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17 September 1951
VI/R/2/716

CZECHOSLOVAKIA

JUSTICE

Lawyers

Application of Law

THE SITUATION OF CSR LAWYERS

Dr. HERAF Otokar, a leading official of the Czech Justice Department (ministry,) made a speech in PRAGUE on 22 August 1951 to a Council of chairmen of Czech Bar Associations of the PRAGUE, PLZEN, KARLOVY VARY, CESKE BUDEJOVICE, BRNO, LIBEREC and PARDUBICE districts in which he accused Czech lawyers as follows, calling upon them to change their attitude:

"They make great efforts to win at any cost the causes of their clients, defending their liberty.

"They identify themselves with the persons of their clients, and these are acts of sabotage.

"With their attitude they diminish the efficiency of the Public Prosecutor and of the State Attorney. Putting themselves against the Public Prosecutor means that they do not understand that an instructed cause is an already tried cause, and, therefore, this attitude again is sabotage."

This speech was harshly commented by Czech lawyers, who have not yet lost their sense of professional dignity. It is considered as "never heard of" for its insolence and for the tone in which it was pronounced, a tone which showed a clear contempt for the entire class of lawyers. The way this official of the Justice Department spoke shows once more that under a totalitarian Communist regime it is absolutely inadmissible for a lawyer to have a professional conscience independent of the regime in power, or independent of the general policy.

According to a January 1949 law, Czech lawyers may exercise their profession only in "associations," headed by a chairman and controlled by the Justice Department. A lawyer can be transferred from one district to another, and he may be even excluded as a member from the "lawyers association" for reasons of "public interest" and be sent to

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six months forced labor in the coal mines of MORAVSKA OSTRAVA, as it recently happened to 24 lawyers from PRAGUE.

Each lawyer has to take an oath and to swear fidelity to the People's Democracy, binding himself to contribute to the keeping and respecting of People's "Democratic" laws.

Lawyers receive fees directly from the clients, but they have immediately to hand in these fees to the District Association which periodically distributes a salary to lawyers.

In order to be granted to exercise this profession, all lawyers have to pass several examinations, including a political examination which has to be approved by all members of the judiciary. Political opinions thus acquire a greater importance than judicial knowledge. Party membership cards are a better guarantee than university degrees.

The judicial institution has become a political instrument and a lawyer is nothing but a puppet worked by the power of the State. Another serious fact is that the professional secret no longer covers matters concerning the People's Republic, which lawyers are obliged to denounce.

The duties and responsibilities of lawyers in CSR are defined as follows:

"Lawyers contribute to maintaining and consolidating People's Democratic juridical principles, and they assist the government in having laws respected. They are obliged to report to the authorities any information of interest regarding facts which might damage the People's Republic of CSR."

In this sense a lawyer becomes the denouncer of his client.

At last it should be noted that lawyers are entitled to a paid annual leave in the same proportion as all state-paid workers.

DATE OF OBSERVATION: August 1951

EVAL. COMMENT:

Source : usually reliable;
Information: probably correct.

Basically confirmed by other evidence.