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1989: The Czech prison system at a crossroads¹

The prison service over the past forty years was one of the most repressive tools in the former [Communist] system. The prison system was inhuman, hateful, isolationist and, in a broader sense, racist too – in other words, simply appalling. There was quite a natural reaction to this – what was called humanisation. But this humanisation was conceived only in the sense of liberalisation... [...] Therefore, I repeat, this relaxing, this emphasis on the rights of prisoners, this declared humanisation, liberalisation to the point of anarchy was a logical response to the previous situation. But we went from one extreme to another: Of all this humanisation, the only thing left was relaxing. Nothing meaningful or constructive took place. [...] One officer told me that under the current conditions, he was unable to protect the more decent prisoners from the gangsters. [...] Humanisation should include some order and rules, and contained within it should be some form of human interest. [...] The current form of humanisation is actually detrimental to the prisoners themselves.²

The year 1989, which some call the year of miracles, ushered in a number of political, economic and social changes, and not only in Czechoslovakia. When civil society began to awaken in the second half of the 1980s and gradually manifested itself through various petitions and demonstrations, no one knew that it would culminate in the turbulent year of 1989, when the Communist Party of Czechoslovakia's (Kommunistická strana Československa, KSČ) leading role in society would be terminated and replaced by a pluralist democracy.

These changes were also reflected in the development and functioning of the then Czechoslovak prison system. After 1989, the prison service found itself at a crossroads. It was clear to all that it would have to be humanised and modernised, whilst simultaneously creating an effective system of incarcerating inmates in a way that respected their fundamental human rights. This was a complex task, complicated above all by the fact that successful reform depended on many factors, ranging from human resources to the economic conditions of a newly forming democratic state. The aim of

1 This study is the result of research activities supported by the Grant Agency of the Czech Republic as part of GA ČR junior grant No. 17-26073Y „Proměny vězeňství v českých zemích v letech 1965–1992. Systémové a individuální adaptace“ (“Transformations of the Prison System in the Czech Lands in the Period 1965–1992. Systemic and Individual Adaptations”).

2 ČÁP, Martin: Nejen o filozofii zločinu a trestu (On the Philosophy of Crime and Punishment – and Not Only That). *Metropolitan*, 9. 3. 1992, p. 9.

the present study is to analyse the main developmental tendencies that influenced the new approach to prisoners and the conditions of imprisonment. We will focus on the situation in the prison system during the period of so-called normalisation, a period characterised by rigidity, preservation and repression, and show how the events of the Velvet Revolution (Sametová revoluce) were reflected in the prison environment itself and how management of the prison service responded to these events. In the final part, we will look at attempts to reform the prison system, the challenges faced by the new leadership and the success with which the reforms were implemented.

This text is the first attempt at an overall analysis of post-revolutionary changes in the prison system. Research into this period is complicated mainly by the lack of access to archive documents created after 1989, as they are covered by legislation on archives. We depend, therefore, solely on open sources and the recollections of those who participated in the changes. Comprehensive research into post-revolution changes in the prison system will be possible only after the relevant archive collections have been made available.

Years of rigidity and stagnation

The prison system underwent a rather ambivalent development in the period of so-called Normalisation (a term used to refer to the 1970s and 1980s in Czechoslovakia). We can observe the implementation of modernisation, which continued partly thanks to research by the Penological Research Institute (Výzkumný ústav penologický, VÚP), founded in 1967 and led until its closure in 1980 by Jiří Čepelák³, who had originally worked as a psychologist at the Institute for the Care of Mother and Child.⁴ The period saw the introduction of alcohol abuse treatment for prison inmates,⁵ the establishment of advisory councils⁶ at each prison, the introduction of

3 Jiří Čepelák (1915–1989) began his professional career in 1945 at the Institute of Human Labour (from 1948 onwards the Czechoslovak Institute of Labour) whilst simultaneously studying sociology and psychology at the Faculty of Arts of Charles University. In 1951, he joined the Institute for the Care of Mother and Child in Prague's Podolí district. He began working in penology in 1966, and rose to become head of the Penological Research Institute. Following its abolition in 1980, he went into retirement.

4 For more on the history and activity of the Penological Research Institute see PINEROVÁ, Klára: Professionalizace a modernizace vězeňství v období tzv. normalizace a úskalí jejich uplatňování v praxi (The Professionalisation and Modernisation of the Prison System in the Period of So-called Normalisation and the Pitfalls of its Practical Application). *Securitas Imperii*, 2018, No. 33, pp. 10–29, in particular pp. 13–17.

5 *Národní archiv* (The National Archives) (hereafter referred to as NA), Fund (f.) Ministerstvo spravedlnosti (Ministry of Justice) (MS) – unprocessed, k. (Box) MS/Sbor nápravné výchovy (Correctional Institution Corps) (hereafter referred to as SNV) 1971, Návrh na zavedení protialkoholní léčby během výkonu trestu v nápravně výchovných ústavech a některé poznatky o experimentu protialkoholní léčby provedeného v r. 1967–69 ve VÚP-SNV (Proposal for the introduction of alcohol abuse treatment during imprisonment in remedial institutions and some findings about the alcohol abuse treatment experiment carried out between 1967–1969 by the VÚP-SNV), 18. 2. 1971; *Ibid.*, k. MS/SNV 1973, Rozkaz ministra spravedlnosti č. 19/1973, o ochranném léčení protialkoholním vykonávaném během výkonu trestu odnětí svobody (Order of the Minister of Justice No. 19/1973 on protective

verified diagnostic and therapeutic methods such as group therapy and diagnosis of inmate aggression, the adjustment of the work of psychologists and educators,⁷ and the definition of required qualifications in general and vocational education for all prison staff. The educational policy of the Correctional Institution Corps (Sbor nápravné výchovy, SNV) was also completed, which provided political, professional, general and, to a necessary extent, military education to carry out systematic tasks.⁸ From the mid-1960s onwards, university-educated psychologists and educators began working in prisons, where they put into practice new scientific knowledge, with the aim of reducing the rate of reoffending to the lowest possible level.

However, these tendencies were counterbalanced by the introduction of repressive measures related to the overall political situation in early 1970s Czechoslovakia and the arrest of several dozen people for political reasons.⁹ If in the 1960s some humanising tendencies advocated by a number of individuals had partially penetrated the prison system, in the early 1970s they were resolutely rejected and guards again began to apply the principle of “discipline and order” accompanied by the bullying of prisoners.¹⁰ Even though the 1960s had witnessed the abandoning of the so-called “class-based approach”, where political prisoners were incarcerated alongside prisoners with the fewest privileges, and instead were treated from a penological perspective according to the danger they posed, this did not mean that the bullying of political prisoners had ceased. According to the *Prison Code of Conduct* in force at the time, persons convicted of political crimes (treason, espionage, sabotage, etc.) were

treatment of alcohol abuse carried out during imprisonment), 8. 8. 1973; Ibid., Rozkaz náčelníka SSNV č. 30 – o zřízení protialkoholního ochranného léčení v některých NVÚ (Order of the Head of the SNV Administration No. 30 – on the establishment of protective treatment of alcohol abuse in some NVÚs), 8. 11. 1973; Ibid., Instrukce správy SNV č. 31/1973, kterou se vydává organizační řád střediska protialkoholního ochranného léčení (Instruction No. 31/1973 issued by the SNV Administration on the organisational rules for the Centre for the Treatment of Alcohol Abuse), 8. 11. 1973; Ibid., Instrukce správy SNV č. 32/1973, o způsobu a rozsahu ochranného léčení protialkoholního během výkonu trestu odnětí svobody (Instruction No. 32/1973 issued by the SNV Directorate on the method and scope of treatment of alcohol abuse during imprisonment), 8. 11. 1973.

6 NA, f. MS – unprocessed, k. MS/SNV 1975, Rozkaz náčelníka SSNV č. 4/1975, o činnosti a organizaci poradního sboru při nápravné výchovném ústavu (Order No. 4/1975 issued by the Head of the SNV Administration on the activities and organisation of advisor board in the correctional institution), 20. 2. 1975.

7 NA, f. MS – unprocessed, k. MS/SNV 1975, Rozkaz náčelníka SSNV č. 23/1975, o činnosti pedagogů a psychologů ve SNV ČSR (Order No. 23/1975 issued by the Head of the SNV Administration on the activities of educators and psychologists in the SNV ČSR), 25. 9. 1975; Ibid., k. MS/SNV 1982, Rozkaz náčelníka SSNV č. 25/1982 o činnosti pedagogů a psychologů ve SNV ČSR (Order No. 25/1982 issued by the Head of the SNV Administration on the activities of educators and psychologists in the SNV ČSR).

8 KÝR, Aleš – KAFKOVÁ, Alena: Proměny odborné přípravy vězeňského personálu (Changes in the Training of Prison Staff). *Historická penologie*, 2010, Vol. 8, No. 2, pp. 1–68, in particular p. 14.

9 PAŽOUT, Jaroslav: *Trestněprávní perzekuce v Československu v období takzvané normalizace* (Criminal Persecution in Czechoslovakia in the Period of so-called Normalisation). ÚSD AV ČR, Prague 2017, pp. 21–25.

10 For more on the topic of discipline and drill in the prison system during the period of so-called normalisation, see LOUČ, Michal: *Vězeňství v českých zemích v 70.–80. letech 20. století* (The Prison System in the Czech Lands in the 1970s and 1980s). *Securitas Imperii*, 2018, No. 33, pp. 30–49, in particular p. 38.

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included in the same group¹¹ as dangerous repeat offenders, people convicted of murder or attempted murder, or people convicted of moral crimes.¹² Not only were they subjected to tougher treatment and had fewer privileges, but they also had to endure harassment by “criminal” prisoners, who in some cases – as they had been in the 1950s – were encouraged by prison officers to bully political prisoners.¹³ These methods culminated in 1972 with the introduction of so-called political isolation for dozens of political prisoners in some prison facilities.¹⁴ Political prisoners in these wings were segregated not only from the other prisoners, but also from each other. They went to wash and exercise separately, received visits from relatives separately, and worked and ate in their cells.¹⁵ However, not all political prisoners were placed in these isolation units. Less well-known inmates were assigned to infamous prisons, notorious for bullying of both political and criminal prisoners (Minkovice, Ostrov nad Ohří, Příbram prisons).

The increase in repression in the prison system was also reflected in a change in the regulation determining the conditions under which batons, tear gas and other repressive measures could be used against inmates. Under the change, guards were able to use these measures more often than under the previous legal regulations.¹⁶

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- 11 According to the 1964 *Prison Code of Conduct* (Řád pro výkon trestu odnětí svobody), inmates were divided into three groups: the first comprised first-time and juvenile offenders whose sentences had continued after they had turned 18 years of age, the second consisted of repeat offenders, and the third comprised particularly dangerous repeat offenders and inmates convicted under § 62 of the Criminal Code (i.e. persons convicted of political acts – treason, espionage, sabotage, etc.). Each group was to serve their sentences in separate detention facilities.
- 12 *Kabinet dokumentace a historie Vězeňské služby České republiky* (Department of Documentation and History of the Prison Service of the Czech Republic) (KDH VS ČR), Rozkaz ministra vnitra č. 27 ze dne 26. června 1964, Řád pro výkon trestu odnětí svobody v nápravných zařízeních ministerstva vnitra (Order No. 27 issued by the Minister of the Interior of June 26, 1964 – Prison Code of Conduct in Detention Centres of the Ministry of the Interior).
- 13 VÁCHA, Pavel: *Prožívání stresu, adaptace a zdroje resilience u politických vězňů 70. a 80. let 20. století* (diplomová práce) (The Experience of Stress, Adaptation and Sources of Resilience in Political Prisoners of the 1970s and 1980s/Thesis/). Pražská vysoká škola psychosociálních studií, Prague 2015, p. 23.
- 14 These departments were established on the basis of Rozkaz náčelníka Správy SNV č. 23/1972 (Order No. 23/1972 issued by the Head of the SNV Administration). This order was later clarified by Rozkaz náčelníka Správy SNV č. 34/1972 o způsobu výkonu trestu odnětí svobody u osob odsouzených za trestné činy proti republice (Order No. 34/1972 issued by the Head of the SNV Administration on the method of imprisonment of persons convicted of crimes against the Republic), 5. 12. 1972. NA, f. MS – unprocessed, k. MS/SNV 1972.
- 15 BURSÍK Tomáš: *Politici vězni a jejich postavení v rámci českého vězeňského systému 1969–1989* (Political Prisoners and their Position within the Czech Prison System 1969–1989). In: *Sborník archivů bezpečnostních složek* (Proceedings of the Security Services Archive), No. 5. ABS, Prague 2007, pp. 137–153, specifically pp. 140–141. Also PINEROVÁ, Klára: Prison and Society connected. The Development of the Czechoslovak Prison System in 1945–92. In: *Acta Poloniae Historica*, 2018, No. 118, pp. 151–181.
- 16 NA, f. MS – unprocessed, k. MS/SNV 1973, Rozkaz ministra vnitra č. 9/1973, o prostředcích k dosažení účelu zákroku příslušníků Sboru nápravné výchovy ČSR proti odsouzeným a obviněným (Order No. 9/1973 issued by the Minister of the Interior on the means to achieve the purpose of intervention by members of the Correctional Institution Corps of the Czech Socialist Republic against convicted and accused persons), 5. 7. 1973. Cf. Ibid., f. Správa Sboru nápravné výchovy (Correctional Institution Corps Administration) (SSNV) – unprocessed, k. 85, Návrh na novelizaci Rozkazu ministra spravedlnosti č. 5/69 (Proposal to amend Order No. 5/69 issued by the Minister of Justice), 8. 12. 1972.

In 1973, was restored the political-educational apparatus of the SNV of the Czech Socialist Republic,¹⁷ an apparatus that had been abolished in the second half of the 1950s. Its reestablishment meant the renewal of the importance of political activity, and expertise in the prison service was put on the back foot.¹⁸ Increased repression against inmates can also be seen in the resumption of agent-operative activities in 1974 as part of the SNV Administration internal security section. Four years later, a separate Internal Security Department (Oddělení vnitřní ochrany, OVO)¹⁹ was established within the SNV. Its staff used counter-intelligence techniques to recruit secret informers amongst inmates in a bid to maintain order (i.e. to prevent escapes, revolts, violence, theft, self-harm) and gain information on the behaviour of political prisoners. Every month, the department compiled operational and situational reports, which logged the mood and conversation of inmates. Between 1973 and 1976, for example, the department closely monitored discussions among prisoners of conscience (such as Jaroslav Šabata²⁰, Petr Uhl²¹, Jaroslav Mezník²², Jan Tesař²³ and others).

The second half of the 1970s and 1980s were characterised by the stabilisation and maintenance of the existing prison system. There were no significant changes in the rules or in the treatment of inmates. In the 1980s, however, the emphasis on professionalism of the prison staff and the advancement of scientific knowledge in the prison system decreased. On the contrary, great emphasis was placed on employment and work performance of inmates. According to the official propaganda, work was considered to be one of the most important tools of re-education, thanks to which prisoners would become fully-fledged members of socialist society. This ideological premise was based on the very teachings of Marxism-Leninism itself, but on the other hand, as early as the 1950s this goal was already coming into conflict with the economic interests of the national economy and the period of so-called normalisation

17 On January 1, 1969, Czechoslovakia became a federal state, when the unified Czechoslovak Socialist Republic (ČSSR) became a federation of two parts, the Czech Socialist Republic (ČSR) and the Slovak Socialist Republic (SSR).

18 NA, f. MS – unprocessed, k. MS/SNV 1973, Rozkaz ministra spravedlnosti č. 22/1973, o zřízení politickovýchovného aparátu Sboru nápravné výchovy ČSR a směrnice pro činnost politickovýchovného aparátu (Order No. 22/1973 issued by the Minister of Justice on the establishment of a political-educational apparatus of the Correctional Institution Corps of the Czech Socialist Republic and guidelines for the activities of the political-educational apparatus), 26. 9. 1973.

19 BURSÍK Tomáš: *Politití vězni a jejich postavení v rámci českého vězeňského systému 1969–1989*, p. 139.

20 Jaroslav Šabata (1927–2012), psychologist, dissident and politician. Spokesman for Charter 77 and Civic Forum (see further). A member of the reform wing of the Communist Party, he was expelled in 1970. His longest prison term lasted from 1971–1976.

21 Petr Uhl (born 1941), journalist, politician and dissident. Between 1968 and 1969 he was a member of the Hnutí revoluční mládeže (Revolutionary Youth Movement). P. Uhl was a representative of Charter 77 and Committee for the Defense of the Unjustly Prosecuted (Výbor na obranu nespravedlivě stíhaných, VONS) (see further), and a member of the Czechoslovak Helsinki Committee. He was imprisoned between 1969–1973 and 1979–1984.

22 Jaroslav Mezník (1928–2008), historian, dissident (Charter 77 signatory) and politician. He was repeatedly imprisoned, for example between 1972 and 1974 for so-called subversion against the state. In 1989, he co-founded the Brno branch of Civic Forum.

23 Jan Tesař (born 1933), historian and dissident. He left the Communist Party in 1969, and criticised the reversal of the Prague Spring reforms. Between 1971 and 1976 he was imprisoned. After his release he signed Charter 77 and in 1980 he was forced to emigrate.

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produced no significant change in this direction.²⁴ Some prisons were established in the vicinity of large state enterprises and mines, including the correctional institutions (called Nápravně výchovný ústav, NVÚ) of Žaclěb, Bělušice, Příbram, Mladá Boleslav, Rýnovice and Oráčov. In 1979, the employment rate of convicts was approximately 84 %.²⁵ Prisoners often performed heavy and demanding work that civilians were not interested in and which was often dangerous. Karel Havelka²⁶, convicted in 1976 in a trial against the underground music scene, recalled his first experience of the working environment at Plzeň-Bory Prison, where he was placed in the toughest section, cutting bezels for jewellery, as follows: *When I first walked into the hall, I tensed up and immediately felt sick. Dante's Hell rose up before me. The scene in front of my eyes was steam, a noise over a hundred decibels, while figures in grey t-shirts flickered about, making what seemed to me absolutely crazy movements at an insane pace. Flames blazed into the scene. It was incredible. I won't even survive two days, I thought to myself. We had nine days to learn the ropes. I was a stonemason, and within nine days I was cutting like a man possessed. So you get used to everything, even the gallows.*²⁷ The situation was virtually unchanged a decade later. Petr Hauptmann²⁸ used the following words to describe the situation at Minkovice Prison in the second half of the 1980s: *First, it was hard, exhausting work, and second, the whole camp had a sophisticated system for reporting prisoners. It was controlled by security officers, who had their informers, who also reported to the educators and the people running the work facilities, who had their own informers, and so on. There were about 800 or 900 people at Minkovice Prison, 600 of whom worked at the Preciosa s[tate] e[nterprise].*²⁹ *The work was extremely tough. The conditions were like from a factory in the 18th century. Prisoners had to work in insanely unhygienic conditions, in terrible noise and dust.*³⁰

- 24 On the conflict between educational and economic interests in the 1950s prison system see PINEROVÁ, Klára: Zwischen sozialistischer Erziehung und wirtschaftlichem Nutzen. Gefangenearbeit in der Tschechoslowakei und in der SBZ/DDR nach dem Zweiten Weltkrieg. *Zeitschrift für Ostmitteleuropaforschung*, 2018, Vol. 67, No. 1, pp. 93–112. For the period of so-called normalisation see JOHN, Roman: *Nápravně výchovná činnost v českém vězeňství* (Corrective Educational Measures in the Czech Prison System). *Securitas Imperii*, 2018, No. 33, pp. 50–79, in particular pp. 57–61.
- 25 JOHN, Roman: *Nápravně výchovná činnost v českém vězeňství*, pp. 57–61.
- 26 Karel Havelka (born 1950), one of the main figures of the Czechoslovak underground. In 1973, he emigrated to the USA, but returned to Czechoslovakia after about a year. In 1976, together with František Stárek and others, he was sentenced to 15 months' imprisonment for breach of the peace. He served his sentence at Plzeň-Bory Prison. While still in prison, he learned of the emergence of Charter 77, which he signed the day after his release in June 1977. From 1978 to 1980 he organised underground concerts, distributed "samizdat" literature and helped produce the magazine *Vokno*.
- 27 JOHN, Roman: *Nápravně výchovná činnost v českém vězeňství*, p. 71.
- 28 Petr Hauptmann (born 1946), civil engineer. In October 1982 he emigrated to Bavaria, hoping that his family would eventually be able to join him. Due to his son's serious illness, in December 1982 he decided to return to Czechoslovakia. He was subsequently arrested and sentenced to 10 years in prison on trumped-up charges of spying. He served his sentence at Minkovice Prison. He was released in January 1990.
- 29 Preciosa, which produced crystal, continued a centuries-old tradition of glass-making in Jablonec nad Nisou, and was created in 1948 by the merger of several factories. At Minkovice Prison established in 1958, prisoners produced – in difficult conditions – bezels for crystal chandeliers and glass jewellery intended mainly for export. Minkovice Prison was closed in 1990.
- 30 RUML, Jan: *To nemyslíte vážně* (You Can't Be Serious). *Respekt*, 1990, Vol. 1, No. 5 (11. 4. 1990), p. 15 – see <https://www.respekt.cz/tydenik/1990/5/to-nemyslíte-vážně> (quoted version dated 9. 4. 2020).

The working demands on the prisoners were very high, and prisoners often had difficulties in meeting them. Prison management and staff were largely indifferent to the reasons for failure to meet targets and punished them with disciplinary measures; inmates were placed in correctional units and threatened with many more months of punishment.³¹ One sad example is the story of Jiří Gans³², who was sentenced to 15 years in prison on trumped-up charges of defamation of the state and spying, for the “crime” of listening to Western music. Although he suffered from a severe eye condition, he was placed in the most punishing – third – category of correctional facility groups³³ at Valdice Prison, making glass costume jewellery. Due to his handicap he was unable to meet his production targets, and was punished several times by being sent to the disciplinary punishment department where he was subjected to frequent bullying by the “criminal” prisoners.³⁴ Eventually he was transferred to a department for elderly prisoners, where he lived in a more or less vegetative state. The remarks in Gans’ re-education record speak volumes. On September 10, 1985, an officer wrote: *He’s not interested in anything. All he does is lie in bed, as if preparing himself for death. He’s interested in nothing.*³⁵

Inmates from this period recall that violence was commonplace, not only amongst the prisoners (rape, beatings and swearing); physical assaults by the wardens were also common. Although officially any use of the baton or tear gas had to be documented in writing, the prisoner had to be examined by a doctor and the Head of the prison or his deputy was supposed to assess whether the baton, tear gas or other repressive measures had been lawfully used³⁶, if a guard wanted to physically attack a prisoner, an opportunity could always be found. The most advantageous environment seemed to be the confined space of the disciplinary punishment department, as documented by several prisoners: *Here the baton was used far more often than elsewhere and under the subtlest pretexts. [...] The other prisoners were locked up in their cells just in case they noticed something. However, we orderlies saw more than enough.*³⁷ Prisoners faced constant fear of physical

31 For more see LOUČ, Michal: *Vězeňství v českých zemích v 70.–80. letech 20. století*, pp. 37–38.

32 Jiří Gans (1928–1990), member of the Czech underground music scene and political prisoner. He founded České Budějovice’s Friends of American Music Club in the 1960s, and in the 1970s was one of the city’s leading lights of the underground music scene. In 1977, he was charged with spying, and after a show trial was sentenced to 15 years in prison. He was released after serving more than nine years, his health in ruins.

33 On the basis of Law No. 59/1965, Coll., O výkonu trestu odnětí svobody (on Service of a Term of Imprisonment), prisoners were divided into three correctional groups. Each group had different rights and privileges (e.g. frequency of visits, letters, freedom of movement).

34 PAŽOUT, Jaroslav: *Trestněprávní perzekuce v Československu v období takzvané normalizace*, pp. 312–317.

35 NA, f. SSNV – unprocessed, personal file of Jiří Gans, born 16. 11. 1928, re-education record.

36 Ibid., f. MS – unprocessed, k. MS/SNV 1973, Rozkaz ministra spravedlnosti č. 9/1973, o prostředcích k dosažení účelu zákroku příslušníků Sboru nápravné výchovy ČSR proti odsouzeným a obviněným (Minister of Justice Order No. 9/1973, on permitted methods to be used by members of the Corps of Correctional Education of the Czech Socialist Republic against inmates and accused), 5. 7. 1973.

37 KOVAŘÍK, Jaroslav: *Na druhém břehu řeky... Vyprávění „odtamud“ z let 1977–1986* (On the Other Side of the River... A Narrative “From There” from 1977–1986). Pragma, Prague 1991, p. 58. For more on violence in prisons see LOUČ, Michal: *Vězeňství v českých zemích v 70.–80. letech 20. století*, pp. 41–42.

38 LOUČ, Michal: *Vězeňství v českých zemích v 70.–80. letech 20. století*, p. 39.

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attack and failure to meet work targets, for which they could be punished. Those convicted of political crimes were denied the better jobs behind bars.³⁸ Moreover, at least at Minkovice Prison, the guards, according to the testimony we obtained, were encouraged by the internal security officers to impose disciplinary punishments on political prisoners and make it difficult for them to meet their work targets in various ways.³⁹

The foreign policy climate of the 1970s and 1980s was deeply affected by the discourse on human rights. While this discourse had a negligible direct impact on the prison system – one could argue it had absolutely zero impact – the efforts of dissident groups through the activities of Charter 77 (Charta 77, the most significant platform of democratic opposition in Czechoslovakia in the 1970s and 1980s) the Committee for the Defence of the Unjustly Prosecuted⁴⁰ and international organisations such as Amnesty International, Helsinki Watch and the Internationale Gesellschaft für Menschenrechte proved decisive for the further development of the prison system, especially after 1989. The roots of humanism that appeared in Czechoslovak prisons after the Velvet Revolution can be seen in these activities, which highlighted human rights violations in custody and imprisonment. Although the concept of human rights was nothing new in human history, it was primarily linked to the birth of the United Nations (UN) in the aftermath of the Second World War, in which member states committed themselves to upholding them.⁴¹ However, it took several decades before human rights became part of the public discourse. After long negotiations, it was eventually translated into the Final Act of the Conference on Security and Cooperation in Europe as a formal European principle.⁴² The so-called Helsinki effect had a significant influence on dissident movements in socialist countries.⁴³

- 39 *Authors' archive* (hereafter referred to as AA), interview with Mr. Černý (pseudonym) (a prison guard), conducted on 27. 3. 2019 by Kristýna Bušková and Michal Louč. The article uses interviews recorded as part of GA ČR junior grant No. 17-26073Y „Proměny vězeňství v českých zemích v letech 1965–1992. Systémové a individuální adaptace“. It was recorded about 25 people using the oral historical methodology. Some of the narrators spoke anonymously and are given pseudonyms. They belong to the most frequent popular Czech surnames in 1989.
- 40 The Committee was established in 1978. Its aim was to monitor cases of people prosecuted or imprisoned simply for expressing their beliefs or victims of police or judicial wrongdoing, and to inform the public and state authorities about these cases. By 1989, VONS had defended hundreds of people. Many of its representatives were persecuted or imprisoned for their activities.
- 41 In 1955, the UN produced a document entitled *Standard Minimum Rules for the Treatment of Prisoners* (SMR), which was originally adopted by the United Nations Congress on the Prevention of Crime and Treatment of Offenders in 1955 and approved by the UN's Economic and Social Council in 1957. However, the UN made no significant effort to promote human rights or human rights in prisons in different countries – see https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=2ahUKEwjUloLEgfXhAhWKVBUIHRtEBL8QFjADegQIA-hAC&url=https%3A%2F%2Fwww.unodc.org%2Fpdf%2Fcriminal_justice%2FUN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf&usg=AOvVaw0uuxMOQiDPBRX3JDjR0ZqW (quoted version dated 9. 4. 2020).
- 42 For more on the question of human rights, how their inclusion was negotiated in the Final Act and the consequences of the Helsinki process in the countries of Central and Eastern Europe, see THOMAS, C. Daniel: *Helsinský efekt. Mezinárodní zásady, lidská práva a zánik komunismu* (The Helsinki Effect. International Norms, Human Rights, and the Demise of Communism). Academia, Prague 2007.
- 43 For the connection between human rights and the dissident movement see BOLTON, Jonathan: *Světy disentu. Charta 77, Plastic People of the Universe a česká kultura za komunismu* (Worlds of Dissent.

Soon after the signing of the Final Act, dissident circles began adopting the language of human rights and used it in their statements. This human rights discourse, which formed the ideological and philosophical basis of dissent, was complemented by dissident legalism as a strategy of behaviour within and against the communist system.⁴⁴ Charter 77 and VONS monitored cases of people prosecuted or imprisoned simply for expressing their convictions or those who were victims of arbitrary police decisions. They also highlighted cases of prison inmates who faced acute threat of death, requested improvement of conditions of incarceration, informed the public on expressions of solidarity for them and, last but not least, cooperated with foreign institutions such as Amnesty International.⁴⁵

In May 1978, Charter 77 released *Document No. 16* concerning the state of the Czechoslovak prison system, which was sent to the Federal Assembly (FS) of the Czechoslovak Socialist Republic, the Czech National Council (ČNR), the Slovak National Council (SNR) and a copy sent to the Penological Research Institute.⁴⁶ The extensive text analysed the legal issues relating to the conditions of detention and imprisonment as well as inadequate legal provisions and their violation. The document relied not only on the principles of human rights, but also on legalistic arguments. Other documents concerning the state of the Czechoslovak prison system were also disseminated within dissident circles, such as the *Zpráva o poměrech v NVÚ Minkovice v letech 1979–1985* (Report on Conditions at NVÚ Minkovice in 1979–1985)⁴⁷, and the *Zpráva o poměrech v III NVÚ Valdice*⁴⁸ (Report on Conditions at III NVÚ Valdice), both written by Jiří Wolf, or a collection of reports by various authors detailing their experiences in prison entitled *O československém vězeňství* (About the Czechoslovak Prison System)⁴⁹ published in 1987.⁵⁰ The state of the Czechoslovak prison system was also

Charter 77, The Plastic People of the Universe, and Czech Culture under Communism). Academia, Prague 2015, pp. 45–50; KOPEČEK, Michal: Disidentský legalismus. Socialistická zákonnost, lidská práva a zrod právního odporu v demokratické opozici v Československu a v Polsku v 70. letech (Dissident Legalism. Socialist Legality, Human Rights and the Emergence of Legal Resistance in the Democratic Opposition in Czechoslovakia and Poland in the 1970s). In: SUK, Jiří et al.: *Šest kapitol o disentu* (Six Chapters on Dissent). Sešity ÚSD AV ČR, Vol. 51, Prague 2017, pp. 10–48.

44 KOPEČEK, Michal: *Dissident Legalism*.

45 PAŽOUT, Jaroslav: Výbor na obranu nespravedlivě stíhaných (The Committee for the Defence of the Unjustly Prosecuted). In: BLAŽEK, Petr (ed.): *Opozice a odpor proti komunistickému režimu v Československu 1968–1989* (Opposition and Resistance to the Communist Regime in Czechoslovakia 1968–1989). Ústav českých dějin FF UK – Dokořán, Prague 2005, pp. 96–110; PAŽOUT, Jaroslav: *Trestněprávní perzekuce v Československu v období takzvané normalizace*, pp. 102–119; BOLTON, Jonathan: *Světy disentu*, pp. 280–286.

46 The document is available in GRUNTORÁD, Jiří – UHL, Petr: *O československém vězeňství. Sborník Charty 77* (About the Czechoslovak Prison System. Charter 77 Almanac). Orbis, Prague 1990, pp. 149–186; ČISAŘOVSKÁ, Blanka – PREČAN, Vilém (eds.): *Charta 77: Dokumenty 1977–1989. 1977–1983* (Charter 77: Documents 1977–1989. 1977–1983). ÚSD AV ČR, Prague 2007, pp. 134–152.

47 *Zpráva o poměrech v NVÚ Minkovice v letech 1979–1985* – see <http://www.kriminal-minkovice.wbs.cz/Zprava-o-pomerech-v-NVU-1979---1984.html> (quoted version dated 9. 4. 2020).

48 AA, *Zpráva o poměrech v III NVÚ Valdice* (undated). The report concerns the Valdice Correctional Institution, where convicted prisoners served their sentences in the III correctional group of inmates. For this reason, the Roman numeral III appears in the title of the report.

49 GRUNTORÁD, Jiří – UHL, Petr: *O československém vězeňství*.

50 Other prison recollections include *Vězeň č. 1260* (Prisoner 1260) and *Ostrov v souostroví* (The Island

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described in a Helsinki Watch report, which featured an annex with an English translation of the above-mentioned reports on Minkovice and Valdice prisons.⁵¹

Both Charter 77 and VONS also attempted to formulate ideas of an ideal penitentiary system and post-penitentiary care, which was *conceived in the spirit of modern humanity, the experience of some other states, current research – i.e. a prison service built on respect for human beings and their rights...*⁵² Although turning these ideas into practice was well beyond the means of the dissidents, their reflections on the role of prison in society undoubtedly found a response after 1989, when dissidents were one of the chief advocates of reform in the area of custody and imprisonment.

An important role was also played by foreign support for political prisoners from various organisations, especially Amnesty International and Helsinki Watch, and others that not only monitored human rights violations in Czechoslovakia and other Eastern bloc countries, but also provided various forms of support to political prisoners, such as “adoption”, which consisted of assigning a specific case to a group or groups of Amnesty International activists with a view to achieving their release. They organised petitions and letters from various individuals to the authorities of the country concerned. Moral support and financial assistance were also provided to the prisoners. In 1973, they began organising so-called “Urgent Action” campaigns – a stream of letters and telegrams with requests pertaining to a specific prisoner. This was mostly done in the event of an acute threat, for example with regard to the inmate’s medical condition, the threat of imminent execution, bullying or torture.⁵³ According to historian Prokop Tomek, the pressure of NGOs, foreign governments and the global public appeared to have no effect on the release of political prisoners in the short term, but in the long term, they did lead to at least partial improvement in their conditions.⁵⁴ Some of these activities did indeed result in the release of several prisoners of conscience when their health was in serious jeopardy, such as Václav Havel⁵⁵, Otta Bednářová⁵⁶ and Jiří Gans.

in the Archipelago) by Jaromír Šavrdra, the *Magorovy labutí písně* (Magor’s Swan Songs) collection of poems by Ivan Jirous and the prison correspondence between Václav and Olga Havel. For more see LOUČOVÁ, Petra: Literární úkol, jak něco napsat, i když člověk vlastně nic napsat nemůže. Cenzura korespondence politických vězňů v období tzv. normalizace (The Literary Task of how to Write Something, Even if one Cannot Actually Write Anything. Censorship of Correspondence of Political Prisoners in the Period of So-called Normalisation). *Securitas Imperii*, 2018, No. 33, pp. 80–103; PŘIBÁŇ, Michal et al.: *Český literární samizdat 1949–1989. Edice, časopisy, sborníky* (Czech Literary Samizdat 1949–1989: Editions, magazines, volumes), Academia, Prague 2018.

- 51 *Prison Conditions in Czechoslovakia: January 1989. A Helsinki Watch Report*. U.S. Helsinki Watch Committee, New York 1989.
- 52 UHL, Petr: Úvod (Foreword). In: GRUNTORÁD, Jiří – UHL, Petr. *O československém vězeňství*, pp. 11–19, in particular p. 12.
- 53 TOMEK, Prokop: *Amnesty International a Československo* (Amnesty International and Czechoslovakia) – see https://www.amnesty.cz/data/file/834-vons_tomek.pdf?version=1447074797 (quoted version dated 9. 4. 2020).
- 54 TOMEK, Prokop: Působení Amnesty International ve prospěch vězňů svědomí (Amnesty International’s work on behalf of prisoners of conscience). *Securitas Imperii*, 2018, No. 33, pp. 104–128.
- 55 Václav Havel (1936–2011), playwright, writer, dissident and politician. Representative of Charter 77 and VONS who was imprisoned on several occasions. At the end of 1989, he was elected President of Czechoslovakia. He served as President of the Czech Republic until 2003.

Czechoslovak society began to change in the second half of the 1980s, in connection with perestroika and glasnost. This was connected to greater openness in the media, which began serving as a debating forum for various issues. However, these changes had little effect on the prison system at the management levels of decision-making. The prison system was kept as it was; no changes were to be accepted. Surprisingly, it was the prisoners themselves who reacted to the discussions on perestroika. They saw in perestroika the possibility of being allowed to leave the walls of the prison and benefit from the social changes that perestroika might bring, such as the opening of borders. *On the subject of perestroika, there are an increasing number of voices saying it is necessary to search for parallels between 1968 and 1988, especially in the area of the economy. Once again, private businesses are being allowed to operate, unprofitable enterprises will be shut down and there is also the risk of unemployment. All of this was proposed by Otto (sic) Šik⁵⁷ twenty years ago and today we are returning to it. A large proportion of inmates are interested in the possibility of starting their own business after leaving prison. According to their discussions, many of them believe the best thing would be to claim unemployment benefit and to do some work “on the side” in various businesses.⁵⁸ Although no changes were permitted by the Correctional Institution Corps Administration, it appears that the psychologists and educators who visited prisons in the wake of the 1960s reforms began to see the light. Many were highly critical of negative phenomena and the emphasis on discipline and they were aware that these tendencies did not contribute to the positive treatment of inmates. They were also often more receptive to the discourse on human rights that some criminal prisoners had learned about from political prisoners.⁵⁹ After various consultations and negotiations, they met and discussed possible changes to the system.⁶⁰ Until 1989, however, they were bound by the rigid system of the time and could often rely on achieving just minor concessions from the prison management, which they managed to negotiate in various ways.⁶¹ The events of 1989 acted as a detonator not only at the social level, but also in individual prisons and in the SNV Administration itself. At last, everything began to move.*

56 Otta Bednářová, née Šmírousová (born 1927), dissident, journalist, writer, screenwriter, co-founder of VONS, television and radio editor. In October 1979, she was sentenced to 3 years of imprisonment. Due to a very poor state of health, the court decided to suspend the sentence and release her on parole.

57 Ota Šik (1919–2004), Czech economist and politician of the Prague Spring, member of the Communist Party Central Committee. He became known as the father of Czechoslovakia's economic reforms, often referred to later as the Third Way.

58 *Archiv bezpečnostních složek* (Security Service Archives, hereafter *ABS*), f. Správa Sboru nápravné výchovy – odbor vnitřní ochrany (Correctional Institution Corps Administration – Internal Security Department) (hereafter *SSNV-OVO*) – unorganised, k. 67, Svodná informace po linii vnitřní ochrany o situaci mezi odsouzenými za měsíc duben 1988 (Information pertaining to internal security on conditions between inmates in April 1988), 25. 4. 1989.

59 *AA*, interview with Kamila Meclová, conducted on 30. 5. 2019 by Michal Louč.

60 *Ibid.*, Fieldwork journal, interview with Lubomír Bajcura, Stráž pod Ralskem, 13. 9. 2017.

61 *Ibid.*, interview with Zdeněk Kovařík (prison psychologist), conducted on 13. 10. 2018 by Kristýna Bušková and Michal Louč.

The prison system at the time of the revolution

The period between 1988 and 1989 saw society activated, with the launch of new political initiatives and the first major demonstrations. The authorities continued to criminalise the anti-Communist opposition and any manifestations of disapproval with the regime. More political prisoners were sent to prison. According to official data, by the beginning of 1989 there were 246 political prisoners behind bars.⁶² Václav Havel was arrested during the so-called Palach week⁶³ and given a nine-month prison sentence.⁶⁴ He was released in May 1989.⁶⁵ Many other political prisoners were still being held on remand or were serving prison sentences during the collapse of the communist regime. According to the SNV's data, as of November 1, 1989, a total of 309 persons were in prison having been charged or convicted of offences under the first section of the Criminal Code (*Trestní zákon*), i.e. crimes against the state (such as treason, subversion, defamation of the state and its representatives and sedition).⁶⁶ However, a political subtext cannot be excluded even for inmates incarcerated under other sections of the Criminal Code, of whom there were significantly more.⁶⁷ Just a few days after November 1989, a leaflet drawn up by VONS listed some 22 political prisoners being held on remand or serving prison sentences. They included Josef Römer⁶⁸, Petr Hauptmann, Ivan Martin Jirous⁶⁹, František Stárek⁷⁰, Renata Pánová⁷¹,

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- 62 JANÁK, Dušan – KÝR, Aleš: *Nástin vývoje československého vězeňství v letech 1948–1989* (An Outline of the Development of the Czechoslovak Prison System 1948–1989). *Historická penologie*, 2004, Vol. 2, No. 5, p. 4.
- 63 A commemoration to mark the 20th anniversary of the death of Jan Palach grew into a week-long (January 15–21, 1989) series of demonstrations in Prague that were brutally suppressed by the Communist security forces. They were the biggest demonstrations since 1969.
- 64 HRON, Jan (ed.): *Perzekuce Václava Havla. Dopisy a dokumenty z let 1968–1989* (The Persecution of Václav Havel. Letters and Documents 1968–1989). Knihovna Václava Havla, Prague 2015, p. 285.
- 65 *Ibid.*, p. 300.
- 66 Of which one was for treason, seven were for spreading terror, 26 for sabotage, one was for subversion, eight were for incitement, 27 were for defamation of the state and its representatives, 33 were for espionage, seven were for threatening to betray state secrets, 198 for leaving the country without permission and one for harming the interests of the state abroad. NA, f. MS – unprocessed, k. MS/SNV 1989, Informace o stavu vězňů, Informace o stavu a složení vězňů v nápravně výchovných ústavech a věznicích na území ČSR k 1. 11. 1989 (Information on the state of prisoners, Information on the status and composition of prisoners in correctional institutions and prisons in the territory of Czechoslovakia as of November 1, 1989).
- 67 For example, attacking a public official (1,639 persons) and attacking a state authority or a body of a social organisation (35 persons). *Ibid.*
- 68 Josef Römer (born 1955), political prisoner. As a frequent visitor to the U.S. Embassy Library in Prague, in 1978 he was sentenced to 11 years in prison for spying, which was later extended by another two years for a separate criminal case. He served his sentence at Valdice Prison. He was released in January 1990.
- 69 Ivan Martin Jirous (1944–2011), called “Magor”, art critic and theoretician, representative of the underground and leader of the rock group The Plastic People of the Universe. From 1973 to 1989 he was repeatedly imprisoned. In this instance, he was convicted together with Jiří Tichý (born 1946) for distributing a petition blaming the regime for the death of dissident Pavel Wonka. I. M. Jirous was sentenced as a repeat offender to 16 months in prison. He served his sentence – unusually for a recidivist – at Stráž pod Ralskem. He was released on November 25, 1989. ŠVEHLA, Marek: *Magor a jeho doba* (Magor and His Era). Torst, Prague 2017, p. 482.

Jiří Ruml⁷² and Petr Uhl^{73,74} But they were just the better known ones. In many cases, a conviction for a non-political offence was used to conceal the fact that the conviction had in fact been political. Such cases awaited complicated judicial reviews.

Prisoners followed the course of the Velvet Revolution in the media.⁷⁵ According to the monthly record produced by the internal security officers, in the first half of November 1989 the prisoners were not very interested in politics, but after November 17, *there was a spike in inmates' interest in all domestic affairs. [...] The inmates watched broadcasts from the various mass gatherings of citizens very closely. [...] Some of them were disappointed that speakers at these gatherings spoke only of a narrow group of charged and convicted persons, the so-called "prisoners of conscience"*.⁷⁶ They believed the speakers at the demonstrations were only interested in prominent political prisoners.

The leadership of the Correctional Institution Corps was forced to react to the unfolding situation. On November 22, 26 and 29, 1989, extraordinary meetings of the chiefs of staff of the SNV Administration were convened to discuss the political situation and take various measures. The minutes of those meetings show that at the first session it was decided *to convene officers of the individual correctional institutions, acquaint them with the facts of the situation and appeal to their conscious discipline, morality and personal responsibility for carrying out the tasks as set out in the statements issued by C[omrade] Jakeš⁷⁷ and the governments of the ČSSR and the Czech Socialist Republic*.⁷⁸ The first meeting was also attended by the chairman and agitators of the KSČ basic organisation (ZO KSČ). At the second meeting it was decided, amongst other things, to convene a special session of the whole KSČ apparatus within the prison service.⁷⁹

- 70 František "Čuňas" Stárek (born 1952), member of the underground, Charter 77 signatory and publisher of *Vokno* magazine. He spent six months in custody in the 1970s. He was later sentenced twice over publication of the magazine; first in 1981, for two and a half years, and for the second time in February 1989, again for two and a half years.
- 71 Renata Pánová (born 1971), a saleswoman from Tábor who produced a banner demanding the release of political prisoners during a May Day parade, for which she was sentenced to four months in prison.
- 72 Jiří Ruml (1925–2004), journalist, Charter 77 signatory, taken into custody in October 1989 over the publication of the "samizdat" *Lidové noviny* newspaper.
- 73 Petr Uhl was arrested on November 19, 1989. He spent less than a week in custody. PAVELKA, Zdenko: *Petr Uhl – Dělal jsem, co jsem považoval za správné* (Petr Uhl: I Did What I Thought Was Right). Torst, Prague 2013, p. 385.
- 74 BLAŽEK, Petr – PAŽOUT, Jaroslav: *Nejcitlivější místo režimu. Výbor na obranu nespravedlivě stíhaných (VONS) pohledem svých členů* (The Regime's Most Sensitive Spot. The Committee for the Defence of the Unjustly Prosecuted /VONS/ Through the Eyes of its Members). Pulchra, Prague 2008, p. 135.
- 75 KÝR, Aleš: Vývoj situace ve vězňství po 17. listopadu 1989 (Developments in the Prison System after November 17, 1989). *Historická penologie*, 2005, Vol. 3, No. 3, p. 1.
- 76 ABS, f. SSNV-OVO – unorganised, k. 68, Svodná informace po linii vnitřní ochrany o situaci mezi odsouzenými za měsíc listopad 1989 (Information pertaining to internal security on conditions between inmates in November 1989), 12. 12. 1989, pp. 1, 3.
- 77 Miloš Jakeš (born 1922), politician and member of the conservative wing of the Communist Party. From 1977 to 1989 he was a member of the Central Committee of KSČ, from December 17, 1987 to November 24, 1989 he served as its General Secretary.
- 78 NA, f. MS – unprocessed, k. MS/SNV 1989, Jednání štábu, Zápis z mimořádného jednání štábu náčelníka správy SNV ČSR rozšířeného o předsedy ZO KSČ a aktivisty ZO KSČ dne 21. 11. 1989 (Meeting of chiefs of staff. Minutes from the extraordinary session of the chiefs of staff of the SNV Administration, with the chairman of the ZO KSČ and agitators of the ZO KSČ also in attendance, November 21, 1989), p. 1.

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We heard a different view of the atmosphere of the time from Kamila Meclová⁸⁰, psychologist at the Pardubice Women's Prison. *Pardubice felt far away from Prague and for a long time we couldn't believe that the rule of the communist party was really coming to an end. There were one or two big meetings in the culture room, where comrade political officer showed some pictures and told us: "Don't think for a minute that the students will get away with this. We won't let some youngsters who never worked a day in their life disrupt our peace!!!" We felt really uneasy about it. [...] I didn't go to any demonstrations. I just quietly wished it would all end well.*⁸¹

The truly fundamental demand during the revolutionary era was the release of political prisoners. VONS called on President Gustáv Husák to set them free, and the coordination centre of Civic Forum (Občanské fórum, OF) added its voice on December 4, 1989.⁸² They laid down a deadline of December 10, 1989.⁸³ On December 8, 1989, President G. Husák dutifully declared an amnesty for persons convicted of political crimes (subversion, incitement, leaving the state without permission, harming the interests of the state abroad, etc.).⁸⁴ He explained the need for an amnesty by claiming that *the danger to society of many crimes and offences [in Czechoslovakia] had fallen.*⁸⁵ Two days later G. Husák abdicated. As part of this amnesty, seven people were released from pre-trial custody and 45 people serving prison sentences were set free.⁸⁶ In fact by this point, several political prisoners had already been released. On November 26, 1989, František Stárek, Ivan Jírouš and Petr Cibulka left prison.⁸⁷ On the same day,

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- 79 Ibid., Zápis z jednání mimořádného štábu náčelníka správy SNV ČSR (Minutes from the extraordinary session of the chiefs of staff of the SNV Administration), 26. 11. 1989, p. 1.
- 80 Kamila Meclová (born 1948), psychologist. Worked as a prison psychologist in 1976–1990. Later became the Director of the female prisons in Pardubice and Světlá nad Sázavou, in 1995–1999 served as the Deputy Director General of the Czech Prison Service and in 2000–2005 as the Director General of the Prison Service.
- 81 AA, interview with Kamila Meclová, conducted on 30. 5. 2019 by Michal Louč.
- 82 Civic Forum (OF), a political movement founded on November 19, 1989 as a broad platform of civic activities promoting the transition to democracy. In Slovakia, a similar role was played by the Verejnoscť proti násiliu – VPN (Public Against Violence movement).
- 83 Koordinační centrum OF žádalo amnestii pro politické vězně (The Civic Forum coordination centre demands an amnesty for political prisoners). *Informace o Chartě 77* (Information about Charter 77), 1989, Vol. 12, No. 22, December 9, 1989, p. 7 – see http://scriptum.cz/soubory/scriptum/informace-o-chartě-77/infoch_1989_22_ocr.pdf (quoted version dated 9. 4. 2020).
- 84 RUML, Jan: *To nemyslíte vážně.*
- 85 HLAVÁČOVÁ, Veronika: Prosinec 1989. Političtí vězni se dostanou na svobodu. Gustáv Husák vyhlásil amnestii (December 1989. Political Prisoners Released. Gustáv Husák Declares an Amnesty), *Radiožurnál*, 8. 12. 2014 – see <https://radiozurnal.rozhlas.cz/prosinec-1989-politicti-vezni-se-dostanou-a-svobodu-gustav-husak-vyhlasil-6283898> (quoted version dated 9. 4. 2020).
- 86 KÝR, Aleš: *Vývoj situace ve věznictví po 17. listopadu 1989*, p. 1. Among others, Jaroslav Vald (born 1962), sentenced for attacking a state body and a body of social organisation and František Kulhánek (born 1930), sentenced for leaving the country without permission. NA, f. MS – unprocessed, k. MS/SNV 1989 – Denní zprávy (DZ, Daily Reports), Informace pro ministryni spravedlnosti ze dne 15. 12. 1989, čj. S SNV – DZ č. 178/89 (Information for the Minister of Justice, 15. 12. 1989, ref. No. S SNV – DZ No. 178/89); Informace pro ministryni spravedlnosti ze dne 20. 12. 1989, čj. S SNV – DZ č. 179/89 (Information for the Minister of Justice, 20. 12. 1989, ref. No. S SNV – DZ No. 179/89).
- 87 Ibid., Informace pro ministra spravedlnosti ze dne 28. 11. 1989, čj. S SNV – DZ č. 168/89 (Information for the Minister of Justice, from November 28, 1989, ref. No. S SNV – DZ No. 168/89), pp. 1–2.

Rudolf Zeman and Petr Uhl were released from custody.⁸⁸ All five were named in the aforementioned VONS pamphlet.

The collapse of Communism released long-repressed emotions in the highly repressive prison system. The situation was tense. Many prisoners expected the resignation of the president, and by the end of November most firmly believed in the declaration of a general amnesty.⁸⁹ After all, hoping for an amnesty has always been one of the constant features of prison life. Prisoners soon began to organise and impose all sorts of demands, in particular for reviews of their cases, the repeal of paragraphs 41 and 42 of the Criminal Code on re-offending (in the case of repeated offenders, these clauses made it possible to impose much stricter punishments), changes in the prison system and last but not least, a general amnesty. They spoke the language of human rights and resorted to passive resistance in the form of hunger strikes and refusal to work in support of their demands.⁹⁰ According to the aforementioned internal security bulletins of December 1989, *these actions were neutralised with relative success and they left no consequences for discipline and order, including the performance of work duties.*⁹¹ But this was not to last, and the prisoners quickly began to radicalise.⁹²

At Christmas 1989 riots broke out in most of the country's prisons. The disorder began on December 23, 1989, when 2,500 inmates at Leopoldov Prison declared a hunger strike in demand of a general amnesty.⁹³ Czechoslovak Television reported on the event on the same day, which inspired inmates at other prisons to follow suit.⁹⁴ Prisoners went on hunger strike at Mírov and Heřmanice prisons, petitions were created at Horní Slavkov and Stráž pod Ralskem prisons, at Valdice Prison the prisoners had to be promised negotiations with the Czech National Council, Justice Minister Dagmar Burešová⁹⁵ was dispatched to Minkovice Prison, and the Chairman of the Czech National Council Jaroslav Šafařík⁹⁶ travelled to Vinařice Prison. Officials from the SNV Administration were also sent to selected prisons.⁹⁷

88 Ibid., Informace pro ministra spravedlnosti ze dne 27. 11. 1989, čj. S SNV – DZ č. 167/89 (Information for the Minister of Justice, from November 27, 1989, ref. No. S SNV – DZ No. 167/89), p. 1.

89 ABS, f. SSNV-OVO – unorganised, k. 68, Svodná informace po linii vnitřní ochrany o situaci mezi odsouzenými za měsíc listopad 1989 (Information pertaining to internal security on conditions between inmates in November 1989), 12. 12. 1989, p. 3.

90 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 1.

91 ABS, f. SSNV-OVO – unorganised, k. 68, Svodná informace po linii vnitřní ochrany o situaci mezi odsouzenými za měsíc listopad 1989, 12. 12. 1989, p. 3.

92 Ibid.

93 Chronologie (Chronology), 12. 1. 2000 – see <https://archiv.ihned.cz/c1-740116-chronologie> (quoted version dated 9. 4. 2020).

94 NA, f. MS – unprocessed, k. MS/SNV 1989 – Jednání štabu (Meeting of the chiefs of staff), Všem útvarům – příloha Zápisu z mimořádného jednání štabu náčelníka správy SNV ČSR dne 24. 12. 1989 (To all services – Annex to the minutes of the extraordinary meeting of the chiefs of staff of the SNV Administration on December 24, 1989), p. 1.

95 Dagmar Burešová (1929–2018), lawyer and first post-Communist Minister of Justice (5. 12. 1989 – 29. 6. 1990). Before 1989, Burešová often represented persecuted dissidents, and also the mother of Jan Palach (1948–1969), the student who set himself alight in January 1969 in protest at the occupation of Czechoslovakia in August 1968.

96 Jaroslav Šafařík (born 1942), Czechoslovak Socialist Party politician, elected chairman of the Czech National Council on 18. 12. 1989.

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There's a brief mention of the unrest at Minkovice Prison in the memoirs of prison guard Josef Vondruška⁹⁸: *However, then came December 24[, 1989], when they started broadcasting the rebellion at Leopoldov Prison on television [...]. Around midnight [you could hear] a terrible racket coming from the prison; someone was throwing projectiles, and that was it, I got dressed and off I went. The inmates started throwing their bowls out of the windows, screaming and so on. At night we left them to their own devices, during the day there were negotiations on how things should be run from now on (will they still be made to work?). Various commissions started turning up again. Then amidst all this came Havel's [presidential] amnesty. [...] After that, the management team running the prison basically disintegrated and from then on the institution was basically run directly by the department of correctional institutions.*⁹⁹ Minkovice Prison was notorious for its very harsh regime and numerous political prisoners. A largescale uprising had broken out there in April 1968, too.¹⁰⁰

We also spoke to two warders who experienced the Minkovice Prison revolt. Warder Svoboda summarised it very briefly: *There was only one revolt, in Minkovice Prison on Christmas 1989. We weren't inside. We were in the complex, but not in the barracks because those idiots kept throwing stuff at us.*¹⁰¹ We have learned some more details from warder Černý who was mostly annoyed that he couldn't be with his two children on Christmas. *It started on the night of December 23, 1989. [...] On Christmas Day at 9 in the morning, the emergency driver arrived saying there was "a bit of a riot going on". I packed my things, said goodbye to my family and went. I only returned home one week later. On New Year's Eve. [...] The prisoners threw everything they could find at us. They did not respond to any of our orders and commands to cease their unlawful behaviour. There were all sorts of banners hanging from the windows. [...] We were on duty all week. [...] When it was relatively quiet or when we were too exhausted, there was a large meeting room with some mattresses where we slept in sleeping bags. [...] Something was going on all the time. There were about 1,100 prisoners at that time. When the situation in unit H calmed down a bit, it flared up again in unit C so we had to go there. The guard dogs were constantly on duty. They didn't really intervene, but when a dog barked once or twice, the prisoners became more careful and stopped their unlawful behaviour because they were worried about their safety.*¹⁰² The main memory of the revolt seems to focus on the displayed banners and objects thrown from windows. There are also numerous photographs of the prison yard covered in various items.

97 NA, f. MS – unprocessed, k. MS/SNV 1989 – Jednání štabu (Meeting of chiefs of staff), Zápis z mimořádného jednání štabu náčelníka správy SNV ČSR dne 24. 12. 1989 (Minutes from the extraordinary session of the chiefs of staff of the SNV on December 24, 1989), pp. 1–2.

98 Josef Vondruška (born 1948), between 1972 and 1990 a guard at Minkovice Prison. Later a politician and MP for the Communist Party of Bohemia and Moravia (Komunistická strana Čech a Moravy, KSČM). Former political prisoners accuse him of physically attacking them.

99 VONDRUŠKA, Josef: *Z druhé strany katru* (From the Other Side of the Prison Gate). Futura, Prague 2012, p. 40.

100 HARTMAN, Ivo: *Vzpouza vězňů v NVÚ Minkovice v roce 1968 v zrcadle materiálních škod způsobených vězni* (The Revolt by Prisoners at NVÚ Minkovice in 1968 as Reflected in the Material Damage Caused by Prisoners). *Historická penologie*, 2018, Vol. 16, No. 2, pp. 2–13.

101 AA, interview with Mr. Svoboda (pseudonym) (a prison guard), conducted on 5. 3. 2019 by Michal Louč.

102 AA, interview with Mr. Černý (pseudonym) (a prison guard), conducted on 4. 11. 2019 by Michal Louč.

What led the convicts to revolt? They were particularly angered by the behaviour of some SNV officers, and there was also dissatisfaction with the quality of food, accommodation, hygiene, medical care and working conditions. They also had reservations about the length of sentences. The SNV Administration responded by declaring a full emergency, which the inmates interpreted as a demonstration of strength.¹⁰³ In the meantime, however, the first changes in the functioning of the prison system were taking shape.

One of the fundamental promises of the euphoria of the revolutionary and post-revolutionary period was the humanisation of the prison system.¹⁰⁴ Many opponents of the regime had first-hand experience of prison and soon after the events of November 1989 wanted to contribute to their radical transformation. The first practical steps, however, were somewhat random, and corresponded to the spontaneity of the overall developments in society. On December 5, 1989, the respected lawyer Dagmar Burešová became Minister of Justice, and significantly eased the regime in prisons; on January 5, 1990 she dismissed the Head of the SNV Administration, Jaroslav Konečný.¹⁰⁵ SNV officers stopped wearing uniforms and were unarmed, the food improved, prisoners were no longer required to have their heads shaved and were allowed to watch TV more often.¹⁰⁶ More frequent visits and the possibility of receiving more packages were also important improvements. Nevertheless, fresh petitions, hunger strikes and strikes were still emerging. The prisons were visited by politicians who tried to calm the situation by negotiating with representatives of prisoners.

Another example of some easing of the conditions in prisons was the removal of metal gratings on windows, colloquially called “biscuits”, which made it harder to look out and restricted air circulation. One of the warders complained in the interview that when they were removed, prisoners could throw things at him: *It was this steel frame with a dense steel grating which meant you couldn't smuggle anything in or throw anything out. [...] The minister of justice knew little about prison security and had the biscuits removed. [...] The prisoners got one fourth of a loaf of bread each. They let the bread go stale and hard, and when they managed to hit your head with it down on the yard, it really hurt. Not as much as a mess tin, though. They threw all that at us when the biscuits were removed. Later they were reinstalled, slightly different.*¹⁰⁷

103 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 2.

104 POLÁK, Miroslav: *Od středověkého hradu k makarenkovským táborem. Cesta po třech moravských věznicích* (From a Medieval Castle to the Makarenkov Camps. A Journey through Three Moravian Prisons). *Metropolitan*, 29. 10. 1991, p. 5.

105 Jaroslav Konečný (born 1932), engineering worker, joined the Nikolaj labour camp in Jáchymov in 1955 as a guard. Between 1965 and 1983 he served as Head of Všehrdy Prison, and between 1983 and 1990 as Head of the SNV Administration. HLADÍK, Ondřej: *Biografický slovník náčelníků nápravně výchovných ústavů a věznic v 70. a 80. letech 20. století* (Biography of the Heads of Correctional Institutes and Prisons in the 1970s and 1980s). *Historická penologie*, 2017, Vol. 15, No. 2, p. 90.

106 LAMPER, Ivan: *Bouře trvá dál* (The Storm Continues). *Respekt*, 1990, Vol. 1, No. 1 (14. 3. 1990), p. 5 – see <https://www.respekt.cz/tydenik/1990/1/boure-trva-dal> (quoted version dated 9. 4. 2020).

107 AA, interview with Mr. Černý (pseudonym) (a prison guard), conducted on 4. 11. 2019 by Michal Louč.

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The prisons acted as a stage with many actors of conflicting interests on both sides. The inmates set up prison forums, which formulated a number of demands regarding human rights, demanding their publication in the press and negotiations with politicians.¹⁰⁸ The term prison forum referred to the political movement Civic Forum established in November 1989 in the Czech part of Czechoslovakia. By January 3, 1990 alone, there were 215 spokespersons of prison forums recorded in the country's prisons.¹⁰⁹ An open letter by prisoners at Valdice Prison containing 16 demands was published at the beginning of 1990 in *Information about Charter 77*.¹¹⁰ A similar prison initiative – Charter 90 – was established on February 11, 1990 at Mírov Prison. Its signatories demanded visits to the prison by an inspection commission, an immediate review of all sentences and the abolition of clauses on recidivism.¹¹¹ A branch of the Roma Citizens' Initiative was also established at Valdice Prison, where Roma prisoners from each prison wing elected their spokesperson.¹¹²

It was also clear during the revolution that even SNV officers themselves did not represent a single homogenous group of opinion. Prison officers who were dissatisfied with the current situation and practices in the Czechoslovak prison system therefore established their own SNV Members' Forums at the end of the year. The prison heads and their colleagues, on the other hand, made efforts to restrict such activities during this period.¹¹³

Members of various commissions of the Czech National Council and Civic Forum visited the prisons to help to calm the situation. The commissions also supervised the implementation of measures that had been proposed.¹¹⁴ Later there was criticism in the press that the commissions had not consulted promises made to prisoners with the prison authorities, and when such promises were not kept, tensions amongst the prisoners quickly reappeared. For example, Milan Pavlík, Director¹¹⁵ of Plzeň-Bory Prison, recalled in 1992: *The old law on prisons stayed valid until June 1990. The current one is slightly less stringent; it allows more visits and packages can be a few kilos heavier, but that's about it. Yet, starting in January 1990, various civic commissions started promising prisoners all sorts of things. Want to watch TV until the morning? Why not. But in a building housing 560 people – and this would be true of any institution, not just a prison – you have to maintain*

108 Some of the negotiations between Prison Forum representatives at Valdice Prison were captured by the Czechoslovak Television programme *Třetí nápravná* (Third corrective) (1990) – see <https://www.ceskatelevize.cz/porady/897130-treti-napravna/290480710010024/> (quoted version dated 9. 4. 2020).

109 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 2.

110 Otevřený dopis z NVÚ Valdice (Open letter from NVÚ Valdice). *Informace o Chartě 77*, Vol. 13, No. 1 (5. 1. 1990), pp. 7–9 – see [http://scriptum.cz/soubory/scriptum/informace-o-charte-77/](http://scriptum.cz/soubory/scriptum/informace-o-charte-77/infoch_1990_01_ocr.pdf) (quoted version dated 9. 4. 2020).

111 SPURNÝ, Jaroslav: *Obrazy z věznic* (Pictures from Prison). *Respekt*, 1990, Vol. 1, No. 6 (18. 4. 1990), p. 5 – see <https://www.respekt.cz/tydenik/1990/6/obrazy-z-veznic> (quoted version dated 9. 4. 2020).

112 -r-: *Romská iniciativa také zde* (The Roma Initiative is also here). *Valdické noviny*, 1990, Vol. 1 (March), p. 3.

113 TICHÝ, Jiří: „Důvěřuj, ale prověřuj“ (“Trust but Verify”). *Respekt*, 1990, Vol. 1, No. 23 (15. 8. 1990), p. 2 – see <https://www.respekt.cz/tydenik/1990/23/duveruj-ale-proveruj> (quoted version dated 9. 4. 2020).

114 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 3.

115 Before 1989 referred as a Head (náčelník), and from 1990 as Director (ředitel).

a certain degree of order. Now, when we demand it from prisoners, they invoke all sorts of commissions and call us totalitarians, Communists, screw bastards and God knows what else.¹¹⁶

Independent initiatives and non-profit organisations continued their interest in the prison system. In addition to the established organisations, such as VONS, new ones also appeared. One example is the Committee for the Protection of Prison Rights, which was established on March 6, 1990 in Prague, and whose founders included former political prisoner Josef Römer and clergyman and Charter 77 signatory Josef Kordík¹¹⁷.¹¹⁸ Václav Benda¹¹⁹ said about VONS' activities in the prisons: *In 1989/[19]90 we were very active. We tried to humanise the prison system, we filed requests for amnesties, we worked in various commissions. Paradoxically, after November [19]89, I spent my fifth Christmas in prison, not locked up this time, but trying to calm some revolt or other, holding negotiations with prisoners, and so on.*¹²⁰ New arrivals also joined the prison service. Former dissident Zbyněk Čerovský¹²¹ was appointed Director of Prague's Pankrác Prison. The clerics Aleš Jaluška¹²² and Josef Kordík began working at Valdice Prison immediately after the revolution. According to J. Kordík, there was great tension in the prison at that time: *[SNV] officers were aware that the old order was coming to an end, and they needed somehow to justify their existence. It was obvious that they were trying to provoke the prisoners. On the other hand, the prisoners did not want to work, referring to hitherto unreasonably harsh working demands and poor conditions. At every step, one stumbled upon the consequences of the cruel behaviour of State Security. It was a terrible time.*¹²³ He was also surprised at the number of political prisoners in Valdice Prison who had been convicted under criminal paragraphs of the law.¹²⁴ The same problem was raised by journalist Jaroslav Spurný.¹²⁵

As already mentioned, not all SNV officers welcomed the revolutionary events and some disagreed with the changes. The press even reported that they were making

116 ŘEBOUN, Ota: Kam dál, baso? (Where Next, Slammer?). *Květy*, 1992, Vol 2, No. 3, p. 5.

117 Josef Kordík (born 1948), Catholic priest, prison chaplain at Valdice Prison from 1990 to 2013. A signatory of Charter 77, in 1981 his state licence to practice was revoked and he was convicted of obstructing the state's supervision of the church. He was allowed to return to the priesthood at the end of 1989.

118 LAMPER, Ivan: *Bouře trvá dál*.

119 Václav Benda (1946–1999), politician and dissident, representative of Charter 77 and VONS. He was imprisoned from 1979 to 1983. After 1989, he was a parliamentary deputy, senator, and chairman of the Christian Democrats as well as the director of the Office for the Documentation and Investigation of the Crimes of Communism (Úřad dokumentace a vyšetřování zločinů komunismu Policie ČR, ÚDVZK PČR), a department of the Czech police force.

120 DRDA, Adam: Výbor na obranu nespravedlivě stíhaných (historie, význam, budoucnost) (The Committee for the Defence of the Unjustly Prosecuted /History, Significance, Future/). *Revolver Revue*, 1995, No. 3, p. 112.

121 Zbyněk Čerovský (born 1931), Czechoslovak People's Army officer who was expelled from the Communist Party and dismissed from the army over his opposition to the 1968 Soviet-led occupation. As a signatory of Charter 77, he was subsequently forced into exile as part of the secret police „Asanace“ (“Sanitation”) operation.

122 Aleš Jaluška (born 1947), Czechoslovak Hussite Church priest from Lomnice nad Popelkou and prison chaplain at Valdice Prison. He first visited Valdice Prison on December 26, 1989, in response to reports of a revolt, and worked there for 24 years.

123 LAMPER, Ivan: *Bouře trvá dál*.

124 Ibid.

125 SPURNÝ, Jaroslav: *Obrázky z věznic*.

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threats to prisoners that everything would soon return to the old ways.¹²⁶ Among those who perceived the changes negatively was Minkovice Prison guard Josef Vondruška: *It was the end of 1988; the biggest gangsters were suddenly talking all this nonsense about human rights – which they violated every day in their relations with each other. Well, somehow we struggled on with the problems, some of them we just put off to be honest, until the glorious days of November 1989. First there was confusion, with occasional attempts to keep the department running. Nobody dared to guess what would happen next, where the next petition would come from, against whom, it was just a total mess. [...] External commissions came and went; most of them negotiated with the head of the C[orrectional]E[ducational]A[ctivity] (NVČ) department and the prison psychologist or their deputies. There were various outrageous demands from both inmates and commission members. I just stuck with my team. I didn't really give a fig about all that stuff.*¹²⁷ It is hard to say how many SNV officers shared J. Vondruška's view of events, but it was most likely a typical attitude among those Communist Party members devoted to the regime. It is significant that in his memoirs J. Vondruška boasts of how one of his classmates from the National Security Corps College (VŠ SNB) had confided to him that he considered J. Vondruška to be the *very model of a socialist prison officer*.¹²⁸ Given such an accolade, it is unsurprising to learn the lack of respect with which J. Vondruška – who left the prison service soon afterwards at his own request – speaks about human rights or the political prisoners at Minkovice Prison (he refers to the Charter 77 activists imprisoned there as “dirty losers”).¹²⁹

The Internal Security Department – considered to be an extension of State Security (StB) – continued to function inside the prisons for several months after the revolution. In 1990 the aforementioned chaplains Aleš Jaluška and Josef Kordík confided in the press that they faced strong resistance from the outset, especially from Internal Security officers, who were most irritated by the chaplains' A. Jaluška refusal to pass on information given to them by prisoners during confession.¹³⁰ From the beginning they had considered the Bible as subversive literature, and when Father Jaluška brought communion wine to the prison, they accused him of smuggling in “litres of alcohol”. Jaluška even claimed that Internal Security officers had tried to use the false testimony of his colleague against him and subsequently spread rumours about homosexual contact between clergy and prisoners.¹³¹ He therefore refused to countenance their further existence inside the prisons: *It's absolutely clear. As long as the OVO is allowed to operate in the prison, there will be problems. If these “cousins” of the StB stay there, it will be difficult to build our prison system on a humane basis.*¹³² The Internal Security Department was indeed abolished on April 11, 1990.¹³³ Almost none of its members later passed the vetting process in the 1990s (see below).

126 Ibid.

127 VONDRUŠKA, Josef: *Z drubé strany katru*, p. 39.

128 Ibid., p. 30.

129 Ibid.

130 LAMPER, Ivan: *Bouře trvá dál*.

131 Ibid.

132 Ibid.

133 SPURNÝ, Jaroslav: *Obrazy z věznic*.

As far as their resistance to democratic reforms is concerned, some have speculated that Internal Security officers (and other employees of the SNV) might have been involved in inciting the prison riots, using their confidantes amongst prisoners. Their motive was allegedly to destroy evidence of economic crimes they had themselves committed in the prisons.¹³⁴ Clergyman Josef Kordík said that for corrupt officers at Valdice Prison the “Leopoldov Prison situation” would suit their interests – the prison would be set on fire and their transgressions would be forgotten for a while. According to J. Kordík, more than half of the forty spokespersons in the Valdice Prison forum alone were informers for the Internal Security Department.¹³⁵

“Havel’s amnesty”

As of January 1, 1990, there were 19,741 people serving prison sentences and another 2,537 being held on remand.¹³⁶ President Václav Havel’s first steps after taking office on December 29, 1989 included an extensive amnesty, which was drawn up by a number of people, in particular Otakar Motejl¹³⁷, Pavel Rychetský¹³⁸ and Dagmar Burešová.¹³⁹ People associated with VONS were also involved.¹⁴⁰ As the dissident Lenka Marečková¹⁴¹ said later: *The idea behind the amnesty was to compensate for the communist regime’s infamous harshness. After dozens of years of persecutions and misuse of power by the state and the justice apparatus, it was necessary to loosen their grip, weed out their ranks and remedy the situation, which included regulating some sentences that even the general public considered too strict. [...] The scope of the amnesty was designed in line with the effort to transform a police state into a new state based on the rule of law, the values of democracy and human rights.*¹⁴² The amnesty turned out to be a magnanimous and yet risky move.

134 Ibid.; SPURNÝ, Jaroslav: Jak to bylo v Leopoldově? (What Happened At Leopoldov?). *Respekt*, 1990, Vol. 1, No. 13 (6. 6. 1990), p. 5 – see <https://www.respekt.cz/tydenik/1990/13/jak-to-bylo-v-leopoldove> (quoted version dated 9. 4. 2020).

135 KORDÍK, Josef: Hrozi další požár (Valdice 11. 1. 1990 – 10. 5. 1990) (The Risk of Another Fire /Valdice January 11, 1990 – May 10, 1990/). *Respekt*, 1990, Vol. 1, No. 10 (16. 5. 1990) – see <https://www.respekt.cz/tydenik/1990/10/hrozi-dalsi-pozar-valdice-11-1-1990-10-5-1990> (quoted version dated 9. 4. 2020).

136 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 3.

137 Otakar Motejl (1932–2010), a lawyer who often defended dissidents during the Communist Party dictatorship. After 1989, he became the first ombudsman of the Czech Republic.

138 Pavel Rychetský (born 1943), lawyer and politician, Charter 77 signatory and co-founder of Civic Forum. After 1989 he served, among other positions, as deputy Prime Minister and Senator for the Czech Social Democratic Party. Since 2013 he has been a judge and Chairman of the Constitutional Court of the Czech Republic.

139 HAVEL, Václav: *Prosím stručně: rozhovor s Karlem Hviždálou, poznámky, dokumenty* (Please Briefly: Interview with Karel Hviždála, Remarks, Documents) (published in English as *To The Castle And Back*). Gallery, Prague 2006, p. 69.

140 PAVELKA, Zdenko: *Petr Uhl – Dělal jsem, co jsem považoval za správné*, p. 411.

141 Lenka Marečková (born 1963), Charter 77 signatory, member of VONS and other independent organisations. In 1984, she was handed a seven-month custodial sentence over the public recitation of verses from her collection of poetry *Ať žije společnost* (Long Live Society). She spent five months in prison.

142 MAREČKOVÁ, Lenka: *Vykročení do svobody* (First steps in freedom). In: BLAŠČÁK, Fedor (ed.): *Amnestie: Svoboda jako tlustá čára za minulostí* (Amnesty. A thick Line Separating us from the Past). Slovart, Prague 2019, p. 41.

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Under the amnesty, by January 21, 1990, 15,392 inmates and persons on remand were released from the three correctional groups in the prison system of the Czech Socialist Republic (the total number of those released in the Czechoslovak federation was some 23,000 prisoners).¹⁴³ The amnesty pertained to those serving sentences of less than two years (less than three years in the case of unintentional offences). Other inmates had their sentences reduced by between a third and one half. Prosecution of those who faced less than three years in prison was halted. The amnesty did not apply to extremely dangerous repeat offenders or those who had committed murder, rape or other serious crimes.¹⁴⁴ By the end of 1991, of the 12,600 convicted prisoners and those held on remand who had been released in the amnesty, half of those convicted and a third of the remand prisoners had been arrested for committing new crimes and prosecuted.¹⁴⁵

The 1990 amnesty became a major theme for V. Havel's critics and tabloid journalism. It was associated with an increase in crime – opponents emphasised the serious crimes committed by those released under the amnesty. A very widespread myth claims that Havel “released murderers from prison”.¹⁴⁶ The prisons emptied, but due to the rising crime rate, they quickly started to fill up again. V. Havel himself rejected this criticism. He later said in an interview with journalist Karel Hviždala: *I've been criticised for the amnesty of January 1990 for fifteen years without anyone being able to explain why it was wrong. Did it increase crime? No, that was increased by completely different things. In 1990, if I remember correctly, amnestied prisoners accounted for nine percent of offences in the Czech Lands and seven percent in Slovakia, which is a little more than the annual rate of crimes committed by those released from prison. [...] I later read statistics and penological analyses of the amnesty and they did not correspond to the content of the complaints against me. Yes, it was a truly generous move. But it was a necessary one in order to make it clear that the situation was changing fundamentally and that we wanted to break with the depravity which was the hallmark of Communist justice.*¹⁴⁷ This corresponds to the findings of the criminologist Alena Marešová that the amnesty was not the primary and decisive factor in the post-revolutionary increase in crime. According to her, the amnesty was a logical consequence of social change and decriminalisation, but at the same time it was risky to release so many prisoners at once, both in terms of their re-socialisation and soci-

143 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 3.

144 Dvě největší amnestie: Oba prezidenti po Novém roce čelili kritice (The Two Biggest Amnesties: Both Presidents Faced Criticism after the New Year). *ČT24*, 2. 1. 2015 – see <https://ct24.ceskatelevize.cz/domaci/1494381-dve-nejvetsi-amnestie-oba-prezidenti-po-novem-roce-celili-kritice> (quoted version dated 9. 4. 2020).

145 MAREŠOVÁ, Alena: Amnestie 2013 z pohledu kriminologického šetření amnestie 1990 (The 2013 Amnesty from the Perspective of the Criminological Study into the Amnesty of 1990). In: VEČERKA, Kazimír (ed.): *Prevence sociálních deviací – přání, naděje a realita. Konference sekce sociální patologie MČSS. Červená nad Vltavou 17.–19. dubna 2013* (Prevention of Social Deviation: Desire, Hope and Reality. Conference of the MČSS Social Pathology Section in Červená nad Vltavou, April 17–19, 2013). Masarykova česká sociologická společnost, Prague 2013, p. 117.

146 BLAŠČÁK, Fedor: Svoboda jako tlustá čára za minulostí. In: BLAŠČÁK, Fedor (ed.): *Amnestie: Svoboda jako tlustá čára za minulostí*, p. 17.

147 HAVEL, Václav: *Prosím stručně: rozhovor s Karlem Hviždalem, poznámky, dokumenty*, p. 69.

ety's response to such a move.¹⁴⁸ Lenka Marečková thinks that this harsh and often unfair criticism of the amnesty dissuaded Václav Havel from ever trying again. Yet many people thought an amnesty was needed, if only because prisons were too full.¹⁴⁹

The semi-autobiographical book by Dorel Levron (born Jozef Patocz in 1966) offers an interesting testimony of the revolution and the amnesty through the eyes of a criminal prisoner. He spent November 1989 in prison in Ružomberok. He describes his desire to participate in the overthrow of the old regime. He wanted to inform the public about inhuman conditions in prison, and his fellow prisoners set up a committee that made various demands of the prison management. He was finally released in the January 1990 amnesty. He described his first moments of freedom as follows: *I stopped by a group of guys who'd been let out [of prison] a bit before me. Straight away they put a bottle in my hand. I downed some, shook their hands, we wished each other good luck, and then I tried to get out of Ružomberok as quickly as possible. In the midst of the total anarchy that ruled everywhere, the cops were walking oblivious through the streets, no one had any respect for them anymore. It was clear to me that alcohol would soon do its job and that on the very same day a new page of criminological history would begin to be written.*¹⁵⁰ D. Levron himself would spend just 66 days as a free man before being arrested again.¹⁵¹

The Leopoldov Prison revolt

Despite some measures already having been taken, riots broke out in various prisons in early 1990. This was undoubtedly due to the dissatisfaction of prisoners not covered by the January amnesty. According to the prison historian Aleš Kýr, the most serious problems were at Heřmanice and Ostrov nad Ohří prisons. At Heřmanice Prison on January 22, 1990, 295 inmates declared a hunger strike, which ended on January 25 when – in addition to officials from the SNV Administration – a Catholic priest and a representative of the Ostrava Civic Forum met with them.¹⁵² At Ostrov nad Ohří Prison riots broke out on January 21, 1990, after the arrival of inmates transferred there from Minkovice Prison, which had just been shut down. The problem was solved by moving them to Plzeň-Bory Prison.¹⁵³

Without doubt the most serious incident in that period took place at Leopoldov Prison in Slovakia, where, unlike in other jails, there were not simply riots but a violent revolt. In January 1990, members of a commission sent by the Slovak National Council (including Ján Langoš¹⁵⁴) arrived at the prison to reassure prisoners who had

148 MAREŠOVÁ, Alena: *Amnestie 2013 z pohledu kriminologického šetření amnestie 1990*, p. 118.

149 MAREČKOVÁ, Lenka: *Vykročení do svobody*, p. 57.

150 LEVRON, Dorel: *Odsuzuje se Dorel Levron. Skutečný příběh ze slovensko-českého podsvětí* (Dorel Levron is Condemned. A True Story from the Slovak-Czech Underworld). Host, Brno 2005, p. 182.

151 *Ibid.*, p. 211.

152 KÝR, Aleš: *Vývoj situace ve vězeňství po 17. listopadu 1989*, p. 3.

153 *Ibid.*

154 Ján Langoš (1946–2006), dissident, politician and co-founder of the Public Against Violence movement, making him a prominent representative of the Velvet Revolution in Slovakia. After 1989 he served as an MP, Minister of the Interior and Chairman of the Board of the Nation's Memory Institute (Ústav pamäti národa, ÚPN).

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gone on strike over the extent of the presidential amnesty (just 652 prisoners were released from Leopoldov Prison¹⁵⁵). Over time, 217 prisoners barricaded themselves in their cells. Their main demand was an amendment to the section of the Criminal Code covering repeat offenders. Before the rebellion, a Slovak National Council commission paid nine visits to the prison, the last taking place four days before the outbreak of violence, when they were told that the prisoners were determined to use all means necessary, including escape, to gain freedom.¹⁵⁶ In mid-March 1990, the rebels really did take control of the prison for two weeks, and it took more than 1,000 armed members of the security forces to regain control, not before prisoners had set fire to part of the building.¹⁵⁷ The damage was estimated at 30 million crowns. One prisoner died and 29 were wounded, with 11 members of the security forces suffering injuries. In 1993, 61 people were sentenced for their participation in the revolt.¹⁵⁸

Minor disturbances continued. In the spring of 1990, there were riots, among others, at Litoměřice, Brno-Bohunice and Prague-Ruzyně prisons, which was put down on May 28, 1990 by Federal Interior Ministry riot police. In July 1991, revolts broke out at Horní Slavkov and Vinařice prisons.¹⁵⁹ And there were more such cases. In 1990, at Valdice Prison, staff managed to calm the situation and a revolt was prevented.¹⁶⁰ This had not been easy, as implied by an article of the time by Valdice Prison chaplain Josef Kordík: *When the commissions came here in January, with a sense of good will and convinced that everything would go smoothly in the new society and that injustice would no longer be tolerated, they promised inmates that unjust prosecutions would quickly be reviewed. Promises were made of this happening by very specific deadlines. Files were quickly collected, assessments were written. The deadline came and went – nothing. A month passed – nothing. Four months – nothing. Therefore, there were many outbursts of anger among the inmates who felt a burning sense of injustice. I admire the discipline and patience of the inmates that nothing more serious has so far happened.*¹⁶¹ The then Head of Valdice Prison, Jan Matucha, was even given the nickname “The Valdice Brubaker”¹⁶² by journalists, a reference to the well-known 1980 Hollywood film starring Robert Redford.

155 JEDLIČKA, Miloslav: Věznice Leopoldov – Slovensko. Vzpoua vězňů – březen 1990. Vražda 5 vězeňských dozorců – listopad 1991 (Leopoldov Prison – Slovakia. Prisoner Riot – March 1990. The Murder of Five Prison Guards – November 1991), *Kriminalistika.eu* – see <http://kriminalistika.eu/muzeumzla/leopoldov/leopoldov.html> (quoted version dated 9. 4. 2020).

156 ŠUSTROVÁ, Petruška – MLYNÁŘ, Vladimír: Proces v Leopoldově (The Trial at Leopoldov). *Respekt*, 1992, Vol. 3, No. 43 (26. 10. 1992), p. 4 – see <https://www.respekt.cz/tydenik/1992/43/proces-v-leopoldove> (quoted version dated 9. 4. 2020).

157 Ibid.

158 JEDLIČKA, Miloslav: *Věznice Leopoldov – Slovensko*.

159 *Chronologie*, 12. 1. 2000; VACULÍK, Radim: Vzbušení z věznic už byli za své plány potrestáni (The Prison Rebels had Already been Punished for their Plans), *Novinky.cz*, 19. 10. 2011 – see <https://www.novinky.cz/krimi/247861-vzboureni-z-veznic-uz-byli-za-sve-plany-potrestani.html> (quoted version dated 9. 4. 2020).

160 TICHÝ, Jiří: Snížení trestu (Reducing the Sentence). *Respekt*, 1990, Vol. 1, No. 36 (14. 11. 1990), p. 3 – see <https://www.respekt.cz/tydenik/1990/36/snizeni-trestu> (quoted version dated 9. 4. 2020).

161 KORDÍK, Josef: *Hrozí další požár (Valdice 11. 1. 1990 – 10. 5. 1990)*.

162 ČÁP, Martin: Bývalý valdický „Brubaker“ říká: Radši odejdu sám (Former “Brubaker” of Valdice: I’d Rather Leave Of My Own Accord). *Metropolitan*, 26. 8. 1992, p. 9.

The violence of the revolts at Leopoldov Prison in 1990 and Vinařice Prison in 1991 shocked the public.¹⁶³ During the communist dictatorship, prisons were a state within a state and ordinary people had virtually no idea what went on inside them.¹⁶⁴ Many were confronted with the real state of the prison system for the first time during the Leopoldov Prison riots. Their surprise can be illustrated by this extract from a period newspaper article: *Two years have passed since the revolution in our prison system. It must be said that, unlike the November one, this revolution was nowhere near as velvet. It left wounded and dead, as well as the burnt-out prison walls. However, for the first time in many decades, the Leopoldov Prison uprising in the spring of 1990 gave the public an opportunity to see the world beyond that high wall, without the Potemkin villages standing in front of it. It showed the true face of Communist jails, where elementary human rights were trampled under the guise of noble ideals and re-education.*¹⁶⁵ However, the course of the uprising did little to improve the public's view of the prisoners. According to journalist Jaroslav Spurný, *the certain reputation that prisoners had won during December [1989] and January [1990] was also destroyed. After the revolt, they were once again seen as animals, violent and incorrigible.*¹⁶⁶ The revolt, he wrote, was also detrimental to awareness of the poor conditions in prisons: *Less is said now about conditions in prisons, about the total social and mental hopelessness of most prisoners and even those who received amnesty. For years it was said that inmates got what they deserved. They pointed to violent crimes such as murder and rape... Objective reports and analyses are still something of a rarity today. And so to the large majority of the public, the state of the country's prisons is unknown.*¹⁶⁷

The escape of seven prisoners from Leopoldov Prison on November 23, 1991, became a symbolic end to the rebellion. During the escape they killed five guards, while one fellow prisoner and two more guards were seriously injured. The leader of the escape, Tibor Polgári, (Polgári himself killed three people and seriously injured two¹⁶⁸) had a year earlier been the ringleader of the Leopoldov Prison revolt.¹⁶⁹ Following the murders at Leopoldov Prison, there were rising calls for the reintroduction of the death penalty (which had been abolished in May 1990) and the overall tightening of the prison regime. Letters and resolutions calling for the renewal of the death penalty were published by the press.¹⁷⁰ One of them was even penned by prisoners at

163 HOLUB, Petr: Kdy vypuknou vzpoury (When the Revolts Break Out). *Respekt*, 1992, Vol. 3, No. 22 (1. 6. 1992), p. 5–6 – see <https://www.respekt.cz/tydenik/1992/22/kdy-vypuknou-vzpoury> (quoted version dated 9. 4. 2020).

164 POLÁK, Miroslav: Vězení nás zajímají, jen když se něco stane (We're Only Interested in the Prisons When Something Happens). *Metropolitan*, 28. 11. 1991, p. 2.

165 KAMENSKÝ, Jan: Dělat si svou práci. Naše vězeňství dva roky po leopoldovské revoluci (Doing Your Job. Our Prison System Two Years After the Leopoldov Revolt). *Noviny*, 19. 3. 1992, p. 3.

166 SPURNÝ, Jaroslav: *Jak to bylo v Leopoldově?*

167 SPURNÝ, Jaroslav: *Obrazy z věznic.*

168 (bs): Začal soudní proces s leopoldovskými vězni (Trial of Leopoldov Prisoners Begins). *MF Dnes*, 5. 1. 1993, p. 3.

169 JEDLIČKA, Miloslav: *Věznice Leopoldov – Slovensko.*

170 For example, the blood donor Miroslav Vacek, who had received an honour for donating blood 38 times, appealed to parliament and blood donors, and was joined in his appeal by the Department of Radiology of Svitavy Hospital, etc. (sab): Leopoldov rozvířil hladinu (Leopoldov Stirs the Surface). *Svobodné slovo*, 17. 12. 1991, p. 8.

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Stráž pod Ralskem Prison.¹⁷¹ The evangelical priest Karel Vepřek, who visited Ostrov, Valdice and Prague-Pankrác prisons, summed up the atmosphere as follows: *Calls opposing humanisation, for the restoration of the death penalty and criticism of prisoners' work ethic have resulted in the gap between wider society and inmates remaining huge. Prisoners themselves, meanwhile, believe that the humanisation of the prison system has not even begun yet. Many still consider themselves political prisoners. It is hard for them to accept that the same officers who guarded them before the revolution are still guarding them today.*¹⁷²

While at the time of the Leopoldov Prison revolt, the public's attention was focused on poor conditions in prisons, after a series of riots and the murderous escape from Leopoldov Prison in 1991, there was once again a chorus of voices calling for a "tightening of the screws". The situation was summed up by the weekly *Květy*: *Yes, Leopoldov. For the first time in the spring of 1990, at this famous jail near Trnava, the carapace of the Socialist prison system burst, and the people were dumbstruck in horror at what lay beneath. In the weeks and months that followed, prisoners became the heroes of the day. Their testimony was listened to as the word of God, and the guards were barely able to show their faces in public as they were the very embodiment of totalitarianism. [...] From the ashes of Leopoldov Prison, meanwhile, rose a new concept of a prison service, full of pastel colours. But a year and a half later, Leopoldov was here again. The bodies of five murdered prison guards lay within its walls. Public opinion once again showed its tendency to view things in black and white. Those who so recently tended towards humanisation in all aspects of life, suddenly did not want to hear a word of it. Parliament and even individual correctional institutions received hundreds of resolutions demanding the immediate reintroduction of the death penalty. They urged prison directors to take a hard line...*¹⁷³ SNV officers were also deeply concerned about their safety.¹⁷⁴ The SNV Directorate General stressed far greater emphasis on discipline and safety for its officers.

“Cleaning up” the department

As in other spheres of society, the prison system introduced a vetting process for all SNV officers. It was launched in June 1990. Officers of the SNV Directorate General¹⁷⁵ were screened by the Central Vetting Commission, led initially by Petr Uhl¹⁷⁶, who was replaced by Milan Hulík after P. Uhl was appointed to a different post.¹⁷⁷ M. Hulík explained the necessity of the vetting as follows: *Democratising and humanising the prison*

171 (mk): Znovu o trestu smrti (Once Again on the Death Penalty). *Svobodné slovo*, 28. 11. 1991, p. 3.

172 HOLUB, Petr: *Kdy vypuknou vzpoury*.

173 ŘEBOUN, OTA: *Kam dál, baso?*, p. 5.

174 Ibid, p. 10; (bs): Kritický stav vězeňství (The Critical State of the Prison Service). *Metropolitan*, 28. 11. 1991, p. 1.

175 Former SNV Administration.

176 Petr Uhl, moreover, had since the beginning of 1990 also headed the Czech National Council commission on prisons. PAVELKA, Zdenko: *Petr Uhl – Dělal jsem, co jsem považoval za správné*, p. 409.

177 Milan Hulík (born 1946), lawyer. During the Communist dictatorship, he provided legal assistance to persecuted dissidents. After 1989 he worked, among other places, at the Office for the Protection of the Constitution and Democracy, was Chairman of the Vetting Commission and First Deputy Director General of the Correctional Institution Corps. In 1995 he returned to the legal profession.

system was not possible with faithful and dedicated members of the Communist praetorian guard who, besides being responsible for the past, were incapable of adapting to the new democratic conditions.¹⁷⁸ On the other hand, for some warders who received a positive evaluation, this was a career opportunity. One of them was a warder with whom Petr Uhl had some personal experience: *There was a warder at Mírov Prison who was so kind to all prisoners that when I was the chairman of the vetting committee, I let him pass and also helped him climb up the ranks.*¹⁷⁹ The Commission concentrated on vetting the heads of prisons and their deputies¹⁸⁰, both in terms of their continued employment in the service itself and their presence on local review boards working at 35 prison facilities across the country. The Central Vetting Commission also included dissident Lenka Marečková, lawyer and dissident Hana Marvanová¹⁸¹ and several members of the SNV Directorate General who were regarded as possessing the requisite moral credit.¹⁸²

Local commissions usually comprised three members. They were appointed by the head of the SNV Directorate General, Zdeněk Karabec,¹⁸³ based on nominations by the chairman of the Central Vetting Commission and with the approval of the Minister of Justice, Leon Richter.¹⁸⁴ Representatives of various independent organisations – Konfederace politických vězňů Československa (The Confederation of Czechoslovak Political Prisoners)¹⁸⁵, VONS, KAN¹⁸⁶ – were also nominated to the commissions. SNV officers, who were also predominantly members of the SNV Members' Forum, participated in the work of the commissions as associate members. The vetting process examined candidates' expertise as well as their moral character and views on the democratisation of society.¹⁸⁷ A basic source of information were the personnel files of persons under investigation and the testimony of former

178 HULÍK, Milan: Pokus o analýzu vězeňství (An Attempt to Analyse the Prison System), *CS Magazin*, April 2006 – see <http://www.cs-magazin.com/index.php?a=a2006041028> (quoted version dated 9. 4. 2020).

179 AA, interview with Petr Uhl, conducted on 26. 5. 2019 by Michal Louč and Kristýna Bušková.

180 AA, interview with Milan Hulík conducted on 19. 4. 2018 by Michal Louč and Klára Pinerová.

181 Hana Marvanová (born 1946), lawyer, dissident and politician. In 1988 she co-founded the Independent Peace Association – the Initiative for the Demilitarisation of Society (Nezávislé mírové sdružení – Iniciativa za demilitarizaci společnosti). She was arrested and spent several months in custody for taking part in a demonstration marking the 20th anniversary of the 1968 occupation of Czechoslovakia and organising a demonstration to mark the 70th anniversary of the foundation of Czechoslovakia. In March 1989 she was given a suspended sentence. She later served, among other things, as an MP and deputy Minister of Justice.

182 HULÍK, Milan: *Pokus o analýzu vězeňství*.

183 Zdeněk Karabec (1932–2018) studied law, worked briefly in the prosecutor's office and subsequently became an employee of the Criminological Research Institute. In January 1990, he was appointed Director of the Correctional Institution Corps and was also the first Director General of the Czech Prison Service.

184 Leon Richter (born 1930), lawyer, from June 1990 until January 1992 Minister of Justice of the Czech Republic.

185 The Confederation of Political Prisoners (KPV) was established in 1990 as an association of political prisoners from the time of the Communist dictatorship and their descendants.

186 The Club of Committed Non-Party Members (Klub angažovaných nestraníků, KAN) was founded during the 1968 Prague Spring as a political movement to involve non-Communist Party members into political life. After the occupation of Czechoslovakia by Warsaw Pact troops in August 1968, the organisation's further activities were stopped. It was re-established after 1989.

187 TICHÝ, Jiří: „*Důvěřuj, ale proveřuj*“.

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prisoners, especially dissidents, and those SNV officers who were not compromised in some way. However, the scope of the measures adopted was limited by the need to maintain the functioning of the prison system.¹⁸⁸ Former political prisoner František Stárek had this to say about the committees: *The committees were very, very gentle about it. I actually wrote a request concerning one warder who made my life hell in Horní Slavkov Prison. I didn't want him to be fired, but I asked the committee to not let him directly work with prisoners. That did not happen. He admitted that he was a bit stricter with me, but claimed that it wasn't because I was a political prisoner. It had absolutely no consequences for him.* The committees' decisions could be excessive.¹⁸⁹ One narrator, who worked at the Minkovice Prison, remembered a committee that fired a young warder who was still in his probational period: *They sacked him because of his father who was in Internal Security at Minkovice Prison. [...] The young boy was completely different. Never was in the "Party". But he had to go. The times were really hard. He was transferred with us from Minkovice to the Liberec Prison, but couldn't work there because of his father. What was it he could have done, still in his probational period?*¹⁹⁰

The ongoing vetting process obviously caused nervousness on both sides. Those prisoners who had complained about corrupt prison officers in the months after 1989, for example, were worried that they would pass the vetting process: *In spite of all the humanising measures, or perhaps because of them, fear stalks Valdice Prison. It's a double fear. Those SNV officers most at risk at failing the vetting procedure are afraid of losing their jobs. Those prisoners who were most active in pointing out their unlawful behaviour are afraid they'll pass the vetting procedure.*¹⁹¹ Many SNV officers feared they would fail vetting and would be dismissed from the service. Some had already left because they knew they would never pass or because they opposed the new regime. The aforementioned prison guard Josef Vondruška, who asked to be dismissed from the prison service at the end of February 1990, summed up his reasons in his memoirs: *Following the events of 1989 and the subsequent revolt at NVÚ Minkovice in December 1989, I came to the conclusion that the time had come to leave. I think that my mood at that time can once again be summed up by a single quote, this time from the work of Kateřina Perknerová (author of "Whom the Interior Ministry Serves"):* "A person possessing a certain moral and philosophical integrity cannot serve Husák at one moment and Havel the next. Nobody re-forms his way of thinking. And in a job that requires 100 percent loyalty and devotion, it would immediately be clear. To apply for a position in today's state apparatus would be an extremely unethical, monstrous and unacceptable thing."¹⁹² Also the first leader of vetting commissions Petr Uhl noted in the interview: *The worst of them, meaning the strictest of them, all left voluntarily anyway.*¹⁹³

Internal Security officers, officials of the SNV Administration and heads of prisons were most at risk from the vetting process: *The Central Vetting Commission didn't screen all "Internal Security" officers – who did the work of the StB in prison – as well as many*

188 HULÍK, Milan: *Pokus o analýzu vězeňství*.

189 AA, interview with František Stárek, conducted on 23. 5. 2019 by Michal Louč and Kristýna Bušková.

190 AA, interview with Mr. Černý (pseudonym) (a prison guard), conducted on 4. 11. 2019 by Michal Louč.

191 TICHÝ, Jiří: *Snížení trestu*.

192 VONDRUŠKA, Josef: *Z druhé strany katru*, p. 41.

193 AA, interview with Petr Uhl, conducted on 26. 5. 2019 by Michal Louč and Kristýna Bušková.

other Administration officials and heads of individual prisons, including their deputies.¹⁹⁴ Each case was assessed individually, as Milan Hulík illustrated using two examples. In the first, he discovered that one Internal Security technician was the husband of one his colleagues from the law firm where he worked: *I found out that her husband... that I had basically fired him, because I had fired everyone. But he was just a technician. Well, now I found myself in the situation where she was begging me to give him his job back. So he was the only one I didn't fire. I revoked the decision.*¹⁹⁵

The second example related to the fact that some senior prison officials often waited at M. Hulík's office in Prague's Bolzanova Street and tried to soften him up. According to his memories, however, only one had any success: *It was the Head of Heřmanice Prison. [...] Havel had also been imprisoned there. It was a pretty tough jail. And he was an older fellow. He said to me: "Lieutenant Colonel, please let me carry on serving under you. I've only got a year left until retirement". I said: "But Colonel, you know, your materials are terrible, all that stuff on the walls of your office. [...] Did you really believe in all that, in Communism?" [...] He began to tell me that he was from Ostrava, that his father was a miner. He said: "I believed it, Lieutenant Colonel." I said: "And later on? When they were chasing demonstrators in Prague? You had dissidents here yourself. How could you still believe in it?" He said: "You know; it did start bothering me. It didn't feel right when people – all those students – started demonstrating. But it was in me since childhood. It was in my family. I couldn't break with Communism." And I said: "You know what? Seeing as you have a year left until retirement, and you say how difficult it would have been to abandon Communism and what family you are from, I'll tear up your failed vetting certificate." So he served out his years. I liked the fact that he was able to deal with it in some way. That there was no hatred in him. I knew he hadn't been brutal with the dissidents. But he was perhaps the only one.*¹⁹⁶ On the other hand, for example, the Head of Hradec Králové prison, who tried to pretend that he had no idea who Pavel Wonka¹⁹⁷ was and claimed he listened to Radio Free Europe despite not even knowing the frequency – failed to change M. Hulík's mind. *We fired him. Then he walked around outside, he circled the building about three times. It's a wonder he didn't kneel before us and beg us to take him back. Sometimes it was ridiculous. Sometimes it was almost tragic to watch them squirm,* added M. Hulík.¹⁹⁸

Of the 7,000 SNV officers, 400 failed the vetting process, about 1,000 left of their own accord or refused to swear the new oath of allegiance.¹⁹⁹ Staff shortages became a long-term problem. By mid-1992, there were 700 unfilled vacancies in the prison service.²⁰⁰

194 HULÍK, Milan: *Pokus o analýzu vězeňství*.

195 AA, interview with Milan Hulík conducted on 19. 4. 2018 by Michal Louč and Klára Pinerová.

196 Ibid.

197 Pavel Wonka (1953–1988), dissident. He was tried repeatedly for his activities. On April 20, 1988, despite his poor health, he was sentenced to five months' imprisonment. He died six days later at Hradec Králové Prison.

198 AA, interview with Milan Hulík conducted on 19. 4. 2018 by Michal Louč and Klára Pinerová.

199 KOČKA, Ladislav: *Ještě zdaleka nemáme důvody ke spokojenosti. Rozhovor s ministrem spravedlnosti České republiky JUDr. Jiřím Novákem* (Far From Reasons To Be Satisfied. An Interview with the Minister of Justice of the Czech Republic Dr Jiří Novák). *České vězeňství*, 1992, Vol. 0, No. 0, p. 2.

200 HOLUB, Petr: *Kdy vypuknou vzpoury*.

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Attempts at changing the paradigm

After the turbulent events in Czechoslovakia's prisons in late 1989 and early 1990, full of riots, changes in prison staffing and fluctuations in the number of staff, it was clear that the Czechoslovak prison system must begin a process of humanisation, modernisation and professionalisation. Captain Mirko Huleja became the first post-Revolution Head of the SNV Administration, before soon being replaced by Dr Zdeněk Karabec, who before 1989 had spent many years as a researcher at the Criminological Research Institute of the General Prosecutor's Office of the Czechoslovak Socialist Republic. Although the Correctional Institution Corps gained an expert at the top, it was one with no practical experience of running a prison. Z. Karabec was responsible for presenting a plan to overhaul the Czechoslovak prison system, which was largely the work of Dr Milan Hulík, who served as First Deputy Director General of the SNV between 1991 and 1993.²⁰¹ According to M. Hulík, the aim was to create *a modern prison system embedded on one level in the wider system of social care but subsequently as part of the repressive authority of the state, whose main function was the effective protection of society from crime. This system, however, had to respect the European Prison Rules (EPR), which meant humanising the system of incarceration in such a way that it did not lose its repressive character but simultaneously respected the human dignity of the prisoners.*²⁰² The plan was finally adopted in 1992. Its sources were not only knowledge from Western European prison systems; its creators were also inspired by the research of the prison chaplain and educator František Josef Řezáč (1819–1879), who served in the 19th century at the St. Wenceslas Jail in Prague and later at St. George's Prison, the positive results of the interwar Czechoslovak prison system²⁰³ and, last but not least, the scientific findings of the Penological Research Institute.²⁰⁴ The text clearly acknowledges the discourse on human rights, which spread through the western world during the 1970s, and which during the period of normalisation in Czechoslovakia had mainly been promoted by the dissident movement (their influence on the origin and form of the concept of prison reform is indisputable) as well as an emphasis on prisoners' resocialisation into society after the end of their sentences. The repressive aspect of imprisonment was considerably downplayed. The purpose of punishment was no longer to be retributive but regulatory, in order to reduce or eliminate dangerous deviant behaviour.²⁰⁵

201 AA, interview with Milan Hulík conducted on 19. 4. 2018 by Michal Louč and Klára Pinerová.

202 HULÍK, Milan: *Pokus o analýzu vězeňství*.

203 For more on the interwar prison system see ZDENĚK, Robin: *Vězeňství v první Československé republice* (diplomová práce) (The Prison Service of the first Czechoslovak Republic /Thesis/). Masaryk University in Brno, Brno 2010; UHLÍK, Jan: *Zrod československého vězeňství* (The Birth of the Czechoslovak Prison Service). *České vězeňství*, 2002, Vol. 10, No. 3, pp. 37–44.

204 HULÍK, Milan: *Pokus o analýzu vězeňství*. Also *Koncepce rozvoje vězeňství v ČR (Obnovené vydání)* (A Plan for the Development of the Czech Prison Service /Renewed Edition/), a supplement to *České vězeňství*, 1998, Vol. 6, No. 1, p. 1an.

205 *Koncepce rozvoje vězeňství v ČR (Obnovené vydání)*, p. 14.

A key feature of the new philosophy was an effort to humanise the prison system, which raised questions over the extent to which imprisonment could be humanised yet still remain a punishment, and even over what the term “humanise” actually meant. As we will show later, the term was frequently misused; there was a misunderstanding of what “humanisation” of the prison system meant and how its effects were to be translated into practice. In the plan, the concept of “humanisation” is interpreted in very vague terms. V. Mařádek attempted to formulate a better definition in the journal *České vězeňství* (Czech Prison System) which was conceived as the successor to *Zpravodaj SNV* (SNV Reporter), a publication intended for members of the Correctional Institution Corps. Here he states: *TVs in prison cells or prisoners behind bars sitting around doing nothing all day is neither the aim nor the manifestation of humanisation. Neither can prison replace charitable work in society and in no way can it do without discipline and order.* Above all humanisation meant not humiliating the prisoners and respecting their human dignity, including not undermining their personal integrity. One important factor in changing the prison system in this respect was differentiated treatment of inmates, reduction of aggression between prisoners and prison staff, the prevention of the feelings of helplessness and hopelessness amongst prisoners and the guards’ manifestation of their superiority and the creation of new resocialisation programmes for prisoners.²⁰⁶

Amidst the discussion on human rights, further changes were planned to promote and develop the humanisation of the country’s prisons. The first and most important was an amendment to Law No. 59/1965, Coll., *O výkonu trestu odnětí svobody* (on Service of a Term of Imprisonment), which was made on May 2, 1990.²⁰⁷ The amendment not only increased the amount of living space for inmates (something which actually reduced overall prison capacity by half, causing big problems during the subsequent rise in crime) and introduced improved sanitary, social and material conditions, but also gave the prison authorities greater powers. However, the most important change was a reduction in the use of repressive measures. Heightened isolation, whereby prisoners were denied pocket money, received fewer visits, were allowed less frequent correspondence with relatives and could not receive packages – which courts could impose for between six months and two years for those who would be serving their sentences in the third category of incarceration – was abolished. The disciplinary punishment of placement in a special wing²⁰⁸ – deemed one of the most repressive coercion measures²⁰⁹ – was also abolished. Incidentally, bullying

206 MAŘÁDEK, Vladimír: Co je co v práci vězeňského personálu (What is the Work of Prison Staff). *České vězeňství*, 1993, Vol. 1, No. 3, pp. 6–8.

207 Law No. 179/1990 Coll., amending and supplementing Law No. 59/1965 Coll., on Service of a Term of Imprisonment.

208 As a rule, inmates should only be placed in special wings if a comprehensive report, supplemented by the expert medical opinion of a doctor, had diagnosed a mental disorder or addiction requiring special treatment. In some cases, completely healthy inmates were also sent to these wings, where they had to share a common space with people with various psychological disorders and were thus exposed to various types of violence.

209 Law No. 179/1990 Coll., amending and supplementing Law No. 59/1965 Coll., on Service of a Term of Imprisonment.

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and physical violence against prisoners often occurred in such wings. Prisoner officers had to wait another two more years for the introduction of a new *Řád o výkonu trestu odnětí svobody* (The Prison Code of Conduct), which specified in greater detail the ways in which prisoners were to be treated.

Another task of prison reform was the depoliticisation of prison staff. Before 1989, candidates with a Communist Party membership card were prioritised during recruitment. The Party structure was to a great degree part and parcel of the prison apparatus and its members made a claim to many important decisions. After 1989, this practice was to be put to an end, not only in the prison service but in society as a whole. Depoliticisation was made possible by Law No. 186/1992, Coll., *o služebním poměru Policie České republiky* (on conditions of employment within the Czech police force), which prohibited membership of political parties and movements for persons working in the prison service.²¹⁰

Given that by the 1950s the prison system had undergone significant militarisation – partly a consequence of Law No. 321/1948, Coll., *o Sboru uniformované vězeňské stráže* (on the creation of a uniformed corps of prison guards) but above all due to the decision to move responsibility for the prison service to the Ministry of National Security (Ministerstvo národní bezpečnosti, MNB), civilising the executive branch of the prison system was now deemed a high priority. This was strongly supported by Law No. 555/1992, Coll., *o Vězeňské službě a justiční strážní České republiky* (on the Czech Prison Service and Judicial Guards), on the basis of which the Correctional Institution Corps was abolished and replaced with a newly-established Prison Service (Vězeňská stráž, VS). The name change represented a symbolic departure from the legacy of so-called normalisation. Under this law, certain functions in the prison administration were demilitarised.²¹¹ The change was accompanied by uncertainty amongst some prison staff and also a degree of resentment, as being made civilian employees meant taking a pay cut and losing some benefits.²¹² According to M. Hulík, the years that followed saw something of a departure from this new concept of the prison service, culminating in 2003 with an amendment to Law No. 555/1992, Coll.²¹³ In 2005, all prison directors as well as the Director of the Czech Prison Service's Educational Institute had their official status altered from regular state employees to serving officers of the Czech Prison Service. Under the amendment, the Prison Service gained again the status of an armed security corps and was given expanded powers (such as the power to investigate crimes committed by its members).²¹⁴

210 HULÍK, Milan: *Pokus o analýzu vězeňství*. Also *Koncepce rozvoje vězeňství v ČR (Obnovené vydání)*, p. 4.

211 *Koncepce rozvoje vězeňství v ČR (Obnovené vydání)*, p. 4.

212 VACEK, Eduard: *Perspektivy Vězeňské služby*. Rozhovor s generálním ředitelem Vězeňské služby ČR, panem plk. JUDr. Zdeňkem Karabcem, CSc. (Prospects for the Prison Service. Interview with the General Director of the Czech Prison Service, Col. Dr Zdeněk Karabec, CSc.). *České vězeňství*, 1993, Vol. 1, No. 1, pp. 3–5.

213 Law No. 436/2003 Coll., amending Law No. 555/1992 Coll., on the Czech Prison Service and Judicial Guards.

214 HULÍK, Milan: *Pokus o analýzu vězeňství*.

The plan also laid down the principle of decentralisation, which began with the publication of new organisational rules and culminated in the new Law No. 555/1992, Coll. As a consequence, the SNV Directorate General was sharply reduced and restructured, and its competences limited to conceptual, methodological and coordination activities. At the same time, the powers of the governors of individual prisons were strengthened. Under the amendment, they gained greater powers and responsibility for the operation of the whole institution, especially in the area of personnel and finance, which in the future created fresh problems, especially when it came to obtaining funds for running individual facilities.²¹⁵

The reform of the prison system is largely linked to the training of prison staff. It was necessary to come up with a new concept and a new focus, which was not an easy task, and which had to wait for other burning issues to be resolved first. Between 1990 and 1992, vocational education continued at the SNV Brno Secondary Technical School, where 220 future SNV officers received basic and secondary education each year. On January 15, 1992, the establishment was replaced by the SNV Educational Institute of the Czech Republic.²¹⁶ The first necessary change, was, unsurprisingly, to update the curricula for the entrance courses and remove the teachings of Marxism-Leninism, something which happened shortly after the Velvet Revolution. Work on an outline for education of members of the Prison Service only began in 1993. Entrance courses were differentiated between five types, for individual categories of employees. Future prison officers could also study at the Czech Police Academy²¹⁷ (Policejní akademie, successor to the National Security Corps College) and at other Czech universities.²¹⁸ According to Aleš Kýr and Alena Kafková, for the first half of the 1990s *this was a characteristic effort to return professional ethics to the prison service. This was clearly manifested not only by the introduction of Christian Ethics as a course element, but primarily by placing emphasis on shaping and strengthening the moral responsibility of prison officers and civilian staff in the treatment of prisoners as well as teamwork. In this context, attention was paid to cultivating interpersonal relationships through empathy, assertive behaviour and communication skills. Respect for ethical principles and improvement*

215 KOCKA, Ladislav: *Ještě zdaleka nemáme důvody ke spokojenosti*, pp. 3–5; KARABEC, Zdeněk: Reorganizace řízení Sboru nápravné výchovy ČR (Reorganising the Management of the Czech Correctional Institution Corps). *České vězeňství*, 1992, Vol 0, No. 0, pp. 6–7; HULÍK, Milan: *Pokus o analýzu vězeňství; Koncepce rozvoje vězeňství v ČR (Obnovené vydání)*, p. 4.

216 According to Vladimír Kolář writing in *Necenzurované noviny* (The Uncensored Newspaper), as late as 1993 there was almost no education in the prison service. Future prison officers underwent only several weeks of basic training, while new prison service administrative staff did not undergo any initial training at all. KOLÁŘ, Vladimír: *Koncepce vězeňství dle pana plk. Karabce po třech letech* (Col. Karabec's Plan for the Development of the Prison Service after Three Years). *Necenzurované noviny*, 1993, Vol. 3, No. 30, p. 8.

217 For more on education of prison officers during the period of so-called normalisation see PINEROVÁ, Klára: *Profesionalizace a modernizace vězeňství v období tzv. normalizace a úskalí jejich uplatňování v praxi*, pp. 17–25; HLADÍK, Ondřej: *Vznik VŠ SNB a katedra penologie v 80. letech 20. století* (The Establishment of the SNB College and the Department of Penology in the 1980s). *Historická Penologie*, 2014, Vol. 12, No. 1, pp. 44–64; KÝR, Aleš – KAFKOVÁ, Alena: *Proměny odborné přípravy vězeňského personálu*, pp. 1–68.

218 KÝR, Aleš – KAFKOVÁ, Alena: *Proměny odborné přípravy vězeňského personálu*, pp. 28–35.

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of interpersonal relations were seen as prerequisites for creating the desirable positive climate in prisons.²¹⁹ Fundamental steps towards the actual implementation of the concept of officer education were not taken until 1996, when the content, organisational, personnel and physical conditions for the training of prison officers were adopted. *Program celoživotního vzdělávání pracovníků VS ČR* (A Lifelong Learning Programme for Employees of the Czech Prison Service) was adopted, inspired not only by examples from abroad, but also by the traditions of Czech education.²²⁰

According to M. Hulík, several practical steps had to be taken even before the creation of the plan for the prison system or the introduction of changes in legislation, in order to improve the conditions for remand and convicted prisoners. These were improvements in hygienic conditions (more frequent showers and changes of bedding), better food and improvements in the layout of cells (i.e. changing the position of showers or toilets to ensure privacy for cellmates). At the same time, there was a need to invest in equipment, as it was either considerably outdated or did not work, as well as exchanging the guards' pistols, to prevent any more fatalities from malfunctioning weapons.²²¹ It should not be forgotten, however, that all these changes took place in turbulent conditions of political and economic transformation. Moreover, a trial-and-error method was often used. Nobody really knew what the new prison system should look like. There were lots of ideas, suggestions and inspirations, while only a few had any chance of success. Moreover, not all experience from the West could be automatically imported into the Czechoslovak prison system, because it found itself in a specific situation created by the transition from a Communist approach to running a prison system. The introduction of various new approaches frequently became the source of misunderstandings, and some of the improvements were quickly abandoned, such as the possibility of conjugal visits for inmates.²²²

Prison service employees confirm that they received confusing instructions from the SNV Directorate General and later the Directorate General of the Prison Service, and as a result neither prison governors nor members of staff were entirely sure what regulations they should be following in their treatment of inmates.²²³ This description is backed up by criminal prisoners, who noticed the insecurity of the guards and naturally exploited it for their benefit.²²⁴ Both prisoners and guards describe the first half of the 1990s as a period of utter chaos, which, they said, ended – at least in part – only after 1995.

219 Ibid., p. 35.

220 Ibid., p. 37.

221 AA, interview with Milan Hulík conducted on 19. 4. 2018 by Michal Louč and Klára Pinerová.

222 BISKUP, Patrik: Humanizace vězeňství může mít mnoho tváří (Humanisation of the Prison System Can Have Many Faces). *Plzeňský deník*, 1994, Vol. 3, No. 26 (1. 2. 1994), p. 5.

223 AA, Fieldwork journal, interview with Aleš Kýr and Alena Kafková, Prague, 22. 2. 2018; Ibid., interview with Lubomír Bajcura, Stráž pod Ralskem, 13. 9. 2017.

224 AA, interview with Mr. Procházka (pseudonym) (a criminal prisoner), conducted on 1. 2. 2018 by Kristýna Bušková and Michal Louč; Ibid., interview with Mr. Král (pseudonym) (a criminal prisoner), conducted on 3. 3. 2018 by Kristýna Bušková and Michal Louč.

The available material suggests that prisoners and guards had different understandings of the term “humanisation” of the prison system. Just as some in post-1989 Czechoslovak society understood the word “democracy” to mean they could now do whatever they wanted, there was a similar miscomprehension beyond the prison walls. Pavel Kuřátko, a guard at Valdice Prison, summed it up as follows: *I think that word has today led to the greatest misunderstanding. Everyone interprets it in their own way. One prisoner even told me during a debate that his idea of democratisation was the freedom to stick a knife in a policeman’s kidneys. Luckily, the others immediately jumped up and told him to sit down and stop talking rubbish. In my opinion, the greatest benefit of humanisation is that it’s put to an end the mindless military drill. It wasn’t written in any law, but was introduced by the Correctional Institution Corps internal guidelines, for example on the aesthetization of correctional institutions. Nowadays, inmates no longer have shaved heads, they no longer have to ask permission to speak, or take off their caps. Instead, we greet each other normally with a Hello and in that I see a hopeful beginning.*²²⁵ A similar statement can be found in an article in *Noviny* newspaper describing the more benevolent approach to remand and convicted prisoners after 1989, which manifested itself in a decline in morals and discipline. The uncertainty and fear of the prison staff was compounded by the greater self-confidence of the prisoners, who often claimed rights that did not exist: *Many prisoners understood humanisation as permission to do whatever they wanted behind the prison walls. Instead of prison clothes, they wore jeans and T-shirts and lay on their bunks watching TV. When the guard came to ask them if they would like to go and do their shift, they would usually reply by saying they’d come to prison to sit and do nothing, they hadn’t come to work. On the other hand, some officers who hadn’t been entirely innocent in the past tried to please the prisoners, explaining that humanisation meant the inmates no longer had to do anything, not even follow the rules.*²²⁶

The guards’ lives were further complicated by the lack of a new *Prison Code of Conduct*, which was finally introduced in 1992.²²⁷ For two years, they lived in uncertainty about how and whether they were entitled to solve potential problems with prisoners. The rules on prison haircuts created an almost tragicomic situation, as Milan Pavlík, who worked at Plzeň-Bory Prison in 1992, explained: *For example, nowhere is it written how to proceed against a prisoner who refuses to have his hair cut. The guards can give him a disciplinary punishment, but he can just ignore it and let his hair grow. When two of them grab him and the prison barber shaves his head, he writes a formal complaint that we’ve violated his human rights, and then we’ve got the prosecutor’s office breathing down our necks.*²²⁸ Jan Matucha, former Head of Valdice Prison, also spoke of this uncertain situation in the same year: *Officers are afraid to use their powers, in order to avoid accusations of inhumane treatment. Society has accepted a number of prisoners’ demands without consulting them with the prison service. [...] In the first half of [19]90, prisoners stopped working, and started cursing*

225 ŘEBOUN, Ota: *Kam dál, baso?*, pp. 4–7.

226 KAMENSKÝ, Jan: *Dělat si svou práci. Naše vězeňství dva roky po leopoldovské revoluci*, p.3

227 Decree of the Ministry of Justice of the Czech Republic No. 247/1992 Coll., issuing the Order of Imprisonment in Correctional Educational Institutions of the Czech Republic.

228 ŘEBOUN, Ota: *Kam dál, baso?* Similar problems appear in other texts from 1994, such as BISKUP, Patrik: *Humanizace vězeňství může mít mnoho tváří*, p. 5.

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and threatening the guards. They began to view them as some sort of inferior servant. We're still struggling with this decline in discipline today.²²⁹ Such sentiments were confirmed even by contemporary interviews with both prison staff and criminal prisoners, as part of the *Transformations of the Prison System in the Czech Lands in the Period 1965–1992* project.²³⁰ Paradoxically, this uncertainty and the loosening of the rules possibly led to a greater sense of danger that criminal prisoners felt behind bars. For example, in 1992, the press quoted criminal prisoner J. K. as saying: *Us cons know the only way you're treated right is by using force. In prison, if there are no rules, there's just more brutality.*²³¹ Highly deviant individuals with a tendency towards aggressive behaviour gained more power in the prison environment and used it to bully their fellow prisoners. Guards failed to regulate it in any way because they were afraid of taking action, to avoid finding themselves facing an imaginary circle of sanctions for violating human rights.

The situation was not even facilitated by the fact that in the early years of pluralist democracy, prison directors were often replaced several times. For example, between 1990 and 1993, there were five directors of Prague-Pankrác Prison, and even seven of Prague-Ruzyně Prison. The longest time any director spent in office was eighteen months, the shortest just one month.²³² Hradec Králové Prison, notorious for the death in custody of Pavel Wonka, saw a total of five directors in the space of a year.²³³ This instability manifested itself not only inside the individual prisons, but also in the SNV Directorate General itself, where not only the directors changed constantly, but new departments were frequently created only to be subsequently abolished.²³⁴

Prison facilities also faced significant underfunding and some institutions found themselves at the end of the year in a situation where they did not even have enough money to pay their employees.²³⁵ The post-1989 “cleansing” and the exodus of officers from the Correctional Institution Corps affected the prison system for many years, as it proved impossible to recruit enough new guards in time. As late as 1993, there were 21 unfilled vacancies at Plzeň-Bory Prison, and 100 vacancies at Prague-Pankrác Prison. The prison at Stráž pod Ralskem fared little better, with a lack of secondary- and university-educated employees. Prisons were also extremely overcrowded. Despite President Václav Havel's amnesty of January 1990 and the subsequent release of thousands of prisoners, crime began to rise sharply under the new socio-economic conditions and prisoners were not always able to guarantee the legal minimum cell space of 3,5m² per prisoner.²³⁶ Prison overcrowding was caused not only by increased crime,

229 HOLUB, Petr: *Kdy vypuknou vzpoury*.

230 GA ČR junior grant No. 17-26073Y „Proměny vězeňství v českých zemích v letech 1965–1992. Systémové a individuální adaptace“.

231 HOLUB, Petr: *Kdy vypuknou vzpoury*.

232 KOLÁŘ, Vladimír: *Koncepce vězeňství dle pana plk. Karabce po třech letech*, p. 8.

233 DUFEK, Aleš: *Věznice ve varu. Hromadný pokus o útěk v Hradci Králové (Prison on the Boil. The Mass Escape Attempt at Hradec Králové)*. *MF Dnes*, 5. 4. 1991, p.1

234 KOLÁŘ, Vladimír: *Koncepce vězeňství dle pana plk. Karabce po třech letech*, p. 8.

235 *Věznice s problémy. Ředitelé si stěžují na nedostatek odborných pracovníků (A Prison with Problems. Governors Complain About Lack of Professional Staff)*. *MF Dnes*, 15. 1. 1993, p. 3.

236 *Ibid.*, see also ČECH, Jan – DOČEKAL, Boris: *Zlé čekání na soud (A Bad Wait for the Court)*. *MF Dnes*, 6. 5. 1991, p. 4.

but also by the closure of several facilities in the early 1990s. In the post-revolution period it was wrongly assumed that the total number of prisoners would fall to a maximum of 11,000.²³⁷ Minkovice, Mladá Boleslav, Libkovice and Žaclěb prisons were all closed down (a decision to close Mírov Prison was later reversed). Reopening them was inconceivable under the new conditions, and instead plans were mooted to build new facilities or smaller prisons for 150–200 prisoners.²³⁸

The employment of prisoners also proved to be a pressing problem. As already mentioned, on the one hand prisoners had refused to work, but on the other, work was scarce for those who wanted it – part of a wider social problem, as the early post-revolution years saw generally high rates of unemployment. In 1991, only 47 % of prisoners at Mírov Prison had jobs²³⁹, while in 1992, only 62 % of inmates at Plzeň-Bory Prison were in employment.²⁴⁰ The situation did not improve in the following year either. Bělušice Prison had jobs for 142 inmates in 1993; before the revolution they had been able to employ about a thousand prisoners. The Director, Dr Otakar Bláha, said one problem were the bureaucratic hurdles that made it difficult for the prison to enter into contractual relations with various companies.²⁴¹ Entrepreneurs themselves saw the problem as a lack of incentives in the form of state aid, including tax breaks, for those companies willing to employ inmates. In fact, finding work in prison was associated with complications (inmates performed mostly unskilled work and had to be employed in premises from which they could not escape, while there was a need to check the receipt and delivery of materials). Due to the prevailing unemployment, they had little need to offer work to prisoners.²⁴²

All these unfortunate facts resulted not only in new attempts to escape, such as at Hradec Králové Prison, where on April 3, 1992, the prisoners unsuccessfully attempted to stage a mass breakout²⁴³, or the hunger strike staged by some four hundred remand prisoners at Prague-Pankrác Prison²⁴⁴, but above all in the aforementioned tragic incident at Leopoldov Prison, in which five guards and one fellow prisoner were killed.

The changes in the prison system in the first half of the 1990s were thus marked by both acute problems that had to be addressed, and the need to embark on a new direction in the wider perspective. The prison system was reformed under difficult conditions, and although many of the shortcomings from the period of so-called normalisation were overcome and the prison system did indeed embark on a path of humanisation and modernisation, many difficulties still remain unresolved to this day.

237 POLÁK, Miroslav: *Od středověkého hradu k makarenkovským táborem*, p. 5.

238 Ibid.

239 Ibid.

240 BISKUP, Patrik: *Humanizace vězeňství může mít mnoho tváří*, p. 5.

241 O kopci, kde bydlí králové, Romové a pampelišky. Rozhovor s ředitelem ústavu v Bělušicích (The Hill Where Kings, Romanies and Dandelions Live. An Interview with the Director of Bělušice Prison). *České vězeňství*, 1993, Vol. 1, No. 3, pp. 3–5.

242 LK: Strana podnikatelů pro zaměstnávání vězňů, ale s výhodami (A Party of Entrepreneurs for the Employment of Prisoners, but with Benefits). *České vězeňství*, 1993, Vol. 1, No. 4, p. 8.

243 DUFEK, Aleš: *Věznice ve varu*, p. 1.

244 KUBKOVÁ, Markéta: Na Pankráci hrozí vězni hladovkou. Příčina: dlouhé čekání (Prisoners at Pankrác Threatened to go on Hunger Strike. The Cause: Long Waits). *Svobodné slovo*, 11. 9. 1991, p. 4.

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In conclusion

The development of the prison system in the 1980s took place in the spirit of overall stagnation and the removal of the last remnants of some of the elements of modernisation that were introduced during the 1960s and 1970s. It was a time of rigid discipline and subordination to Communist ideology²⁴⁵, and the heads and wardens of individual prisons were largely members of the generation that began their careers in the 1950s.²⁴⁶ At the same time, the situation in Czechoslovak prisons had long been criticised by both dissident groups (Charter 77, VONS, the Czech Helsinki Committee) and foreign organisations (Amnesty International, Helsinki Watch etc.). The stagnation of the prison system was accompanied by suppressed tensions, and with only some exaggeration one could say that the prison system was like a barrel of gunpowder. The prisoners worked in inhumane conditions and were exposed to bullying. At the same time, however, some prison staff expressed critical opinions in certain circles on the treatment of inmates, but were kept in check not only by the Correctional Institution Corps but also by Communist Party organisations and, last but not least, by Internal Security, who kept a close eye on prisoners and in no uncertain terms “warned” employees on the violation of unwritten rules of conduct towards inmates, especially prisoners of conscience.²⁴⁷ Meanwhile, discussion was underway in Czechoslovak society on the possibility of greater openness in the prison system within the context of perestroika and glasnost. However, behind bars, these discussions were deliberately silenced. In the end, the spark that lit the fuse were the revolutionary events of 1989, when emotions crashed like waves, leading to widespread riots and hunger strikes on the one hand and a crisis amongst prison staff on the other.

With great verve and enthusiasm, many embarked on a major project – reform of the prison system. The first steps to transform the country’s prisons were rather random, corresponding to the spontaneity of the overall development in society. Often, the major players had no clear idea of how to proceed with humanising the prisons. The chosen model was the Western European prison system and the basic framework was represented by documents such as the *UN Standard Minimum Rules for the Treatment of Prisoners*. The conceptual materials and the newly adopted legislative measures reflected the discourse on human rights, which was largely led by former dissidents or persons related to the opposition movement. However, a significant role in the practical realisation of humanisation was also played by those who had worked in the prison service before 1989 and who had been critical of prison conditions in Czechoslovakia. They were mostly psychologists and educators who entered the prison system in the late 1960s and early 1970s and were influenced by materials and research by the Penological Research Institute. They became the notional bearers of

245 JANÁK, Dušan – KÝR, Aleš: *Nástin vývoje československého vězeňství v letech 1948–1989*, p. 4.

246 For more see HLADÍK, Ondřej: *Biografický slovník náčelníků nápravně výchovných ústavů a věznic v 70. a 80. letech 20. století*, pp. 1–96.

247 AA, interview with Mr. Černý (pseudonym) (a prison guard) conducted on 27. 3. 2019 by Kristýna Bušková and Michal Louč.

the ideas of the Prague Spring. In many cases, they were appointed as directors of prisons after 1989, as the previous management was largely replaced as part of the post-1989 vetting process of prison staff.

In the busy first half of the 1990s, the foundations of the new Czech prison service were laid. Many of the primary objectives were met, which was to some extent a result of developments in society and also a number of international commitments made by Czechoslovakia (and later the Czech Republic). However, many problems remain present in the prison system to this day (underfunding, prison overcrowding, low salaries for prison staff and working prisoners, lack of work for prisoners, etc.). However, the rather conservative attitude of society towards prison is also important. The word “humanisation” might be in the vocabulary of every citizen, but the desire of society for prisons to exercise a repressive function and provide a form of retribution is very strong, and some in society are sensitive to reports of improved living conditions for prisoners (i.e. in 2013 following the presentation of new cells for prisoners at Prague-Pankrác Prison²⁴⁸). It is no surprise, therefore, that even as late as 2014, many prison officers still held a negative stance towards the current process of humanising the Czech prison system. According to research conducted by sociologist Lukáš Dirga, they disagreed with the practical implementation of the principles of humanisation in the Czech prison system, and deeply opposed the idea of extending the human rights of prisoners.²⁴⁹ With only some exaggeration, we can say that new legislation and a conceptual focus are only the beginning of any successful reform, which can, however, be successfully completed only by a change in the mindset not only of prison officers but of the entire civil society as well.

248 Pankrác představil nejluxusnější cely. Vězni mají plazmu i koberec (Pankrác Prison Introduces the Most Luxurious Cells. Prisoners Have Plasma TVs and Carpets). *Lidovky.cz*, 21. 10. 2013 – see https://www.lidovky.cz/domov/promena-veznice-na-pankraci-opryskany-nabytek-vystridal-luxus.A131021_142218_in_domov_spa; VIDEO: Část pankrácké věznice prošla rekonstrukcí za pět milionů (Part of the Pankrác Prison Underwent Reconstruction for Five Million). *iDNES.cz*, 21. 10. 2013 – see https://www.idnes.cz/praha/zpravy/veznice-na-pankraci-proslo-castecnou-rekonstrukci.A131021_151052_praha-zpravy_bur; Studenti bydlíci na Strahově závidí luxus pankráckým vězňům (Students living in Strahov envy the luxury of Pankrác prisoners). *Lidovky.cz*, 29. 10. 2013 – see https://www.lidovky.cz/domov/studenti-bydlici-na-strahove-zavidi-luxus-pankrackym-veznum.A131025_163340_in_domov_vsv (quoted versions dated 9. 4. 2020).

249 DIRGA, Lukáš: Vězeňství včera a dnes: odkaz komunistického vězeňství a současná humanizace v perspektivách klíčových aktérů vězeňského světa. Příspěvek „Možnosti a perspektivy interdisciplinárního zkoumání dějin vězeňství v Československu v 70. a 80. letech 20. století“ přednesený v zastoupení na kolokviu Ústavu pro studium totalitních režimů v Praze dne 26. 11. 2015 (The Prison System Yesterday and Today: the Legacy of the Communist Prison System and Contemporary Humanisation from the Perspective of Key Actors in the Prison World – from the paper “Possibilities and Perspectives of an Interdisciplinary Investigation into the History of the Prison Service in Czechoslovakia in the 1970s and 1980s” presented at the Colloquium of the Institute for the Study of Totalitarian Regimes in Prague on November 26, 2015) – see <https://www.ustrcr.cz/konference/moznosti-a-perspektivy-interdisciplinariho-zkoumani-dejin-veznenstvi/> (quoted version dated 9. 4. 2020). Also Idem.: *Humanizace po česku. Analýza humanizace na úrovni psaných pravidel a reálné praxe v českých věznicích* (dissertační práce) (Humanisation at la Czech. An Analysis of Humanisation at the Level of Written Rules and Real Practice in Czech Prisons /Dissertation/). Univerzita Palackého v Olomouci, Olomouc 2018.

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1. Rioting prisoners in Valdice, bearing a slogan “Amnesty to all victims of the past”, December 24, 1989



2. The prisoners in Valdice also pinned their hopes on Václav Havel. The slogans read “V. Havel – Guarantee” and “We Want V. Havel”, December 24, 1989.

Klára Pinerová – Michal Louč



3. The exercise yard of the Valdice prison, strewn with crockery and food thrown out of the windows, December 24, 1989

Source (1–3): ABS, f. SSNV-OVO – unorganised, k. 143, *Fotodokumentace k případu vzpoury odsouzených III. NVS v NVÚ MS ČSR Valdice ze dne 24. 12. 1989* (Photodocumentation on the inmate riot in the Third prison corrective unit at the Correctional institution of the Ministry of Justice of the Czech Socialist Republic in Valdice of December 24, 1989).

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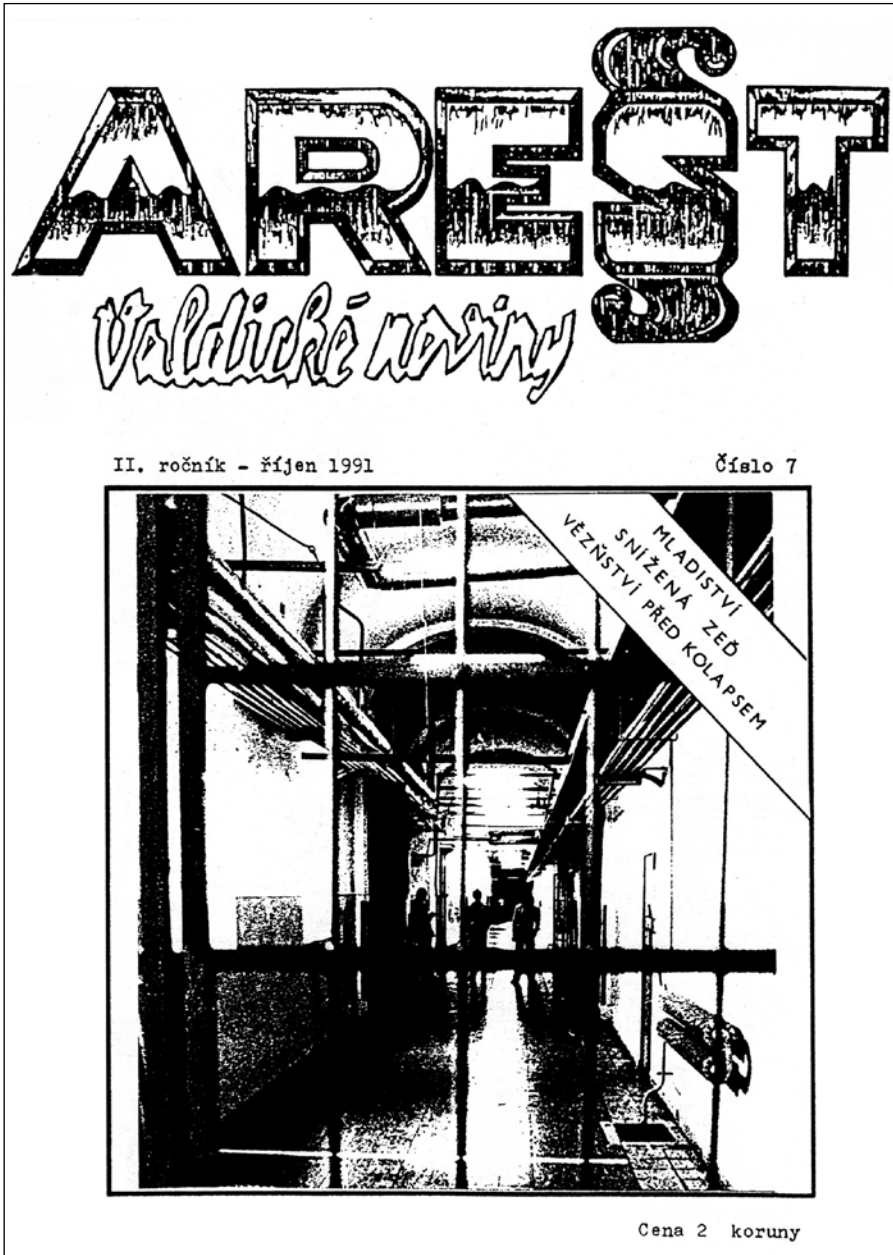
4. The arrival of the negotiation delegation at the Vinařice prison during the riots. The picture shows Minister of Justice Dagmar Burešová (second from the left) and Charter 77 and VONS representative Václav Benda (ninth from the left), undated (December 1989).



5. Rioting prisoners in Vinařice, undated (December 1989)

Source (4–5): ABS, f. SSNV-OVO – unorganised, k. 143, NVÚ Vinařice (Correctional institution Vinařice)

Klára Pinerová – Michal Louč



Cover page of the "Arest - Valdické noviny" periodical, published by the prisoners and staff of Valdice prison

1989: The Czech prison system at a crossroads



Design of a Valdice prison cell, unthinkable before 1989

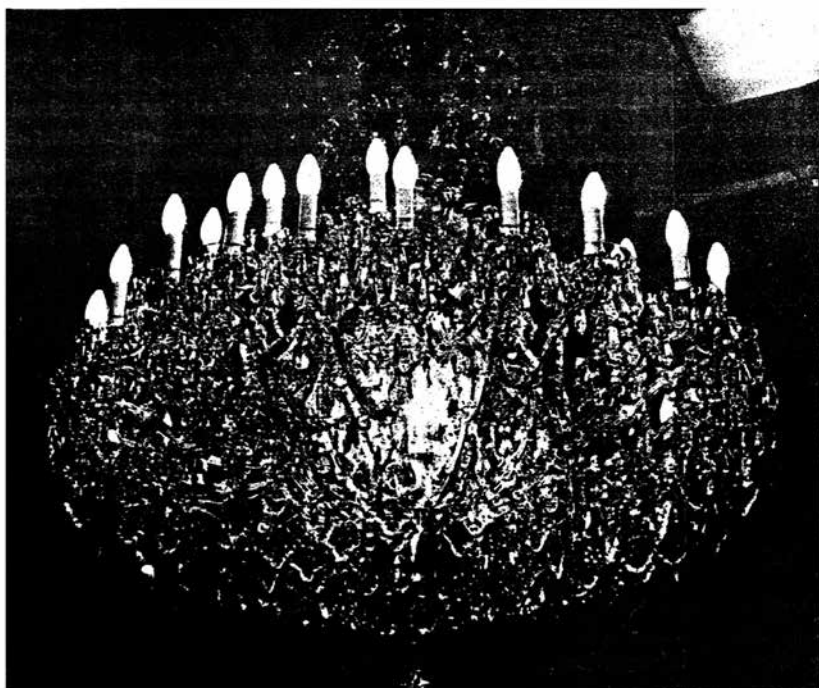
Reproduction: *Květy*, 1990, Vol. 40, No. 42 (19. 10. 1990), p. 23.



The quirky décor of one of the Valdice prison cells

Reproduction: *Respekt*, 1990, Vol. 1, No. 13 (6. 6. 1990), p. 4.

Klára Pinerová – Michal Louč



**Křišťálový lustr - dar valdických vězňů papeži Janu Pavlu II.
/foto - Milan Čurda /**

Inspired by Bishop Karel Otčenášek, Valdice prisoners made a crystal glass chandelier, which they dedicated to Pope John Paul II. The last pendant was symbolically cut by Bishop Otčenášek himself, formerly also a political prisoner in Valdice.

Reproduction: Valdické noviny, 1990, Vol. 1, No. 2 (April 1990), p. 2.

1989: The Czech prison system at a crossroads



SECRETARIA STATVS

SECTIO DE GENERALIBUS NEGOTIIS

EX AEDIBVS VATICANIS. 9. 5. 1990.

Úřad Sboru nápravné výchovy ČSR	
VALDICE, okres Jičín	
Došlo	16. V. 1990
C. j.	_____
Přílohy	_____

Vážení,

Je mi milou povinností poděkovat Vám za dar, který jste věnovali Svatému Otci při jeho návštěvě ve Vaší vlasti.

Svatý Otec, kterého Vaše pozornost velmi potěšila, na Vás vděčně vzpomíná ve svých modlitbách a uděluje Vám i Vaším drahým z celého srdce své apoštolské požehnání.

Mons. Crescenzo Sepe

Adessor

Pope's thanks for the gift from Valdice prisoners

Reproduction: *Valdické noviny*, 1990, Vol. 1, No. 6 (May 1990), p. 6.