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SITUATIONAL REPORT ON HUMAN RIGHTS IN CZECHOSLOVAKIA

1988

Prepared by the Czechoslovak Helsinki Committee  
Prague, March 1989

International Helsinki Federation  
for Human Rights  
Rummelhardtgasse 2/18  
A-1090 Vienna

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The Czechoslovak Helsinki Committee has prepared for the International Helsinki Federation the following situational report on human rights in Czechoslovakia during 1988, with brief surveys of the preceding period. The report is divided in the following chapters:

- 1) On the Freedom of Assembly and the Freedom of Expression
- 2) Political Prisoners in 1988
- 3) The Situation of the Churches and Religious Freedom in 1988
- 4) Freedom of Movement and Residence Within the Country; Freedom to Depart from the Country and Return to It
- 5) The Right to Work
- 6) The Situation in the Field of Culture

Our report is not, of course, complete. That this should be so is on the one hand determined by its size and on the other by the fact that the opportunities which independent civic groups monitoring human rights have, including our committee, are limited. In some areas, for instance in describing violence by the police or the lack of impartiality of the courts or the limited freedom of movement and residence, we have only the information which citizens themselves are willing to give us. It should of course be realized that such a step requires civic courage on the part of the person in question, because he or she are risking the retaliation of the authorities towards themselves and thus perhaps without intending to, of becoming one of the so-called dissidents.

The Situational Report deals with the year 1988, even

if some chapters go beyond this time frame. When the years 1987 and 1988 are compared, the following conclusions can be drawn:

Some improvements have taken place in the area of culture. New cultural magazines have been started, in Prague the weekly *Kmen* and bi-weekly *Atelier*, in Bratislava *Literarný tyzdennik*, *Dotyky* and *Dialog*. Their declared program is greater openness, some plurality of opinion and support for the young generation. In Slovakia these journals have begun to publish the work of hitherto forbidden authors. Other taboos have been abolished: books by T.G. Masaryk have been returned to public libraries. The regional theatre in Cheb has premiered a play by Josef Topol, after twenty years. Interesting films by Chytilova, Vorel, Záborský and others are finally to be released, after being withheld from screening. In the town of Roudnice an exhibition of the late Mikuláš<sup>IV</sup> Medek, an outstanding painter, who just barely survived during his own lifetime, became a sort of place of pilgrimage for art lovers. Rock groups which had been banned were allowed to play again, even if often under changed names, including a part of the famous Plastic People of the Universe, banned in the seventies, when a number of its members were imprisoned. Courageous singers of protest songs were applauded at various song festivals. Nevertheless, basic barriers have remained in place. Culture continues to be divided into what is permitted and what is forbidden. Dozens of outstanding creative people continue to remain in the forbidden zone.

Vaclav Havel who has become a symbol of independent thinking, has not only not returned to the official stage, but has after five years returned to prison.

Some improvements have occurred in permitting people to travel to the so-called Western countries (the authorities include Yugoslavia and even Japan among Western countries). But basic barriers to freedom of movement, i.e. the need to acquire permission for every individual trip and limiting the countries which our citizens are permitted to visit and the duration and conditions of any trip, have all remained in place. Regulations which for the past 12 years have been clearly contradictory to article 12 of the International Covenant on Civil and Political Rights continue to be fully valid.

It should be stressed that during the 13 years which have elapsed since the signing of the Final Act at Helsinki and the ratification of the Covenant on Human Rights, our government has not shown the good will needed to bring obsolete laws and regulations inspired by Stalinism into agreement with the above mentioned covenants and other Helsinki documents. This has been made very clear in the current wave of political trials, where not only Vaclav Havel or Jana Petrova or Martin Jirous have been sentenced, but the very principle of freedom of expression, as well as the right to peaceful assembly and association have been attacked.

It is in this area of freedom of expression and freedom of assembly that in 1988 a marked deterioration has occurred, in comparison to 1987. This has also been reflected

in police actions and in the activities of the courts. We shall cite some figures, whose assessment is self-evident:

In 1987 the Committee for the Defence of the Unjustly Persecuted (VONS) monitored the cases of 41 prisoners which can be described as political. During 1988 this figure was, by coincidence, also 41. But while in 1987 criminal persecution which led to imprisonment was initiated against 3 persons in this category, in 1988 this figure was 15.

While in 1987 there were 4 instances when a Charter 77 activist or activist of another independent civic initiative was held in so-called preliminary detention for 24 or 48 hours, in 1988 this form of limiting personal freedom was used against activists 185 times! And on October 27th to 30th, the duration of this detention was extended from 48 hours to 96 hours, that is to 4 days. This measure was again used from November 10th to 13th, at the occasion of the symposium Czechoslovakia 88. A number of individual activists spent a total of 12 days in cells of preliminary detention, i.e. with no trial. The majority of these cases were labelled "preventive detention" and were illegal.

In 1987 the police dispersed one meeting of all previous and current Charter 77 spokesmen (in November) and acted against a gathering of John Lennon fans on December 8th. A demonstration on Human Rights Day in the Old Town Square was harassed, but in comparison to what occurred in 1988 on other occasions, this harassment was generally non-aggressive. Other assemblies of civic activists in 1987 - for instance in Lany, where T.G. Masaryk is buried - took



place with a police presence, but without their direct intervention.

In 1988 the police attempted to prevent all gatherings of independent groups without exception. Our report describes in detail how brutally the police intervened against two peaceful demonstrations in Prague and against one in Bratislava. They prevented two international seminars a peace seminar in June 1988 and the symposium Czechoslovakia 88 in November of 1988. Besides this the police intervened against all meetings where a larger number of activists gathered - whether such meetings were held in a hired room in a restaurant, in a summer camp or in a private home.

In 1987 two Charter 77 forums were organized for the purpose of holding discussions. In 1988 the two follow-up forums were prevented from taking place. In 1987 there were only 3 house searches among human rights activists. In 1988 the security police in a single day, on October 27th, carried out 25 house searches, mostly among signatories of the manifest of the Movement for Civic Freedom (HOS).

Many more such comparisons could be cited. Indeed, 1988 and especially the beginning of 1989 represented a sharp deterioration in the exercise of human rights in our country. On the other hand the existence of our report indirectly also provides testimony to the fact that there is an increased longing for freedom and that society is beginning to stand upright.

## 1. ON THE FREEDOM OF ASSEMBLY AND THE FREEDOM OF EXPRESSION

In contrast to the other East bloc countries where we see strivings towards domestic peace, a dialogue within society and some pluralism, in Czechoslovakia a paradoxical situation exists: the more the population is becoming aware of the need to democratize the country, also under the influence what is happening in Poland, Hungary and the Soviet Union, the more blatant are the measures taken by the powers-that-be against any freedom of expression. When monitoring developments in this area from 1987 to the beginning of 1989, we have found that the persecution of non-conformist meetings, both large and small, held by independent initiatives, culminated in connection with the anniversary of the self-immolation by burning of the student Jan Palach in January 1969 when the police and Party militia waged open war against thousands of citizens, especially young people.

The year 1987, when assessed with hindsight, can be deemed as fairly restrained; the authorities were still wavering under the pressure of glasnost and perestroika and were not yet among themselves decided on which direction to take, whether a liberal or conservative one. This was reflected in the behaviour of the police towards public gatherings. On December 10, 1987, on Human Rights Day, Charter 77 for the first time convened a public gathering in the Old Town Square, by the Jan Hus monument. The police detained in prison or under house arrest potential speakers or organizers of this gathering and surrounded

the monument; anybody who attempted to speak was dragged off to police vans and cars and the area of the square was deafened by the loud playing of Christmas carols. Party militiamen (the so-called Peoples Militia) were waiting in side streets for their orders. The demonstration took place in a quiet manner, by marching around the monument. It may be worthwhile mentioning that the secretary of the Prague Party organization at the time, A. Kapek, was seen walking on the square during the demonstration. Nobody was indicted or put on trial for the demonstration.

But as the position of the conservative section of the powers-that-be improved, the interventions of the police against independent initiatives and movements increase in force. The following is a incomplete list of these interventions:

On January 17th, 1988 a Charter 77 forum (a gathering of Charter 77 signatories which is occasionally convened in order to discuss current problems) was dispersed when it met in a Prague restaurant, where it had hired a hall. A number of potential participants had already in the morning been detained in police stations and released in the evening. The participants in the meeting were detained at 2.30 p.m., put into police vans and held at police stations, then taken to interrogations and released late in the evening.

On March 4th and 5th 1988, 17 Charter 77 signatories were detained for 48 hours in connection with the holding of a national Catholic pilgrimage to the St. Vitus Cathedral in

Prague, which was to be held on March 6th in honor of the beatified Anežka Přemyslovna (1208-1282), an outstanding person in Bohemian history. Hundreds of police patrols on the roads to Prague prevented cars from coming to Prague by taking away the technical certificates of car owners, and in many cases also those travelling in buses and trains were told to return home and their names and addresses were taken down. On the day of the pilgrimage some regular bus and train connections to Prague were annulled. The Prague metro did not stop at stations close to the Cathedral and trams took detours, etc.

On March 25, 1988, at 6 p.m. on Hviezdoslav square in Bratislava several thousand citizens gathered with lighted candles for prayer and a silent demonstration in support of the demand for religious freedom and other human rights in Czechoslovakia. The police used water cannons against the demonstrators, many people were forcibly dragged off and some were later charged with criminal acts.

On April 10, 1988 the police forced their way into the private apartment of Mr. and Mrs. Vodrážka who live in the Old Town of Prague, because former and present Charter 77 spokesmen were holding a meeting there. All 29 persons present were put into police cars, taken to interrogations and detained until late evening. Jaroslav Sabata was taken by a police car 30 km. beyond Prague and left in a forest at 9 p.m.

On May 15, 1988 at 2 p.m. in the restaurant U České koruny in Prague 4, another Charter 77 forum was convened.

Charter 77 spokesmen and approximately 50 signatories from various places in Czechoslovakia were present. At 2.20 p. m. the police forced their way into the room, interrupted the meeting, participants were filmed without permission and then forced into cars and taken to various police stations, mostly located 20 to 30 kilometers outside Prague. Most of the participants could return home only late at night.

On May 15, 1988 on the Střelecký island in downtown Prague the third independent exhibition organized by the samizdat magazine Vokno was held. The head of the School and Cultural Administration of the district National Committee (local government) for Prague 1 had notified one of the organizers of the exhibition, F. Starek, that the exhibition had not been granted permission and therefore cannot be held. F. Starek explained that this was not an exhibition in the proper sense of the term, but only an encounter between artists who want to show each other their work. In contrast to the first two exhibitions, organized by the magazine in 1987, this time both uniformed and plainclothes policemen were present from the beginning, they harassed visitors and filmed them. At the insistence of the staff of the School and Cultural Administration in Prague 1 the exhibition had to be terminated after one hour and the planned musical program could not take place.

"Prague 1988"

On June 17th to 19th, 1988 an international seminar was held, called "Prague 1988"; it was convened by Charter 77 and the Independent Peace Association. In spite of the

fact that several foreign participants were refused visas, nevertheless 40 peace activists from Europe, the USA (including two representatives from Puerto Rico) and from India came to Prague. The symposium was supposed to be held in three sections. But on the first day, the police forced their way into two of the apartments where participants had met, took twenty people off to interrogations and released them between 10 p. m. and midnight. On the second day of the symposium, the majority of participants met in the home of Jan Urban. They only had time to approve a letter which protested the breaking up of the meeting the previous day, when the police again forced their way into the apartment. This time all present foreign participants in the symposium were detained (34 people), as well as the majority of Czechoslovak citizens present and the text of the letter, including signatures, was confiscated. The visas of all foreign participants were annulled and in various time limits they were expelled from Czechoslovakia. 10 Czechoslovak peace activists were detained for 25 to 30 hours. Nevertheless, the participants of the symposium were able to produce a document which establishes an European Assembly for Peace and Democracy in Prague.

August 21, 1988

At the occasion of the 20th anniversary of the invasion of Warsaw pact armies into Czechoslovakia to prevent the continuation of a democratic reform process, a large-scale attack on citizens by the police occurred. Charter 77 had planned that day to place flowers at the monument

to St. Wenceslaus on Václavské náměstí to commemorate those who had been killed during the intervention. The police had detained all three Charter 77 spokesmen, but other activists placed the flowers at the statue and during the morning a large discussion forum formed on the square made up mostly of young people; especially members of the Independent Peace Association used the occasion to explain their objectives. Spontaneously a resolution was drawn up which demanded various freedoms in Czechoslovakia. From Václavské náměstí those present, especially young people, started marching towards the Old Town Square; according to estimates there were 10.000 of them. The police wanted to prevent the march from going in the direction of the Prague Castle and so placed large patrols on all the bridges and during the evening with the use of truncheons, tear gas and police dogs, dispersed the demonstrators in a very brutal manner. Many were detained, and some, for instance Jan Chudomel, were beaten.

One of the demands in the resolution taken on Václavské náměstí on August 21, 1988 was that participants will meet at the same place every last Saturday in the month to hold discussions. In September, October and November the police tried to prevent these meetings by detaining potential organizers in advance and warning them against participation and also by heavily patrolling the area in front of the statue and dispersing any groups which might be formed. When the Independent Peace Association asked the Prague local government to assign young people a place

where such discussions could be held, they were refused. These events merged with the large scale repressions against demonstrations at the occasion of the 70th anniversary of the founding of a modern Czechoslovak state on October 28th, and the symposium Czechoslovakia 88 at the beginning of November. The repression against independent initiatives and citizens from the autumn of 1988 were much more brutal than police interventions in 1977, when the Charter 77 was formed. This increase in repressive action was connected with strengthening the power position of the conservative fraction in the Communist Party of Czechoslovakia after the forced resignation of prime minister L. Strougal, as well as changes in the person of the Minister of the Interior and the First Secretary of the Prague Organization of the Party.

#### Dispersal of Peace Activists

On October 22, 1988 in the afternoon a large number of policemen with dogs and a large unit of the so-called People's Militia raided a log cabin summer camp at Lbíně near Litoměřice. 18 members of the Independent Peace Association who had gathered there for a weekend of discussions and camping were taken away at gunpoint for interrogations and detained until late evening. 11 other activists were detained while still on the way to Lbíně in a bus, and were also interrogated until evening.

On that same day in the evening, Tomáš Dvořák, an activist of the Independent Peace Association was arrested. On October 21, Luboš Vydra was arrested and on



October 28th, Hana Marvanová. All three of them were editors of the Independent Peace Association Bulletin. T. Vydra was released from prison in two months, but T. Dvořák and H. Marvanova are still in pre-trial detention at the end of March, charged with preparations for incitement and with incitement.

October 28, 1988

Charter 77 and other independent initiatives, including the Democratic Initiative, Children of Bohemia, the Independent Peace Association and the Association of Friends of the USA, convened on Václavské náměstí an unofficial demonstration at the occasion of the anniversary of the founding of an independent Czechoslovak state in 1918; the authorities, however, refused to approve the demonstration under the pretext that the organizers are not members of the National Front, but only "private persons" who are not capable of maintaining order. Moreover, the Prague National Committee (local government) announced that in downtown Prague, including Václavské náměstí, which is a part of the Prague historical monuments reservation, demonstrations can be held only by members of the National Front, so that the historical monuments will be conserved.

On October 15th, 1988 the Movement for Civic Freedom (HOS) published its manifesto "Democracy for All", which was signed by 122 people in Bohemia, Moravia and Slovakia. The police combined actions against the demonstration on October 28th with actions against HOS. Already on October 27th in Prague and elsewhere in Bohemia, in Brno and elsewhere in

Moravia and in Bratislava at least 123 people were detained and house searches were carried out in the homes of 25 of them. Those who were arrested, were detained for 48 hours, then released and immediately, just outside the prison, arrested again for another 48 hours.

Nevertheless, on October 28th 1988 several thousand people met on Václavské náměstí; during the singing of the national anthem the anti-riot squad of the police (so called "white helmets") started using trunchons and water cannons to push them into side streets. In the Old Town Square, Charter 77 activists were successful in publicly reading a Charter 77 declaration concering the October 28th anniversary, but the demonstrators were also pushed out of the square and finally dispersed with beatings, water cannons and armoured vehicles. Many people were detained and dozens charged with disturbance of public order, the majority in the form of misdemeanors, but many also for criminal acts. According to the testimony of many eye witnesses, the police actions were supervised personally by the new secretary of the Prague Party Organisation, M. Štěpán, from the roof of a house on Václavské náměstí.

In follow-up activities, the mayor of Prague, Zdeněk Horčík sent letters to enterprises, schools and institutions in Prague where he informed employers or school officials that their employees or students had participated in the demonstration and asked for their punishment and reports on the manner of punishment, which were to be sent to the Prague local government. Obviously, lists of participants

were obtained from the police and in some cases only photographs were available. A group of activists founded the Initiative for Social Defence, which on the basis of an analysis of our legal system asked the Federal National Assembly to start criminal proceedings against the mayor for abusing the authority of a public official.

The Symposium "Czechoslovakia 88"

Charter 77 and other independent initiatives decided to organise on November 11th and 12th in Prague an international symposium, called Czechoslovakia 88. In spite of the fact that this was not a public gathering, but a meeting of historians and other specialists interested in the history of Czechoslovakia and Central Europe, both from Czechoslovakia and foreign countries, the organisers negotiated with the Prague local government and the Office of the Prime Minister. Until the day before the symposium they were not told that the symposium is forbidden. Also the hire of the hall was confirmed.

On November 10th, the day before the opening of the symposium, 40 potential Czechoslovak participants were detained early in the morning; in the afternoon 20 of them were taken to the Ruzyně<sup>✓</sup> prison for twice 48 hours. The fact that the symposium was forbidden was decided only during the course of this day and a written statement to this effect was delivered to the organisers in prison.

On November 11th the Hotel Paříž<sup>✓✓</sup>, where the organisers of the symposium were to meet with foreign participants, was surrounded by the police. When Vaclav Havel, the chairman of

the organising committee, who had managed to avoid arrest because he had not been at home, arrived, he was immediately arrested, but only after he had declared the symposium open. Also the place where the Czechoslovak participants were to meet was surrounded by the police and the hall hired by the preparatory committee was sealed by the police. Foreign participants were not expelled this time, but given a warning in writing, that the symposium was illegal. By preventing the symposium, the authorities have caused great harm to the international prestige of Czechoslovakia, provoked many protests and at the Vienna follow-up conference the US government, in connection with this event, vetoed the motion that a Helsinki follow-up meeting on economic cooperation might be held in Prague.

#### The ~~40th~~ Anniversary of the Declaration of Human Rights

Criticism on the part of the international public, a visit by French president F. Mitterand to Czechoslovakia and also contradictions among the leadership all together were probably the cause of the fact that on December 10th, 1988 the authorities permitted a public meeting of citizens to commemorate the 40th anniversary of the Declaration of Human Rights. Charter 77 and other independent initiatives originally asked to hold the demonstration on Vaclavské náměstí. The Prague local government in view of its order concerning the conservation of historical monuments refused, but offered instead the much smaller Skroupovo náměstí in the Prague district of Žižkov, outside the downtown area. The police prevented the organizers from hooking up their

amplifiers to the local electricity grid and warned those living on the square to lock their doors, but otherwise did not intervene in the demonstration, where representatives of individual initiatives spoke. The conditions set by the local authorities, that order be maintained and the meeting end in one and a half hours were carefully fulfilled and at the time the authorities did not voice any objection. Only a few days later the press and some representatives of the power-that-be started a campaign against the meeting as an attack against the state and socialism, thereby also criticizing those who had permitted it to take place. According to the domestic press 1 500 people participated, but according to foreign journalists between 3000 and 5000. Many young people came to Vaclavske namesti where the demonstration was to have taken place and were dispersed by the police.

It seems that the officially permitted demonstration of December 10th caused the conservative group within the leadership to realize the danger of legalizing independent thinking and activities for their own autocratic rule. Thus already in January 1989 the authorities completely changed their attitude and sent police anti-riot squads and the People's Militia (armed militia subordinated to the Party) against peaceful citizens.

#### The 20th Anniversary of the Death of Jan Palach

Charter 77 and the other independent initiatives did not plan any demonstration to commemorate the anniversary of the self-immolation by burning of Jan Palach, who 20 years

ago had protested in this way against the occupation of the country by the armies of the Warsaw pact. Their intention was to place flowers at the place where Palach had made his sacrifice, at the statue of St. Wenceslaus on Václavské náměstí. The authorities were notified of this intention so that independent initiatives would not be accused of acting against the law. But on January 9th, Vaclav Havel and then also Dana Němcová, one of the spokespersons of Charter 77, received anonymous letters in which their writer said he admired Charter 77 and announced that on the anniversary of Palach's suicide he will also burn himself. It was not immediately clear whether or not this was a provocation against Charter 77 and its followers or a genuine intention. Vaclav Havel, after unsuccessfully attempting to gain access to Czechoslovak TV, published the letter through foreign radio stations and asked the writer of the letter not to carry out his intention. The Prague newspapers also published the letter, but at the same time started a defamation campaign against Havel and Charter 77 and accused them of trying to provoke disorder and tension. This letter then served as a pretext for the intervention of the police on Václavské náměstí. The authorities clearly refused an agreement which would have made it possible to quietly place the flowers by the statue; they suddenly terminated negotiations with independent initiatives shortly before January 15th.

When on January 15, 25 representatives of independent initiatives left the apartment where they had gathered, near

Václavské náměstí, in order to go to the St. Wenceslaus statue, they were immediately detained and taken to local police stations until late in the evening. Nevertheless, on Václavské náměstí many people gathered, especially young people. The anti-riot squads of the police and the People's Militia pushed them out of the square with truncheons, arrests and water cannons. The police was brutal even to random pedestrians.

On January 16th the representatives of independent initiatives put the flowers at the foot of the statue, but were immediately arrested and charged. Since this was a weekday, there were many people on the square who were on their way home from work or shopping. The arrest of those placing the flowers at the foot of the statue caused a spontaneous demonstration to begin, which led to the intervention of the police anti-riot squad.

On subsequent days, i.e. on Tuesday, Wednesday, Thursday and to a lesser extent on Friday, that is between January 17th to 20th many people, especially young people, came in the late afternoon and early evening to Václavské náměstí and called out slogans demanding freedom, solidarity with those who had been arrested and democratisation; speeches were read, the national anthem sung, etc. With the exception of Wednesday they were every day in an unbelievably brutal manner beaten by the police anti-riot squads and the People's Militia, who by this time had also acquired white helmets and transparent shields. The worst of these beatings occurred on Thursday; eye witnesses

have testified about the beatings of children, old people, women and girls, the beating and kicking of people on the ground and dragging them over the pavement. On Thursday the anti-riot squad of the police closed off the approaches to the side streets of the square, surrounded the demonstrators and beat them brutally. Those who were arrested, were beaten at police stations and some were taken in police vehicles out of town and left in the fields or woods late at night. Also many random pedestrians or people who lived in the vicinity were beaten. Dozens of people had to seek medical help, the exact numbers are not known. Many wounded were afraid to state the cause of their wounds. Also the exact number of those detained and charged is not known. We refer the reader to the White Book on this subject which the Czechoslovak Helsinki Committee has prepared.

For Saturday, January 21, the anniversary of Palach's funeral, Charter 77 and other initiatives had planned a national pilgrimage to Všetaty, a small town about 30 km from Prague, where Jan Palach is buried. All persons arriving to Všetaty by bus, train or on foot were detained at bus stops, railway stations and the approaches to the town. Some were interrogated and beaten, the majority were held in buses parked in the courtyard of the local Agricultural Cooperative, and were then taken away and left in the countryside or on railway stations. The cemetery where Jan Palach is buried was closed with a padlock and surrounded by police. The inhabitants of Vsetaty, afraid of the police measures, did not venture outside their own homes



throughout the day. The General Prosecutor of the Czech Republic, dr. Krupauer, on television that day said he considered all police interventions as justified and in accordance with the law; other institutions, including the Presidium of the Communist Party of Czechoslovakia, made the same statement; the actions of the anti-riot squad of the police and the People's Militia were approved. According to a Charter 77 document, the direct responsibility for these activities against citizens belongs to the Federal Minister of the Interior Kincl and the commander of the Prague police.

Besides these large-scale police activities, the police also continued in its small-scale harassment of people who are disliked by the authorities. Thus in October 1988, when Ivan Havel (Vaclav's brother) was celebrating his 50th birthday, his guests were harassed, not permitted to enter his apartment and detained at the local police station. In September 1988 the same treatment was accorded to independent writers who wanted to visit Vaclav Havel at his summer cottage at Hradeček. Some were detained on the road and others taken to the local police station and then forced to return to Prague. Thus police repression was also aimed at private and small gatherings.

## 2. POLITICAL PRISONERS IN 1988

From the point of view of monitoring human rights, prisons deserve special attention. And prisons are connected with the activities of courts of law, with the problem of the compatibility of the legal system with international obligations of the state and with some other areas post-penitentiary care, prevention, police activities, etc.

In Czechoslovakia all information about the prison system, as well as military information, are considered to be the most secret of all. People who have attempted to monitor this area have been sentenced to many years in prison, for instance in the criminal proceedings against the members of the Committee for the Defence of the Unjustly Persecuted (VONS) in 1979 or the sentencing of Jiří Wolf to six years in prison in 1983. Nevertheless, the systematic work of VONS and Charter 77 in this area have in the last 10 years gradually become tolerated. The activities of independent groups in this area, however, continue to run into various obstacles, so that the information provided in this report, which has been published by these groups, is only of a fragmentary nature.

There are between 40 and 50 thousand prisoners in Czechoslovakia (after the most recent amnesty the lower figure is probably closer to the facts). This figure in itself is cause for alarm, because on a per capita basis it represents a multiple of the number of prisoners in Western European countries. Besides undemocratic and authoritarian social and political conditions, this is caused by a lack

of respect for procedural regulations in courts of law, contempt for the law and a high degree of arbitrariness in the area of material law; all this has had an impact on the lives of all prisoners. For this reason, among others, it is difficult to clearly distinguish criminal and political prisoners. Nevertheless, according to our estimate, approximately 10% of all prisoners are evident victims of unjust laws or illegal procedures and could therefore be considered political prisoners. These include most of the perpetrators of the criminal act of rioting and/or hooliganism, parasitism, various forms of attacking a public official or government body, various forms of defamation, but also people sentenced to some forms of economic criminality. But only several hundred people can be called prisoners of conscience. (Independent groups have so far not produced a definition of a political prisoner and that of a prisoner of conscience, which might be applicable to Czechoslovak conditions). Of these VONS has defended in recent years only between 10 to 30 of them, because of a lack of information about the others. Besides this, VONS deals also with the criminal or police punishment of people who are unjustly persecuted outside prisons; this group is much larger.

The Czechoslovak Helsinki Committee was created only recently and does not have at its disposal materials concerning the prison system. We therefore wish to refer readers to the following:

- 1) A collection of papers on Czechoslovak prisons, which was

published by Charter 77 in 1987. A Czech version and English translations of some of the papers are available from Palach Press in London. A summary of the collection in English was published by the Eastern European Reporter No. 1/ 1987. A German translation called CSSR-Gulag (the editor is not responsible for this name or the translation) was published by IGFM, Frankfurt a. M. 1988.

2) A List of Czechoslovak Political Prisoners which was published as a VONS material and appendix to Charter 77 document no.9/19889 and which describes the situation as of January 21, 1989.

3) A summary communication from VONS No.860, dated December 10, 1988 and published in Infoch No.22/88, as well as other VONS communications, also published by Infoch.

The Czechoslovak Helsinki Committee intends, on the basis of its activities, to overcome some of the existing problems in monitoring this area and thus to contribute to creating a more overall critical description of Czechoslovak criminal courts and prisons. In doing so, we intend to strive for the following:

a) the general humanisation of criminal law and the actual situation in this area, including the conditions in pre-trial detention and in prisons (important in this respect is the initiative of prof. H. Schwartz from US Helsinki Watch who has written an excellent report on Czechoslovak prisons.)

b) adapting Czechoslovak criminal law, the system of criminal courts and conditions in prisons to the quality

existing in those countries, participants in the CSCE, where there is greater respect for human rights.

The close cooperation between the Czechoslovak Helsinki Committee, Charter 77 and VONS in this area of activity is guaranteed by the fact that a large number of Helsinki Committee members are Charter 77 signatories and several are VONS members.

VONS in 1988 registered 42 political prisoners. Of this number five political prisoners - Vladimír Červeň, Vladan Kočí, Daniel Mráz, Slávek Popelka and Ladislav Simko were released in 1988 due to an amnesty. Ervin Motl and Ivan Polanský were conditionally released from prison (the sentence of the latter was first reduced, due to the amnesty). Nine other political prisoners - Jan Goraz, Josef Hejlek, Dalibor Helštýn, Heřman Chromý, Milan Oboda, Petr Obšil, Karel Srp, Roman Šuba, Milan Supol - completed their sentence in 1988 regardless of the amnesty. One prisoner Walter Kania was released from prison for reasons of health. Five other persons, arrested in October or November 1988 Stanislav Pitaš, Jiří Tichý, Luboš Vydra, Jiří Štencel, Dušan Skála - were released from pre-trial detention and are being persecuted without detention. And finally three others, who also were arrested during this period - František Lízna, Tomáš Tvaroch and Slávek Popelka have been released, because they had completed their sentence. Augustin Navratil, the Catholic activist who is the author of 31 point petition for greater religious freedom who had been imprisoned previously, was on October 28, 1988

forcibly hospitalized in a psychaitric hospital. At the beginning of 1989 he again became an out-patient of the psychiatric hospital.

Of the 42 political prisoners registered by VONS in 1988, 15 are still in prison. In connection with the January events ( the 20 anniversary of Palach's death) 4 others joined them and 3 others have been arrested since then.

List of Political Prisoners at the End of March 1989

Jiří Boháč, born February 8, 1953, a worker at the VChZ Senti plant, lives in Pardubice. On September 24, 1986 he was arrested and on December 23 1986 sentenced to two and a half years in the 2nd category of prison and one year of "protective supervision", by the District Court in Pardubice, for the criminal act of incitement by "rude utterances and other behaviour" (listening to and passing on information from the Voice of America) "which caused inimical stands towards our regime at his place of work". He is at the Valdice prison and his sentence will expire on March 24, 1989.

Petr Hauptmann, born August 7, 1946, a former construction technician at the Customs Administration, from Prague 9. In 1982 he emmigrated to the Federal Republic of Germany and after two months decided to return, for family reasons and when the Czechoslovak Embassy there promised him he would not be sent to prison for the criminal act of leaving the country, if he returned. After repeated interrogations he was arrested on September 12, 1983 and on February 9, 1984

sentenced by the Muniucipal Court in Prague to 10 years in the 2nd category of prison and 5 years of not working in his profession in government services, for the criminal act of spying and the criminal act of leaving the country. He was assumed to be spying because during interrogations in the Federal Republic of Germany he had provided information about his former place of employment, which he did not consider to be a state secret. He is imprisoned at Minkovice, his sentence will expire on Sepetember 9, 1993. Charter 77 and VONS (Ch77-5-86 and VONS no.505) have asked that he be included into an exchange of prisoners between East and West.

Antonín Pernický , born July 23, 1950, a worker from the town of Valasske Mezirici-Krhova. He was arrested on March 1, 1988 when he was returning home from a previous prison sentence by a uniformed police patrol because at the railway station he made critical comments about the Communist Party of Czechoslovakia, Stalin (!) and Husak. He was accused of defamation of the republic and its representatives, defamation of a country in the world socialist system and its representative and also defamation of a nation, race and conviction and sentenced by the District Court in Pardubice to 30 months in a 3rd category prison, as a specially dangerous person with repeated sentences. In the past he has already spent more than 10 years in prison for similar verbal criminal acts. He is in the Valdice prison and his sentence will expire on September 1, 1990.

Kamil Petrovický, born February 25, 1970, a worker from Ústí nad Orlicí. He is an adherent of the punk style, a Charter 77 signatory. He was already in prison from March 17, 1988 until November 17, 1988 for a conflict provoked by a uniformed policeman. He is now serving a four month sentence which he was originally given as a suspended sentence by the District Court in Ústí nad Orlicí for hooliganism and attacking a public official, for a conflict with a policeman, who were using inappropriate measures against the guests at a wedding in Běleč nad Orlicí in November 1986. He is in the prison at Opava, his sentence expires on April 5, 1989.

Jiří Wolf, born January 5, 1952, worked in the Prague metro, comes from Jidřichův Hardec, a Charter 77 signatory. In 1978-81 he was in prison for three years for the criminal act of subversion and another six months for the criminal act of making an unjust accusation, because he described how he had been treated during interrogations. He is now in prison since May 17, 1983; in December of 1983 he was sentenced by the Municipal Court in Prague for the criminal act of subversion to 6 years in a 3rd category prison because he had published a report on conditions in the Minkovice prison, as he had experienced them. He is now in the Valdice prison, his sentence expires on May 17, 1989. Charter 77 and VONS (Ch77-5-86 and VONS no.505) at the beginning of 1986 suggested that he be included into a possible East-West exchange.

Petr Cibulka, born October 27, 1953, a worker from Brno, a



Charter 77 signatory, a member of VONS and other initiatives. Cibulka has been in prison three times previously for a total of 3.5 years for disseminating independent culture. He was arrested on October 14, 1988 and accused on preparing to duplicate Infoch (Information on Charter 77) which included a petition signed by 271 citizens concerning the responsibility of the authorities for the death of Pavel Wonka in prison; this accusation was changed and he is now accused of preparing the criminal act of incitement for "duplicating Infoch and having multiple copies of Lidove noviny". He is also persecuted for the criminal act of speculation and unpermitted entrepreneurship, because he "...acquired tapes and tape cassettes in large numbers on which he recorded music and the spoken word...and sold them with a profit." In spite of the fact that Petr Cibulka evidently disseminated musical recordings and independent samizdat literature, he can be sentenced from 3 to 10 years. He is in pre-trial detention at Brno-Bohunice.

Tomáš Dvořák born July 3, 1965, a technician from Prague. A member of the Independent Peace Association; he was arrested on October 28, 1988 and accused of preparing the criminal act of incitement (the activities of members of the Independent Peace Association during the demonstration on August 21, 1988) and preparing the demonstration of October 28; originally he was accused of hooliganism, but because this criminal act was amnestied on October 28th, the

police changes the accusation. On March 17th 1989 he was tried by the District Court in Prague 1 and sentenced to 10 months in prison with a suspended sentence for 30 months. This sentence has been appealed.

Ivan Jirous, born September 23, 1944, a art historian, journalist and poet. A Charter 77 signatory, member of VONS and other independent inciatives, the father of two young children. Jirous has been sentenced to prison previously and has spent a total of 7.5 years there. He is one of the outstanding personalities of Czech independent culture and counter-culture. He was arrested on October 20, 1988 and is accused of the criminal act of incitement (originally he was accused of a less serious crime, but the accusation was changed to avoid amnesty ). His crime was that he signed on behalf of 271 persons a petition concerning the responsibility of the state authorities for the death of Pavel Wonka in prison. On March 9, 1988 he was tried by the District Court in Jíhlava and sentenced to 16 months in prison in a 2nd category prison. The sentence has been appealed.

Hana Marvanová , born November 11, 1962, a lawyer, the mother of a four year old son, an activist of the Independent Peace Association. She was arrested on October 28, 1988 and accused of the same crimes as Tomas Dvorak. On March 17, 1989 she was tried by the Distric Court in Prague and sentenced to 10 months of prison with a suspended sentence for 30 months. The sentence was appealed and on the basis of a complaint filed by the prosecutor, H. Marvanová

is still in prison.

Eva Vidlářová<sup>i</sup>, born December 16, 1947, stage manager at the Brno Theatre on a String, member of the Committee for the defence of Petr Cibulka, Dušan Skála and Jiří Štenc<sup>l</sup>, who had all been arrested. She was arrested on December 19, 1988 and accused of the criminal act of abetting; she is said to have intervened in the case of Petr Cibulka with the intention of making it possible for him to avoid punishment, by organizing hunger strikes, petitions and the influencing of witnesses, etc. No other accusation have been raised, yet the maximum sentence is 3 years. She is in pre-trial detention at Brno-Bohunice.

Václav Havel, born October 15, 1936, world famous playwright and essayist, one of the first Charter 77 signatories, member of VONS, member of the Czechoslovak Helsinki Committee. He was accused of preparing the criminal act of hooliganism (paragraph 202/1 of the criminal code) by "appealing to people through foreign mass media to join in a demonstration, in spite of the fact that according to his experience he should have known that this will lead to hooliganism and disruption of public order". This was not established during the trial. He was also accused of a misdemeanor against public order because he participated in the demonstration. The trial against Havel was held on February 21, 1989 at the District Court for Prague 3, where he was sentenced to 9 months in a 2nd category prison; on March 21 the Municipal Court in Prague heard the appeal and changed the sentence to 8 months in prison in a 1st

category prison. There is no further possibility of appealing the verdict.

Jana Petrová, born September 16, 1966, a land surveyor, most recently worked as a bookbinder, member of the Independent Peace Initiative and a member of the Czechoslovak Helsinki Committee. She was arrested on January 16th, for laying flowers at the foot of the statue of St. Wenceslaus on Václavské náměstí and accused according to paragraph 202/1 of the criminal code of hooliganism and the criminal act of attacking a public official according to paragraph 156/2 (which was not true and was not proven). She was sentenced on February 22, 1989 to 9 months prison in a 1st category prison by the District Court in Prague 2. The verdict has been appealed.

Otakar Veverka, born August 27, 1956, a worker, member of the John Lennon Peace Club and the Society of Friends of the USA, Charter 77 signatory, co-editor and co-publisher of the samizdat magazine Jazzstop. He was arrested and accused of the same crimes as Jana Petrova, but not of attacking a public official. Since he had previously been in prison, he was sentenced this time to 12 months in a 2nd category prison. The verdict has been appealed.

Jiří Tichý, born March 2, 1946, Charter 77 signatory, worker, the father of an eight year old daughter. On October 20, 1988 he was arrested together with Ivan Jirous and accused of the criminal act of attacking a state official because he signed a petition for 271 persons protesting the death of Pavel Wonka in prison. Later this accusation

was extended to include demaging the interests of the republic abroad, so that he would not be subject to amnesty. Later the first accusation was changed to incitement. On December 19, 1988 he was released from prison and persecuted outside prison. On March 9, 1989 the District Court in Jihlava sentenced him to 6 months in prison in a 1st category prison. The sentence has been appealed.

Stanislav Devátý, born June 8, 1952, a technician from Gottwaldov. In 1988 he was one of the Charter 77 spokesmen. One of the founding members of the Society of Friends of the USA. He was arrested on March 16, 1988 before the building of the District Court in Prague 2, where Hana Marvanová and Tomáš Dvořák were standing trial. He was taken to Gottwaldov and after a house search was arrested in Brno-Bohunice. He started a hunger strike immediately after his arrest and at the end of March 1989 was placed in the prison hospital in Praha Pankrac. He has been accused of the criminal act of incitement, according to paragraph 100/1a and 3a.

František Stárek, born in 1953, a counter-culture activist and editor and publisher of the samizdat magazine Vokno. He was arrested on February 23, 1989 and accused of the offence against the public order, the first time that the new measures taken by the Presidium of the Federal Assembly in January and approved in March 1989, which concerns the creation and dissemination of printed matter, in this case the magazine Vokno. Stárek has been in prison before, in connection with the rock group Plastic People of the

Universe. He is in pre-trial detention in Hradec Kralove.

We are also including the following names of prisoners who have been sentenced to prison for spying and where VONS has doubts about their guilt,

Viktor Dederá, born March 10, 1963, a non-commissioned officer in the Czechoslovak army from Brno, sentenced to 10 years in 2nd category prison, his sentence expires on August 24, 1994, he is at Minkovice prison.

Ondřej Hoch, born December 6, 1948, an interpreter from Prague, sentenced to 13 years in a 3rd category prison, sentence expires in 1997, he is at Valdice prison.

Josef Römer, born October 7, 1955, an aircraft technician from Gottwaldov, sentenced to 13 years, sentence expires in January 1990, he is at Valdice prison.

František Veis, born February 5, 1932, a former army officer from Prague, Charter 77 signatory. Sentenced to 12 years in a 3rd category prison, sentence expires on September 5, 1990, he is in Valdice prison.

Michal Keller, born June 11, 1963, a citizen of the German Democratic Republic (address: Brunnengasse 10, 6103 Waldorf, GDR), a worker, arrested in Czechoslovak on April 26, 1986, sentenced to 6 years in prison for preparing to spy and other criminal acts. He is in the Pankrac prison in Prague.

### 3. THE SITUATION OF THE CHURCHES AND RELIGIOUS FREEDOM

Throughout 1988, as before, in schools of all types, as well as in other forms of education, only a single worldview could be taught and promoted - what is officially denoted as Marxism-Leninism. Christian thinking is just barely tolerated and not respected. Believers have no access to any communication media through which they might promote their convictions. Government authorities continued in their attempt to limit all church activities to cultic activities. The churches do not have any hospitals, charity-owned homes for laymen, premises where members of churches can meet outside church buildings, priests are not allowed to visit prisoners. Their social activities are limited by government authorities to the repetition of official cliches about peace. Because in recent years we are witnessing a certain revival of Christianity, atheistic propaganda, which is presented as the only scientific worldview, has increased. The mass media stress the negative aspects of Church history. The focus of government authorities has been mainly on the Catholic Church, which is by far the largest in terms of numbers. Here, of 13 dioceses (twelve are Roman Catholic and one is Greek Catholic), ten have no bishop. The activities of male monastic orders are prohibited, those of female orders greatly limited and paralysed. The Church still has several dozen clerics which the state refuses to licence for the performance of their calling.

#### The 31 Point Petition and Subsequent Persecution

At the beginning of 1988 Catholics started to put

their signatures under a petition with 31 points, where they demanded the separation of Church and state and the creations of conditions where the churches can function in freedom. A total of approximately 600 000 persons signed the petition, including many non-Catholics and a small number of those who are not members of any church. Cardinal Tomásek, who from the start expressed his support for the petition, in April 1988 wrote a letter to the prime minister in which he offered to start of a much need dialogue concerning the relation between the state and the Church. In response, a campaign of lies was started in the mass media, where the petition, which sponataneously expressed the needs of Catholics, was defamed as the work of Western intelligence agencies. Cardinal Tomásek was attecked several times in the press. The government authorities reacted to the increasing samizdat activities of belivers by arresting Ivan Polansky, a Slovak Catholic layman who was active in the publication of religious samizdat literature. He was sentenced to 4 years in prison. (Due to an amnesty at the end of 1988 his sentence was reduced and later changed to a suspended sentence.) The author of the 31 point petition, Augustin Navrátil from Moravia, was in the autumn of 1988 forcibly placed in a psychiatric hospital (he was again made an out-patient at the beginning of 1989); the purpose of both these repressive acts was to intimidate Catholic activitsts and to discredit their work. The Jesuit František Lízna was sentenced to 2 months in prison, only because he had appealed for help for those who are unjustly



persecuted.

On March 25th, 1988 the police in Bratislava brutally attacked a peaceful gathering of approximately 2000 Catholics, who wanted to point out the fact that there were no bishops in 10 dioceses and that human rights were not respected. Many participants were beaten and later sentenced to fines for participation in the silent gathering. In the autumn of 1988 the police brutally attacked bishop Korec, who wanted to participate in a pilgrimage. Many participants in other pilgrimages were detained for up to two days, interrogated and many later had problems with their employers. Many drivers had the technical certificates of their cars confiscated during these pilgrimages.

#### Some Improvements

In 1988 the Catholic Church in Czechoslovakia also saw some partial improvements: In June 1988 three new bishops were consecrated. Women's monastic orders were permitted under certain restrictive circumstances, to receive new members, in spite of the fact that the majority are not allowed to work in the area of their original calling. With the help of German Catholics, the bible was published, but in printings which by far do not cover demand. There has been a slight improvement in the situation, as far as the religious instruction of school children is concerned. A larger number of students were accepted for study at the theological seminary, but nevertheless the increased number of newly ordained priests did not make up for the large number of those who had died. More priests were given

permission to spend their vacation in Western countries.

#### The Situation in Protestant Churches

The Czech Bretheren Evangelical Church, which after the Catholic Church is the most important and hence under increased government surveillance, has 11 of its preachers without government licences; to these two young preachers, Zvonimír Šorm and Pavel Pokorný have now been added. Their licence had been taken away for shorter terms by the East Bohemian Regional Church Secretary, returned and at the beginning of 1989 revoked for the third time, permanently. The reason for this revoking was a refusal of both young preachers to keep detailed records of all their visitors, their refusal to sign declarations against Charter 77 and the fact that one of them, Z. Šorm, said he had friends among Charter 77 signatories for whom he had great respect and because he had participated in the funeral of Pavel Wonka, who died in prison in 1987.

Jan Dus, a preacher of this Church, was released from prison in June 1987 without standing trial, but he continues to be persecuted for "criminal activities" connected with his religious activities.

Some graduates of the theological faculty from this Church (Miroslav Vašín and Michal Simek) have been refused state licences to become preachers.

The Synod of the Czech Bretheren Evagenlical Church has not come out clearly on behalf of its persecuted member by appealing to the valid laws and constitution of the country and to the international pacts which the Czechoslovak government has signed.

#### 4. FREEDOM OF MOVEMENT AND RESIDENCE WITHIN THE COUNTRY; FREEDOM TO DEPART FROM THE COUNTRY AND RETURN TO IT

The introduction to the Decree of the Ministry of Foreign Affairs of Czechoslovakia, dated May 10, 1976, states that "the International Pact on Civic and Political Rights becomes valid on March 23, 1976, on the basis of its article 49, and on this day it also became valid for the Czechoslovak Socialist Republic". In this chapter we intend to analyse how this obligation has been fulfilled in the area of freedom of residence and freedom of movement, within the country and in travel abroad.

Freedom of movement and residence within Czechoslovakia, with some exceptions, has been honored. The exceptions concern residence in areas close to the borders of the country and restrictions which have been imposed by courts of law in the form of prohibition of residence in a specific place and in the form of so-called "protective supervision". This latter form has especially been used to restrict the freedom of residence of persons active in independent civic initiatives. The institution of "protective supervision" has been misused to limit the personal freedom of activists Ladislav Lis, Jirí Gruntorad, Jan Litomiský, Petr Cibulka and others.

Another non-legal method of limiting the freedom of residence, movement and personal freedom in general are cases when citizens are taken against their will by the police, in cars or buses, dozens of kilometers away from the place where they were detained and then, usually late

at night and without financial resources, are released in some remote place. This method has been used in the past against Ivan Medek, Bohumil Doležal, Jaroslav Sabata, Rudolf Battěk and many others. Most recently this method was used against many people in connection with the events in downtown Prague in January 1989 and then in the town of Všetaty where Jan Palach is buried. This method has also been used to mentally harass people by threatening them with physical violence or even death on the way to some remote place. This has happened to Petr Pospichal and Stanislav Adámek.

The freedom of movement of politically active people is also limited in other ways: for instance Jaroslav Sabata in his frequent trips from Brno to Prague and back, has been forced to get on the train or bus to the other city immediately after his arrival, or is prevented from getting on the bus or train at departure. Also the misuse of the law occurs when people are detained for up to 96 hours (twice 48 hours), without being charged with a crime.

As far as the freedom of movement within the country by people who are not political activists is concerned, it is usually fully respected. But in actual practice the freedom of residence is hampered indirectly, because of the housing shortage and the legal aspects of work, where giving notice is regulated by the labour code. A so far isolated case of an attempt to limit the freedom of residence of an activist, was the attempt of Stanislav Devaty's employer, at the beginning of 1988, to transfere him to a remote part

of the country after he became Charter 77 spokesman. When he refused, this was a legal reason for firing him.

The situation is much more complicated as far as the freedom to travel to a foreign country and to return is concerned; this is an area where human and civic rights are clearly not respected. As is clear on the basis of Article 12 of the International Pact on Civic and Political Rights, freedom to leave the country is explicit and a citizen uses this right on the basis of his own discretion. Possible limitations should be in the form of a law, lower legal forms (decrees, instructions, etc.) are not acceptable.

In Czechoslovakia the freedom to travel abroad is dealt with by law No. 65/1965, where the issue of a document for travel can be refused in the following cases: a) when the trip in question is not in accord with the interests of the state, b) when the person in question is the object of criminal proceedings, c) when the person in question was sentenced for a criminal act in the past, unless this sentence has been erased, d) persons whose previous activities in a foreign country "damaged the good name of Czechoslovakia abroad". Items a and d are evidently and clearly in contradiction to the letter and spirit of the Pact, items c and b should be used only with great prudence, if the integrity of the legal system is not to be negatively affected.

Government order No. 114/1969, which was issued at the beginning of the so-called period of normalization

after the Soviet invasion of 1968, limits the freedom to travel still further: a travel document can be refused for trips a) to countries with which Czechoslovakia does not have diplomatic relations, b) to visit citizens who are outside the country without permission, c) to visit citizens who have not been paying alimony, d) to visit citizens whose behaviour indicates an intention to stay abroad after the period permitted in their travel document has elapsed, e) where the applicant does not have resources in convertible currencies for the trip acquired in the form of a ration of foreign currency supplied by State Bank (with the exception of direct relatives, i.e. parent-child, spouse or sibling). This government order was to be valid only temporarily, yet has been in operation twenty years; it is not a law. The majority of the limits it imposes are again contrary to the letter and spirit of the quoted Pact and cannot therefore serve as a supplement to law No. 63/1965.

The limits to travel which are imposed by law No. 102/1971 which concerns the protection of state secrets are also against human and civic rights. If the principle is not in itself doubtful, then the definition of the subject-matter of state secrets is. The designation "state secret" should only pertain to matters concerning national security, but not for instance to such things as data on radioactivity, carcinogenic, mutagenic and other dangerous substances found in the water, air and soil; their secrecy is in contradiction to the integrity of the legal system.

Also paragraph 109 of the Criminal Code, which attaches sentences of 5 to 10 years in prison for leaving the country without permission is also clearly contradictory to the cited Pact. Citizens who stay abroad without permission are sentenced to the same punishment. Criminal procedures might be defensible in the case of persons who could be legitimately refused a travel document, but for the others, departure without such a document should at the most, represent a misdemeanour of an administrative nature. The freedom to travel also cannot be legally limited to any permitted duration. Hence those who have stayed abroad longer than originally planned, should not be exposed to criminal persecution, as they now are.

The situation existing on the state borders, especially with Austria and the Federal Republic of Germany is unacceptable. The unwarranted concentration of various material obstacles to crossing the border (armed guards in large numbers, with dogs, barbed wires, lookout posts, etc.), which damage the good name of Czechoslovakia abroad and are incompatible with the final years of the XXth century, from a legal point of view are the materialisation of the limits imposed on the freedom of movement.

Also Decree No.44/1970 is incompatible with the above cited Pact. It requires the written agreement of employers or National Committees (local governments) with all planned trips to non-socialist countries before a travel document is issued. At the same time no law or other legal norm exists which would define cases when this agreement can

be refused. The outcome is an absolutely arbitrary and non-legal procedure, which totally annuls the freedom of movement as such.

Also the existence of exit visas which are required for every trip to a non-socialist country and are issued in addition to a valid passport (on a separate piece of paper) for every trip anew, limits the freedom of citizens to decide when, for how long and under what circumstances he or she will travel.

The decision of whether a person has sufficient resources in convertible currencies for travel should be the prerogative of the country to which our citizens travel and made before they are issued a visa to that country. Until the end of 1987 the cited laws were interpreted in such a manner, that foreign currency for travel could be provided only by the State Bank ; the expenses of a trip to a non-socialist country could be paid for by the host only when they were direct relatives. Yet the State Bank of Czechoslovakia provided a ration of foreign currency only to a small fraction of applicants. Otherwise the Czechoslovak koruna is not convertible. Beginning with 1988 it is possible for foreigners, even when they are not direct relatives, or relatives at all, to send foreign currency for travel to Czechoslovak citizens (via the State Bank) and this provides the opportunity to obtain an exist visa. Thus the number of people actually able to travel to a non-socialist country since then has greatly increased, and this represents a marked improvement in this area,



which occurred in 1988.

Another area where there is a lack of compliance with international pacts which Czechoslovakia has signed concerns problems of citizenship. This pertains to the manner in which the state takes away the citizenship of a person without his or her agreement. Even when such agreement is given "voluntarily", as a precondition for allowing emigration in some cases, it is still at variance with the spirit of the law. Persons whose citizenship has been taken away are usually not allowed to visit their former country and even their close relatives are not allowed to visit them. There were numerous examples of such cases in 1988: Vladimír Mlynář<sup>'v</sup> has been able to visit his father, whose citizenship has been annulled and who lives in Austria, only once during twelve years. His most recent refusal is from the beginning of 1989. Jiří<sup>'j</sup> Hochman, whose father lives in the USA, has been systematically refused permission to visit him for the last 14 years. His most recent refusal is dated January 31, 1989.

There are a number of indications that besides the cited laws, there are other, non-public or secret instructions and decrees, which are valid for the Department of Passports and Visa of the Federal Ministry of the Interior, such as for instance government resolution No.151/1977 which contains the rules for allowing travel and emigration of Czechoslovak citizens abroad and which has never been published. In any case all travel is governed by a process where the citizen applies and is given

permission to travel; obtaining this permission is not an administrative act (issuing a passport), which serves to make possible the implementation of a right. In actual fact, citizens are systematically made to think and are convinced that whether or not they are permitted a trip abroad is arbitrarily and in an unrestrained manner decided by the authorities, regardless of the letter of the law. This is an important source of conformity among citizens, as well as a source of fears and a deterrent against overt political or civic activities. The two most important methods by which this conviction is strengthened are the requirement to have the written agreement of your employer with a planned trip to a non-socialist country and the use of the item in law no. 63/1965 concerning the interests of the state in permitting any travel, as described above.

Czechoslovak authorities have also violated international pacts by refusing entry visas to persons who are deemed politically unacceptable. Thus for instance at the occasion of the International Peace Seminar which was held in Prague on June 17th to 19th, 1988, Czechoslovak visas were refused to Jan Faber from the Netherlands JKV, to the representative of the Greens from the FRG, Uli Fischer and the French CODENE Jeanne Braunschweig. The situation was repeated when the symposium Czechoslovakia 88 was held in November 1988 and when such people as Marion Dönhoff from the FRG, prof. John Kean from Britain, prof. Ove Nathan from Denmark, Niels Barfoed from Denmark and Christian Semler from the FRG were refused visas.

## 5. THE RIGHT TO WORK

In article 23 of the General Declaration of Human Rights we read that "every person has the right to work, to freely chose employment, to have just and satisfactory working conditions and to protection against unemployment."

In the following we should like to make some comments on the manner in which this right to work is violated in Czechoslovakia. In spite of the fact that in international deliberations and in prpaganda our government places great stress on this economic and social right and boasts that in Czechoslovakia unemployment does not exist, in our opinion the right to work is seriously and extensively limited.

At present Czechoslovak citizens have a fictional right to work. It is fictional because it is part of the obligation to work, with a very limited opportunity to chose employment. For instance an inventor, or just somebody with a good idea, cannot implement his project on a "free lance " basis, because he would be criminally persecuted for either "parasitism" for not being regularly employed, or for "unpermitted entrepreneurship"; for all practical purposes neither private nor cooperative firms can founded. Czechoslovakia has a virtual monopoly of state ownership and entrepreneurship and the existing forms of cooperatives are essentially only another form of state firms run by the bureaucracy. On this basis an administrative and command system of managing and controlling the economy has evolved, where the obligation to work (or rather to be employed), with little opportunity for choice, is an important

aspect. Hence also article 61 of the Pact on Economic, Social and Cultural Rights, which requires the "right of each person to earn a livelihood on the basis of work which is freely chosen..." is not honored.

During the past 40 years the administrative and command method of managing the economy has proven that it is inefficient and that it is not capable of implementing necessary technical and structural changes and thus keeping abreast with the requirements of society and the economic development we see elsewhere. This system maintains full employment only at the cost of hidden unemployment in the form of over-employment. The state employs tens of thousands of people in enterprises which can function only with huge subsidies and moreover employes a huge army of non-productive bureacrats, whose interests thus closely coincide with the existing political and economic model. When at present various reform projects stress the need to limit the bureaucracy and to limit or close down inefficient production, it is irresponsible and deceptive to deny that our full employment is false, not to mention the fact that if existing economic trends continue, our present over-employment may well change into overt unemployment. If the right to work were taken seriously in our society, then we would be preparing new job opportunities in the undersized tertiary sector and in small enterprises, removing the barriers to founding private firms and businesses and helping people to re-qualify and/or move to another area to gain jobs. All this is being done

insufficiently or not at all, so that what appears to be full employment, in fact continues to be an inefficient system of a centralized command economy.

In view of the purpose of this Situational Report on Human Rights we will not deal in more detail with the economic aspects of the right to work and will concentrate on the right to work from the point of view of human rights in the usual sense of the word.

Here we have in mind the existence of the system of so-called "nomenklatura" in Czechoslovakia, which leads to gross inequities among various groups of the population, as far as employment and hence the right to work are concerned: people are denied the right to work according to their qualification, education, abilities and talents. The "nomenklatura" system means that all jobs which include the supervision of other employees and where decisions of any kind are made, not only within the framework of the armed forces, security forces and government administration at all levels, but also in all of industry, agriculture (even if in the area of agricultural cooperatives the "nomenklatura" system is somewhat weakened), in the services, in science, culture, health care and education and at all levels, i.e. at the federal, national, regional, district and local level, are given to people only on the basis of approval by the relevant bodies of the Communist Party of Czechoslovakia. The so-called personnel work of the CP organisations at all levels is thus one of the main instruments of implementing what is called the leading role

of the Party in the government and in society. Usually for higher-up positions in the "nomenklatura", membership in the Party is an essential requirement. Only exceptionally will a specialist who is not a Party member and who is otherwise "without blemishes", be approved for a job in the "nomenklatura". When there is a choice between a highly qualified non-Party member and a Party member with average or even sub-average qualification, in the great majority of cases the Party member will win. Besides this, Party organizations, which exist at all places of work, must approve the promotion of every employee who is not a manual worker or at the lowest level of the staff hierarchy. Also the security police cooperate closely with the chiefs of personnel departments, who are all Party members, and so usually a few words concerning a person who has for instance refused to cooperate sufficiently with the security police, or who has been active in some civic initiative or who has relatives who have illegally emigrated, will have far-reaching consequences for that person's career.

To properly understand the "nomenklatura" system it should be kept in mind that in this manner Party bodies have an effective monopoly on giving people any kind of qualified work. A Party report on each person, regardless of whether he is a Party member or not, which becomes a part of his or her dossier and is secret, follows, through Party channels, this person to any job he or she may find, in any part of the country. This again usually does not concern manual workers or those working at the lowest level

of other than manual work. For someone with a degree of some skills, there is no escape. A logical consequence of this system is a division of the population into various categories, whose access to education (i.e. of their children) and the opportunity of getting a qualified job, greatly differ. Membership in the Communist Party is a great advantage, which often more than makes up for a lack of intelligence, qualification, education, skills and experience, or even honesty and integrity.

In Czechoslovakia at the end of 1985 there were approximately 8.5 million people of a productive age, and of these approximately 1.5 million were members of the Party; of these a certain percentage were also manual workers or those working at the lowest level of non-manual work, but their large majority are members of the "power elite" at all levels of society. We do not have more detailed statistics available. When the Party publishes such statistics about its membership, only the number of those who are of "working class origin" are cited, not those who now work as manual workers. Non-Party citizens who outnumber Party members four to one, have thus become second-class citizens in their own country. But as we shall see, there are also third class and fourth class citizens.

A special class is formed by people who have been either expelled from or struck out of the Communist Party, in connection with the purges and the "normalization" which took place after the invasion of the Warsaw Pact countries into Czechoslovakia in 1968. Approximately 450 000 people

had to leave the Party. Of this number, usually only manually workers were able to keep their jobs, and even in this category, not all of them. Again no precise figures are available. The large majority of these people were either transferred to a lower job in the work hierarchy within their own field (this is especially true of physicians, engineers and technicians, R and D staff), or were forced to leave their profession altogether. This concerned especially journalists and media people of all kinds, the staff of government administration and top management bodies, practically all higher education teachers and researchers in the social and related sciences and many people in other professions (artists, theatrical people, scientists, film makers, writers, etc.)

At present many of these people have since died and many more have already retired, some have emigrated. Nevertheless, the situation where tens of thousands of former Party members still are unable to carry on their profession continues. With the exception of a small number of individuals, hundreds and probably thousands of former newspapermen, social scientists and other university educated persons work as stokers, window washers and in other non-qualified jobs. The official rhetoric notwithstanding, manual work is considered to be a form of punishment. When recently 72 historians, who work manually, wrote a letter to a conference of historians, it was considered to be a great success that their letter was read in various sections of the conference. Otherwise, nothing



happened.

People who are active in churches and the activists of various independent and civic initiatives are even worse off than former Party members, as far as the right to work is concerned. Especially church and other activists in small towns, where there is no anonymity typical for large cities and where there is a better knowledge of who is who, suffer from overt discrimination, as far as jobs and education are concerned. The activists of civic initiatives have often had difficulties finding and keeping even manual jobs. Cases where representatives of the Ministry of the Interior intervene to prevent the hiring of an activist or having him or her fired during the monthly probation period which exists according to the Labour Code, have been frequent and include manual jobs. Recent examples are Jiřina Šiklová and Aleš Lederer.

We consider the described categorisation of the population as far as access to jobs is concerned, as well as to job training, as a gross violation of human rights in this country.

## 6. THE SITUATION IN THE FIELD OF CULTURE

An somewhat absurd contradiction is now typical for Czechoslovak culture, and of course for our political life as well: democratisation, "glasnost" and new thinking are to be implemented by the same people who for the last twenty years have carried out in a very hard and thorough manner what was called "normalization". In other words people linked to totalitarian politics, who expelled from our culture the most outstanding artistic and scientific personalities, who have been successful in interrupting an evolutionary continuity in our culture which had existed for centuries and who twenty years ago started an extensive anti-intellectual campaign. But under the pressure of Soviet "perestroika" some changes have occurred; in Czech literature in the course of last year the officially published authors of the intermediate generation started to call for an end to discrimination against hundreds of authors. They urged the publication of the works of talented writers and that the suppression of historical memory cease. The political leadership reacted to this type of pressure by tactical manoeuvring. Verbally it started to admit that it is necessary to overcome the economic, political and moral crisis which exists, but in actual fact nothing was done to bring about effective changes in any area. It thus comes as no surprise that some official literary critics, without even blushing, have made a complete turnabout: they have begun to speak about the seventies and eighties as a period of stagnation, in spite

of the fact that only a year ago they were still claiming that this has been the most successful period of our history.

In this situation it requires younger people, who have not been as compromised by the past, as those who took over in 1969, to take over the leadership of cultural institutions, if authentic changes are to occur. These new officials of the intermediate generation who are beginning to appear, were of course selected on the basis of the criteria which were intended to assure a continuation with the old policy and with only minimum, tactical adaptations to the new situation. The leadership of the Union of Czech Writers for instance has drawn up a list of authors, who are invited for interviews and offered membership in the Union; others are given promises that their work will be published. But this concerns only a limited number of people, who in the past have not been active in unofficial initiatives and culture. Thus the majority of outstanding writers continue to be outside this new trend (among the best known of them are V. Havel, L. Vaculík, K. Pecka, J. Putík, E. Kantůrková, K. Šiktanc, etc.). and continue to be unacceptable for present cultural policy as "enemies of socialism". As far as dozens of excellent writers who live and publish in exile are concerned (including M. Kundera, J. Škvorecký, J. Gruša, I. Diviš, P. Kohout and others), they continue to be called traitors, who have burned their bridges.

In Slovakia, the possibilities which culture and more

open thinking have had in 1987 and 1988 have been somewhat extended. This is to a certain extent the outcome of the fact that in the past the repression against Slovak creative people was not as extensive, as in Bohemia and Moravia. Only a small number of authors were unable to publish in Slovakia in the seventies and eighties, as compared to the Czech speaking part of the country. This was in turn the outcome of a somewhat more skilful implementation of the generally accepted policy of normalization. A substantial part of those who create culture in Slovakia were, in a spirit of national unity, helped along the rocky path of normalization, while others were allowed to exist on the outskirts of official cultural life. Only a very few "incorrigible" individuals were cast into complete isolation, as was for instance one of the most outstanding contemporary Slovak writers, Dominik Tatarka.

Recently in Slovakia, there have been some indications of greater tolerance and attempts to bring back to literary life, without much ado, some of those who have not been allowed to publish before

These attempts at liberalization in both parts of the country, but more markedly in Slovakia, are always influenced by the inherent contradiction mentioned above.

A typical example of this situation is the internal directive which the Ministries of Culture recently issued to all public libraries. The directive included lists of books which were taken out of libraries in 1969, and which can now be returned. This list represents only a fraction of the

many thousand "libri prohibiti" from 1969 and there will be many problems with its implementation because after many years of storing the books in inadequate places they have often been destroyed or damaged and the majority of libraries do not have the space to actually put them back on the shelves. Moreover this "rehabilitation" of books is not consistent by any means. Older books by some authors can be returned, but not the books they have written in the last twenty years. And of course their work continues to be on blacklists as far as publication in books or magazines is concerned. Thus the division of Czech and to a certain extent also Slovak literature into two streams what is officially published on the one hand and samizdat and exile literature on the other - continues to exist in spite of some cosmetic changes. The human right to express opinions by publishing continues to be limited only to those who are at the moment "acceptable".

What we have said about literature is also true to various extents for other areas of art (films are the worst off in this context, because it is practically impossible for a parallel, independent film to be made), but also elsewhere than culture. The "permitted" and "prohibited" also exist in philosophy, sociology and history; subjects which are taboo exist even in the natural sciences. In Czechoslovakia it is still not possible to openly discuss such things as the pros and cons of the nuclear power station at Temelin or the construction of a series of dams on the Danube River which will have a negative ecological

effect. Independent ecological groups have been designated as "illegal" in internal Party documents.

As has already been mentioned in the introduction to this report, in some areas of culture positive developments have occurred, which have overcome the barrier of "forbidden" culture. This is especially true of the visual arts, rock music and popular songsters and small, studio-type theatres.

In the visual arts a greater degree of freedom has been in evidence in the organisation of exhibitions. We have already mentioned the exhibition of the previously forbidden painter Mikuláš<sup>IV</sup> Medek in the town of Roudnice n. Labem (not in Prague!). The Salon of 88, held in Prague was interesting, because all artists could participate freely, with their own selections from their work (all the teachers from the Academy, who like the officers of the Union of Czech Artists were and are vehement normalisers, refused to participate). A new organisation of artists under 35 years of age has been established, with its own exhibition gallery, not directly controlled by the official Union. Also in Slovakia there have been several exhibitions where also those artists who are not members of the official Union could participate, as well as those whose art was previously unacceptable.

In the course of 1987 and especially 1988 some of the old taboos and prohibitions which abounded in the area of rock music and of singing poets have been abandoned. Some previously forbidden popular songsters were even allowed to

produce records for the first time and to play in front of large audiences. But in this area positive changes are more the outcome of the initiative of the performers themselves and the pressures exerted by young audiences, than the benevolency of bureaucrats.

The most important testimony to the changed atmosphere which exists among those who produce culture in Czechoslovakia, as well as evidence of the overcoming of the barrier between official and unofficial culture, is a petition in defence of Vaclav Havel after his arrest, which has been signed by almost three thousand people, including most of the outstanding names in "official" culture.

Pavel Wonka, a young dissident who died last year in prison, after he had been arrested for his opinions, wrote that culture is not only works of art, but also books and institutions. We speak of legal culture and the culture of respect for human beings. In this sense, the situation in Czechoslovakia has recently greatly deteriorated.

It has again become possible and it is considered proper to beat up defenceless and handcuffed people in police stations.

It has again become possible and it is considered proper to sentence an innocent person and then wage a defamation campaign against him, when he cannot defend himself.

It has become possible and it is considered proper to take a 68 year old woman to prison in handcuffs, only because she quietly place flowers at the foot of a statue

in a square.

It has become possible and it is considered proper to provoke the events which culminated on January 19th, 1989 on Václavské náměstí in Prague. The following is a quotation taken from an extensive report written by a courageous physician: " ..the crying young woman was mercilessly thrown to the ground and seven policemen in uniform, of about the same age, began to kick her... After many blows and kicks to her head, breasts and underbelly, the young woman ceased to try and protect herself and remained motionless..."

This too is culture, or rather a lack of it. What has happened to respect for other humans, to the respect shown by men to women, where is empathy for those who suffer? Who has educated, guided and supervised these people?

The Czechoslovak Helsinki Committee considers its most important task to be a revival in our country of the most basic cultural value of all - a humane and humanitarian society.



