

The investigation of political delinquency of Czechoslovakian military personnel in the years 1948 - 1989

Abstract

The primary objective of this dissertation is to reconstruct the investigation of political delinquency in the environment of military forces. The text is focused on the persecution of military personnel in the years 1948 – 1989. The key issue is described in the broader context of the socialistic legal system and contemporary structure of power and political development of the Czechoslovakian state. The author used methods of legal history, the roots of which are interdisciplinary and lie on the boundary of legal and historical science. The text is integrating the recent material and procedural criminal law, which is considered to be a part of public law. Moreover, this theses draws out of archival sources and files created by military investigating organs and organs of military prosecution. The author also used rare historical sources, which are typical for contemporary history. We are talking about film documents and memories of participant. Basic stated algorithm is bet in the context of Czechoslovakian political progress after events in February 1948. Implemented research showed the fact, that political delinquency of military personnel was its special form. Consequently, this topic required more than just analysis of legal and application documents used at that time. These were, unfortunately, diversified. The practise of interrogating authorities alternated in dependence on social and political situation. Starting in the half of the fifties the attempts of communistic party to erase the crimes of founding period (1948 – 1953) were occurring. This influenced the evaluation of political delinquency in military conditions. The founding period was characterized by political trials made as thought out system of illegalities performed by organs of military justice. The victims were real Resistance fighters or unguilty persons. Afterwards the persecutions continued, but in individual and more selective way. The conception of anti-state activity deflects also the optics of judicial rehabilitations from the years 1968 and 1990 and the glance of historical science. The contribution of the text is primarily the legal approach towards political persecutions of political persons. These had another form thanks to curiosities of military environment. Military safety and judicial bodies administered the criminal trial dissimilarly compared with criminal sanction of civilians. The persons of military status retained part of their former legal privileges thanks

to jurisdictional and factual circumstances. This happened contrary to the unification trends typical for the socialistic law.

Keywords

the military, armed forces, political persecution, legal history, anti-state activity, military justice, military persons, investigation