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***On Behalf of the People – against Citizens.
Criminal Law Jurisdiction
of National Committees in Terms of "Punishment"
of Romanies in the Former Czechoslovakia***

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Introduction

"On behalf of the people – against citizens." Even so, it can be paraphrased as the criminal jurisdiction of national committees in the years 1948 – 1954, which further highlighted the undemocracy of many elements in the system of national committees. On a scale of forms of illegality there was punishment without trial at the highest rung. The entire state mechanism has been adjusted to the political and power motivated changes in the society. In contradiction to "popular democracy", the National Committee is considered to be of unacceptably wide powers. It refers mainly to the fact that in the field of criminal law there is not the correct tool for the suppression of long tails of capitalism.

Theoretical definition of the field

However, national committees have not been prepared for such an extensive exercise of criminal jurisdiction. It has been reflected particularly in deciding of classifying Commission, where in many cases they acted

illegally and by political and class criteria. This was due to staffing of the national committees that were understaffed, and filled with people without appropriate education. There was an action of 65 000 officials who passed in the production as third of the planned number of staff in 1948 and in 1951 during the action of 77 000 went to the production 51 215 officials. In the years 1948-1950 national committees declined by 69 742 state officials. These measures have created a presumption of political purges in the ranks of administrative officials. At that time the government ordered that at filling the posts and assessment of salary to ignore the prescribed education, as it has been practiced in all fields. Intelligence considered that as the general underestimation of their skills. Civil servants in the administration hit the abolition of state tenure that they previously ensuring for permanent employment and to protect them against dismissal for political reasons. In this state of the person's national committees, no courts, no offense, no committing the crime was allowed to commissions of national committees to punish the so-called enemies of the state and put them into forced labour camps. At the same time allowing them, inter alia, to withdraw the citizens of constitutionally guaranteed civil right to vote. Local National Committees as a matter of fact, should the obligation, at the receiving of the assessment on taking place the citizen to the forced labour camp, exclude him from the list of voters for a term of imprisonment. As we document the historical materials in this group there was largely undisputed and Gypsies who had been punished as antisocial elements-loafer. Administrative and violent methods were used against them by employees of the national committees, particularly in cases when it came to their inclusion in forced labour camps. Presidential Decree № 18/1944 Central Committee on the national committees is anchored that in the transitional period at the liberated territory of former Czechoslovakia will all state power be exercised by a sovereign people, through elected local, district and regional national committees. Post-war development was completed by Act № 280/1948 Coll. establishment of the county. This law

repealed the regulations previously in Slovakia and the establishment of provincial and county has been replaced by regional establishment. Although the aim was to provide for national committees as well as municipal authorities, it failed. The reason was the universality of the national committees as the organs of state power and government, depending on government. The government managed national committees as a whole.

The self-government of the solutions of local issues was suppressed by the prescriptive decision-making and canceling of state sovereignty. The Act establishing the county in § 16 enumeratively listed the powerful ingredients that have – Board Chairman, officer and committee. The Commissions along the lines of § 23 of the Act has an advisory role with the fact that the Council could authorize the National Committee to the extent that the Commission has determined to decide on its behalf. New KNV shaped the intermediate level between central authorities and districts. Even more to suppress the role of national authorities. On the Board of Commissioners and the National Committee of 6 in Slovakia there are decision-makers and government ministries. The powerful state bodies clearly outweighed the Embassy. In the National Committees has applied the officialese system.

Elections to local bodies are constantly put off. Individual papers cover KNV government in virtually all spheres of society, with emphasis on their ruling function. The KNV security papers has incurred, which had the task of protecting and strengthening the people's democratic establishment, human rights and freedoms are guaranteed by the Constitution, to ensure public order, take care of the civil protection of the federal case, and assembly. Errors that occurred in the exercise of criminal jurisdiction of the national committees, tried to remove the Board of Commissioners resolutions. However, by means of this it did not differentiate the causes of the excessive punishment of citizens by the national committees from the administrative measures. The National Committees should punish according to the "class principle" and more use the educational page. Instead of flat, or mass punishment by the administrative ways, they should therefore examine individual cases and handle them quickly, but in many cases did

not correspond with reality. The Board of Commissioners were aware and that the staffing of public authorities, which have criminal jurisdiction, was the low professional level, and therefore held various coaching particularly security commission. The criticism of the exercise criminal jurisdiction of the national committee has been narrowed to the criticism of using the administrative methods. The problem was particularly in the papers that the national committees punish the national committies just because they have had to do it. By the considering of the criminal jurisdiction of the National Committees should be based mainly on the fact that their system is expressed by the strongly centralized and bureaucratic state system. It was magnified by a formal position of representative bodies towards executive and the representative authorities do not vote directly, or at all. Without the courts, without the committing of crime or offense, the classifying Commissions of regional national committees designated persons to forced labour camps. In all social classes, the legality of fit in particular that the level of penalties, taking into account their social situation, although at that time determined the law. The authorities, however, at that time probably followed by the "class instinct".

By the Governmental Decree № 301/1948 Coll. of 28 December 1948 on the regional security papers of national committees, the government of Czechoslovakia ordered according to § 8, par. 3, letter. a) and § 19, par. 3 of the Act of 21 December 1948, № 280 C., on regional establishment in § 1, at each Regional National Committee to set up a security department, who had procured all tasks pertaining national security and regional national committees with effect from January 1, 1949. In the intentions § 1 of par. 6 of the quoted directive on the proper execution of the criminal proceedings could KNV establish the criminal Commission. In § 2 it was imposed to Ministry of Interior to issue detailed regulations which should define the scope of security papers KNV. During the last months of 1948 was the central authorities gradually constituted to direction of TNP. Ministry of Interior has established a separate department and later Division III/b A (after

the reorganization of the department in January 1949 BP/10 – note of VG), from which later became the TNP report. Job services in Slovakia were on 6th December 1948 renamed the TNP and their agenda has been taken on the Commission of the Interior Department BK / 8 by the Department BK / 8. It was formed on 1 January 1949 and there were 13 employees, such as primarily, Deputy Head (at the same time head of organizational paper – note of VG), 6 officers and 5 auxiliary officers. Act no. 247/1948 Coll. was only general and the implementing regulation has not been issued to him, therefore the department staff had to work out the guidelines for the operation of the classifying Commissions at the National Committee and camp administration. Just in 1949 the department BK / 8 issued together 53 of such normative orders and proceeds. We illustrate some of these lists. In order to unify procedures in proceedings before the Commission, the Directive. 246/10-13/-1949-BK/8 - Rules of Procedure (temporary) – way of proceeding before the Commission has been issued. Directive №. 246/10-10/2-1949-BK/8 from 18th February 1949 was set the procedure of giving the people to TNP, who has been arrested for attempting to illegally escape abroad. Regional National Committees should gradually take over the role of individual TNP agenda. Until the adoption of law on the establishment of the county and its implementation, the Ministry of Interior performed the function of a National Committee. Since November 1948 three Judges were also established at the National Committee of the Commission. According to the law it should decide on inclusion in the camp, as well as the duration of stay in the camp. The Ministry of Interior, who temporarily fulfilled duties of National Committee, established by Decree no. 3037 of 27 November 1948 nineteen of three committees. Eighteen, in Bohemia and Moravia, has started to work on 15th December 1948, the nineteenth, for the territory of Slovakia located in Bratislava, followed-up to previous work at the implementation of the norm. Searching for suitable persons to TNP and processing and presenting proposals to include security officers have been assigned to District National Committee (MRD). In this work together with social MRD officers, public and state security, the financial authorities,

customs services and economic control, political and mass organizations. The proposal for inclusion in the TNP Safety Officer may also submit individual citizens. If officer concluded that the facts have been proved to be insufficient to place, to the Commission, together with a proposal to the person to TNP step, and the proposal to the length of this post. If the proposal was not complete or sufficiently demonstrated by means of proof necessary to supplement the officer ordered through ZNB. Officer to provide the Commission and negative opinions. The final verdict, however, depended only on the decision of the members of classifying (security) Commission. Each proposal should include the inclusion of information about the offender and his family. Box g) states svetonáh'ad offender. Almost in all personnel files of Gypsies, which have been discussed at meetings of the Classifying Commission KNV in Košice and deposited in the State Archive in Kosice the box g) states – its conception of universe is "unstable as the cicada." It is clear to us that in this period the policy towards Gypsies was essentially formulated in the very atmosphere strain of nationalism. Because under this concept to fit everything that could be considered an aggravating circumstance, and persons who had such a "conception of universe" was clear in advance the outcome of the proceedings. The word "Gypsy" was not perceived only ethnically, but next to the ethnic Romanies were the "gypsies" and the classification of people who lived in a similar manner, generally people with no permanent home, refusing the work – vagrants, thieves and crooks of all kinds. At present, therefore, the word "Gypsy" had mainly the negative undertone.

Conclusion

The question of the Romany population in Slovakia becomes the object of scientific analysis. Timeliness issues are compounded by rapid quantitative growth of the Romany population and a growing disproportion of their lifestyle compared to the average of the whole society. This becomes increasingly more determined attention to yourself and you probably also

usurp the need and effective solutions. Knowing the legal and historical facts and their interpretation, any new knowledge naturally raises further questions for answers in re-search and explore new unexplained problems.

Summary

This paper deals with an assessment of criminal – legal powers assigned to the national committee in the years 1948-1954, with particular regard to "punishment" of Roma. Its importance lies in the fact that arranging commissions of the regional national committees during this period designated persons to forced labour camps without any courts, without committing any crime, or any offense. This period was characterized by the strengthening of repressive elements in both criminal and administrative laws.

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