

## Abstract

The aim of the study is to map and judge the level of the right to a fair trial in Czechoslovakia after the communist revolution in relation to the minimum requirements imposed by the European Convention on Human Rights. Czechoslovakia did not ratify this Convention and therefore it is not regarded in terms of the applicable law, but in terms of timeless principles of fair trial as expressed in the Convention. Even present case law speaks about the need to comply with the timeless principles of a fair trial, namely the decision of the Supreme Court in the case Ludmila Brožová-Polednová, file number 7 Tdo 549/2008, and the decision of the Supreme Court in the case of Pavel Vítek, file number 7 TZ 179/99, which was also analysed by the author. The Convention is useful for comparing with regard to the time of its creation when there was in Czechoslovakia „intensification of the struggle against the class enemy“ as Communist terminology justified escalating process of violations of the right to a fair trial. The starting point will be not only in classification of cases of violations of the right to a fair trial under Article 6 or other rights and freedoms of the Convention as it took place in Czechoslovak judiciary from 1948 to 1989 but also an understanding the situation in the legal environment at the time of Soviet influence on Czechoslovak law, which was the model for creation and application of law throughout socialist bloc. The author could not but point out the developments of the period, beginning with the heading of Czechoslovakia into the arms of the Soviet Union, through the preparation and takeover of power by the communists, all the way up to the subsequent restructuring of an institution of the legal state, as the judiciary was, into a mere instrument of totalitarian power. In each chapter, it is described how communists achieved that in the courts, in prosecution and in advocacy and what consequences it had.