

Statement
of the Prosecutor General of the Czechoslovak Socialist Republic, the Chairman of the
Supreme Court of the Czechoslovak Socialist Republic,
the Minister of Justice of the Czech Socialist Republic, and the Prosecutor General of the
Czech Socialist Republic
on “The Charter 77 Declaration”

1. A legal description of “Charter 77”

By its content and the aims it pursues the document follows on from the political tract “Ten Points” of August 1969. Most of the authors and signatories of the “Ten Points” are also the co-authors and signatories of “Charter 77.” “Charter 77” is, however, more elaborate and the number of signatories is considerably greater than was the case in the Ten Points.

“Charter 77” mainly makes reference to some of the provisions of the international covenants on civil and political rights and on economic, social, cultural rights, which the Czechoslovak Socialist Republic has also acceded to, as well as to the Final Act of the Helsinki Conference of 1975. With an untrue and incorrect interpretation, it attacks the fundamental principles of the socialist state and social order of the Czechoslovak Socialist Republic.

Clearly at variance with reality, it is claimed in Charter 77, for example, that in the Czechoslovak Socialist Republic human rights are crudely infringed *en masse*, and that Czechoslovak citizens are subjected to oppression tantamount to apartheid, that they live in constant fear of the arbitrary decisions of the security organs and under their control. In consequence of political directives issued also by individuals, which go beyond the framework of the law, freedom of expression and other fundamental civil rights are, it is said, completely suppressed. Organs active in criminal proceedings allegedly infringe on the legal system, and human dignity is not respected in prisons. By these untrue and grossly slanderous claims, Charter 77 is clearly pursuing the aim of evoking hatred and hostility towards, or at least distrust of, the socialist social and state system of the republic.

“Charter 77” also states that an informal grouping of persons has been made, which is determined to achieve a change in the political situation in the republic. These aims are in clear contravention of the fundamental principles of the Czechoslovak social system, which are enshrined in the Constitution, particularly in Article 4, about the leading role of the Communist Party of Czechoslovakia, Article 5, about the association of voluntary social organizations, and Article 6, about the National Front. Also the implementation of the means

by which the authors of “Charter 77” are determined to achieve a change in the political order, for example, various pressure campaigns, are incompatible with the Czechoslovak legal system.

2. Whether this ascertained activity can be considered the creation of an illegal organization or an attempt at the creation of one.

From the content of “The Charter 77 Declaration,” “The Charter 77 Declaration, No. 2,” and “Topics for Discussion” it is reasonable to conclude that the initiators of this activity have already formed a group that can be considered an illegal organization. It is a jointly run association of several persons with a social aim, guided by a common program of anti-state activity. The members of the group have various functions and tasks (as spokesmen of the group, their substitutes, collectors of signatures and information, and so forth). This is therefore no mere informal grouping of persons, despite what “Charter 77,” declares, but an organization, which, in accord with anti-Communist propaganda, intends by systematic activity to disrupt and harm Socialist social and state system of the Republic and to vilify it abroad.

In view of the past and the political attitude of the organizers and signatories of “Charter 77,” 35 of whom were accused of anti-state crimes and 117 were excluded from the Czechoslovak Communist Party after 1968, and three of whom were former members of K 231, there can be no doubt that these activities were performed out of hostility to the socialist social and state system of the republic.

The founding of an illegal organization of this nature, joining it, or supporting it can be qualified at least as the crime of subversion of the republic under section 98, subsection 1, of the penal code.

3. Whether the ascertained activity can be considered the crime of harming the interests of the republic abroad under section 112 of the penal code.

By its content, “The Charter 77 Declaration,” published in the bourgeois mass media, 7–9 January 1977, undoubtedly harms the interests of the republic abroad in the sense of the provisions of section 112 of the penal code, because it contains untrue, clearly mendacious, or grossly distorted information on the situation in the republic. From the wording of “The Charter 77 Declaration, No. 2” there can be no doubt that the main organizers, namely, Václav Havel, Jan Patočka, and Jiří Hájek, intended to spread this information in capitalist countries abroad.

The exercise of criminal responsibility of specific persons for the crime of harming the interests of the republic abroad under section 112 of the penal code assumes, however, that it has been determined that a certain Czechoslovak citizen, or stateless resident of the republic, has by his or her activity enabled the dissemination of “Charter 77” abroad.

4. Whether “The Charter 77 Declaration” is illegal printed matter and whether its dissemination is criminal.

The content of “Charter 77” can reasonably be described as capable of evoking hostility to the socialist social and state system of the republic or to harden people in their hostility. From this it follows that anyone who reproduces the contents of “Charter 77” for at least two other persons, and about whom it can be demonstrated that he or she has done so out of hostility to the socialist state and social system of the republic, can be prosecuted for the crime of sedition under section 100, subsection 1.a, of the penal code. Persons who disseminate “Charter 77” in print are committing the crime of sedition under section 100, subsection 3.a, of the penal code and also under section 2 of the same provision of the penal code if they have enabled or facilitated dissemination of the document. (Under section 100, subsection 1 or 2, of the penal code, the punishment for this crime is between six months’ and three years’ imprisonment; under section 100, subsection 3, of the penal code, the punishment for the crime is one year’s to five years’ imprisonment.)

This statement has been prepared on the basis of an assessment of the documents called “The Charter 77 Declaration,” “The Charter 77 Declaration, No. 2.” and “Topics for Discussion,” without consideration of other possible findings and without knowledge of the current results of the investigation.

Prague, 14 January 1977

Prosecutor General, Czechoslovak Socialist Republic

Dr. Ján Feješ

Signature

President of the Supreme Court, Czechoslovak Socialist Republic

Docent Josef Ondřej, PhDr., CSc.

Signature

Minister of Justice of the Czech Socialist Republic

Dr. Jan Němec

Signature

Prosecutor General of the Czech Socialist Republic

Dr. Jaroslav Krupauer

Signature