

Summary

The publication „The Czechoslovak Justice in 1948–1953 in Documents, Part II“ deals with a deformation of the system of justice and courts in Czechoslovakia over the first five years of the communist dictatorship. It has been elaborated by a team of authors made up of members of the Police of the Czech Republic, the Office of the Documentation and Investigation of the Crimes of Communism, Criminal Police and Investigation Services (ÚDV) and members of the National Central Archives (SÚA) in Prague. Using selected archival materials, they are trying to demonstrate a low and often unprofessional level of the rule of law and apparatus of justice that applied in practice this law distorted by communists.

The second volume containing documents, studies and legal regulations related to the period in question can be divided into eight basic parts.

The first one focuses on the work of judges of the State and Supreme Courts and prosecutors of the Public Prosecution as well as on activities of these institutions. A major task was to throw some light on a very little known „staff“ of judicial institutions contributing considerably to judicial unlawful acts of the 50s. This was facilitated by a study prepared in 1992 by the General Prosecution of the Czech and Slovak Federal Republic and supplemented by newly acquired information which summarizes the staff and the organizational structure of the Public Prosecution, the State Court, the General Prosecution and the Supreme Court in the above-mentioned years. Of major importance is also the information about activities of the study department of the Ministry of Justice and about the school of law for working people hastily producing new staff with poor professional qualification whose task was to replace well-educated lawyers, judges and prosecutors with a democratic way of thinking and many years of practical experience. A compiled list of graduates of the school of law for working people within 1948–1951 based on the archival materials is of great value too.

The second part characterizes activities, numbers and professional qualifications of the so-called working-class prosecutors. Document 15 clearly illustrates the process of changing the staff when prosecutors disloyal to the ideas of communism were being replaced by hastily educated prosecutors coming from the ranks of ideologically reliable workers and farmers. It should be emphasized that the post-February change of staff had not been made consistently and lawyers graduated before the year 1939 still continued to work in all components of justice.

The third chapter deals with the activity of lay judges who formed a decisive component of the communist judiciary system. The main objective of the publication is to clarify the influence of lay judges within the communist judiciary system, and refer to a rapid growth of their number at the turn of the 40s and 50s.

In the part called „General Prosecution“, making use of two extensive documents, the authors want to illustrate the structure and staff of this institution and also to give numbers of employees and the job description of component structural parts.

By including the documents contained in the chapter „Justice and the Institute of security Group of Five“ the authors had the only thing in view: to remind that the outcome of such lawsuits and amounts of sentences were often decided by out-of-court bodies governed by the leading officials of the Communist Party of Czechoslovakia (KSČ). The published archival materials also testify to the dependency of courts-of-law on political decisions and on the will of party authorities.

The sixth part contains the documents demonstrating clearly that the point with exemplary lawsuits was nothing else than a „theatre performance“ staged-managed beforehand into the smallest details, be it the preparation of lawsuits' scenario, the selection

of persons to be accused, the emphasis on the presence of „the organized public“, or the correct propagandistic use of a case in the press.

The influence of out-of-court authorities on the proceedings in a court of law can be also proven by two documents dealing with procedures for imposing death sentence.

The last part incorporates the wording of several acts documenting communist violation of law where apparently democratic and liberal legal regulations had quite an opposite effect when applied in practice, creating a foundation for bringing the population totally under the totalitarian yoke.