

## Lustration laws in the Czech Republic

The application of Act No 451/1991 Coll. and Act No 279/1992 Coll.

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As a result of many scandals of the post-communist powers in connection with the expurgation of the central state authorities, the political life and public administration, with the unveiling of the particulars about activity of the Communist Party of Czechoslovakia nomenclature and its forces including the State security, and with the utilisation of a soviet-type mass agency network, the top Czech and Slovak politicians acknowledged the necessity of enacting measures to protect the fragile democratic constitutional arrangement.<sup>1</sup>

In response to the work of the Federal Assembly of the Czech and Slovak Federative Republic (CSFR) Committee for the Supervision of the Investigation into the Events of 17 November 1989 as well as to the public debate, the federal parliament and the Czech National Council adopted two Lustration Acts, intending to change the existing staffing of the top state apparatus positions, inhabited by persons exposed due to their service and collaboration with the totalitarian communist powers between 1948 and 1989, and to set new conditions for the staffing of selected positions for the future.

Despite a sharp political conflict<sup>2</sup> and a certain lack of understanding on the part of certain western institutions<sup>3</sup>, both acts became a symbol of the systematic effort towards overcoming the remnants of the totalitarian regime among the post-communist countries. However, the somewhat vague application of the acts in the Czech Republic and their ignorance in Slovakia was symptomatic for the quality of the “social expurgation” process.

### The “Great Lustration Act”

On 4 October 1991, the federal parliament enacted Act No 451/1991 Coll., whereby it defined “*certain further prerequisites for certain positions in state bodies and organisations of the Czech and Slovak Federative Republic, the Czech Republic and the Slovak Republic*”, regarding elected, nominated and/or appointed functions in state administration authorities of the CSFR, both Czech and Slovak Republics, the Czechoslovak Armed Forces<sup>4</sup>, Federal Security Intelligence Service, Federal Police Corps and the Castle Police Corps; explicitly, in the offices of the President of the CSFR, Federal Assembly of the CSFR, Czech and Slovak National Councils, government offices of the CSFR and both republics, offices of all three supreme and constitutional courts, the presidia of the Czech and Slovak Academies of Science, both federal and republic radio services, television stations and press offices; furthermore, heads of organisations and executives in state enterprises, state organisations, public limited companies with the state being their majority owner, foreign trade companies, Czechoslovak State Railways, state funds, state financial institutions, and the State Bank of Czechoslovakia. At universities, it applied to positions of elected academic officials and those approved by the academic senate.

Similarly, the act laid down conditions for the discharge of office of a judge, assessor, state attorney, attorney office investigator, notary public, state arbitrator, and persons active as justice aspirants, legal aspirants of the attorney office, notarial aspirants, and arbitration aspirants. Last but not least, it laid down the conditions for reliability regarding the operation of certain trades subject to concession (Section 1).

The prerequisite for the discharge of the aforementioned offices was that, in the period from 25 February to 17 November 1989, the citizen was not:

a) *An officer of the National Security Corps assigned to the State Security Service,*<sup>5</sup>

- b) Registered in the State Security Service files as a resident, agent, lent apartment holder, conspiracy apartment holder, informer or ideological collaborator of the State Security Service,<sup>6</sup>
- c) Conscious collaborator of the State Security,<sup>7</sup>
- d) A Secretary of a body of the Communist Party of Czechoslovakia or the Communist Party of Slovakia from the level of a District Committee or an equivalent committee upwards, a member of the presidium of these committees, member of the Central Committee of the Communist Party of Czechoslovakia or the Central Committee of the Communist Party of Slovakia, a member of the Bureau for the Management of Party Work in the Czech Lands or a member of the Committee for the Management of Party Work in the Czech Lands, except for those holding these posts only in the period from 1 January 1968 to 1 May 1969,<sup>8</sup>
- e) An employee of the system of structures as referred to in d) in a department in charge of the political running of the National Security Corps,
- f) A member of the People's Militia,<sup>9</sup>
- g) A member of the National Front Action Committee after 25 February 1948, vetting commissions after 25 February 1948, or the vetting and normalisation committees after 21 August 1968,
- h) A student of the Felix Edmundovich Dzerzhinsky University of the Council of Ministers of the USSR for officers of the State Security Service, the University of the Ministry of the Interior of the USSR for officers of the Public Security Service, the Political College of the Ministry of the Interior of the USSR, or a postgraduate or a participant in courses lasting longer than 3 months at these schools.

The Minister of Defence of the CSFR was allowed to pardon the membership in the State Security, if the application of the condition would “*compromise a major security interest of the state*” without this “*endangering the purpose of the Act*” (section 2). The circumstances sub a) and b) were to be documented by means of a certificate issued by the Federal Ministry of the Interior, sub c) by either a certificate and/or a ruling of an independent committee of the FMI (for the activity of the committee see below), and sub d) to h) by means of an affidavit only. In addition, the citizen was required to submit a “*statement to the effect that they were and are not a collaborator of any foreign information or intelligence service*” prior to assuming the position (Section 4).

For the discharge of the said positions at the Federal Ministry of the Interior, Federal Security Intelligence Service, Federal Police Corps and the Castle Police Corps, there was the requirement that, in the period from 25 February 1948 to 17 November 1989, the citizen was not:

- a) An officer of the National Security Corps assigned to a counterintelligence unit in the State Security Service,
- b) Assigned to the State Security Service holding the post of a Chief of Department or higher,
- c) A student of the Felix Edmundovich Dzerzhinsky University of the Council of Ministers of the USSR for officers of the State Security Service, the University of the Ministry of the Interior of the USSR for officers of the Public Security Service, the Political College of the Ministry of the Interior of the USSR, or a postgraduate or a participant in courses lasting longer than 3 months at these schools,
- d) In the National Security Corps in the position of a Secretary of the Main Committee of the Communist Party of Czechoslovakia or the Main Committee of the Communist Party of Slovakia, a member of the Main Committee of the Communist Party of Czechoslovakia or the Main Committee of the Communist Party of Slovakia, a member of a Unit Committee of the Communist Party of Czechoslovakia or a Unit Committee of the Communist Party of Slovakia, or an officer of the National Security Corps assigned to the Department for Political Training and Educational, Cultural and Propaganda Activities of the Federal Ministry of the Interior.<sup>10</sup>

By the same token, the person must not have been on files of the State Security in the categories of resident, agent, resident, agent, holder of a loaned apartment, holder of a conspiracy apartment, informer or idea collaborator of the State Security, conscious collaborator of the State Security, secretary of the Communist Party on the district and/or higher level, a member of the presidium of such a committee, a member of the Central Committee of the CPC or the CPS, a

member of the Party Work Direction Bureau (Committee) in Bohemia except for those who held such functions only in the period from 1 January 1968 to 1 May 1969, an employee of the communist apparatus in the political direction section of the National Security Corps, a member of the People's Militia, a member of the Action Committee of the National Front after 25 February 1948, and a member of the purge committees after 25 February 1948 and 21 August 1968.

In justified cases, the Federal Minister of the Interior and the directors of the FSIS and the FPC were allowed to pardon the condition *"if its application would compromise a major security interest of the state"* without this *"endangering the purpose of the Act"* (Section 3).

The citizen was required to submit a certificate issued by the Federal Ministry of the Interior, an affidavit and/or the ruling of an independent committee with the FMI (Section 5) prior to the election, nomination or appointment to a position where staffing conditions are covered by this Act.

Another part of the Act provided for the issuance of certificates by the Federal Ministry of the Interior, laying down the conditions for when the head of an authority or organisation could file the application instead of a citizen aged 18 and over. *"If the documents relevant for the issuance of the certificate are held by another state authority, such authority is obligated to provide all relevant documents and other information required for the issuance of the certificate to the Federal Ministry of the Interior upon the Ministry's request."*<sup>11</sup> (Sections 6 to 9). Section 10 stated that neither the ruling nor the information contained therein *"is confidential information for the purposes of this Act and for the purposes of litigation."*

The purpose of the independent committee with the FMI, composed under a key defined by the Act, was to verify whether or not a citizen was a conscious collaborator of the State Security (Section 2(1), letter c)), a CPC or CPS official on the district committee or higher level (Section 2(1), letter d)), an employee of the communist apparatus in the political direction section of the National Security Corps ((Section 2(1), letter e)), a member of the People's Militia (Section 2(1), letter f)), a member of the Action Committee of the National Front and/or purge committees (Section 2(1), letter g)), and student of security or political/security higher schools or universities in the USSR (Section 11). The committee would start the proceedings on the basis of a proposal by the citizen who received a certificate of conscious collaboration with the State Security or asserted that an affidavit submitted by a person holding a position is untrue, or by an organisation that had doubts as to the veracity of the affidavit submitted by a candidate for a position. Within 60 days, the committee was to issue a substantiated ruling on whether or not the citizen meets the prerequisites for the discharge of the office. If the ruling said that the citizen was not a conscious collaborator of the State Security, such circumstance was to be indicated *"in all records and documents, and such records and documents could not be used vis-à-vis the citizen any further"* (Sections 12 and 13).

If the citizen did not meet the requirements for the position, their employment or service was to be terminated by means of a notice served by the organisation no later than 15 days of the date when it learned about this circumstance, unless the person was assigned another position. The same procedure was to be followed *"if the citizen refused to submit an affidavit [...] or if the affidavit is untrue"* (Section 14). If a state attorney or state attorney office investigator did not meet the prerequisites for the position, such a circumstance was also the reason for the termination of the employment (Section 15)<sup>12</sup>. The relevant authority could even file a proposal for the recall of a judge or an assessor (Section 16). The citizen was allowed to apply for a review of the contents of the ruling with the relevant regional court, as well as for a review of the validity of the termination of employment or service, within two months of the delivery of the ruling (Section 18).

The Act enabled periodical press publishers and licensed operators of radio and TV broadcasting, agency new services and audiovisual programmes, to apply *"for themselves or, upon prior written approval, for their employee who participates in the creation of the content of the said media"* with the Ministry of the Interior for the issuance of the ruling.<sup>13</sup> Similarly, chairpersons or equal officials

of political parties, movements and associations were able to apply *“for themselves or for a leading official of the political party, movement, or association, pending their prior written approval”*, for the issuance of a certificate or ruling (Section 21). One of the closing sections prohibited the publication of any circumstances contained in the certificate or ruling, of the certificate or ruling itself, as well as any source documents for the preparation thereof, *“without the citizen’s prior written approval”* (Section 19).

Act No 451/1991 Coll. took effect on the day of promulgation and was supposed to lose effect after five years, i.e. on 31 December 1996.<sup>14</sup>

To ensure the implementation of the Act, Federal Minister of the Interior Ján Langoš issued the interpretation of certain terms contained in Section 3 of the Act in an appendix to his Command No 116/1991; the instruction envisaged, among other things, the preparation of a Methodological Instruction of the Director of Division I of the FMI.<sup>15</sup> Another directive instrument, No 127/1991 defined the term *“State Security force”* contained in Section 2(1), letter a) of Act No 451/1991 Coll.<sup>16</sup>

### **The “Small Lustration Act”**

Less than six months after the enactment of the federal legal regulation, the Czech National Council enacted Act No 279/1992 Coll. *“on certain further prerequisites for certain positions filled by appointment or election of officers of the Police of the Czech Republic and the Penitentiary Service of the Czech Republic”*, which applied to selected police positions appointed to fulfil tasks within the Ministry of the Interior of the Czech Republic, the Police of the Czech Republic and the Penitentiary Service of the Czech Republic.

As part of the Police of the Czech Republic, the terms of the Act applied to the police officers of the Investigation Office for the Czech Republic (Section 2(1), Letter b)) and within the Police Directorate (Section 2(1) c)), as well as to the positions of the director, deputy director, (head) commissioner, head of external service, head of administrative service department, and head inspector of the district and municipal directorates of the Police of the Czech Republic (Section 2(1), Letter d)); when it comes to the regional directorates and the Prague directorate, they also applied to the head of department, head of the intervention squad, head of section, head senior specialist officer and senior specialist officer (Section 2(1), Letter e)); for regional and Prague investigation offices, they applied to the director, deputy director, head of department, and senior investigator (Section 2(1), Letter f)); and for district and municipal investigation offices in the Czech Republic, they applied to directors, deputy directors and heads of departments (Section 2).

The prerequisite for the aforementioned positions stipulated in Section 3 of the Act was that, in the period from 25 February 1948 to 17 November 1989, the citizen was not:

- a) *An officer of the National Security Corps assigned to a counterintelligence unit in the State Security Service,*
- b) *An officer of the National Security Corps assigned to the State Security Service holding the position of a Chief of Division and higher,*
- c) *Registered in the State Security Service’s files as a resident, agent, lent apartment holder, conspiracy apartment holder, informer or ideological collaborator of the State Security Service,*
- d) *Conscious collaborator of the State Security,*
- e) *A Secretary of a body of the Communist Party of Czechoslovakia or the Communist Party of Slovakia from the level of a District Committee or an equivalent committee upwards, a member of the presidium of these committees, member of the Central Committee of the Communist Party of Czechoslovakia or the Central Committee of the Communist Party of Slovakia, a member of the Bureau for the Management of Party Work in the Czech Lands or a member of the Committee for the Management of Party Work in the Czech Lands, except for those holding these posts only in the period from 1 January 1968 to 1 May 1969,*

- f) *In the National Security Corps holding the position of the Secretary of the Main Committee of the Communist Party of Czechoslovakia or the Main Committee of the Communist Party of Slovakia, a member of the Main Committee of the Communist Party of Czechoslovakia or a the Main Committee of the Communist Party of Slovakia, a member of the Unit Committee of the Communist Party of Czechoslovakia or the Unit Committee of the Communist Party of Slovakia,*
- g) *An employee of the system of structures as referred to in e) and f) in a department in charge of the political running of the National Security Corps,*
- h) *An officer of the National Security Corps assigned to the Department for Political Training and Educational, Cultural and Propaganda Activities of the Federal Ministry of the Interior or the Ministry who was directly involved in the political training,*
- i) *An officer of the National Security Corps assigned to the position of a Deputy Chief (Commander) for Political Training and Education,*
- j) *A member People's Militia,*
- k) *A member of the National Front Action Committee after 25 February 1948, vetting commissions after 25 February 1948, or the vetting and normalisation committees after 21 August 1968,*
- l) *A student of the Felix Edmundovich Dzerzhinsky University of the Council of Ministers of the USSR for officers of the State Security Service, the University of the Ministry of the Interior of the USSR for officers of the Public Security Service, the Political College of the Ministry of the Interior of the USSR and other security schools in the USSR, or a postgraduate or a participant in courses lasting longer than 3 months at these schools.<sup>17</sup>*

The Minister of the Interior of the Czech Republic was allowed in justified cases to pardon a police officer's membership "*in State Security force in a counterintelligence section*" if the application [of such condition] "*would compromise an important security interest of the service*", provided that this did not "*endanger the purpose [...] of the Act*". This was subject to reporting each such case to the relevant Czech National Council body with justification.

For the Penitentiary Service of the Czech Republic, the Act applied to the positions of officers assigned to the Directorate of the PS CR (Section 4, Letter a)), directors and deputy directors of Departments or an organizational unit placed on the same level as a Department (Section 4, Letter b)), Head of Division and of equivalent organizational units within the Departments, Head of Section (Group) in the organizational units equivalent in level to a Department (Section 4, Letter c)), and Prevention Divisions (Groups) within the Departments of the Penitentiary Service of the Czech Republic (Section 4, Letter d)).

The prerequisite for the aforementioned positions stipulated in Section 5 of the Act was that, in the period from 25 February 1948 to 17 November 1989, the citizen was not:

- a) *No facts as referred to in section 3 (1) have been ascertained with respect to the citizen,*
- b) *The citizen was not a member of a Department Committee of the Communist Party of Czechoslovakia at the Correction Corps Administration of the Czech Republic, a member of a Department Committee of the Communist Party of Czechoslovakia in Departments and equivalent organizational units of the Correction Corps of the Czech Republic or a Chair of a Basic Unit of the Communist Party of Czechoslovakia in the Departments of the Correction Corps of the Czech Republic where no Department Committee of the Communist Party of Czechoslovakia was established;*
- c) *The citizen did not hold the position of a Deputy Chief of the Headquarters or a Department of the Correction Corps of the Czech Republic in charge of political training;*
- d) *The citizen did not hold the position of a Head of Division or Section or a Head of the Group of Internal Protection of the Correction Corps of the Czech Republic;*
- e) *The citizen was not registered in the files of the Correction Corps of the Czech Republic as a resident, agent or confidant of the Internal Protection of the Correction Corps of the Czech Republic.<sup>18</sup>*

The Minister of Justice was allowed in justified cases to pardon a penitentiary officer holding the position of a head of division, department or internal protection group having been on file in agent-operative documents as a resident, agent, or confidant of the internal protection of the PS CSR, if the application of the condition “*would compromise an important security interest of the service*” while “*not endangering the purpose of the Act*”. The Minister of Justice of the Czech Republic reported any case such an exception was applied to the relevant authority of the Czech National Council, supported by justification. The circumstances pursuant to Section 3(1), Letters a) to d) were to be documented by means of a certificate issued by the Federal Ministry of the Interior or a ruling of an independent committee of the FMI, and the circumstances pursuant to Section 3(1), Letters e) to g), j), and k) and Section 5/6(1), Letters b) to e) by means of an affidavit.

The citizen, police officer or penitentiary officer who was to hold a position as a police officer at the Ministry or at the Police of the Czech Republic, or at the Penitentiary Service of the Czech Republic, respectively, was required to submit the certificate (ruling) or an affidavit to the relevant service authority; also, prior to assuming the position, they were to submit an affirmation that he or she “neither is nor was a collaborator of any foreign intelligence or counterintelligence service” (Section 7).

The following section defined the authorisation of the Ministers of the Interior and of Justice to request a certificate or ruling. If the police officer or PSCR member did not submit this within 30 days after the request, the superior or a service body applied for a duplicate thereof with the Ministry of the Interior.

If a police officer or penitentiary officer did not comply with the defined prerequisites for his position, the Act considered this to be a reason for termination of the service by dismissal. The relevant service authority was to decide on dismissal from service “no later than 15 days from the day of learning of the reason for dismissal” (the same procedure applied when a police or penitentiary officer refused to submit an affidavit and/or submitted an untrue one). The failure to meet the prerequisites for the positions defined in letters f) to l) of Section 3(1) of the Act was considered to be a “reason for transfer to a different position” (Section 9).

Act No. 279/1992 Coll. took effect on 1 July 1992 and was initially approved to remain in effect until 31 December 1996; having been extended, it remains in force to this day.<sup>19</sup>

Following the enactment of the Act, Minister of the Interior of the Czech Republic Tomáš Sokol issued his Ordinance No 42/1992 defining the range of divisions and/or officers of the National Security Corps assigned to the State Security Service with counterintelligence focus<sup>20</sup> and heads of departments and higher-ranking officials.<sup>21</sup> Pursuant to Article 4 of the Ordinance, *an employee of the system of structures in a department in charge of the political running of the National Security Corps* (Section 3 (1), Letter g)) was a citizen or police officer who

- a/ Held the positions of the head of the state administrative department of the CC CPC or CC CPS, the head or an employee of the security division of such departments, the head of the state administrative department of the RC CPC or RC CPS, or an employee assigned to the National Security Corps direction section of such departments,
- b/ Was appointed for the following positions: political worker – released chairman, 1<sup>st</sup> degree political worker, political worker of the controlling and inspection committee of the main committee of the Communist Party of Czechoslovakia at the Ministry,
- c/ Was appointed for the following positions: political worker – released chairman, political worker, assistant leading secretary, chairman, chairman of unit committee<sup>22</sup>, chairman of the controlling and inspection committee, director of the Evening University of Marxism-Leninism, and secretary of the main committee of the CPC at the Federal Ministry of the Interior.

Pursuant to Article 6, an officer of the National Security Corps assigned 9<sup>th</sup> Directorate of the Federal Ministry of the Interior who was directly involved in the political training was a citizen or police officer appointed as the

- a/ Head of directorate, deputy head of directorate, head of the political training or political division (1<sup>st</sup> Division), deputy head of the political training or political division (1<sup>st</sup> Division), secretary of the political training or political division (1<sup>st</sup> Division), head senior official specialist of the political training or political division (1<sup>st</sup> Division), senior official specialist of the political training or political division (1<sup>st</sup> Division) at the political training, education, cultural and propaganda activity directorate of the Federal Ministry of the Interior,
- b/ Head of directorate, deputy head of directorate, head of the political training, press and propaganda activity (1<sup>st</sup> Division), senior official specialist (political training) at the political training, press, education and propaganda activity directorate of the Ministry of the Interior of the Czech Socialist Republic or at the Ministry of the Interior and Environment of the Czech Socialist Republic.

Article 7 referred to a list of security service schools in the Union of the Soviet Socialist Republics.<sup>23</sup> The remaining articles of the Ordinance, which took effect on 1 July 1992, précised certain formal and administrative requisites.<sup>24</sup>

## Constitutional ruling

Initiated by 99 members of the Federal Assembly of the CSFR, Act No 451/1991 Coll. was significantly amended by the plenary session of the Constitutional Court of the CSFR, which ruled at a public session held on 26 November 1992 that the provisions of Section 2(1) c), Section 2(2) and (3), Section 3(2), Section 4(2) and (4), Sections 11, 12, 13, Section 18(1), and Section 20 of Act No 451/1991 Coll. lose effect on the day of the promulgation of its ruling in the Collection of Acts. "If the FA fails to render such provisions of the Act compliant [...] the said provisions of Act No 451/1991 Coll. shall lose their effect six months after the promulgation of the ruling."<sup>25</sup>

In other words, shortly before the dissolution of the federation, the Constitutional Court of the CSFR abolished the "conscious State Security Service collaborator" category and deprived the Federal Ministers of the Interior and of Defence and the directors of the Federal Security Intelligence Service and the Federal Police Corps of the possibility to grant exceptions, which obviously had an impact on Act No 279/1992 Coll. Among other things, the independent committee with the FMI was abolished, even though its tasks included more than just verification of circumstances pursuant to Section 2(1) c) of the Act.<sup>26</sup>

The Ministry of the Interior of the Czech Republic was faced with the necessity of resolving a legal riddle of how to fulfil the various provisions of both Acts, the federal one and the republic one, that remained in force. Without the commands of the Minister of the Interior of the CSFR from the end of 1991 and the methodological guidance, it may sometimes appear that has been solving the problem to this day.

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<sup>1</sup> Cf. ŽÁČEK, Pavel: "Sachergate": The First Lustration Scandal. The post-communist elite's difficulties with (not only) State Security files. *Paměť a dějiny*, 2007, Issue 1, pp 50 – 81.

<sup>2</sup> Cf. ŽÁČEK, Pavel: Battles Over the Past. 10 Years of Coming to Terms with the Communist Past—an Attempt at a Preliminary Accounting. Barrister & Principál, Brno 2000, pp 46 – 53; ŽÁČEK, Pavel: Overcoming the Totalitarian Past the Czech Way, in: FIALA, Petr – MIKŠ, František (eds.): Czech Conservative and Liberal Politics. An anthology on the tenth anniversary of the *Proglas* revue. CDK, Brno 2000, pp 388 – 393; ŽÁČEK, Pavel: The CASE of Czechoslovakia and the Czech Republic, in: HATSCHIKJAN, Magaraditsch – RELJIC, Dušan – ŠEBEK, Nenad (eds.): Disclosing Hidden History: Lustration in the Western Balkans. A Project Documentation. CDRSEE, Thessalonica 2005, pp 80 – 82.

<sup>3</sup> Cf. e.g. ROSENBERG, Tina: The Haunted Land. Facing Europe's Ghosts after Communism. Vintage Books, New York 1996, pp 67 – 121; LINZ, Juan J. – STEPAN, Alfred: Problems of Democratic Transition and Consolidation. Southern

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Europe, South America, and Post-Communist Europe. The John Hopkins University Press, Baltimore – London, pp 251, 317; GONZÁLEZ-ENRÍQUEZ, Carmen: De-communization and Political Justice in Central and Eastern Europe. In: BARAHONA de Brito, Alexandra – GONZÁLEZ-ENRÍQUEZ, Carmen – AGUILAR, Paloma (eds.): The Politics of Memory. Transitional Justice in Democratizing Societies. Oxford University Press, New York 2001, pp 2260-0228.

<sup>4</sup> In the Czechoslovak Army and the Federal Ministry of Defence sector, the Act applied to the ranks of colonel and general as well as military attachés (Section 1(2)).

<sup>5</sup> Cf. complete list of SNB sections, State Security force at <http://www.abscr.cz/cs/seznam-utvaru-snb>

<sup>6</sup> For the various categories of secret collaborators, cf. ŽÁČEK, Pavel: State Security's Hot Weapon. StB collaborators in the directives for agent operative work 1947 – 1989, in: BLAŽEK, Petr (ed.): Opposition and Resistance against the Communist Regime in Czechoslovakia 1968 – 1989. Institute of Czech History FFUK – Dokofán, Prague 2005, pp 180 – 222. The directives for agent operative work and records of the StB are available at <http://www.ustrcr.cz/cs/smernice-aop-evidenci-stb>, and the directives for intelligence work at <http://www.ustrcr.cz/cs/hlavni-sprava-rozvedky-smernice>.

<sup>7</sup> Pursuant to Section 2(2) of the Act, “conscious collaboration” meant that the citizen was on files of the State Security under the categories of confident, secret collaboration candidate, or secret collaborator of confidential contact, as well as that they were in conscious contact with SNB members and submitted reports by means of secret contact and fulfilled the tasks assigned to them.

<sup>8</sup> KAPLAN, Karel: CC CPC Apparatus between 1948 and 1968. A study and documents. Vol. 10 of USD AV CR, Prague 1993.

<sup>9</sup> For People's Militia, cf. BAŠTA, Jiří: People's Militia – the CPC's Illegal Army. *Paměť a dějiny*, 2008, Issue 2, pp 99 – 108.

<sup>10</sup> For the activity and organisation of the IX. Directorate of the FMI, cf. <http://www.ustrcr.cz/9-sprava>.

<sup>11</sup> This requirement applied to the Ministry of Defence of the Czech Republic, which administered the personal files of the former members of the Federal Ministry of National Defence and whose intelligence force took over the record system of the former Main Military Counterintelligence Directorate, and to the Ministry of Justice of the CR, which managed the personal files of the Penitentiary Corps Direction and whose Penitentiary Service worked with the records of OVO MS ČSR. This situation changed only in 2008 when the Security Services Archive took over all documents under Act No 181/2007 Coll.

<sup>12</sup> Pursuant to Section 17, the termination of employment was not subject to the Labour Code provision to the effect that the organisation was allowed to terminate the employment only upon prior approval of the relevant trade union.

<sup>13</sup> For the application of the Act at Czechoslovak TV, cf. VADAS, Martin: Notes on the Role of Television in Czechoslovakia's Dissolution, in: KRAUS, Michael – STANGER, Allison (eds.): Irreconcilable Differences? Explaining Czechoslovakia's Dissolution. Rowman & Littlefield Publisher, New York 2000, pp 270 – 271.

<sup>14</sup> Collection of Acts of the CSFR, No 451/1991, tome 86, pp 2106 – 2110.

<sup>15</sup> The wording of the Command of the Minister of the Interior of the CSFR of 11 November 1991 is available at <http://www.ustrcr.cz/cs/rfmv90-92>; for the interpretation of certain terms, see Appendix 1.

<sup>16</sup> The wording of the Command of the Minister of the Interior of the CSFR No 127 of 9 December 1991 is available at the same address; for the for the interpretation the term “State Security force”, see Appendix 2.

<sup>17</sup> Based on yet another prerequisite for holding positions with the Police of the Czech Republic, a citizen was not supposed to be, from 25 February 1948 to 17 November 1989, a deputy head of a directorate or unit of the Penitentiary Service of the Czech Socialist Republic for political education, or a head of division, department, or group of internal protection of the Penitentiary Service of the Ministry of Justice of the CSR.

<sup>18</sup> For agent-operative activity as part of the PSCSR, cf. TOMEK, Prokop: Development of the Agency Activity System in the Penitentiaries of the Czechoslovak Communist Regime 1948 – 1989, in: Two Studies on the Czech Penitentiary System 1948 – 1989. Proceedings of the 3<sup>rd</sup> UDV, Prague 2000, pp 7 – 34.

<sup>19</sup> Act No 256/1995 Coll. of 27 September 1995 prolonged the effect of the Act until 31 December 2000, and Act No 424/2000 Coll. of 25 October 2000 cancelled any time limits for the effect Act.

<sup>20</sup> Cf. Appendix 3.

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<sup>21</sup> Cf. Appendix 4.

<sup>22</sup> The unit committee of the CPC or CPS is defined in Article 5 of the Ordinance as a unit-wide committee established at the regional NSC directorates and the municipal police directorates in Prague and Bratislava, which were granted certain authorisations as the district committees of the CPC.

<sup>23</sup> Cf. Appendix 5.

<sup>24</sup> Cf. Ministry of the Interior Ordinance No 42 defining certain particulars of the implementation of the Czech National Council Act on certain further prerequisites for certain positions filled by appointment or designation of officers of the Police of the Czech Republic and officers of the Penitentiary Service of the Czech Republic of 19 June 1992, Ref. PS-1111/50-92, in: Bulletin of the Ministry of the Interior, tome 41, 19 June 1992.

<sup>25</sup> Collection of Acts of the CSFR, No 585/1992, tome 116, p. 3471

<sup>26</sup> For the material criticism of Act No 451/1991 Coll. and the ruling of the Constitutional Court of the CSFR, cf. ŽÁČEK, Pavel: Battles for the Past, pp 53 – 56. The text of the ruling Ref. ÚS 1/92 is available at: <http://www.ustrcr.cz/data/pdf/normy/nalez-us-pl-1-1992.pdf>.