well as the work of the Security Services Archive at the Ministry of the Interior reassured some critics that there was no reason to be worried and that the ultimate aim was to facilitate access for both professionals and the public to materials hidden in the classified vaults of our security services.

Another important fact has become apparent: Our history lives on and the voices that claimed it was dead and that no one was interested in it were wrong. It has become apparent how far-reaching the interest is in competent research into how we lived under totalitarian regimes and who influenced us as well as what specific relations existed, etc. There is growing interest in the files of the security services – archivists at the Ministry of

the Interior recorded an increase of as much as 500 percent over recent years. This is a huge figure that may be contrasted with unfounded assertions that public interest has declined. There is naturally another aspect that may be compared to the situation in Germany after the Second World War; whilst one generation was trying to forget, a younger generation hungry for information was maturing. The figure also reflects the pressure exerted on our researchers by educational institutions; our recent and not very appealing history has at last become a topic of serious discussion at universities.

I would also like to react to some assertions that were made in the process of passing the bill, namely that a political institution was being established that would pursue a political agenda, etc. I am certainly not questioning the political dimension of the discussion, without which the legislation could not have been passed; the institute had to be established by a law which in turn required a consensus among democratic forces in parliament, in order to enjoy a stature similar to that of our partner institutions abroad, which had to undergo a similar legislative process. As with all other bills, this legislation too had to traverse the political battlefield, and the discussion included certain political arguments that were at times far from pragmatic. This discussion took place last spring and included some of the same arguments that had already been refuted in practice by our colleagues abroad. Concerns that emerged from the German and consequently also Polish and Slovak discussions of the early 1990s were voiced again. Another common side effect was that the search for an institutional approach to history triggered a left-right polarisation of the political spectrum.

In the process of finding a consensus on the wording of the bill and on the future functioning of the institute so that the bill could pass the Chamber of Deputies (the Senate was almost uniformly in favour of it), the proposed Institute of National Remembrance, originally conceived as an institution under public administration, became the Institute for the Study of Totalitarian Regimes, an independent state body whose activities may only be altered through legislation. This is not the only check against political pressures; others can be found in the institute's very mission and the way its governing council is appointed. The seven members of the council are appointed by the Senate based on proposals by the President and the Chamber of Deputies; they may be neither former members of the pre-1989 Communist Party nor current members of contemporary political parties or movements. The purpose of this measure was to negate fears that political bodies might put pressure directly on the management of the institute to advance current political interests. During the emendation process in the Chamber of Deputies, only one budget section was established to fund two state bodies – The Institute for the Study of Totalitarian Regimes and the Security Services Archive. The authority of the institute has also been extended to the study of the period of occupation in 1938-1945. The archive has become an independent body directly subject to the authority of the institute and endowed by law with a strong mandate and powers. This consensus was acceptable also for scholarly circles and appeased archivists who had feared the institute would be placed completely outside the existing archive system. We can thus conclude that the institute and the archive are a hybrid of the German and Polish models, but without an apparatus for prosecutions.

With respect to the study of the Second World War, the institute can draw on the activity of the Commission for the Prosecution of Nazi War Criminals, whose work was suspended in the spring of 1990 and its documents were deposited in the Central State Archive (today called the National Archive). Our institute's goal is now to continue the commission's research activities in uncovering and documenting new facts. The Czech media sometimes criticise the approach of some German institutions that prosecute Nazi war criminals, and yet no one was really concerned that no such body existed in our country. It was in the end a Social Democrat MP who successfully pushed for this expansion of the institute's scope of activity. Hence we carry on the work of an institution that ceased to exist in the transformative tumult of 1990.

The law on the Institute for the Study of Totalitarian Regimes came into force on 1 August 2007 and a six-month preparatory period ensued. The government resolved certain ambiguities by naming a plenipotentiary, who was also put in charge of the budget delineation process by which funds were obtained. The Ministry of Finance decided that even though two new state bodies were created, the budget would be determined based on delineated funds, movable and immovable assets and finally also personnel. This was a major argument against critics who feared that finances would be diverted away from other areas, such as academic institutions, etc. The institute and the archive together will have 273 positions. This may seem a high figure, but it includes two sets of security and service staff – as both the institute and the archive each need their own economic and service personnel. The new budget section received CZK 162 million from various ministries and, importantly, also from intelligence services. About 10 days ago the Ministry of Finance confirmed an additional CZK 19 million for new activities, such as conferences, exhibitions and publications. I would like to stress that none of this funding has been diverted from academia; to the contrary, while finalizing the project we acquired additional funds for research as well as for scholarly activities at the archive. Some problems remain, but in general this figure is nearly final and its purpose is to support research and new positions after analysing the needs of the institute and the archive.

In early December 2007, six of the seven council members were elected and began their work immediately. They supported the government's plenipotentiary and appointed him as the director. Together they embarked on specific tasks aimed at developing both institutions. Unfortunately, one of the important members of the council, Deputy Chairman Ivan Dejmál, passed away shortly afterwards and this month the Senate will try to find an adequate replacement for him. As a culmination of the budget delineation process and in accordance with the law, both the institute and archive began their activities on 1 February 2008. Thus the everyday hard work of developing the institutions began with the awareness that, unlike other institutions, we would not enjoy a 100-day honeymoon period as results are expected immediately. All this is happening at a time when we are in the process of delineation, verification and takeover of assets; we are topping up the budget, recruiting specialists, setting up new facilities and shutting down the archive facility in Pardubice to save costs; we are relocating specified employees within the new organisational framework and, unfortunately, we also have to part with some of them.

A significant achievement and a leitmotif of the scholarly and political debate is that the Security Services Archive assumed responsibility for managing all archive materials and the files of all security services of the communist regime; not only those of the SNB (National Security Corps), but more importantly those of the StB secret political police, including its First Directorate (foreign intelligence) and Third Directorate (military counterintelligence), as well as those of the Public Security (civilian police), Armed Forces of the Ministry of the Interior, Border Guards, Interior Security and the Intelligence Directorate of the General Staff of the Czechoslovak People's Army. For the first time since 1990, all these materials have a common administrator and are subject to a common archival regimen. This is a significant victory, and at the same time an enormous responsibility.

There is a small set of classified materials that remain in the care of the intelligence community, which will be reviewed at most every five years, gradually declassified and handed over to the Security Services Archive. In this respect we are in a better position than our colleagues in Poland, where the declassification procedures have not yet been finalised and are the subject of intense debate.

Together with the transfer of staff and rotation of experts, the archive received about 20 kilometres of archival materials mainly from the ministries of the interior and defence, but also from other bodies. If we included also the microfiches, the figure would be significantly higher. We had to check all these materials and at the same time also finish the drafting of agreements with our partners, including Military Intelligence and the Office for Foreign Relations and Information, so that a comprehensive delineation protocol could be signed. The last major step was the declassification of 1 January 2008. At present the entire agenda of the communist security services that we have taken possession of has been declassified.

The last remaining task of the institute is to establish a department for the study of the 1938-1945 period of occupation. We have been negotiating with the Ministry of Finance over this issue and the government will have to take a position since it is a new activity that would be impossible to accomplish with only the staff we have assumed control over. The Security Services Archive established three research centres, including the main office in Havelkova (now Siwecova) street. Here I should mention the substantial support of Interior Minister Ivan Langer, who made available to our institute the building of the former Ministry of Information Technologies, and the considerable help of his deputy Zdeněk Zajíček, who facilitated the transformation of the ministry's former division for security services archives into the independent Security Services Archive as it exists now.

At this point I would like to address the critics, including some from academia, who claimed it would be impossible to take possession of these materials, process them and make them available; they claimed it would take at least a year and that these materials would not be available even for lustration purposes and security clearances by the National Security Authority etc. I am proud of the work of our archivists, who ensured this worst-case scenario did not transpire and who overcame all the major difficulties while attending to their normal duties. The state of affairs today is significantly different from that at the beginning of our activities. I believe this has been a positive surprise for all concerned.

At the time the institute was established and the budget delineation process was coming to an end, a new round of debate began based on a petition by a group of Social Democrat and Communist deputies to the Constitutional Court. I am understandably satisfied with the Court's findings, but at the same time my colleagues and I are equally concerned about reservations voiced in the dissenting opinions of a minority of the judges on whether it might be fair to allow former members of the pre-1989 Communist Party to become members of the institute's council or its management. In my reaction for the media I expressed the opinion that it is logical for them to be excluded from such positions. I have deep respect for the fates of former Communists-turned-dissidents Ján Mlynárik and Petr Pithart, who were mentioned in one of the judge's opinions. This is all the more true because Petr Pithart publicly supported me in a TV debate and professed his trust in our institute and its unbiased and impartial approach to the past, as envisaged in the founding legislation. Similarly, I respect Vilém Prečan, who supported the idea of our institute at a decisive moment. I believe these personalities will be able to look beyond this measure and see that it is logical from a certain point of view. I can also cite my personal experience from academia, where I have encountered indiscriminate views of former members of the Communist Party, including some who were party members before 1968, and who could not bear different opinions on history as presented by our younger generation. This was subsequently reflected in the censorship or self-censorship of research topics, and in support, research and grant policies. I can recall one examination that was more of a loyalty board meeting than an exam, as one examiner seemed to have regressed several decades into the past. So, should members of political parties and movements therefore be allowed to be part of the institute's council and management or not? I believe those who drafted the bill saw the exclusion of members of individual parties as the only way to avoid suspicions of direct political influence.

What troubles me most is the objection that the freedom of research is being infringed upon. We have to remember the state of affairs that existed before the establishment of the institute and the archive: Some archival materials were not accessible, records were held by the intelligence services beyond the jurisdiction of the archive law and there was no support from the management of the institutions concerned. Only an extensive and thorough discussion generated interest on the part of the institutions and individual research groups, including students. It was often impossible to obtain a grant for certain research projects, for example the study of the StB secret police. When inquiring into who received grants for research on the Communist Party, we find that younger scholars were largely disqualified. Let's compare that with the scholarly results of our partner institutions in Germany or Poland from that period. It must be stated that this topic won the interest of academia and of the universities only gradually. Therefore, I understand the efforts of the state to raise interest in it and to establish an institution whose task it would be to approach topics from the time of totalitarian regimes professionally and impartially. I believe that a plurality of approaches to the past and to research has been achieved precisely because no similar institution existed before and many topics entered the debate only in connection with the

establishment of the institute and archive. The archive is open to institute employees as well as any other researchers. No freedoms or rights are being infringed. Yet we are aware that, given the relatively limited number of employees, it is impossible to cover the entire breadth of research topics; in the future we would therefore like to create a system that would attract external collaborators from universities, partner institutions etc. Our website also shows our planned activities, our methods of research and also our impartiality.

I would like to conclude by addressing an issue that was discussed yesterday and that should be an outcome of this conference: the involvement of the institute in certain activities connected with next year's presidency of the Czech Republic in the EU. We support the notion of establishing a supranational European institute that would reflect the experience of all totalitarian regimes, not only our communist past. All of Europe needs it and therefore it should be an institution reaching from Portugal to Greece and the Baltic states. Our task is to implement this proposal as a legitimate part of European memory in western Europe, and to capture not only the experience of Nazism, but also the experience of all other states that have lived through a totalitarian regime at some point.

Another issue is a museum of totalitarian regimes. Here I follow up on the hearing of the European Commission that took place on 8 April 2008. Since this is a distant goal, there has been a proposal to create in the meantime an information agency that would coordinate activities by forwarding information between institutions and finding partners in western Europe. I believe that this can be achieved during the six months of our presidency, or the work may be continued by our colleagues from Sweden and Poland. I believe such an institution can be conveniently established in two and a half years. Furthermore, we should work on uniform grant policies with respect to the study of totalitarian regimes.

In my last point I would like to address another argument that someone cited yesterday, namely that it is now too late to begin research, 20 years after the fall of the totalitarian regime. I believe such arguments do not have a sound foundation. Our ultimate goal is to make use of all relevant means to pass our experience on to future generations. We do not know what the future will bring and this is especially true of Europe, which has given rise to totalitarianism in the past. It is our duty not to forget; to the contrary we have to be reminded of the past, however unflattering it may be. It is a long-term task. In the short run it is a task for us all, especially in the Czech Republic where the posthumous child of the Communist Party lives on, to make use of all available democratic means to ensure that today's Communist Party becomes a sect on the fringes of the political spectrum and that it loses not only its mass member base but also its significant voter support.

Thank you for your attention.



Session IV

INITIATIVES IN EUROPE – INSTITUTE OF EUROPEAN CONSCIENCE

Chair: Martin Mejstřík, Senator



Panelists:

Göran Lindblad

Member of the Swedish Parliament
and Vice-president
of the Parliamentary Assembly
of the Council of Europe

Tunne Kelam

Former dissident, Member of the
European Parliament, Estonia

Jana Hybášková

Member of the European Parliament,
Czech Republic



GÖRAN LINDBLAD

Member of the Swedish Parliament and Vice-president of the Parliamentary Assembly of the Council of Europe



Active in local government (1991-97). Member of the Swedish Parliament since 1997. Since 2004, member of the Swedish parliamentary delegation to the Parliamentary Assembly of the Council of Europe. Since 2007, head of the Swedish delegation and Vice-president of the PACE. In 2006, Rapporteur to PACE on the Crimes of totalitarian communist regimes. In January 2008, elected Chair of the Political affairs committee of the PACE.

I am very happy to be here at this very important conference. As you've heard, I was the rapporteur to the Council of Europe Parliamentary Assembly on the report entitled "The need for condemnation of the crimes of totalitarian communist regimes". The word "totalitarian" was a compromise but so far I have never ever experienced any communist regime that has not been totalitarian so it was an easy compromise to make.

Why is a Swede so interested in the crimes of communists? Well, we lived very close to the Iron Curtain; our closest neighbours were the Baltic States that were occupied by the Soviet Union. And also for me, during the 1968 revolts all over Europe, I had a different view on the world than those students that were trying to overthrow the world. All the Vietnam demonstrations and everything that went on made me really reflect and think, and I decided I wanted a united Europe, and therefore I joined the Swedish Conservative Youth Movement and I've been a member of the Moderate Party and the European People's Party group ever since. I also have a special relation to the Estonian flag. I don't know if Tunne knows this but when I was a student at a dental school in Göteborg, one of my classmates' parents had fled from Estonia and we went out sailing in late fall. It was very stormy and we went over from Göteborg to Denmark and we were flying the Estonian flag because he was of Estonian descent. And here came this Soviet tanker - this was about 1975 - and they tried to run us over. There was no doubt they tried to kill us. So I almost got killed because of the Estonian flag, and this of course also helped me become very sure that I should fight communists wherever. Because of the good wind we managed to get away.

Well, there are also the symbols, during the conference here today, because we are going to end up in a document, a sort of a declaration today saying that there was a discussion about the communist symbols, and it is very important that we be aware and that you keep the discussion going about those symbols. In Sweden, Norway, and Denmark there is a chain called Dressman Carlings and they sell all kinds of suits and T-shirts, etc. They had T-shirts with the Soviet insignia and we had demonstrations outside of the store. I contacted the head office in Norway. I had an e-mail correspondence with them about this and I said, it is outrageous that you're promoting dictatorship and those symbols that symbolise the death of so many people. They wrote back to say it is only Russian nostalgia. Then I emailed them again and said, if that's Russian nostalgia, I would like to order some Norwegian nostalgia. Can I please have ten T-shirts with [fascist politician] Vidkun Quisling on them. They didn't laugh at all. So we should keep that discussion going. I flew with Aeroflot a few weeks ago; they still had the hammer and sickle on the napkin I got for my dinner aboard, so they still have the symbol in the Aeroflot airlines - which is really strange because it is a private company now I think.

Other arguments that have been raised are that "our communists were good". Especially in Greece that's the case. During the work with my report at the Council of Europe there were a lot of discussions with the Greek delegation and they said, "Well, our communists fought for Greece and against the junta and we had good cooperation." But the only reason the communists in Greece and in Italy and in France were good communists was because they were never in power; some were even in the government, one or two seats,

but they were never in power; as soon as they get into power the atrocities start. So we must remember that when they come with the argument that “our communists are good”, there are no good communists, nowhere. Therefore in this declaration I’m very keen on having a clause saying that the ideology as such is the problem, because this is an ideology that uses terror as a means to keep the people’s or the proletariat’s dictatorship – terror as a means to maintain a dictatorship. Just listen to that, just taste it and you know that the whole ideology is rotten from the very beginning. So it didn’t just happen, it wasn’t an accident here and there, things gone wrong. No, things went right and that’s the problem, the ideology is really the problem.

We must be very firm and call communism communism whenever there is a chance to do so. And we should inform the younger generation. We changed governments in Sweden almost two years ago and we have this forum for living history; the forum for living history previously worked on atrocities perpetrated by the Nazi regimes but they have received new instructions now to also work on the communist regimes. And here are two publications in Swedish but they can of course be translated. They focus on the Soviet communists, they focus on China, and they also focus on Cambodia, because they couldn’t do everything at the same time. This has now spread to Swedish students; there is a special page on the symbols with T-shirts and bags and whatever for the Students. And it is more thorough material, done by historians, not by politicians. I think we should in each and every country promote this kind of material for young people; it’s very important.

And then we have the issue of communism still being at large, in China and Vietnam, to mention two of the worst. I was in Vietnam about a year and a half ago, in March last year. We went there with a group of parliamentarians and I arranged, in order to get a good picture, to meet some dissidents. The day before I was going to meet them they were arrested. Even though we were very careful – it was like a spy movie. We had secret passwords and we went into a special website and no one logged in with the same name. But they somehow got hold of the dissidents. Two of them were arrested. We met the wife of one and we met the mother of the other and a couple of other dissidents. Then after that we came home and made a declaration saying we do not accept the system in Vietnam. All Swedish parliamentarians did that, all six of us. The Swedish Communist Party was not with us – I don’t know why. But the rest of us made this declaration. And after that I got telephone calls from someone from Hanoi. He was stupid enough to use an open Hanoi number so I saved it. I have it saved in my phone under Viet Communist; it comes up every time he calls. He said I needed at least three years of prison in Vietnam for doing that. Of course as a parliamentarian I am immune. But this guy or guys – I don’t know, there may be more people because I can’t trace the number even though it is an open Hanoi number – they call usually around three or four in the morning. Just two rings in order to wake me up and that’s it. Then I didn’t hear from him until two weeks ago, probably because they heard about this conference or something. Otherwise it has been silent for a few months. But they do that; that’s intimidation and all communist regimes work with intimidation; a lot of you know that much better than I do, of course.

The Chinese did the same. There was a conference in Brussels last spring on democracy in China. I got a telephone call from the Chinese embassy in Stockholm, from the Swedish-speaking first secretary. He said, “I want to meet you.” And I said, “I don’t have time, I’m going to Göteborg.” “Well the next day.” “No, then I’m on my way to...” – because by then I knew where he was heading – “...to a conference on democracy in China.” Then he said, “I advise you not to go.” That’s outrageous to say that to a parliamentarian: “I advise you not to go.” So I saw the press release in front of me already done. So I got total media coverage and it blew up in their faces the next day. And I had national television at the conference in Brussels. But they’re trying all the time. In that period I got a lot of anonymous calls in the middle of the night from an unknown number. Every night at two or three in the morning for about two months. That’s how they work. Some journalist asked me, why don’t you change your telephone number, and I said, “No, they would win; I will not change my telephone number.” We shouldn’t let them win; we should fight all the time; that’s very important.

We had just a few weeks ago a hearing in my committee at the Council of Europe, the political affairs committee, on China. We started out with freedom of expression, but it turned into a general hearing. The Communist Party of China (CPC) refused to take part because we had a person from Tibet there on the panel as well, but one of the secretaries was sitting in the audience. I tried to provoke him to join the debate; he didn’t want to. We decided then that we would have a general debate in the Parliamentary Assembly. So we will have a big debate on China in June. And we’ve tried to invite the CPC and we will see if they are coming. We have not got any real answer yet. My bet is that they are not coming; they may be sitting up on the balcony listening to the discussion. But to me it is strange that you do not try to defend your thing even if you know the thing is rotten. But they don’t.

So the Chinese are using not only pressure, they are using soft power. They are now starting Confucius Institutes. Have any of you heard about the Confucius Institutes that they are opening here and there around the world? There are 40 applications only in the United States presently. We have one Confucius Institute at Stockholm University. They want to have them inside the university and they want to be partly financed by the university and partly from China. And these are just similar to Mussolini’s language institutes. They are spy centres and propaganda centres. And they are trying to sneak into the university world pretending to be independent, but actually they’re run by the CPC secret police from Beijing. And you should be aware of that. That is China’s soft power and there are many reports on this both in Sweden and in the US about what’s going on. China is the key to the peace and development both in Asia and in Africa presently because the Chinese are the new power that’s to take over what the Brits left some time ago. They are being colonial but in a slightly different way. And their friends are Iran and Zimbabwe and countries like that. The thing therefore is that a democratic China would be the key to a democratic Asia and a democratic Africa of course.

Then we should say a few words on the Olympics because there have been discussions on boycotts or no boycotts. I don’t believe in a boycott; I think it may have been the wrong decision to award the Olympics to China. Now that it’s there we should go there,

and as many as possible. And people should be open. Everyone who goes to any of these dictatorships should politely tell every official or every Chinese or every Vietnamese they meet that we don't like what is going on in your country. We come here, we trade with you, we want exchange, but we don't like the fact that you have so much capital punishment. We don't like that you put people with other beliefs into prison. You are not allowed to have religious beliefs in a communist country, and all of you know that already of course, so only the party is the religion. So therefore I propose that all those who go to the Olympics should wear a button, which could say "Democracy and human rights" in Chinese and in English. Red and yellow are good propaganda colours in China, so why not have every spectator wearing a button. What could the customs officials do, what shall they do if every spectator and every athlete wears a button proclaiming democracy and human rights? I think we should try to promote that - openness but not naiveté. I wrote an article on this in the local big paper in my hometown, Göteborg, last summer when the Swedish ship Göteborg was sailing. It's a replica of a ship from the 18th century that was then sailing with tea to China and back to Sweden. This replica went to Shanghai and all the politically important people from Göteborg and local politicians were there. And in my article I said, "Exchanging openness is very good, but don't be naive." The next day on the front page is the mayor of Göteborg with a communist flag in his hand like this on the deck. You shouldn't be naive, so stupid.

So finally on the Olympics and on China: There is a dissident Yang Jianli; he is now marching from Boston to Washington. He will arrive happily, I hope, tomorrow at Washington and there will be a ceremony close to the Capitol and close to the monument actually. He has been walking all the way from Boston to protest against the regime. This guy fled after Tiananmen, got his education at two big universities in the US, then went back to protest in China and got put in jail, served three or four years in China and is now back. He's a giant and we should support those kinds of giants that dare do the protests.

Now I hope that we can together today accept this report or recommendation for the future. We do want pan-European cooperation, not only within the European Union but with all of Europe working together to fight communism in the future and to look into the history of the atrocities and give restitution to all those who suffered during the communist years.

I will stop here and we can have a discussion. Thank you very much.



TUNNE KELAM

Former dissident, Member of the European Parliament, Estonia



Worked as an archivist, being also a popular lecturer and political commentator. One of the founders of the Estonian National Independence Party (1988), the first registered non-communist political party in the USSR. In 1992, elected chairman of the Congress of Estonia, the alternative parliament that confronted the puppet Supreme Soviet. Member of independent Estonia's parliament since the beginning.

I think it is a very interesting coincidence that there are three behind this table, Martin Mejstřík, Göran Lindblad and me, who shared the experience of the inauguration of the Victims of Communism Memorial last year in Washington. And therefore it is our pleasure to commend Lee Edwards once more for his heroic work. You know how hard it has been to achieve this result, but now you are going to celebrate the first anniversary. So it is possible...

Today I would like to quote a letter from 60 years ago. It was a letter President Truman wrote in March 1948 to his daughter. He writes, "Now we are faced with exactly the same situation which Britain and France were faced with in 1938-1939 with Hitler. A totalitarian state is no different, whether you call it Nazi, fascist, communist, or Franco Spain. The oligarchy in Russia is a Frankenstein dictatorship worse than any of the others, Hitler included." And he concludes, "I went to Potsdam with the kindest feelings toward Russia. In a year and a half they cured me of it."

My question is this: Sixty years ago a very clear conclusion was reached. What has happened in the meantime? Why this continuing moral confusion and hesitation? I think we have to analyse the time factor also. There is a difference of time between Nazis and communism. Communism had time to carry out its destructive programme, to carry out brainwashing and poisoning of human souls. If you compare, Germany experienced 12 years of dictatorship, concluded with a radical purge from Nazi ideology. Russia experienced 73 years of communist dictatorship with no purge, no assessment resulting. The Czech Republic and Poland experienced six years of Nazi domination and 45 years, if I am not mistaken, of communist dictatorship. Three Baltic States experienced three years of Nazi dictatorship before that one year of extreme communist dictatorship, followed by 47 years of the same communist dictatorship. So, in a way, the states of eastern and northeastern Europe are in a unique position because we can share experience of both of the dictatorships, and this is very important. Another difference was that of the expectations. People who were dominated by Nazis knew that fighting was going on. There was hope. Major powers – the United States and Great Britain – were engaged in a war against Hitler. People under communist domination had no hope because they had been abandoned, almost totally. And this brings us to the European responsibility for communist crimes which is proposed in our declaration.

One could speak about the Stockholm syndrome, the syndrome of hostages who have been kept so long that they start to identify themselves with the terrorists who have taken them into captivity. This can't be overlooked. What have we done in the European Parliament together with a number of colleagues? And I am very glad that Christopher Beazley has joined us so actively during the last two years. I think that we have reached a conclusion, and this is also the result of the European People's Party's working group on identity and values, namely that the continued failure to condemn communist crimes with an internationally authoritative verdict will in practical terms perpetuate the gap between the West and millions of victims of communist totalitarianism. In fact, we have to speak about two classes of victims, the first-class victims and the second-class victims. Communist victims belong to the second class because you deplore what has happened, but there are no conclusions, there is no real justice done.

The nations which have suffered under communist regimes do not enjoy the same assurances of “never again” as the victims of the Holocaust rightly have. Therefore, frustration of the hopes to finally see justice proclaimed and accepted will not disappear automatically. In real life these frustrations continue to find often irrational political outlets, including support for neo-communist radical populist movements. All this is a major handicap in the formation of robust civil societies in post-communist countries. It is also one of the main sources of widespread cynicism, moral permissiveness and corruption.

Therefore, we have a need, I would say, of a soft integration in Europe in addition to the political, economic and social integration. Soft integration means building trust, exchanging different experiences, exchanging prejudices, fears and different approaches to history to have a balanced approach both for eastern Europe and western Europe. This is the title of one of the seminars we attended with Jana Hybášková and Christopher Beazley, which was called United Europe – United History.

Now, what has to be done? I think the declaration contains very important points. I think this is one of the most substantive and most concrete declarations we have had, under the condition that we can accept it and approve it today. But before that, the European People’s Party four years ago adopted a very clear resolution on totalitarian communism with a mandate to achieve the adoption of a similar resolution by the European Parliament. This has yet to be done. Then, the most important thing is to generate enough political will to take a comprehensive approach toward problems like totalitarian communism on the same level as the crimes of the Nazis. Creating an Institute of European Conscience, which is the central idea proposed, is the most concrete proposal. It needs money; it needs much, much support and widespread understanding, but I think it is essential that it should be brought to life.

From the European Parliament I can report on one initiative and that is my proposal to publish a book, a joint book of 10 nations which have suffered under communism and which are now members of the European Union. This book is now in the process of being edited and hopefully it will be published before the end of the current year.

Then, I think it is very important that all national parliaments – not only in all the post-communist countries, but parliaments in the West too – should adopt declarations, resolutions on the crimes of communism. I think most east European parliaments have adopted such resolutions, but it’s our task to have the same initiatives carried out by our west European colleagues.

Then one of the very practical proposals of the Prague Declaration – this idea has already been presented by different sources, it was discussed during a hearing organised by the European Commission recently – is to have a European Memorial Day to commemorate, on a European scale, the victims of communist regimes as well as Nazi regimes. The proposal is to celebrate or mark 23 August, the day when the two biggest criminals of the last century, Stalin and Hitler, became friends and started World War II.

And then there is the need of joint European history textbooks. Former Commissioner Frattini, who was responsible for legal affairs and justice, said in one of his speeches that your history is our history. This has to be brought into the minds and actions of the leaders of the

EU. And a very important channel to change the minds of wider audiences, especially in the west of Europe, is through films. There is a new wave of films and I very much commend the recent Latvian film that was screened at the European Parliament and is currently showing in Latvia, *The Soviet Story*, which resulted in a burning in effigy of the film director before the Latvian embassy in Moscow two weeks ago – which shows that it had a very powerful message. There is a film about Estonia’s singing revolution which has been very successful in US movie theatres during the past half year. There is the German film, *The Lives of Others*, and also a very good film, *East and West*, which I saw six or seven years ago, and many others. It is the films, the TV series which are the most effective channel to the minds of our citizens.

And finally, I think it is important what Ambassador Luik said yesterday, namely that this is the job of the governments of the post-communist countries, not just NGOs. It is not only the conferences we have, but it is the job of the governments of post-communist countries to take this mission seriously. If all 10 post-communist governments addressed the same message in Brussels to the European Commission or to the EU Council – that an assessment of communist crimes is important, that it is important not only for the past, but for the future of Europe, that it is an essential part of integration to have justice, to have truth established – then we can speak about reconciliation. If these governments did this, I think our colleagues from western Europe would realise that this is serious. They would have to react. So I would strongly suggest that the Czech EU presidency not limit itself only to organising hearings in the European Parliament – this is not enough. We need very concrete actions. And as Lee Edwards told us today, it is apparently time for official actions. Not only for the initiatives of citizens or parliamentarians – it is time for government-level official actions. This will be the main point of our conference; we need to bring this message to the governments, to those who execute things, and bring about a change. We, the millions of victims of communism from eastern Europe and from all over the world, also need the same assurance – never again.

Thank you very much.

JANA HYBÁŠKOVÁ

Member of the European Parliament, Czech Republic



Internationally recognised specialist in terrorism, European security, Middle East and democratisation. Member of the Steering Committee of the World Movement for Democracy since 2006. Awarded the Cross Second Class by the Ministry of Defence of the Czech Republic (2003). Ambassador of the Czech Republic to Kuwait, Qatar (2002-04) and Slovenia (1997-2001).

Ladies and gentlemen,

As an introduction, I would like to quote a sentence that appears in the works of one Czech sculptress and painter, and which originally came from Eliot: It is a suite of four poems – *Four Quartets*. The third of Eliot’s *Quartets* begins – and I’ll say it in English, because it sounds better in English than in Czech – “The past is present in the future.” For me, the ambiguity of the word “present” is a good illustration of the debate underway here on whether this is about European memory, or about conscience.

I came to this topic from a different path than my former fellow student, Martin Mejstřík. I think it was the current director of the German Office for the Stasi Records who clearly noted that new impetus in these issues was brought only by EU enlargement in 2004, when the Iron Curtain really fell in Europe. I came to this topic for the first time in the spring of 2005, when we in the European Parliament were negotiating a resolution on the occasion of the 60th anniversary of the end of World War II. Those of us who come from our part of the world very much wanted there to be two paragraphs relating to communism as a component, result, effect on society and accompanying the effect of Nazism, fascism and World War II. We were unable to push these paragraphs through.

That was the moment I realised that even a year after enlargement, Europe still remained divided. I’m happy we have Christopher here, who is from the other side. That was the moment when we came together and started to conceive, work and take action. It’s good that there are representatives here not only from the European Parliament, but also from the Council of Europe. It’s good that we are here, Europeans, who want what the motto of this conference is – you have it written on the first page of the programme: “Communism is a common European legacy, together with fascism and Nazism. Until Europe accepts its common past and comprehends its common responsibility, it cannot be united.” And that is important.

At the beginning I said, “Why Prague?” Precisely because it is one of the cities that survived both totalitarian regimes. I think that from the many contributions, and from Mr Gauck’s excellent contribution, it follows that the entire problem needs to be divided into at least three areas: The problem of the past, the problem of the future and the problem of communism still alive in our present in states that have been the subject of much discussion here.

On the past, it is essential to say the following. We have discussed here that communism constitutes crimes against humanity. There are cases of deportation, of ill will, destruction of civilian populations, and the issue of total war for religious and political reasons. In this regard, communism is comparable to Nazism. The word comparable means that it can be compared. We are not saying they are the same or identical, but comparable. And this is precisely why the victims and survivors deserve our responsibility and justice, the recording of their individual stories, because you who have lived through all of this, if you take your stories with you to the other world, all that will remain is suffering, and it will become neither memory nor conscience for us all. For this reason their records are necessary. For this reason it’s good to debate the tribunals which the Belarusians and Mr Luik have spoken of. Because this is a place where these things can be recorded, where, in their own way, they can be objectivised as a common, objective, legacy. Not just as subjective suffering. The topic of how to turn individual suffering into shared

responsibility is an important one, and one that needs to be investigated. Of course there is also the issue of compensation, as well as appreciation. Here we can discuss all topics – Polish airmen, Czech airmen, all of you who have survived the camps and internment.

As regards the present, many of you have asked here about European values. Allow me to name one book, which you can get here, on Jungmannova street in Prague, one that I am still very proud of. It is called the Treaty of Lisbon, which we sometimes call the European constitution. In Title I, there is Article 2, which states: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” Those are common European values. I speak about them deliberately on the floor of the Czech Senate, because I too am among those who firmly believe that our country will not be the country to block these common values, but on the contrary it will be a country that will support these common values through a rapid ratification. Then we will truly have these common values in common.

As regards the future, I believe that we should address the issue of textbooks and virtual museums, films and television – all of this has been mentioned and it is not necessary to speak about it further. In my work, I am very concerned with the issue of textbooks. For this reason I regretted that in one of the televised debates, I was accused of being undemocratic because I wanted to monitor textbooks. We know well that a screening of European textbooks took place in the 1990s on the topic of the Holocaust, the Shoah, and was very successful. I myself am making an effort to get Iranian, Palestinian, Egyptian and Syrian textbooks screened. In the European Parliament, we hold seminars and we do not allow European resources to finance any textbooks that sow marginalisation, discrimination and hatred. I am asking therefore that what is possible in relation to the Middle East also be possible for European textbooks. This is not about freedom of speech. It is about shared responsibility.

The fourth level we have discussed here is the level of communist expansionism, the building of empires, the issue of China, the issue of other areas. I would like to thank those who continue to bear this cross and who have sat here with us – Oksana Chelysheva, Radwan Ziadeh and the Tibetan representative – because these are people for whom what we are saying here is the music of the future. I want to express my support and solidarity with the fact that they continue to fight our fight. Because it's *our* fight.

My personal note in relation to this is the fact that in certain classifications of international situations, several states – China, North Korea, Laos, Cuba and Vietnam – are discussed as still being communist states. I have a bit of a problem with this, because only we who have lived under communist dictatorships, know that there are other states – I can call it hidden communism. For me, an exemplary case of such a state, one built on post-Soviet communist ideology, is Syria. I do not know why we should devote less attention to the Syrian opposition, Syrian dissidents and the situation in Syria only because it does not fall into the box of communist states. The number of countries ruled by a system that is truly totalitarian and not just an authoritarian regime is more than those five named. Based on my foreign political experience, I am certain of this.

As regards the Czech presidency, I am grateful to this conference for enabling me to have almost an hour-long conversation yesterday with Deputy Prime minister Alexandr Vondra, from which the following emerged: The topic of “20 years after the fall of the Iron Curtain” will be one on which a wide-ranging and probably quite expensive exhibition is being prepared in the EU Council building. It's a place where most democratic Europeans do not come. It's a place where European ministers, whether of foreign affairs, fisheries or agriculture, meet. But every day there are 27 ministers there plus all of their staff, ambassadors, etc. In the middle of this building is a large, quadrangular hall where for the duration of the Czech presidency the exhibition *Twenty Years after the Fall of the Iron Curtain* will be housed.

After the opening of the exhibition, we hope that all documents related to this hearing will be handed over by Mr Zingeris. This is not just about a European Parliament hearing – they hold a lot of hearings. What is important is that it is a committee hearing. In other words, it has become a formal, institutionalised matter. It is completely necessary to mention this here; it's not a shout in the dark. At the moment it becomes a committee hearing, it has an EU institutional form and level.

Now the third matter. In the spring a foreign policy summit will take place, most likely in Prague, part of which will be a celebration of transatlantic relations, a celebration of democracy and a celebration of freedom. It will also tie into this topic.

The previous speakers and my dear colleagues have spoken of a Prague Declaration. I ask you to pay close attention to me. It is a text that has been put together by individual people – it is not a text accepted by either the European Parliament or the Council of Europe. A number of diverse printed materials, documents, resolutions, declarations of the Council of Europe, the European People's Party and European Parliament, hearings of the European Parliament and also hearings at the European Commission have served as the basis for our declaration. In it we have also included what Mr Zingeris spoke about here today. For this reason, the text is relatively long. At this moment it has six pages. But nothing is missing in it, at least from what we have managed to say amongst ourselves.

Here I will reiterate the main points: First, we declare that Nazism is comparable to communism. The second point is important because it says that communism is a crime against humanity. We consider particularly important the requirement to establish a European institution which will be an institution conducting research and informing Europeans. Its task will be education for the future. We request access to archives. We request a hearing at the European Commission aimed at banning the misuse of the symbols of communism. We request a responsible approach on the part of national parliaments. And we request support from all Europeans.

The declaration has 19 points. It is not a binding resolution. We will not vote on it here. The text is the result of the two days of debate at this conference. It is a part of a political appeal. Our ambition will be to disseminate this Prague Declaration as a conceptual point of departure for all Europeans who wish to investigate this issue.

Thank you for your attention.



Saint Wenceslas

(Medieval hymn)

1.

Saint Wenceslas, duke of the Czech lands /
Our prince, plead for us with God, with the Holy Spirit! /
Christ, eleison.

2.

You are the heir to the Czech lands, remember your clan /
Do not let us perish nor those in the future, Saint Wenceslas! /
Christ, eleison.

3.

We call for your help, have mercy on us /
Console the sad, banish all that is bad, Saint Wenceslas! /
Christ, eleison.

4.

Beautiful is the heavenly suite /
Blessed is who arrives there /
Into eternal life, bright flame, the Holy Spirit! /
Christ, eleison.

The origin of the Saint Wenceslas hymn probably dates back to the 12th century. Originally, it had three verses of five lines each ending in a chorus “Kyrie eleison”. The content was a simple prayer to Saint Wenceslas, prince and patron of the Czech lands, to plead with God for his nation and to ensure its salvation. The hymn survived centuries. The end of the communist dictatorship in the Czech Republic began on the Národní (*National*) street and on the (Saint) Wenceslas Square in Prague. The Saint Wenceslas hymn is sung at important events until today.

Prague Declaration

Bearing in mind the dignified and democratic future of our European home,

- whereas societies that neglect the past have no future,
- whereas Europe will not be united unless it is able to reunite its history, recognize Communism and Nazism as a common legacy and bring about an honest and thorough debate on all the totalitarian crimes of the past century,
- whereas the Communist ideology is directly responsible for crimes against humanity,
- whereas a bad conscience stemming from the Communist past is a heavy burden for the future of Europe and for our children,
- whereas different valuations of the Communist past may still split Europe into "West" and "East",
- whereas European integration was a direct response to wars and violence provoked by totalitarian systems on the continent,
- whereas consciousness of the crimes against humanity committed by the Communist regimes throughout the continent must inform all European minds to the same extent as the Nazi regimes crimes did,
- whereas there are substantial similarities between Nazism and Communism in terms of their horrific and appalling character and their crimes against humanity,
- whereas the crimes of Communism still need to be assessed and judged from the legal, moral and political as well as the historical point of view,
- whereas the crimes were justified in the name of the class struggle theory and the principle of dictatorship of the "proletariat" using terror as a method to preserve the dictatorship,
- whereas Communist ideology has been used as a tool in the hands of empire builders in Europe and in Asia to reach their expansionist goals,
- whereas many of the perpetrators committing crimes in the name of Communism have not yet been brought to justice and their victims have not yet been compensated,
- whereas providing objective comprehensive information about the Communist totalitarian past leading to a deeper understanding and discussion is a necessary condition for sound future integration of all European nations,
- whereas the ultimate reconciliation of all European peoples is not possible without a concentrated and in depth effort to establish the truth and to restore the memory,
- whereas the Communist past of Europe must be dealt with thoroughly both in the academy and among the general public, and future generations should have ready access to information on Communism,

- whereas in different parts of the globe only a few totalitarian Communist regimes survive but, nevertheless, they control about one fifth of the world's population, and by still clinging to power they commit crimes and impose a high cost to the well-being of their people,
- whereas in many countries, even though Communist parties are not in power, they have not distanced themselves publicly from the crimes of Communist regimes nor condemned them,
- whereas Prague is one of the places that lived through the rule of both Nazism and Communism,

believing that millions of victims of Communism and their families are entitled to enjoy justice, sympathy, understanding and recognition for their sufferings in the same way as the victims of Nazism have been morally and politically recognized,

we, participants of the Prague Conference "European Conscience and Communism",

- having regard to the European Parliament resolution on the sixtieth anniversary of the end of the Second World War in Europe on 8 May 1945 of May 12th, 2005,
- having regard to Resolution 1481 of the Parliamentary Assembly of the Council of Europe of January 26th, 2006,
- having regard to the resolutions on Communist crimes adopted by a number of national parliaments,
- having regard to the experience of the Truth and Reconciliation Commission in South Africa,
- having regard to the experience of Institutes of Memory and memorials in Poland, Germany, Slovakia, the Czech Republic, the United States, the Institute for the Investigation of Communist Crimes in Romania, the museums of occupation in Lithuania, Latvia and Estonia as well as the House of Terror in Hungary,
- having regard to present and upcoming presidencies in the EU and the Council of Europe
- having regard to the fact that 2009 is the 20th anniversary of the collapse of Communism in Eastern and Central Europe as well as the mass killings in Romania and the massacre in Tiananmen Square in Beijing,

call for:

1. reaching an all-European understanding that both the Nazi and Communist totalitarian regimes each to be judged by their own terrible merits to be destructive in their policies of systematically applying extreme forms of terror, suppressing all civic and human liberties, starting aggressive wars and, as an inseparable part

of their ideologies, exterminating and deporting whole nations and groups of population; and that as such they should be considered to be the main disasters, which blighted the 20th century,

2. recognition that many crimes committed in the name of Communism should be assessed as crimes against humanity serving as a warning for future generations, in the same way Nazi crimes were assessed by the Nuremberg Tribunal,
3. formulation of a common approach regarding crimes of totalitarian regimes, inter alia Communist regimes, and raising a Europe-wide awareness of the Communist crimes in order to clearly define a common attitude towards the crimes of the Communist regimes,
4. introduction of legislation that would enable courts of law to judge and sentence perpetrators of Communist crimes and to compensate victims of Communism,
5. ensuring the principle of equal treatment and non-discrimination of victims of all the totalitarian regimes,
6. European and international pressure for effective condemnation of the past Communist crimes and for efficient fight against ongoing Communist crimes,
7. recognition of Communism as an integral and horrific part of Europe's common history
8. acceptance of pan-European responsibility for crimes committed by Communism,
9. establishment of 23rd August, the day of signing of the Hitler-Stalin Pact, known as the Molotov-Ribbentrop Pact, as a day of remembrance of the victims of both Nazi and Communist totalitarian regimes, in the same way Europe remembers the victims of the Holocaust on January 27th,
10. responsible attitudes of National Parliaments as regards acknowledgement of Communist crimes as crimes against humanity, leading to the appropriate legislation, and to the parliamentary monitoring of such legislation,
11. effective public debate about the commercial and political misuse of Communist symbols,
12. continuation of the European Commission hearings regarding victims of totalitarian regimes, with a view to the compilation of a Commission communication,
13. establishment in European states, which had been ruled by totalitarian Communist regimes, of committees composed of independent experts with the task of collecting and assessing information on violations of human rights under totalitarian Communist regime at national level with a view to collaborating closely with a Council of Europe committee of experts;
14. ensuring a clear international legal framework regarding a free and unrestricted access to the Archives containing the information on the crimes of Communism,

15. establishment of an Institute of European Memory and Conscience which would be both - A) a European research institute for totalitarianism studies, developing scientific and educational projects and providing support to networking of national research institutes specialising in the subject of totalitarian experience, B) and a pan-European museum/memorial of victims of all totalitarian regimes, with an aim to memorialise victims of these regimes and raise awareness of the crimes committed by them,
16. organising of an international conference on the crimes committed by totalitarian Communist regimes with the participation of representatives of governments, parliamentarians, academics, experts and NGOs, with the results to be largely publicised world-wide,
17. adjustment and overhaul of European history textbooks so that children could learn and be warned about Communism and its crimes in the same way as they have been taught to assess the Nazi crimes
18. the all-European extensive and thorough debate of Communist history and legacy,
19. joint commemoration of next year's 20th anniversary of the fall of the Berlin Wall, the massacre in Tiananmen Square and the killings in Romania.

We, participants of the Prague Conference "European Conscience and Communism", address **all peoples of Europe, all European political institutions including national governments, parliaments, European Parliament, European Commission, Council of Europe and other relevant international bodies**, and call on them to embrace the ideas and appeals stipulated in this Prague Declaration and to implement them in practical steps and policies.

Founding Signatories:

Václav Havel, former dissident and President of Czechoslovakia / the Czech Republic, Czech Republic

Joachim Gauck, former Federal Commissioner for the Stasi archives, Germany

Göran Lindblad, Vice-president of the Parliamentary Assembly of the Council of Europe, Member of Parliament, Sweden

Vytautas Landsbergis, Member of the European Parliament, former dissident and President of Lithuania, Lithuania

Jana Hybášková, Member of the European Parliament, Czech Republic

Christopher Beazley, Member of the European Parliament, United Kingdom

Tunne Kelam, Member of the European Parliament, former dissident, Estonia

- Jiří Liška**, Senator, Vice-chairman of the Senate, Parliament of the Czech Republic, Czech Republic
Martin Mejstřík, Senator, Parliament of the Czech Republic, Czech Republic
Jaromír Štětina, Senator, Parliament of the Czech Republic, Czech Republic
Emanuelis Zingeris, Member of Parliament, Lithuania, Chairman, International commission for the assessment of crimes of the Nazi and Soviet occupation regimes in Lithuania, Lithuania
Tseten Samdup Chhoekyapa, Representative of His Holiness the Dalai Lama, Geneva, Tibet, Switzerland
Ivonka Survilla, Exile President of Belorussia, Canada
Zianon Pazniak, Chairman of the People's National Front of Belorussia, Chairman of the Belorussian Conservative Christian Party, United States
Růžena Krásná, former political prisoner, politician, Czech Republic
Jiří Stránský, former political prisoner, writer, former PEN club chairman, Czech Republic
Václav Vaško, former political prisoner, diplomat, catholic activist, Czech Republic
Alexandr Podrabinek, former dissident and political prisoner, journalist, Russian Federation
Pavel Žáček, Director, Institute for the Study of Totalitarian Regimes, Czech Republic
Míroslav Lehký, Deputy-director, Institute for the Study of Totalitarian Regimes, Czech Republic
Łukasz Kamiński, Deputy-director, Institute of National Remembrance, Poland
Michael Kißener, professor of history, Johann Gutenberg University, Mainz, Germany
Eduard Stehlík, historian, Deputy-director, Institute for Military History, Czech Republic
Karel Straka, historian, Institute for Military History, Czech Republic
Jan Urban, journalist, Czech Republic
Jaroslav Hutka, former dissident, songwriter, Czech Republic
Lukáš Pachta, political scientist and writer, Czech Republic

Visit the Prague Declaration website: www.praguedeclaration.org

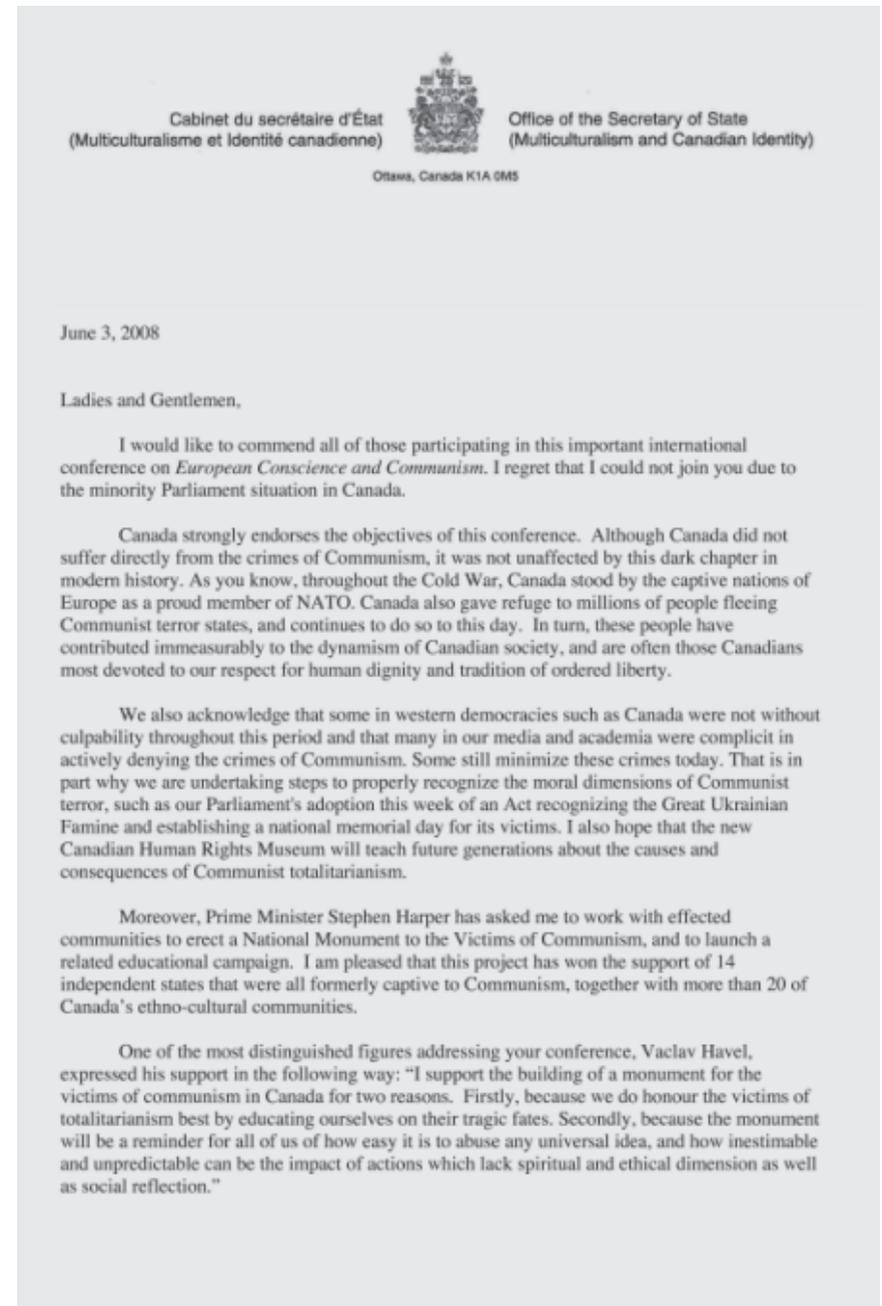
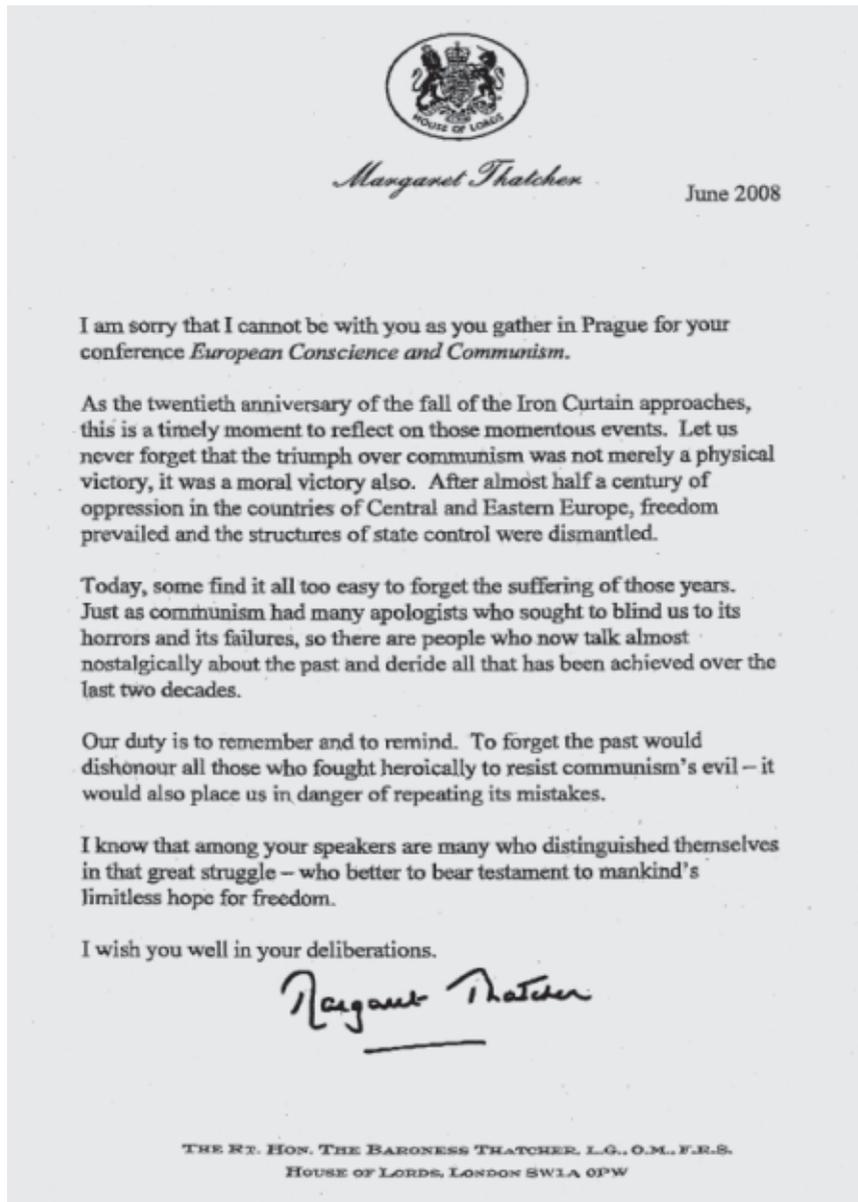
Photo Gallery







Documents





28.5.2008

A Message to the International Conference: European Conscience and Communism

I applaud the organizers of this initiative for holding a conference which deals with historically important and morally sensitive subjects. The world cannot forget the crimes committed by the communist regimes, nor can the world forget those who, against all odds, struggled against totalitarianism, both of the left and the right varieties. The conference in Prague will therefore be an act of important historical and political education. Democracies without historical memories can be more susceptible to demagoguery and self-deception. Historical memories are not a call for vengeance but are a reminder that in politics one often has to make transcendental moral and political choices.

I wish the participants in this conference a truly lively, creative, and uncompromising discussion.

Zbigniew Brzezinski



About the Conference

The international conference “European Conscience and Communism” was hosted by the Committee on Education, Science, Culture, Human Rights and Petitions of the Senate, Parliament of the Czech Republic on 2-3 June, 2008. Patron of the Conference was Mr Alexandr Vondra, Deputy Prime Minister for European Affairs. The event was kindly supported by Jiří Liška, Vice-chairman of the Senate, Petr Pithart, 1st Vice-chairman of the Senate, the Office of the Government of the Czech Republic and the Robert Schuman Foundation for Cooperation between Christian Democrats in Europe.

Partners of the Conference were the Institute for the Study of Totalitarian Regimes, the Ministry of Defence of the Czech Republic, non-governmental organisations Post Bellum and People in Need, the Film and TV School of the Academy of Performing Arts in Prague and the Prague Spring International Music Festival.

Media partner of the Conference was the Czech Radio.

Accompanying Events

MUSIC

The medieval hymn **Saint Wenceslas (Svatý Václav)** concluded the official part of the Conference. It was performed by the Choir of the Christian Doppler Grammar school in Prague, choirmaster was Karel Loula.

The conclusion of the Conference was followed by a concert of the Prague Spring International Music Festival **dedicated to the victims of Nazism and communism** (Otakar Jeremiáš, Antonín Dvořák, Sergej Prokofjev, vocalist Ivan Kusnjer). The Prague Radio Symphony Orchestra was conducted by Vladimír Válek. The Prague Spring International Music Festival is a prestigious event founded in 1946.

EXHIBITIONS

In the Leather Hall of the Wallenstein palace, panels with authentic testimonies of Czech / Czechoslovak war veterans of the 2nd, foreign resistance were exhibited. Most of these heroes became victims of communist terror in the 1950s. Authors: Post Bellum, civic association, Institute for the Study of Totalitarian Regimes, part of the project **“Some of us...”**.

INSTALLATIONS

At the entrance to the Conference, in the 2nd courtyard of the Senate, stylised figures of victims of communism were installed, fragment of a larger composition. Author: People in Need, non-governmental organisation, project **“Stories of lawlessness”**.

FILM SCREENINGS

In the Zaháňský Hall of the Wallenstein palace, prize-winning works of primary and secondary school children were screened. Their task was to prepare a documentary report or a film programme on the fates of war veterans, political prisoners and inmates of communist labor camps. The competition **“Fighters against totalitarianism seen through children’s eyes”** was organized by the Ministry of Defence of the Czech Republic (in cooperation with the Czech Television and Czech Radio and a number of non-governmental organizations of veterans). FAMU. (The Film and TV School of the Academy of Performing Arts in Prague) held a **screening of documentary and acted films** on the topic of communism. The Academy of Performing Arts was the most radical university in Prague and the initiator of the student occupation strike in November 1989.

The Conference was organised by:

Martin Mejstřík, Senator, Parliament of the Czech Republic
Jana Hybášková, Member of the European Parliament