

Activities Extraordinary People's Courts in the period 1945–1948

Abstract

The aim of my dissertation was to evaluate the activities of extraordinary people's courts in the period 1945–1948, which were established on the basis of Decree of the President of the Republic No. 16/1945 Coll. on the punishment of Nazi criminals, traitors and their helpers and on the extraordinary people's courts of June 19, 1945, also called the Great Retribution Decree. Particular emphasis was placed on examining the substance of the defendants' procedural rights in proceedings before these courts.

The work, in its first rather theoretical part, descriptively identifies and analyses the procedural rights of offenders, which were associated with proceedings before retribution courts. The large retribution decree itself referred to the application of the then valid Criminal Procedure Code, which was Act No. 119/1873 Coll., Which introduces a new code of the Criminal Court, as amended (Criminal Procedure Code). It was thus necessary to examine which other procedural rights, in addition to those set out directly in the text of the decree, were applied in the proceedings.

For this purpose, in addition to legal norms, implementing regulations were used, not only at the level of decrees, but also directives, instructions or interpretative opinions, which elaborated in more detail the relatively strict provisions of the decree, but also responded to current problems of interpretation.

Subsequently, the second part describes the detailed course of retribution cases heard before extraordinary people's courts. Especially in relation to the fact whether procedural rights were actually applied and observed in practice, or were only an empty proclamation.

Although war criminals and domestic collaborators were tried, who were fundamentally guilty of the Czech claim, they generally received an investigation into their procedural rights. The defendants always had their lawyer, if they did not choose him; he was assigned to them *ex officio* by the chairman of the senate. The perpetrators could also, at their discretion, comment on the case and propose evidence to prove their innocence. In many cases, the court interrogated a number of witnesses in support of the defense or had expert opinions in the field of psychiatry prepared when the defendants objected to their insanity.

Archival sources were also used to fulfill the aims of the work, especially from the State Regional Archive in Prague, the MLS Prague Fund, where files of specific cases

discussed before the MLS are stored. The archival sources in question are valuable in that they contain a detailed and specific description of the present case. When it is only on the basis of the study of individual files that a conclusion can be drawn as to how the procedural rights were observed.

The last aim was to find out whether a possible violation of the procedural rights of the accused in the proceedings before the extraordinary people's courts may have a practical impact on the change of his judgment in the conditions of the currently valid legal order. In other words, whether the violation of procedural rights by the defendant may be a reason for annulment or change of the final judgment of the retribution court in the conditions of the current legal order. Unfortunately, by examining the contemporary, but mainly current case law of the Supreme Court and the Constitutional Court of the Czech Republic, it is necessary to state that it is not. However, both during the 1990s and later, there were efforts, especially the descendants of convicted offenders, to overturn the decision with reference to the violation of the procedural rights of the defendants in the proceedings before the MLS.

The reason for the impossibility of such a review is, according to the conclusions of court practice, the exceptional nature of the legal framework of retributive justice. The only way to get the judgment of the Extraordinary People's Court set aside today is to reopen the proceedings. In such a case, however, it is necessary to state and prove the facts capable of reversing the contested decision. At the same time, however, such facts could not be known in the present case.

As an indispensable supplement to the retribution judiciary, I have included in my work a treatise on perhaps the most important figure in retribution, not only in Czechoslovakia, namely JUDr. Bohuslav Ečer. I see the importance of this part especially in the description of the formation of the international basis of retributive justice, on which JUDr. Ečer participated, among other things, as a member of the United Nations Commission. He also played an irreplaceable role in the formulation of the facts of war crimes, such as aggressive wars or membership in criminal organizations.

I dare to conclude that, although the retributive judiciary ended its activities more than seventy years ago, it still provokes legal, political and social debates. This is evidenced by the many court decisions that, today, the descendants of convicted retribution criminals, seek to reverse the convictions of these extraordinary post-war courts.

Keywords:

Extraordinary people's court

Retribution
Confiscation