

Genesis of vindictive law in the light of J. A. Bata's case

Summary

Criminal case of Jan Antonin Bata finally arrived after sixty years of its conclusion. It was a purely political cause. Expansion of Zlín and a massive expansion of the company Bata, which took place in the thirties, was the work of one man – J. A. Bata. Bata has been very successful businessman, but not politician. Communist party didn't like his business success and social sensibility. He got into a conflict with the President Benes in 1938 too. American and British government didn't like him too because he was competition for their shoe factories. He got to blacklist British and American for the sole purpose - to remove his competition. He refused to publicly join the foreign resistance in order to lose influence in the occupied Zlín. In spite of it he gave huge financial support to foreign resistance. Zlín Company was in 1945 on the basis of the decrees President of the Republic nationalized. After the nationalization there was a serious question whether it would be necessary to pay compensation for such nationalization firm, and to what level. It would be too much and government didn't want to pay that. Because of this purely political ground was opened a criminal case J. A. Bata. Offense developed Communist Ministry of the Interior. The national prosecutor filed in the spring of 1947 criminal charges against the National Court. Basis of this work is made by description of this trial. This accusation was built on the mythical foundation and it did not contain the deed, for which was then J. A. Bata by the National Court convicted. Proceedings before the National Court was very rigged and J. A. Bata was denied the right to proper defense, complaint was not delivered into their own hands and he was not allowed to attend court. Finally, he was sentenced under Section 4 of the

large vindicative decree (decree no. 16/1945). In this section perhaps no one had been convicted by vindicative courts. Section 4 was very vague and therefore has been very easy to abuse. Conviction of J. A. Bata by National Court to fifteen years in prison and confiscation of property therefore provided an adequate excuse not to pay compensation for the nationalization of the company Bata Zlin. This is true for the Czech authorities until last year. After the war arose contention against Thomas Bata jr. and J. A. Baťa about the ownership of the global organization of Bata. After years of legal battles J .A. Bata capitulated and accepted claims Tomas Bata. After 1989 raised Thomas Bata Jr. claims to compensation for nationalization of property. These claims were declared as inadmissible by the European court of Human Rights this year. This decision was declared because Thomas Bata hadn't used all domestic judicial instruments. In 2007, J. A. Bata was finally freed of prosecution. Prague municipal court declared that J. A. Bata didn't perform any crime. Judgment of National Court from 1947 was abolished. This opened up new vistas with compensation for nationalization property claimed by J. A. Bata's family.

Key words:

vindicative	-	<i>retribuční</i>
nationalization	-	<i>znárodnění</i>
decree	-	<i>dekret</i>