

# Coming to Terms With the 20th Century Totalitarian Past



November 17, 1989 student demonstration on Národní třída in Prague just before the brutal police intervention commenced. Freedom! ("Svobodu!") is written on the banner. Source: ČTK

## 1945–1947

Retribution courts are established on the basis of the presidential decrees of June 19, 1945 regarding the punishment of Germans, collaborators and traitors and pursuant to the May 15, 1945 decree No. 33 of the Slovak National Council, in connection with the effort to punish war criminals. Active membership in Nazi and Fascist organizations, participation in the elimination of domestic and foreign resistance, informing, etc. are punishable. Special People's Courts and the National Court try 38,316

cases, from which 33,463 individuals are sentenced. 713 of these receive the death penalty, while the verdict of life imprisonment is delivered to 741 (of which 50% are Germans, 35% Czechs and Slovaks and 15% of other nationalities).

## 1989

**November 29.** The Federal Assembly abolishes Article 4 of the Constitution of the Czechoslovak Socialist Republic (ČSSR), which had established the leading role of the Communist Party.

## 1990

**January 4.** The ČSSR government presidium detaches the III. Directorate of the Security Police (National Security Corps – SNB), covering military counterintelligence, from the control of the Federal Ministry of the Interior, and incorporates it into the Ministry of National Defense.

## 1990

**January 31–February 16.** Selected sections of the SNB are dissolved under orders of the Federal Ministry of the Interior and their staff withdrawn from active service.

## 1990

**April 23.** The Federal Assembly of the Czech and Slovak Federal Republic (FS ČSFR) passes Act No. 119/1990 Coll. on judicial rehabilitation, under which sentences are cancelled across the board and the rehabilitation of over 230,000 people is determined, especially for those with convictions of a political nature. The state also compensates victims for time spent in detention and prison.

## 1990

**May 21.** The ČSFR government issues Act No. 212/1990 Coll. on the forfeiture of state property which had been in long-term use by the Czechoslovak Communist Party (KSČ), pursuant to Article 79 of constitutional law No. 143/1968 Coll.

## 1990

**June 8–9.** Free parliamentary elections are held.



Ladislav Adamec (left) greets Václav Havel at the November 28, 1989 negotiation between delegations representing the then Communist government and the Civic Forum. Source: ČTK

### 1990

**October 2.** The Federal Assembly passes Act No. 403/1990 Coll. on property rehabilitation, which aims to alleviate the consequences of property violations and facilitates the return of moveable and immovable property confiscated after 1955.

### 1990

**November 16.** The Federal Assembly passes constitutional law No. 496/1990 Coll. on the restitution of Communist Party property to the people of the ČSFR and constitutional law No. 497/1990 on the return of Socialist Youth Association

(SSM) property to the people of the ČSFR.

### 1991

**February 21.** The Federal Assembly passes constitutional law No. 87/1991 on extrajudicial rehabilitation, aimed at redressing the consequences of property and other violations resulting from civil, workplace and other administrative acts which took place between February 25, 1948, and January 1, 1990, and which were in conflict with the basic principles of a democratic society.

### 1991

**September.** Creation of the Department for the Documentation and In-

vestigation of State Security Service (StB) activities at the Federal Ministry of the Interior, pursuant to that Ministry's Order No. 95/1991. The Department's director answers directly to the Interior Minister.

### 1991

The Federal Assembly passes Act No. 451/1991 on conditions for holding certain positions in state bodies and organizations (the "big lustration law"). This and later acts (nos. 279/1992, 422/2000, 424/2000) establish the criteria for filling certain top state posts and excluding members and collaborators of the State Security Service (StB), People's Militia, military coun-

terintelligence and pre-November 1989 members of the Communist Party from occupying these positions.

**1992**

**June 4.** An unofficial and incomplete list of StB collaborators is released in Petr Cibulka's "Uncensored Newspaper."

**1992**

**October.** The Constitutional Court decision nos. 14/1992 Coll. and 351/1991 Coll. confirm the right of a democratic state to take necessary measures to avoid the risk of subversion, the return of totalitarian rule, and to take steps to reduce these risks.

**1992**

**October.** The Federal Ministry of the Interior orders the creation of the Office for the Documentation and Investigation of StB activities, under the control of the Czech Police's investigation unit.

**1993**

**February 23.** The Chief Prosecutor of the Czech Republic creates the Coordination Center for the Documentation and Investigation of Violence against the Czech People from May 8, 1945 to December 31, 1989, in compliance with an agreement with the Ministry of the Interior. The Center, governed by the Chief Prosecutor's office, is tasked to help implement the law on judicial rehabilitation.

**1993**

**July 9.** Parliament passes Act No. 198/1993 Coll. on the illegal nature of the Communist regime and on resistance against it. The law states that the Communist Party leadership and membership were fully responsible for the actions of the Czechoslovak government between 1948 and 1989, including the destruction of traditional European values, the abuse of human rights, breaking the law and international obligations, using repressive measures against its own citizens, and conducting judicial murders and staged trials. The Com-

munist regime is denounced as criminal, illegitimate and condemnable, and thus resistance by citizens against this type of government deemed legitimate, just, moral and deserving of recognition. The state is also obliged to abolish or reduce penalties not addressed by the law on judicial rehabilitation if it can be shown that the condemned was acting to protect basic human and civil rights and freedoms through clearly proportionate means. The position of this law within the legal system of the Czech Republic is problematic, to say the least, as it is purely declaratory, and has thus not been rigorously applied in individual cases.

**1995**

**January 1.** The Ministry of the Interior, in its order No. 83/1994 Coll., creates the Office for the Documentation and Investigation of the Crimes of Communism (ÚDV). The Center for the Documentation of Illegalities Committed by the Communist Regime, which came into being in January 1994 under the direction of the Chief Prosecutor's office, is incorporated into the ÚDV, now answerable to the Czech Police and with investigative authority.

**1996**

**April 26.** Parliament passes Act No. 140/1996 Coll., rendering some StB files accessible. This law opens up around 60,000 files from the former counterintelligence service of the StB, although only to Czech citizens, and with sensitive material thoroughly blacked out.

**1997**

**June 22.** The Government of the Czech Republic passes Act No. 165/1997 Coll. on lump-sum financial compensation for the unjust actions of the Communist regime with respect to condemned individuals, those retained in custody, and individuals sent to forced labor camps or interned.

**1998**

**May 20.** Parliament passes Act No. 148/1998 Coll. on secret information, under which most of the archival ma-

terials from the former Central Committee of the Communist Party Archive and the Archive of the Ministry of the Interior are declassified during the following year.

**2002**

**March 8.** Parliament amends its 1996 law with Act No. 107/2002, distinctly widening the range of accessible files and comprehensively changing the approach to StB documents. Public access is granted to at least part of the intelligence and military counterintelligence files, and theoretically also to the files of the Surveillance, Intelligence Technology, and Passport and Visa directorates, as well, with access rights extended to foreign citizens.

**2002**

**April 9.** Act No. 172/2002 Coll. is passed, granting compensation for citizens deported to the Soviet Union or to camps established by the Soviet Union in other states.

**2004**

**June 30.** Parliament passes Act No. 499/2004 Coll. on archival science, under which the absolute majority of archival documents from the period of the Communist regime – from repressive services as well as organizations of the National Front – are rendered accessible without limit.

**2005**

**May 3.** Act No. 203/2005 Coll. is passed, granting compensation to some victims of the occupation of Czechoslovakia by the armies of the Soviet Union, German Democratic Republic, Polish People's Republic, Hungarian People's Republic and Bulgarian People's Republic.

**2007**

**June 8.** Parliament passes Act No. 181/2007 Coll., on the Institute for the Study of Totalitarian Regimes and Security Services Archive. The law comes into effect on August 1, 2007, and the institutions begin operation on February 1, 2008.

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