

# Political trials and other forms of persecution

The developments of the two-year legal plan formed a required legal framework not only for changes in the concept of criminal law but also for its implementation in practice in compliance with the political goals of the Communist Party. The real character of the new communist regime was evident very soon, particularly in the conducting of political trials.<sup>393</sup> The political trials began with the renewal of the legal effect of the Retributory Decrees just one month after the February coup d'état. As a result, it was possible to commence new proceedings or to reopen proceedings which had already been terminated; thus the first wave of political persecution was built upon false accusations of collaboration with the Nazis during the occupation. In 1948 the first round of imprisonment of non-Communist politicians or army officers followed; however, their sentences were based on pre-February legislation and were not so draconic.

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393 For this phenomena see Pelikán, J.: (ed.): *The Czechoslovak Political Trials 1950-1954*. The Suppressed Report of the Dubček Government 's Commission of Enquiry 1968, Stanford 1971, especially pp. 69-147 and Cotic, M: *The Prague Trial, The First Anti-Zionist Show Trial in the Communist Bloc*. New York: Herzel Press, 1987, introduction by K. Kaplan, pp. 9 and following.

The main bulk of political trials took place between 1949 and 1955. It was a systematic, mass and planned activity of the communist regime aimed at the liquidation, intimidation and persecution of all strata of any potential ideological, political or social opponents to the People's Democracy. The number of accused and sentenced gradually rose from 1949 until 1952.

Laws and justice played their role as tools of the communist political strategy.<sup>394</sup> The atmosphere of fear was to intimidate the majority of the society; officially the regime claimed to use criminal persecution also for the "education" of the society, so that it could acquire a "positive approach" towards the People's Democracy. The most important role in the political trials was vested in the police structures, especially the State Security. Theoretically, the State Security was under the control of the leaders of the Communist Party; however, the most important say in the preparation of political trials at the central level was in the hands of the Soviet security forces.<sup>395</sup>

The political trials are regarded as one of the main features of the period of Stalinism. In the USSR the method of publicly exhibited show trials was used as early as in the 1930s, and usually the trials had ideological labels used to a certain extent in the states of the Soviet Bloc after 1948. In Czechoslovakia the most important political trials were connected with the interests of Soviet foreign policy; thus cases of high treason in particular were alleged to have been committed in the interest of the imperialistic Great Powers, Zionism, Holy See, etc.<sup>396</sup>

The State Security was a combination of police and investigative roles. It used provocations, agents-provocateurs and particularly cruel and illegal methods of interrogation, including beating, torturing or even using drugs and psychical intimidation. The role of the State Security was defined in the new Act on National Security, No. 286/1948 Sb. of 21<sup>st</sup> December 1948; and the State Security was seen as part of the new Czechoslovak police forces, called the National Security.

The political trials misused the principle of publicity of proceedings. In accordance with a special decree of the chief of the State Security from 1951, the secret police selected certain cases in advance to be treated publicly for propaganda aims. The trials were publicized in the media, including radio and film, and sometimes even excursions were organized for the public to see the cases of traitors and enemies of the People's Democracy. On the other hand, in case of the trials of army officers the public was excluded.

In the years 1949–1953 political trials were not only hand-picked by the State Security, but they were debated in advance in political terms with

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394 Kühn, Z.: *The Judiciary in Central and Eastern Europe, Mechanical Jurisprudence in Transformation?*, pp. 26–28.

395 Cotic, M: *The Prague Trial*, pp. 20–21.

396 In more details see works by K. Kaplan. In English especially Kaplan, K.: *Report on the Murder of the General Secretary*, pp. 14 and following.

representatives of the Communist Party and state officials. In the most important cases the judgments were resolved by the leaders of the Communist Party, and the cases prepared by representatives of the Ministry of Justice working with selected judges and prosecutors. The same manner of organization applied to political trials on the regional and local levels, where special committees of “five” or “three” representatives of the State Security, Communist Party, respective national committees and the state prosecutor discussed the cases beforehand. After the political decision had been issued, the cases were placed under the special supervision of regional prosecutors. There were special instructions and training for the judiciary to “understand properly the main political lines of the trials”.

There were certain types of political trials based according to groups of persons selected for the trial. A special type of trial was connected with some representatives of the Communist Party and was built mostly upon their alleged failures and misconceptions.

Special trials were conducted against the members of former non-communist political parties, army officers, the church, Catholics, teachers, members of the Youth Organizations, as well against those who opposed the collectivization in the countryside and villages or opposed nationalization.

At first the former political opponents were put before the State Court. The communist regime tried to secure its picture of post-war development and the legitimacy of the take-over in February 1948. The most important case of that time was the trial of “Milada Horáková and her anti-state espionage centre”, in which 13 former representatives of the National Socialist and Social Democratic parties were, without any relevant evidence, accused of high treason, espionage and other subversive activities. The case was a typical ideological show trial, prepared in advance; in June 1950 Milada Horáková and three others were sentenced to death and executed despite protests from the democratic world, including a personal letter of Clementine Churchill.<sup>397</sup> After this case, some thirty five “follow-up cases” were prepared and orchestrated by the State Security, and 639 people sentenced, usually to long terms of imprisonment.<sup>398</sup>

Important political trials were set up for Czechoslovak army officers; most of these were those who had fought for Czechoslovak liberation in the West or opposed the communist-drafted legends related to WWII and cooperation with the USSR. In 1949 General Heliodor Píka was sentenced to death and executed. The hero of the Prague Uprising in 1945, General Karel Kutlvašr, was accused of high treason, but, because of a lack of evidence, sentenced to “only” 10 years of imprisonment. A sentence of imprisonment was imposed on

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397 For this initiative supported by Czechs in Exile see Jaroslav Stránský Collection, Hoover Institution Archives, box No. 8.

398 Cotic, M: *The Prague Trial*, pp. 72-73.

Air Marshall Karel Janoušek and, together with him, on most of the Czechoslovak airmen having served in the Royal Air Force during WWII.<sup>399</sup>

Persecutions, including political trials, were designed with respect to bishops and priests, particularly of the Catholic Church; but other churches were also exposed to communist threats. This type of political trial was closely connected with the communist policy in religious matters.<sup>400</sup> In the beginning the new People's Democratic regime tried to avoid open confrontation with the Catholic Church. However, in 1949 mutual relations deteriorated, and the Communists launched an anti-Church campaign, seized all Church property (not only of the Catholic Church but of all Churches and religious communities), and in October 1949 enacted so called "Church laws" (Acts No 217 and 218 /1949 Sb. and governmental ordinances for individual Churches), which from 1949 put Churches under state supervision (under so called State Board for Church Questions) including financial and property questions.<sup>401</sup> Church representatives and priests were able to continue their work only under special "state consent" accompanied with "pledge of alliance to the regime of people's democracy". Failure to obtain it resulted also in administrative or criminal prosecution.

The Communist regime also prepared a series of trials of clergy. The Archbishops of Prague and Olomouc, Josef Beran and Josef Karel Matocha respectively, as well as all other bishops were interned. Two political trials, one in the Czech lands and the other in Slovakia, with Catholic clergy, including some bishops, followed before the State Court in 1950 and 1951.<sup>402</sup> The allegations included cooperation with the Holy See against the interests of the Soviet Bloc, collaboration with Germans during WWII, and, especially, a hostile attitude towards the People's Democracy. In April 1950 the so-called "Action Monasteries" resulted in the closing down of convents and religious communities, and 2,376 monks and nuns were interned. It was clear that the Communists regarded the Catholic Church (and religion as such) as its chief ideological opponent.

There were also "minor" or "follow up" trials with priests, students of theology or Catholic intellectuals. It is estimated that the State Court had dealt with the cases of at least 280 priests by the end of 1952.

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399 For the background see Brown, A.: *Airmen in Exile: The Allied Air Forces in the Second World War*. Sutton Pub Limited, 2000.

400 From wider historical context see especially Bušek, V.: *State and Church*: In: Bušek, V - Spulber, N. (eds.): *Czechoslovakia. East-Central Europe under the Communists*. Mid-European Studies Center of the Free Europe Committee. New York: F. A. Praeger, 1957, pp. 130 and following, especially pp. 148-153. See also Böhmer, A. - Kočvara, S. - Nosek, J.: *Church and State in Czechoslovakia*. In: Gsovski, V. (ed.): *Church and State behind the Iron Curtain*. New York: F. A. Praeger, 1955, pp. 37 and following.

401 English translation of Czechoslovak laws on Church affairs from 14<sup>th</sup> October 1949. *Ibidem*, pp. 40-45

402 *Ibidem*, pp. 37-40.

It should be noted that there were purges within the ranks of the Communist Party. These formed part of the wider course of action pursued by the Soviets in all other people's democratic regimes, including the trials of Laslo Rajk in Hungary and Wladyslaw Gomulka in Poland.<sup>403</sup> The purges came late to Czechoslovakia, but they were executed fiercely. Soviet advisers, two of them personally connected with the purges in Hungary, were sent to Prague to help the Czechoslovak State Security prepare trials.<sup>404</sup>

In the spring of 1950, the Slovak communists Gustav Husák and Clementis were accused of "bourgeois nationalism" and, in the case of Clementis, also of disloyalty to the USSR, as he had criticized the Hitler-Stalin Pact of 1939.<sup>405</sup> Another party conspiracy group was uncovered in Brno, where Regional Party Leader Otto Sling was arrested in October 1950.<sup>406</sup> Since the interrogators and their Soviet advisers became worried that they were not able to construct a sufficiently strong case, they looked for someone from the very top of the Communist leadership to please Stalin's paranoia. In the end Rudolf Slánský, Secretary General of the Communist Party, was chosen as a suitable candidate for this "monster trial."<sup>407</sup> He was arrested on 24<sup>th</sup> November 1951, and the preparation for the trial took almost a year. Proceedings were carefully planned in advance, and the accused had to plead guilty and to even rehearse a written script of their answers before the court. A group of the alleged "espionage, anti-state centre" headed by Slánský was formed by the Secret Police and consisted of fourteen high rank communists, eleven of them of Jewish origin.<sup>408</sup> This again served the Soviet foreign policy well, because members of the conspiracy centre were accused of Zionism, Trotskyism, cooperation with imperialistic powers, and of causing damage to the national economy (in order to find someone responsible for the economic failures of the first five-year economic plan).<sup>409</sup> The trial opened in November 1952. It was broadcasted live by Czechoslovak radio. The result and the main scenario of the process were resolved in advance by the Central Committee of the Communist Party and the investigators used brutal interrogation methods. The process

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403 Kaplan, K.: *Report on the Murder of the General Secretary*, pp. 7-25, and Cotic, M: *The Prague Trial*, pp. 9-21.

404 Pelikán, J. (ed.): *The Czechoslovak Political Trials 1950-1954*, p. 130. K. Kaplan also claims that purges were personally influenced by Stalin, Cotic, M: *The Prague Trial*, pp. 27-37.

405 Pelikán, J.:(ed.): *The Czechoslovak Political Trials 1950-1954*, pp. 87-89.

406 Cotic, M: *The Prague Trial*, pp. 22-23.

407 Táborský, E.: *Communism in Czechoslovakia: 1948-1960*, pp. 95-96.

408 Pelikán, J. (ed.): *The Czechoslovak Political Trials 1950-1954*, pp. 48-50. For personal experience see Kovaly, H. *Under a Cruel Star: A Life in Prague 1941-1968*. Cambridge Mas: Plunkett Lake Press, 1986, pp. 140-143.

409 Pelikán, J. (ed.): *The Czechoslovak Political Trials 1950-1954*, pp. 179 and following. See also Loebel, E.: *Sentenced and Tried, The Stalinist Purges in Czechoslovakia*. London: Elek Books, 1969, pp. 78-80, where Loebel claims that he was accused also because he negotiated the compensation for foreign investors (especially Unilever) for nationalized property.

was a plain “show trial” rehearsed in advance. As a result, eleven death penalties and three lifelong imprisonments were adjudicated.<sup>410</sup>

The total number of victims of the communist repression has been estimated at 250,000 to 280,000. Between October 1948 and the end of 1952, 233 death penalties were passed and 178 persons executed, 90 percent of them for political offences.<sup>411</sup> Death penalties in 22 politically motivated cases were executed between 1954 and 1956, during which time the cases were reviewed by the Political Secretariat of the Central Committee of the Communist Party. It is estimated that at the end of 1949 more than 6,700 people were in prison for political offences under the Act on the Protection of the Republic; in December 1950 the number was increased to almost 15,000. The State Police arrested about 16,000 people between 1951 and 1952.<sup>412</sup>

There were other forms of persecution, including administrative, property, or economic consequences, or persecution through discrimination in labour law and social security. After February 1948 persecution was aimed at university students and their non-Communist teachers. Most of them were expelled from universities. There was a possibility that some politically motivated punishments took the form of sentences for economic crimes, such as in some cases of persecution of the Catholic clergy or the former owners of nationalized enterprises; this feature returned, although in a different role, in the 1970s and 1980s.

A typical form of persecution in the early 1950s was connected with the phenomena of forced labour camps.<sup>413</sup> The Act on Forced Labour Camps (No. 247/1948 Sb.) was enacted on 25<sup>th</sup> October 1948.<sup>414</sup> It established special boards (commissions) within regional national committees consisting of three members appointed by the Ministry of the Interior. The boards were entrusted with the authority to confine to forced labour camps “persons who were not younger than 18 and not older than 60 years and who were physically and mentally capable of working, but who have evaded work or endangered the establishment of the people’s democratic order or economic life...” The Act on Forced Labour Camps represented, on the one hand, a specific result of the duty to work set by the Constitution and, on the other, an effective tool of persecution. Its aim was to re-socialize persons considered detrimental to the “new society”, including even persons who did not commit any crime.

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410 Kaplan, K.: *Report on the Murder of the General Secretary*, pp. 227–236 and Loebel, E.: *Sentenced and Tried*, documents on the trial, pp. 82–242.

411 Pelikán, J. (ed.): *The Czechoslovak Political Trials 1950–1954*, p. 36.

412 *Ibidem*.

413 Forced labour was a typical feature of Stalinist period. International Labour Organization in 1952 set an Ad hoc Committee on forced labour. International League for the Rights of Man prepared a comparative report published in 1955 under the title *Forced labour in People’s Democracies* by editor Richard L. Carlton. New York: F. A. Praeger, 1955.

414 *Ibidem*, part devoted to Czechoslovakia, pp. 111–140.

The forced labour camps had a certain tradition in Austro-Hungary, within the interwar period and during retribution, when institutions forcing certain categories of people to work for a set term were combined with duties imposed upon them after they were released from jail. However, after 1948 forced labour camps reached a different stage and extent.

The boards of regional national committees were authorized to send persons to a forced labour camp for a period from three months to two years. The same boards could decide on some other restrictions. The boards had the power to prohibit such persons from staying in a particular place or order them to stay in a particular place, to order them to vacate their flats, deprive them of their business license, or to introduce national administration or confiscation of their property.

Persons were sent to labour camps even without having committed a particular offence. The Act was very elastic, and a decision could be, for example, taken only for “intentionally evading work, a negative attitude towards constructive work or building socialism”. It applied to offenders after they had served a term in prison, and when they appeared to the regime to remain “hostile towards the State” further means applied. The whole concept was heavily based on the new ideology, and the Act was viewed as a means of “effective struggle against the remnants of the capitalist society endeavouring to restore capitalism, or at least to try to slow down or render more difficult our way to socialism.”

The camps were established by the Ministry of the Interior. By the end of 1949 there were fifteen camps, and more were established between 1950 and 1951.<sup>415</sup> A special labour camp was established for military personnel; forced labour continued to be used as a part of imprisonment, especially in cases of political offences. Harsh conditions existed in camps built near heavy industrial centres. The Ministry prepared detailed instructions for regional national committees to implement the law. Upon proposals from the police, organizations of the National Front and individual “trustworthy” citizens, the security officers of the respective national committee prepared a list of “candidates” for labour camps and submitted it to the board. Any potential appeal against a decision of the board did not have a suspensory effect.

In 1950 the forced labour camps were incorporated into the new Administrative Criminal Procedure Code. According to this code, camps were intended for the “real class enemies of the working people”, and punishment in the form of forced labour was expanded to cover misdemeanours. Some of the forced labour camps were situated also near uranium mines. On 22<sup>nd</sup> December 1953 (with effect from January 1954) most of the provisions for labour camps as well as the provisions of the Administrative Criminal Code on this type of

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415 For the map and list of the camps *Ibidem*, pp. 132-140.

punishment were repealed by Act No.102/1953 Sb. Most new provisions provided for correctional labour without confinement in the camps combined with fines.<sup>416</sup>

After their shocking experience with political trials and after the end of the period of Stalinism, the Czechoslovak Communists came up with proposals to change the penal proceeding and some aspects of substantive criminal law in 1956 and not to repeat such open misuse of police powers. The institution of investigators attached either to the office of prosecutor (state prosecutor) or the Ministry of the Interior was introduced; however, this fell short of the previous guarantees of an investigating judge. These procedural innovations were again mainly copied from the Soviet criminal procedure laws.

An extraordinary remedy under both criminal and civil proceedings open to the Prosecutor General was introduced. He could lodge an appeal with the Supreme Court on the final decision of any court not subject to regular appeal in order to correct a violation of law, or against the decision of a prosecutor. In 1956 conditions for this extraordinary remedy were set in more detail; and the reason for this remedy was given that the decision at issue “violated law”, was issued “on the basis of an improper procedure”, or, in criminal law, when the penalty imposed was in “obvious disproportion to the degree of the dangerousness of the act to the society”. However, such an extraordinary remedy was used also to the defendant’s disadvantage; as a legal institution it was far from being supportive of the stability and predictability of the legal order.

After 1956 the Communist Party was forced to review some of the injustices committed during political trials;<sup>417</sup> however, in the beginning, rehabilitation was opened mainly for “purged” members of the Communist Party. The majority of political prisoners could apply for parole, and, eventually, amnesty was promulgated in 1960. A more thorough rehabilitation and condemnation of the political trials was demanded by Czechoslovak society especially in the second half of the 1960s as part of the emerging Prague Spring of 1968.<sup>418</sup>

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416 *Ibidem*, pp. 118–119.

417 It was a part of wider political changes within the Soviet block reflected by the Czechoslovak communists. See interesting analyses in Kusin, V. V.: *The Intellectual origins of the Prague Spring. The Development of reformist ideas in Czechoslovakia 1956–1967*. Cambridge University Press, 1971, especially pp. 19–22 and 28–30.

418 Pelikán, J. (ed.): *The Czechoslovak Political Trials 1950–1954*, pp. 148 and following.