

V IOLATIONS OF THE HELSINKI ACCORDS

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CZECHOSLOVAKIA



INTERNATIONAL HELSINKI
FEDERATION FOR HUMAN RIGHTS
NOVEMBER 1986

The International Helsinki Federation for Human Rights is a non-governmental organization that seeks to promote compliance of the signatory states with the human rights provisions of the Helsinki Final Act. Its Chairman is Karl von Schwarzenberg; its Executive Director is Gerald Nagler; its Assistant Director is Hester Minnema.

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This report was prepared for the International Helsinki Federation by the staff of the U.S. Helsinki Watch Committee.

Preface

This report belongs to a series of reports entitled "Violations of the Helsinki Accords" that we have prepared for the Helsinki Review Conference in Vienna, Austria. The Conference, which opens in November 1986, is the third major Review Conference in the ongoing CSCE process involving the thirty five nations of Europe and North America that signed the 1975 Helsinki Final Act. One of the major tasks of the Conference is to review compliance with the human rights provisions of the Helsinki accords.

The reports in this series deal with human rights violations in a number of Helsinki countries where such violations are of a particularly severe nature: Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Romania, Turkey, the USSR and Yugoslavia. There are other countries, of course -- including our own -- where human rights compliance with the Helsinki accords is wanting in some respects, and we have documented some of those problems in separate reports as well. But the reports in the "Violations" series deal with what we consider the most repressive of the Helsinki signatory countries.

We have concentrated mainly, but not exclusively, on recent violations, especially those that have occurred since the CSCE Human Rights Experts Meeting that was held in Ottawa, Canada, in May and June of 1985. More often than not, we have focused on

cases of individuals who symbolize the plight of many others in their countries. The abuses they suffer reflect deep structural violations of Helsinki commitments -- the right to freedom of expression, of movement, of association, of religion; protection against political imprisonment and torture; the right of minorities to express their cultural heritage.

The very act of preparing these reports is a demonstration of our Helsinki-guaranteed right to "know and act upon [our] rights" by monitoring governmental compliance with the human rights provisions of the Helsinki accords. It is also an expression of solidarity with our counterparts, many of whom we have never met -- Helsinki monitors in repressive countries who have paid dearly for attempting to record and publicize the plight of others suffering from human rights abuses.

In a number of countries, citizens groups that formed to monitor Helsinki human rights compliance have been harshly suppressed, almost from the moment of inception. The Helsinki groups that formed in the USSR have been effectively disbanded, and more than three dozen Soviet Helsinki monitors are still in prison or exile. In Czechoslovakia, Charter 77, about to mark its tenth anniversary, continues a precarious existence, its supporters continually persecuted and harassed. A Polish Helsinki group that flourished openly during the days when Solidarity was legal has been forced underground. Members of the Turkish Peace Association, a group that formed in Turkey to

monitor the security provisions of the Helsinki accords, have finally been released from prison, but they are still on trial.

Human rights continue to be grossly violated by a number of Helsinki signatory countries -- often blatantly and in total defiance of Helsinki obligations. Yet although there are no legal mechanisms for enforcing compliance with the Helsinki accords, their moral force continues to grow. Despite the fact that violations continue -- indeed, just because these violations continue -- we believe that the Helsinki process must continue as well.

The Helsinki meetings provide a major forum -- the only continuing forum -- for an East-West dialogue in which human rights concerns are a major component. The fact that our governments continue to meet is a sign of commitment to dialogue that should not be underestimated. The Helsinki meetings offer an equal voice to all the countries of Europe and North America in a contextual framework that is less buffeted than most by day-to-day events in international politics.

The Helsinki movement in the West has sparked the desire of citizens in repressive countries for greater freedom. It is important that we continue to uphold the human rights standards set forth in the accords. We owe this to the many citizens who attempted to monitor their own governments, only to become victims themselves. They put their faith in the Helsinki accords, sacrificing their freedom and sometimes their lives. They called

upon groups in other countries, freer countries, to join them in the fight to protect human rights. Despite all the efforts to silence it, the Helsinki movement persists. Courageous individuals in repressive countries continue to speak out, keep the record and bear witness to the sufferings of others.

We call upon our delegates to the Helsinki Review Conference in Vienna to raise the cases of individuals who are victims of human rights abuse and to discuss the structural violations of human rights that have made their persecution possible. We call upon all the delegates to the Conference to reaffirm their respect for human rights and to take steps to eliminate all abuses, so that the Helsinki Final Act may become, as intended, a means to ensure human freedom, dignity, creativity and cooperation.

The Editors

November 1986

Despite economic problems and a disaffected population, the political system in Czechoslovakia remains virtually unchanged since the 1968 Soviet invasion. Repression remains severe for anyone who challenges official policies. Nevertheless, a committed and active human rights community in Czechoslovakia, largely focused around Charter 77, has existed now for a longer time than any other human rights movement in Eastern Europe and has become a symbol and a source of inspiration for human rights activists elsewhere in the Soviet bloc. Its members continue to be persecuted and harassed.

I. Recent Arrests

The Jazz Section: As of this writing, in September 1986, reports were received about the arrest of seven members of a group known as the Jazz Section, including its Chairman, Karel Srp. Ironically, the recent crackdown seems related to the Czechoslovak government's attitude toward the opening of the Helsinki Review Conference in Vienna in November 1986. Members of the Jazz Section travelled to Budapest in November 1985 at the time of the CSCE Cultural Forum, and there is reason to believe that the Jazz Section was preparing materials for the opening of

the Vienna CSCE Conference as well.

The Jazz Section has carried out one of the most active and successful efforts to spread independent culture in Czechoslovakia. Much of its success is due to the semi-official status it has had within the Union of Musicians; the Section maintains that it operates legally under Czechoslovak law.

Until 1985, the Section (which was formed in 1971 and has some 5,000 members) sponsored concerts and forums on controversial topics and published a Jazz Bulletin with 70,000 to 80,000 readers. In addition, the Section published a paperback book series (Jazzpetit) and art monographs (Situace). As Josef Skvorecky wrote in A Besieged Culture, a book prepared for the CSCE Cultural Forum in Budapest, the Jazz Section's book series and the monographs "became the haven of authors, artists and theorists of art interested in genres and trends that were, for all practical purposes, outlawed."

In 1980, the Section won recognition from UNESCO as a cultural group, which afforded it some degree of protection during the next four years. In February 1984, in a move to dissolve the Section, the Prague Division of the Union of Musicians was ordered closed. The Section was not specifically mentioned, however, and continued its activities. In October 1984, the Interior Ministry banned the activities of the entire Union of Musicians, but the Section did not disappear. In 1985,

the Jazz Section applied for its case to be heard by the constitutional court of the CSSR.

- o On September 4, 1986, 7 members the Executive Committee of the Jazz Section were arrested -- Karel Srp, Josef Skalnik, Vladimir Kouril, Tomas Krivanek, Cestmir Hunak, Vlastimil Drda and his nephew, Vladimir Drda. Their homes and places of employment had been searched on September 2, as were the offices of the Jazz Section. Among the materials confiscated were some 800 books and several hundred magazines, as well as an exhibition of drawings by a group called "Paprsky Inženýra Garina." The seven members have been charged under Article 118, Sections 1 and 2A of the Criminal Code, for "unauthorized business enterprise." The house that was used as the Jazz Section's offices, library and art gallery was padlocked by the authorities.

According to The New York Times of September 6, 1986, Srp had finally received a two-line response from the government a week before his arrest regarding his letter about cultural issues in Czechoslovakia (he had written 100 letters which went unanswered). Srp had interpreted the government's response as a possible signal that it was preparing to accept the Jazz Section's existence.

- o On August 5, 1986, Vlastimil Marek, a jazz musician, was arrested under Art. 112 of the Criminal Code for "damaging the interests of the republic abroad." He was preparing to participate in a "Song for Peace" concert that was to take place simultaneously in Prague, New York, Tokyo and Paris.
- o On February 10, 1986, Karel Srp and Josef Skalnik were fined 500 crowns each for having put up -- without a permit a commemorative plaque on the 40th anniversary of the end of World War II and the establishment of the United Nations.
- o In late 1985, Srp's passport, and the passports of two other members of the Section, were revoked after they went to Budapest for the CSCE Cultural Forum in November 1985.
- o Karel Srp was fired from his job as an editor and, shortly thereafter, the Section's accounting books were seized by the authorities. This was followed by bills for unpaid taxes since 1980 which could not be disputed without access to their books. In September 1985, police conducted house searches of several individuals involved in the Jazz

Section in connection with the investigation. On January 26, 1986, Karel Srp and Josef Skalnik, the current Chairman and Vice Chairman, were fined 3,000 crowns each for "unauthorized business activities during the years 1979-1983," which allegedly amounted to 130,000 crowns. Srp protested the fine on the grounds that he was not an officer of the Section at that time and that the Jazz Section never ceased to exist since it was a member of the International Jazz Federation and of UNESCO's Music Council.

II. Cultural Freedom

The "cultural underground" in Czechoslovakia encompasses a variety of activities. In addition to music concerts, which are often sponsored by the Jazz Section, there are productions by the Living Room Theater, which performs plays by blacklisted writers; unofficial art exhibits; and seminars held in private homes and conducted by blacklisted scholars and foreign visitors. The regime considers such gatherings to be "unauthorized meetings" and "anti-socialist activities," despite the fact that many of the plays or literary works are of a non-political nature. The regime arbitrarily harasses those who participate in this independent cultural life.

There are also some 200 "illegal" rock bands, and another 50 or so "illegal" punk rock bands. Citizens are subject to detention and harassment if they attend concerts of non-conformist music.

III. Freedom of Expression

The state maintains a monopoly over all forms of expression, including publishing, printing and reproduction materials, and thus ensures strict limits on free expression. The flow of mail and literature to and from Czechoslovakia is greatly restricted. Citizens who express themselves in a manner deemed prejudicial to state interests may be charged either under Art. 100 of the Czechoslovak Criminal Code (incitement), or Art. 112 ("harming the interests of the Republic abroad"). Authors who wish to publish officially must choose their subjects carefully so as to avoid censorship and banning by the government.

A major area of independent activity in Czechoslovakia is samizdat publishing; between 600 and 800 books have appeared in samizdat over the past ten years. There are several series of samizdat, including Petlice (Padlock) Press, which has produced some 250 different titles -- bound, illustrated and individually typed. Another independent book series is Edice Expedice, associated with playwright Vaclav Havel, which has produced approximately 200 different titles.

There are also numerous samizdat journals that deal with historical, economic, philosophical and literary topics. One such journal is called Critical Review. The names of the editors of these journals are usually not publicized to protect them from harassment.

There are three major religious monthlies (Resurrection, Theological Texts and Information on the Church), as well as a religious book series. These are produced in greater quantities, and thus more copies are available.

Articles, lectures and works of banned authors, as well as much literature from abroad, appear only in samizdat. During 18 months in 1982-1983, the Czechoslovak customs and legal authorities registered 3,739 attempts to smuggle banned literature and printing equipment from West Germany. Among the confiscated items were "leaflets with antisocialist content, pamphlets from various emigre sources, and materials defaming last June's [1983] world peace assembly in Prague."

Restrictions, persecution and censorship of independent activities in Czechoslovakia continue.

- o Pavel Horak, born April 1954, was detained on January 23, 1986, for distributing leaflets which contained information about the funeral of Jaroslav Seifert. He was charged under Art. 100 (incitement). Horak's apartment was searched and the police confiscated personal correspondence and duplicating devices. On May 30, 1986, he was sentenced to 18 months' imprisonment.
- o In May 1986, four people were detained and charged with possession of a cartoon portraying a goose with a phallic symbol. The authorities said that the drawing ridiculed the President of the Republic, Gustav Husak, whose name means "Gander" in Czech. Two men from the group, Ladislav Pitas and Jaroslav Janecka, face two years in prison if convicted.
- o On April 25, 1985, Stanislav Pitas, Jaroslav Janecek, Kvetoslav Doubek and Josef Vilhelm, all young people, were detained under Art. 202-1 (hooliganism) for working on an uncomplimentary picture of the President of Czechoslovakia. Vilhelm was also detained for singing "forbidden" songs

after the death of Chernenko. Doubek and Vilhelm were released after about 80 hours; reports indicate that Pitas and Janecek are still in prison. All their homes were searched by police.

- o Jaroslav Seifert, the last president of the Czechoslovak Writers Union in its independent days before it was closed down in 1969, was awarded the 1984 Nobel Prize for Literature on December 15, 1984. With his authorization, the Jazz Section published his Nobel Prize acceptance speech. He was a Charter 77 signatory who has been living in Paris since 1981. Some of his books have been published in samizdat and some have been published officially, though distorted by censorship.

According to the April 1985 Index on Censorship, actors who were sent records from abroad with readings of Seifert's memoirs were interrogated, and the records, together with all Seifert's works published abroad or produced in Czechoslovakia in samizdat, are still subject to confiscation during various house searches.

- o On July 2-3, 1984, 10 young people were tried by the District Court in Olomouc for participating in a play at a private wedding on February 11, 1983. The play was considered to be "anti-state, which evoked hostile sentiments against the socialist state system of the Republic..." All ten were indicted under Art. 100/1 (incitement), and received suspended sentences.

- o Ludvik Vaculik, a blacklisted writer and former editor of Padlock Press, had 122 books, periodicals, samizdat writings and private letters taken from his home in January 1981. On February 23, 1983, the Municipal Court in Prague ordered that all the material seized should be kept by the state. Vaculik then filed a complaint with the Supreme Court in which he contested the ruling. Vaculik quoted from the bill of particulars:

Even classical works may contain things unsuitable for the public under certain political circumstances. In some political situations it is possible to create a hostile atmosphere against our social order by quoting from works about another period in history or occurring in another country.

Among the material confiscated was an article about the Sierra Club suing the U.S. Forestry Service for destroying land.

- o Jaromir Savrda, a Charter 77 signatory, was sentenced to two years' imprisonment for disseminating "antistate" texts. Although he was in very poor health, his petition for suspension of his prison sentence on health grounds was refused in June 1983. The authorities claimed that Savrda did not require special treatment outside of the prison system, despite evidence to the contrary. Savrda was released in late October 1984, after serving 25 months.

Savrda and his niece were detained on March 21, 1986, in front of the Ostrava-Poruba railway station, when they were waiting for a train to Prague. They were held until the train left the station. This is an example of the authorities' continual harassment of Charter signatories.

IV. Charter 77

The original proclamation of Charter 77 was issued on January 1, 1977, and was signed by 241 Czechoslovak citizens. The Charter signatories seek compliance by the Czechoslovak government with the Helsinki accords. Their stated purpose is "to monitor the observance of laws in the country, especially regarding human and civil rights."

The number of people who signed the Charter soon rose to 1,165. They came from all walks of life. The Charter has also stimulated independent initiatives in a variety of fields, including cultural activities, environmental protection and disarmament.

Three Charter 77 spokespersons are elected each year. The spokespersons for 1986 are Martin Palous, Anna Sabatova and Jan Stern. In 1985 the spokespersons were Jiri Dienstbier, Eva Kanturkova, and Petruska Sustrova. All Charter 77 documents are signed by its spokespersons, and most of them are presented to Czechoslovak government officials.

Despite constant pressure and harassment from government authorities, the Charter 77 movement continues to function effectively and has earned the respect of citizens from both East and West. This was clearly expressed in a letter from the Polish Helsinki Committee to Charter 77, dated May 19, 1986:

The work of Charter 77, the result of your courage,

deserves our highest esteem. Your perseverance in facing totalitarian injustice is for us, the participants in the Polish Helsinki Committee, as well as for the entire Solidarity movement, a source of hope in making our common values and goals a reality.

The government authorities persecute not just the people actively involved in Charter 77's activities, but also their family members -- including their children. Children of dissidents or religious activists are often refused admission to special school programs despite high qualifications. Children of Charterists are often interrogated about their parents' activities, and then denied educational and employment opportunities.

- o Ivan Kyncl, the son of Karel Kyncl who is a Charter 77 signatory and author of 63 Days in Dallas, was not allowed to complete his education because of his father's political activity. Ivan Kyncl left Czechoslovakia in 1980 and now works as a freelance photographer in London.
- o Jan Hajek, the son of Dr. Jiri Hajek, former Minister of Foreign Affairs in Alexander Dubcek's government and a Charter 77 signatory, was excluded from university study three years ago because of his father's activities since 1968.

Dr. Hajek, quoted in Information About Charter (No. 1, 1986), called the discrimination against his son a form of punishment by the authorities in revenge for his own activities.

In 1986, Jan Hajek was finally allowed to leave the country to study in Norway on an invitation from the Norwegian government. The Czechoslovak government, however, withdrew Jan Hajek's passport and citizenship, thus making it unlikely that Jan will ever see his parents again.

According to Information About Charter (No. 11, 1985), the permission to allow Jan Hajek to study abroad was one of Willy Brandt's conditions for his visit to Czechoslovakia in October 1985.

The most well-known and active Charter members -- writers, philosophers, musicians, priests, or spokespersons -- are frequently detained on fabricated charges or are accused of incitement (Article 100 of the Czechoslovak Criminal Code, which provides for prison terms of up to three years). To prevent others from joining the Charter 77 movement, some of its signatories have been charged with more serious offenses, such as "subversion in collusion with a foreign power" or "preparing to incite rebellion against the Czechoslovak state and its allies" (Article 98 of the Czechoslovak Criminal Code, which provides for prison terms of up to ten years).

In their efforts to isolate those involved in the independent human rights movement, the Czechoslovak police openly violate the basic rights of citizens, including foreign visitors.

- o U.S. Senator Larry Pressler, the chairman of the Subcommittee for European Affairs of the Senate Foreign Relations Committee, made an official visit in Prague in July 1986. He attempted to meet with Charter 77 activists, but Czechoslovak police prevented the meetings from taking place.

The first incident involved a dinner in a private apartment that had been arranged on July 2, 1986; a Charter signatory was prevented from entering the apartment by police who had surrounded the building. The following evening, the Senator was twice prevented from entering the building where he was to meet with Charter activists. When the Charter representatives tried to meet with Pressler outside, they were threatened with arrest.

This was the first time in many years that a visiting U.S. official was prevented from meeting with Czechoslovak activists. The U.S. Embassy formally protested to the Czechoslovak government.

The Czechoslovak government refuses to conduct any kind of dialogue with Charter 77 on human rights matters. It also prevents the public from learning about the government's position on human rights in international forums.

- o In June 1986, Charter 77 asked the government of the CSSR and the Federal Assembly to publish the report on implementation of and respect for civil and political rights in the CSSR that was presented by the government to the the U.N. Commission on Human Rights during its meetings in Geneva in July 1986. The request was ignored by the authorities.

In 1978, Charter 77 founded VONS, the Czechoslovak acronym for the Committee for the Defense of the Unjustly Persecuted. The members of VONS are all Charter 77 signatories.

VONS is dedicated to aiding the victims of state repression and their families. It also documents individual cases of human rights abuses and publicizes them. For this reason, VONS's members are a chief target for repression. They are often subjected to arbitrary arrest, detention and interrogation, as well as to long prison terms or exile.

Charter 77 publishes a regular bulletin, Information about Charter 77, which brings together all Charter documents and VONS communications. On January 16, 1984, the Pallach Prize was awarded to Information about Charter 77 by the International Committee in Support of Charter 77, based in Paris. The next day, the secret police raided the home of co-editor Anna Sabatova, and confiscated several manuscripts. Sabatova is the wife of Peter Uhl, a Charter and VONS activist who had just completed a 5-year prison sentence.

The police raid lasted 10 hours. All Charter materials, documents, notes, books and magazines in Czech and foreign languages, tapes, records and a typewriter were confiscated. The pretext for the search was "criminal prosecution under Art. 179/1 of the Czechoslovak Criminal Code because there may be hidden in the apartment objects endangering the public...such as weapons, explosives, etc..." This was clearly an attempt to discredit and intimidate Charter 77, which is based on the idea of non-violence.

Over the years, many Charter signatories have served long prison terms for their activities. The following are examples of recent persecution faced by Charter signatories.

- o Herman Chromy, a Charter 77 signatory born February 1947, was sentenced on July 25, 1986, to two years' imprisonment. He was charged with criticizing the Soviet Union and Czechoslovakia and distributing "unauthorized" literature.
- o Jaroslav Svestka, born April 1942, was sentenced on April 28, 1986, to two years in prison and to an additional three-year term of "protective surveillance" for alleged subversive activity against the Republic. Svestka, a forest worker and amateur writer, sent part of his manuscript entitled The Years of Orwell to a friend in West Germany. The letter was intercepted by the authorities and never reached the addressee. Svestka is appealing the conviction.
- o Petr Uhl, a Charter 77 signatory and VONS founder, was released on May 28, 1984, after serving a five-year prison term for alleged "subversion in collusion with a foreign power." Except for the last few months, Uhl had been kept in one of the harshest prisons in Czechoslovakia -- Mirov in Moravia.

In July 1984, Petr Uhl and his wife Anna Sabatova were ordered by the security police to leave Brno, where they had

been visiting relatives. They were interrogated, ordered to appear at the police station in Brno and fined 100 Czech crowns each, which they refused to pay.

Petr Uhl is presently responsible for the publication of Informace o Charte (Information about Charter 77). Uhl was detained for two hours on April 14, 1986, outside Ivan Havel's apartment, where Uhl was supposed to present a lecture on "The possibility of implementing social self-government in Czechoslovakia." During a personal search, the police confiscated all his papers.

- o Pavel Skoda and Pavel Krivka, both young technicians, were sentenced to twenty months and three years in prison, respectively, by the district court in Hradec Kralove on November 21, 1985, for "incitement." The charges stemmed from their singing of a protest song which criticized the political situation in Czechoslovakia and "intending" to send abroad an account of the ecological situation in Czechoslovakia.
- o In Prague on March 11, 1985, the police raided the home of Vaclav Sevcik and detained 48 Charter 77 signatories: 37 were released after questioning, 11 were detained for 48 hours. They had been watching Czechoslovak films from the 1960s that are now banned. Among those detained were Charter 77 spokespersons Jiri Dienstbier and Eva Kanturkova. The police confiscated the films, the projector, typewriters and posters.
- o Ladislav Hejdanek, born 1927, a philosopher, essayist, publicist and one of the leading spokespersons for Charter 77, now employed as a stoker, held an unofficial seminar on cosmology in his apartment on January 29, 1985. The State Security police unlawfully entered the apartment, taking the lecturer and fourteen of the participants to a police station in Mirove Namesti (The Peace Square) for interrogation.
- o On January 3, 1985, seven Charter 77 signatories were arrested, apparently in order to prevent others from demonstrating on January 6, the 8th anniversary of Charter 77. Those arrested were Vaclav Benda, Jiri Ruml, Jana Sternova, Vaclav Havel, Jiri Dienstbier, Petruska Sustrova and Pavel Myslin.
- o Jiri Gruntorad, former editor of the underground magazine Forum, Charter 77 signatory and VONS member, was sentenced on July 8, 1981, to four years of imprisonment and

three years of house arrest for subversion (Art. 98) for his VONS and Charter activities. At this time, he was already imprisoned serving a two-year term under Art. 100 for attempting illegal departure from Czechoslovakia. New charges were brought against him under Art. 174-1 (false accusation) for complaining about harassment in prison (he had suffered beatings and solitary confinement). On September 28, 1983, the Liberec District Court ruled to move him to Valdice prison, 3rd category (strictest conditions), and the decision was upheld on October 6. Gruntorad was sentenced to 14 months' additional imprisonment on June 4, 1984, under Art. 174/1 (false accusations), and the Appeals Court ordered a review of the charges.

On January 7, 1985, Gruntorad was acquitted of the charges under Art. 174/1, but the acquittal had to be confirmed by a higher court. The prosecutor opposed acquittal and asked for a new trial, which would mean that Gruntorad would face 18 months' to three years imprisonment. After the appeal, which was heard on May 31, 1985, by the Regional Court in Usti nad Labem, the charges against Gruntorad were dropped. Gruntorad is now under "protective supervision."

- o On August 16, 17 and 18, 1984 -- the 16th anniversary of the Soviet invasion of Czechoslovakia -- the police rounded up people considered to be potential activists. Included in the round-up were Vaclav Havel, Jiri Ruml and his son Jan, Anna Sabatova and Petruska Sustrova. All were detained and interrogated for several hours; their homes were searched and all written and printed materials were confiscated. The police claimed that literature was being distributed containing derogatory remarks about the Soviet invasion. The activists were detained under Art. 100/a,c of the Criminal Code -- incitement against the socialist system and against allied or friendly relations of the Republic with other socialist states. Unconfirmed reports suggest that Vaclav Benda may also have been arrested and detained.

By August 18, all 16 were released after having been interrogated for "preparing to incite rebellion against the Czechoslovak state and her allies."

In connection with this interrogation, Havel's house was searched and all written materials were confiscated. He sent a letter of complaint to the prosecutor general on September 26, 1984.

- o Frantisek Starek, a Charter 77 signatory, was released from prison on May 10, 1984. However, he still faced two years of "protective supervision" which amounts to house arrest. Starek was required to report to police five times per week, instead of three times.

- o Jiri Wolf, a Charter 77 signatory, born January 1952, was arrested in February 1978 and sentenced in the fall of that year to three years' imprisonment under Art. 98 for subversion. He was released on August 23, 1981 and arrested again on May 17, 1983, again for subversion under Art. 173-3, for jeopardizing state secrets and disseminating abroad information about prison conditions. On December 21, 1983, he was sentenced to 6 years' imprisonment and three years of "protective supervision."

V. Freedom of Movement

Freedom of movement is restricted in Czechoslovakia, especially for those who are in official disfavor. While thousands of Czechoslovaks are allowed to visit their relatives in the West, and recent estimates indicate that some 2,500-3,800 Czechoslovaks emigrate every year, many others are afraid to leave the country for fear of being prevented from returning and of losing their citizenship. Several prominent cultural figures, such as playwright Pavel Kohout, have been stripped of their citizenship while traveling abroad.

- o Vaclav Havel, the internationally known playwright and former Charter 77 spokesperson, was awarded an honorary doctorate from Toulouse University in May 1984. Although the authorities would have allowed him to go to Toulouse to receive the doctorate, Havel did not want to risk being stripped of his citizenship. Instead, he wrote an essay, "Politics and Conscience" for the occasion. The doctorate was accepted on his behalf by Tom Stoppard.

Apparently in an effort to keep the "Polish virus" from contaminating Czechoslovakia, as of August 1, 1984, private recreational travel between the two countries was effectively banned. New "principles of tourist traffic" have been announced that legalize the de facto travel curbs that have existed on travel to Poland for the past two years. Travel to Poland is now almost as restricted as to the West.

Since 1986, a new regulation regarding travel to Hungary has been in effect. Czechoslovak tourists are only permitted to

visit Hungary twice a year. Prior to this regulation, there were no restrictions on travel to Hungary.

With regard to visits to the West, detailed information is now required about the person whom the visa applicant will be visiting, including employment and income information. Foreigners wishing to visit Czechoslovak citizens must apply for permission at the Czechoslovak mission in his or her country and leave his or her passport there for a few days.

The Czechoslovak authorities have been known to intimidate Western visitors who attempt to meet with Czechoslovak activists. Some visitors have been denied visas, some have been detained, and some have been expelled.

- o In February 1986, two young men tried to cross the border in a glider plane equipped with an auxiliary engine, but the plane crashed south of Brno in Southern Moravia. One person was killed and the other was seriously injured. Several people who allegedly helped them are under arrest.
- o It was reported that on July 26, 1986, Robert Ospald (age 35) and Zdenek Pohl (age 25) successfully escaped from Czechoslovakia to Austria. They crossed the border by hanging on high voltage electrical wires.
- o Peter Hauptmann is serving a ten-year sentence for "espionage." The engineer fled to West Germany in 1982 and returned two months later because his daughter was sick. Before returning, he was told by the authorities that he would not be prosecuted.
- o On June 4, 1985, two Czechoslovak refugees were stopped before they reached the Austrian border near the village of Guglwald; one was seriously wounded if not killed, the other was taken away in handcuffs. The incident was witnessed by an Austrian citizen who immediately notified the Austrian customs authorities. It was established that the Austrian border had not been violated.

- o Austria protested to Czechoslovakia over the October 30, 1984, shooting of a Czechoslovak refugee, Frantisek Faktor, on Austrian territory. The Austrians claim that Leopold Gratz, the Czechoslovak border guard, followed Faktor into Austrian territory. The body was found on November 5, about 500 yards from the border in Northwest Austria.

VI. Freedom of Religion

Despite guarantees of freedom of religion in both the Helsinki Final Act and Article 32 of the Czechoslovak Constitution, the state continues to exert strict control over all religious activity. Increased persecution during the last few years reflects official fear of a religious revival in Czechoslovakia. With about 11 million Catholics and over one million Protestants, a vigorous movement for religious renewal could indeed present a serious challenge to state control.

The government has clamped down on all religious activity without state authorization, particularly private religious instruction, religious publications and religious proselytizing. Government power is increased in this area by the fact that all priests and pastors must be licensed by the government. Few licenses are given and the licenses of those who are critical of the regime are often withdrawn. Prosecutions are usually under Article 178 of the Czechoslovak Criminal Code, which stipulates that it is a criminal offense to obstruct state supervision over churches and religious societies.

Among the most important developments in the field of religious liberty in Czechoslovakia is the growing interest of young people in the church and the strong independent stand being taken by Frantisek Cardinal Tomasek. He has denounced the pro-regime Catholic group, Pacem in Terris. In his speech to the

official Prague Peace Conference in June 1985, Cardinal Tomasek echoed the Charter 77 principle that peace and human rights are inextricably intertwined. In May 1986, he issued an appeal "to the Christians in the free world" not to forget the faithful who live "under social systems where freedom is suppressed."

The repression of religious believers has led to the growth of an "underground church" to provide religious training and services that are not available through the official churches. Priests who are denied permits by the government often hold services with small groups of believers and teach privately. Bibles are smuggled in from Poland and the West.

The largest religious rally in recent times in Czechoslovakia took place in Velehrad, Southern Moravia, on July 7, 1985. Velehrad is the location where, according to tradition, St. Methodius is buried. Some 150,000 pilgrims gathered there to commemorate the 1,100th anniversary of the Saint's death.

Cardinal Tomasek had invited Pope John Paul II to attend the celebrations, and some 18,000 people signed their own petitions inviting the Pope; he was unable to attend, however, because the Czechoslovak government refused to extend an invitation to him. The government claimed that since no diplomatic relations exist between the Vatican and Czechoslovakia, the Pope can only visit as a private person, and the government would take no responsibility for his security. Visas were also denied to

Cardinal Basil Hume of London; the Cardinal of Paris, Jean-Marie Lustiger; the Cardinal of Vienna, Franz Koenig; and the Primate of Poland, Josef Cardinal Glemp (he was ultimately give a transit visa after the celebration). Western media was also prohibited from attending the event.

A widespread clampdown on Catholic samizdat in Czechoslovakia has been under way since 1985. Raids have taken place throughout Moravia and several people have been arrested. Those arrested include Augustin Navratil from Lutopecny, and Jaromir Nemeč, Pavel Dudr, and Jirina Bedeiova, all from Gottwaldov. They are accused of "incitement" under Article 100 of the Criminal Code. The police carried out dozens of house searches, during which they confiscated religious as well as samizdat literature, Charter 77 documents, films and tapes. In a search of Pavel Dudr's home, police confiscated two duplicating machines, paper, type, and used stencils containing an article on "Nazism and the Catholic church."

- o Frantisek Adamik, from Prerov, was detained for four days in November 1985, after the State Secret Police found him with materials used for duplicating, as well as a large quantity of purely religious literature. He is to be prosecuted for interfering with state supervision of the churches and religious organizations, under Article 178 of the Criminal Code.
- o Stefan Javorsky, a Catholic priest born in 1924, was charged on March 12, 1986, under Article 178 of the Criminal Code (obstructing the state's supervision over churches and religious societies) for hearing confessions without a state permit during a pilgrimage to the Marianske Mountain in Levoca in 1984 and for celebrating a private mass. On April 29, 1986, he was accused of another "offense" for having

celebrated another mass on March 29, 1986. The security police are investigating the case and have ordered that Javorsky undergo psychiatric examination. He is to report to a psychiatric facility in Levoca.

- o Milos Rejchrt, a minister in the Evangelical Church of Czech Brethren and a former spokesman of Charter 77, wrote a letter to the Minister of the Interior, complaining about police harassment. On February 3, 1986, while walking home, he was stopped by the police, who alleged that he fit the description of a man who had committed a rape in the area. He was taken to a nearby police station and searched. The police confiscated two copies of a Czech translation of Etienne Gilbyla's God and Philosophy. In his letter, Rejchrt expressed doubt that a rape had really occurred and accused the police of irresponsibility in using this as a pretext for harassing people.
- o On May 22, 1986, in Bratislava, Franciscan priest Father Cyril Janik was sentenced to two years and four months in prison for pursuing "religious activities without state authorization." He had been acquitted in October 1985 after police had searched his home and seized religious material, but new proceedings against him were begun after the prosecutor appealed.
- o Radim Hlozanka, a Catholic priest without a state permit, was detained after his home was searched on April 11, 1985. Police confiscated religious literature published in Czechoslovakia and abroad, as well as personal letters and a typewriter. He was charged under Art. 178 (obstructing state supervision over churches and religious societies).

Also detained on April 11, 1985, were Vladimir Fucik, biologist; Kvetoslava Kuzelova, retired nurse; Adolf Razek, technician; Vaclav Dvorak, engineer; Michal Holacek, economist. They went on trial on May 28, 1986, in the Prague 4 District Court. The trial was attended by over 50 friends of the accused, as well as by representatives of several Western embassies, including the United States, Great Britain, Canada and France.

Kuzelova and Fucik were sentenced to 8 months' imprisonment, suspended for two years; Razek was sentenced to 6 months' imprisonment, suspended for two years. His indictment also included accusation under Article 146/1 of the Czechoslovak Criminal Code for not reporting donations from abroad, valued at 6,549 Czechoslovak crowns. The

charges against Dvorak, Holacek and Hlozanka were withdrawn.

- o Also on April 11, 1985, police searched the houses of Josef Vlcek and Jarmila Stejcova and confiscated religious literature. Vlcek had been imprisoned for ten years in the 1950s and again from 1981-83 for copying and distributing religious literature.
- o Adam Rucki, a Catholic priest, was sentenced on March 14, 1985, to three months' imprisonment under Art. 178 for organizing unauthorized Bible reading sessions for young people.
- o According to Keston College, the "underground Church" in Czechoslovakia has spread widely in the last few years. Members meet in private homes for prayer and mass, at times conducted by some of the 500 priests who have been clandestinely ordained. For many years, authorities have refused to approve bishops nominated by the Vatican.
- o Three Slovak Catholics -- Branislav Borovsky, Alojz Gabaj and Tomas Konc -- were indicted for illegally crossing the Polish-Slovak border (Art. 109) and for smuggling religious literature (Art. 124). They were held in custody from December 12, 1983 to August 31, 1984, in Poland and then in Slovakia. They were sentenced in March 1985 to 18 months' imprisonment for attempting to smuggle religious literature and cassettes from Poland.

VII. The Peace Movement

In the last few years, a growing movement in opposition to the arms race has been launched in different forms by various unofficial groups in Czechoslovakia. Charter 77 has carried on a dialogue with the Western peace movement, and has promoted its tenet of the indivisibility of peace and human rights. Cardinal Tomasek has added a religious dimension to this thesis. In addition, factory workers and students have protested against the recent stationing of Soviet medium-range nuclear missiles on Czechoslovak territory.

- o In 1983, Charter 77 spokespersons applied for permission to attend the June 21-26 meeting in Prague, "World Assembly for Peace and Life Against Nuclear War." The Charterists' application was rejected by the Soviet-dominated World Peace Council. Prior to the opening of the Assembly, the security police warned Charter signatories and other citizens against contacting delegates to the Assembly or Western journalists covering the event. Friends of Ladislav Lis (see below) were warned that if they tried to associate Lis's case with the peace movement or to provide information about him to foreign journalists, they would be punished under Art. 112 (harming the interests of the Republic abroad). Lis has been a key figure in the dialogue between Charter 77 and the Western peace movement.

Despite the banning of Charter 77 from the peace conference, on June 23 about 20 West European activists and Charter 77 members managed to meet and sign a joint statement proclaiming that "peace and human rights belong together." Secret police photographed the activists as they met in a park on the outskirts of Prague and seized the film of Western reporters.

The organizations Greenpeace and Pax Christi International withdrew their delegates from the World Assembly for Peace because of the harassment of Charter activists. In addition, delegates representing the German

"Greens" left the conference, protesting "violent attacks" against press freedom and freedom of expression.

- o Christian Mellon, a French Catholic priest, was arrested in Prague on April 3, 1985, and expelled from the country. He is a member of CODENE, a French peace movement that advocates nuclear disarmament. Father Mellon had visited Czechoslovakia several times to meet with Charter 77 members.
- o Ladislav Lis, Charter 77 signatory, former spokesperson, and VONS member, was released from prison on March 5, 1984, having completed his sentence. He must serve a three-year sentence of "protective supervision." Lis was arrested January 5, 1983, and charged under Art. 100 (incitement) after security police confiscated Charter 77 documents from his home. During May 1983, he staged a hunger strike for two weeks. About 300 citizens signed a petition for his release, and he was offered release in exchange for cooperation with the police, which he refused. Lis was tried on July 21, 1983, and sentenced to 14 months for distributing Charter 77 materials. It is believed that he was singled out because he had been active in dialogue and meetings with representatives of the Western peace movement.

Lis was sentenced on May 29, 1984, to 3 months' imprisonment for violating the provisions of his "protective supervision." It was alleged that he left Prague to stay in his country home without prior permission of the security police. On July 4, 1984, the Municipal Court in Prague upheld this sentence. The Court also changed the terms of the "protective supervision" to which Lis will be subject after his release. Lis will be required to report to the local police at 9 a.m. every day, and the penalty for being late will be 100 crowns. Repeated failure to report could lead to imprisonment for up to 5 years. Should Lis want to leave Prague, he must obtain permission 2 weeks beforehand and, if granted, he will be required to report to the local police every day.

Lis was released on August 10, 1984, after three months' imprisonment. Now under "protective supervision" until June 1987, Lis is living in Ceska Lipa and only goes into Prague one or two days per week. The legal basis for these restrictions is Law No. 44/73, which is designed to deal with the toughest common criminals. This is the first known case of such extensive use of this law for any offender -- and especially for a political offense. The conditions of his "protective supervision" have been made

more severe; Lis is now required to report to the police 10 to 11 times per week when he is in Lipa, and four times a day when he is in Prague.

- o On March 11, 1985, Charter 77 issued document No. 5/85: the Prague Appeal. The document is written as a letter to the END conference that was held in Amsterdam in the summer of 1985. The Prague Appeal states that:

There can be no democratic and autonomous Europe as long as any of its citizens, minorities or nations are denied the right to a say in matters affecting not only their everyday lives but their very survival. It would then be possible, in cooperation with all those who genuinely desire to put an end to the present dangerous situation, to put forward proposals for disarmament, for the creation of neutral and nuclear free zones...in short, to lend support to every individual, group or government initiative aimed at bringing the nations of Europe closer together and unifying them...Only living in freedom and dignity can guarantee the freedom and self-determination of nations. And only free, autonomous nations can create a Europe as a community of equal partners which will not generate a threat of global war to the rest of the world but will, on the contrary, present a model of genuine peaceful coexistence.

- o Some 600 young people, who came from different parts of Czechoslovakia, demonstrated in Prague on December 8, 1985 --the 5th anniversary of the death of John Lennon. During the procession, which took the demonstrators through many parts of the city, slogans were chanted such as: "We want freedom, we want peace"; "Do aways with the SS20s"; "Do away with the army", etc. The crowd was dispersed by the police, and one of the organizers was taken away for questioning.

On May 26, 1986, a group of young people requested official permission to establish an organization, the "Young Art for Peace." The idea of the organization is to work for peace within the framework of the National Front. In requesting the approval of its by-laws, submitted to the Ministry of the Interior on May 26, 1986, the group stated:

...We are advocates of peace and the disarmament of the whole world. We do not want only to criticize, point out mistakes and shortages, protest against existing facts -- yet do nothing about it. We want to search for assistance, which would help to correct the complex problems. Art has the capacity to cross over this abyss. It is able to "wipe out" frontiers between nations and helps people to "come together". . . We want to organize this activity within the framework of the National Front and thus assist further development of our country and the whole world. . .

Almost 500 young people signed a petition in support of this request. The security police, however, responded with a variety of threats, including loss of employment, dismissal from institutions of higher learning, criminal prosecution, denial of a permit for an elderly woman to visit her son abroad, etc. On July 5, the security police forced the organization to withdraw its request. During interrogations, the police called the young people "the young blood of Charter 77" and claimed that Charter 77 was advising them about what to do.

- o Six people were sentenced on April 28, 1986, to jail terms of up to 20 months for taking part in a poster campaign against Soviet missiles and Soviet influence in Czechoslovakia. Dalibor Helstyn a worker, born April 1963, received the highest sentence: 20 months' imprisonment in the first prison category, unconditionally, and a fine of 5,000 crowns (about two months' salary) or two additional months' imprisonment. Helstyn was charged under Article 100/1/a (incitement) of the Criminal Code and under Article 136 of the Criminal Code (damage caused to property in socialist ownership). Helstyn allegedly stated that he wanted to express, through his slogans, his disagreement with the policy and culture of the socialist system, that Lenin's theory on socialist revolution should be implemented in a different form, and that in his view, there is no difference between the armaments of the socialist and the capitalist countries.

The other 5 young people were sentenced to prison terms ranging from five to six months. In addition, all six defendants must pay for "damages caused to property in socialist ownership," made by painting slogans in an underpass and in other parts of the city. The damages were estimated at 54,500 crowns.

VIII. The Hungarian Minority

The Hungarian minority in Slovakia is the second largest Hungarian minority living abroad, the largest being in Romania. Miklos Duray is the most active representative of the Hungarians in Czechoslovakia, and the only Slovak of Hungarian origin to have signed Charter 77.

- o Miklos Duray, a geologist, Charter 77 signatory and leading member of the Hungarian minority in Czechoslovakia, was detained on November 10, 1982, and charged with "hostile acts against the state" (Art. 98 of the Criminal Code). Duray was supposed to be tried on January 31, 1983, but the trial was postponed indefinitely on February 11. Duray was released from prison on February 24, 1983, but the charges against him were not dropped.

He was re-arrested in Bratislava on May 10, 1984, and charged with "harming the interests of the Republic abroad," (Art. 112) for sending an article abroad. In addition, he was charged under Art. 199, a provision of the Criminal Code which stipulates that trials may be closed to the public if the presence of the public "...endangered state, economic and official secrets...the undisturbed conduct of the trial...and public morality..."

Duray had written to officials of the Czechoslovak government protesting provisions of the new Education Bill that concerned minorities. The provisions would have made it possible to reduce the number of hours for teaching in Hungarian. He organized a petition against the bill, signed by 10,000 Hungarians in Slovakia.

During his detention, Duray was denied access to both his lawyers and his family. Duray was released on May 10, 1985, a year after his arrest, possibly as a result of widespread protest, especially in Hungary. His case had never been brought to trial.

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