

ABSTRACT

Retribution Judiciary of Extraordinary People's Courts in the Central Bohemia

Goal of this Dissertation is to complement up-to-date literature resources about Retribution with a statistical analysis of two Extraordinary People's Courts in Mladá Boleslav and Kutná Hora, to answer defined research questions, and to develop a novel methodology for assembling name lists of charged individuals, which can serve in the future as a supporting tool for an easier formation of new name lists coming from other Extraordinary People's Courts. Another goal was to determine an influence of a so-called layman element on the court's decisions. Files in eponymous collections deposited in Regional Archive in Prague served as a main source of data. A brief probe into Extraordinary People's Court in Prague is also included in this work.

Studies of the files showed that 487 men and 124 women were charged by the Extraordinary People's Court in Mladá Boleslav. Therefore, one fifth of charged individuals were women. Statistical analysis also showed that an average woman had a bigger chance of being acquitted; men were judged more strictly. This Court prosecuted mainly people of Czech nationality. Nationality also had an influence on a length of a sentence, which was almost double among Germans. Whistle-blowing was the most common criminal act to be prosecuted and punished, followed by a propagation of Nazi ideology and a participation in criminal organisations. This order also applies to acts that were acquitted. More than a half of culprits was sentenced to a custodial sentence, one quarter was acquitted. An average custodial sentence was 5.54 years, or 6.7 years with an inclusion of life sentences.

Extraordinary People's Court in Mladá Boleslav was one of a few courts that were provably following an apolitical principle when naming its juries. There was no evidence of a tendency to follow this principle by either EPC Kutná Hora or EPC Prague found in historical documents. Almost 75 % of juries in EPC Mladá Boleslav were named in a way that each of its four lay judges came from a different political party, which minimised a political influence on the final decision. Oddly enough, even in cases where the apolitical principle was not applied, there was no significant increase of outvoting a chairman, who was a professional judge. Case protocols show that a chairman was outvoted only in 10 % of cases, which makes a layman influence on the final decision minimal.

Files of the Extraordinary People's Court in Kutná Hora from years 1945–1947 revealed that 634 men and 154 women were charged. Therefore, again, one fifth of charged individuals were women. As in the previous case, this court prosecuted mainly Czech people. Nationality

had an influence on a length of a sentence, which was again longer among Germans. Whistle-blowing was the most common criminal act to be punished, followed by a propagation of Nazi ideology and a participation in criminal organisations. This order also applies to acts that were acquitted. As with the Extraordinary People's Court in Mladá Boleslav, more than a half of culprits was sentenced to a custodial sentence, one quarter was acquitted. An average custodial sentence was slightly longer than in Mladá Boleslav.

The question of apoliticism of the jury remains unanswered for the Extraordinary People's Court in Kutná Hora, because this court did not follow this principle. However, an influence of the layman element was even smaller than in the case of EPC Mladá Boleslav, because a chairman was outvoted only in 3.49 % of cases and an amount of unanimous verdicts was almost 90 %.

In 1948, the retribution was reopened. Staff of the Extraordinary People's Court in Mladá Boleslav remained almost unchanged, it was only reduced. As a novelty, this court was supposed to cooperate with Action Committees of the National Front. District Action Committee in Mladá Boleslav insisted on a revision in six cases. Only in one case, the previous final decision was made more restrictive. Therefore, an influence of the new setting was minimal. The ratio of men and women among charged individuals did not change in a comparison with the previous period. As before, more Czechs than Germans were charged, but Czechs were more likely to be acquitted. Almost nothing has changed in the constitution of criminal acts. The number of people with custodial sentence decreased to 39 %, whereas the number of acquitted increased to 37.5 %. An average custodial sentence increased to 6 years, or to 7.2 years with an inclusion of life sentences. The principle of apoliticism was not followed and the number of outvoted cases increased significantly to 18 %. Also, the number of unanimous verdicts increased to 72 %.

In 1948, staffing of the Extraordinary People's Court in Kutná Hora was under an influence of a newly founded District Action Committee in Kutná Hora, which was responsible for a cleansing of Regional Court in Kutná Hora. Unfortunately, it was not possible to determine a direct influence of Action Committees of the National Front on a choice of cases. There was again a significant disproportion between charged men and women, and a woman had a bigger chance of being acquitted. As previously, nationality had an influence on both the amount of acquittals and the sentence length. Whistle-blowing was again one of the most common criminal acts to be prosecuted. However, when it comes to convictions and acquittals, the most common act was a propagation of Nazi ideology. An average length of a custodial sentence decreased to 4.13 years. More than one third of culprits was sentenced to a custodial

sentence and an acquittal was a second most common decision. The principle of apoliticism was again not followed and the influence of a layman element slightly grew, but almost 89 % of verdicts were unanimous.

Therefore, in a case of these two people's courts, it was found out that the layman element was not as significant as legislators originally expected. Judges got by with simpler objective elements of crimes, e.g. whistle-blowing, propagation of Nazi ideology, or participation in criminal organisations. More men than women were sentenced and women had a bigger chance of being acquitted. More Czechs than Germans were prosecuted, but a nationality had an influence on final decisions against individuals of German nationality.