

Confiscation in 1945 - 1948 - activities of extraordinary people's courts in individual regions

Abstract

This work discusses confiscation of immovable and movable property after the Second World War according to Decrees by President Edvard Beneš (The Beneš Decrees) and also retributive justice, which was executed chiefly by means of Extraordinary People's Courts, and which is also based on the standards created by the Decrees. The work contains interpretation of the Decrees and their implementary regulations, and also an excursion into the period of their preparation and origin, from which it is possible to infer the context and importance of some of the provisions of legal regulations, which the legislative text itself cannot provide. The work also contains a description of several specific cases heard by Extraordinary People's Courts, and also specific cases of administrative proceedings, the content of which was confiscation of movable and immovable property.

Both post-war confiscation of property and retributive justice were a response to the events of the war (illegitimate transfer of property, war crimes committed against the population) and also a means to restore post-war Czechoslovakia. The legal regulations concerning both topics were not created spontaneously in response to the end of the wartime conflict, but were prepared over an extended period by the government in exile and international organisations during the war.

As well as a general list and description of the basic Decree legislation, the author's goal was also to describe to readers implementation of these regulations during the chaotic post-war period in Czechoslovakia. Implementary regulations were used for this purpose, not only on the level of decrees, but also in the form of guidelines, instructions or interpretive standpoints, which expounded the fairly terse provisions of the Decree and also responded to the current problems concerning interpretation at the time. Specific criminal cases heard by the Extraordinary People's Courts were also processed for the purpose of fulfilling this goal, so that the author was able to illustrate practical execution of regulations on retributive justice in the Czech lands.

The implementary regulations in particular simultaneously provide the opportunity to observe how property was confiscated on the lowest level of the government apparatus, which

consisted of national committees. As well as a number of instructions elaborating on the general provisions of the Decrees, this work also contains a number of samples of forms used within the terms of proceedings on confiscation of property, which authentically illustrated the specific issue.

Archive sources, particularly the State District Archive in Prague, Extraordinary People's Courts Fund in Prague and the State District Archive in Beroun, Fond ONVBe, which contains files of specific cases heard before the Extraordinary People's Court and also specific cases of confiscation of property, were also used to achieve the author's goals. The specific archive sources are valuable in the sense that they contain references to legal regulations and also the specific methods how these regulations were practically realised, including records of the affected people's attitude to the matter. The archive sources in particular can provide an insight into the specific and detailed procedures by the defence within the terms of proceedings before Extraordinary People's Courts, or during administrative proceedings. The testimonies of a considerable number of witnesses testifying during proceedings before Extraordinary People's Courts, which describe the specific period and certainly confirm the need for Extraordinary People's Courts when they describe the actions of people tried by them, are an especially interesting source of knowledge.

The author included a treatise by probably the most important figure of retributive justice, not only in the Czech Republic, JUDr. Bohuslav Ečer, in his work as an essential supplement to retributive justice in particular. The author believes this treatise is important, mainly due to its description of creation of the international foundation for retributive justice, in which JUDr. Ečer was involved as a member of the United Nations Commission. He also played an irreplaceable role during formulation of the facts of the case of war crimes, such as directing an offensive operation or membership in criminal organisations.

The author concludes that even though confiscation of property and retributive justice are both topics that were current over seventy years ago, they continue to be the impulse for legal, political and social debates.

