
Interview: Dr. Miroslav Lehky

How to re-create a constitutional state

Dr. Miroslav Lehky works with the Office for Investigation and Documentation of the Crimes of the Communists in Prague, Czech Republic. He spoke at the conference "The Heritage of Dictatorship and Domestic Peace," and was interviewed by Angelika Beyreuther-Raimondi.

EIR: Is it true that only Czechia, among all the other former East bloc countries, has founded an institution like the German Gauck Authority to manage archive material and investigate former officials of the Communist regime?

Dr. Lehky: Yes, it's true—unfortunately so. It would be a great help, if such institutions as in Prague and Berlin also existed in other countries. It would be a great help also for the people in other countries, because it was Moscow's centralized strategy, the highest power in the East bloc to move in a coordinated way against freedom, to violate human rights, and so forth.

Secondly, there is a mass of documentary material, not only in the Czech Republic, but also in Germany, and, as we have heard, in Latvia, and so forth, which has either been destroyed or still exists somewhere, and if there were international coordination and cooperation in this area, it would be possible, given the centralized coordination of the Communists, to better piece this mosaic together. That would be a practical help, a practical result. Unfortunately, up to now, such institutions exist only among us and in the Federal Republic of Germany.

EIR: The Czech secret service was very effective in its work. Is it your impression that the files are relatively complete, or have a larger number of them disappeared or been destroyed in your country as well?

Dr. Lehky: In my view, the KGB has copies, especially of the most important material. These copies were regularly made for the Moscow leadership, because the KGB coordinated everything that had to do with the intelligence services. Copies of those files, which were destroyed in our country, most likely still exist somewhere. It is probably only a question of time until we find them. . . .

EIR: You mentioned in your speech that some 100 indictments have been handed down.

Dr. Lehky: Not indictments, but accusations. Accusations have been made in those cases, where it is quite evident, that a specific perpetrator did this and that, that he committed crimes, and where we have clear evidence and documentation on that, or where witnesses exist—i.e., where we have recorded the testimony of these witnesses.

According to our regulations, that is where our authority ends, and then, we give our files to the prosecuting attorney. He has the means to corroborate all of this. Then the prosecutor brings the indictment and hands the case over to the court. Since Jan. 1, 1995, when our office was given the authority I mentioned, five persons were found guilty in court. And we have raised accusations in approximately 98 cases. But these are cases which we have not yet given over to the prosecuting attorney. Another 200 cases are still in the phase of documentation.

EIR: In your speech, you said that, in order to re-create a constitutional republic, a sense of law must be revived among citizens.

Dr. Lehky: It is an illusion to expect that one or two people, or the government, or the law, can make a constitutional republic. You know, the law is only an instrument, but a concrete power must stand behind the law, the society. For example, literally the same laws apply in Czechia that were in force in the Austrian-Hungarian monarchy. The monarchy, the first Czech Republic, and after them, the Communists, used the same laws to condemn people. Law, right, justice—these are all quite different things, quite different conceptions.

That is very important for the younger generation. We know that the Communists were perhaps naive in the 1950s, and they were primitive and brutal, and so forth. But I was astonished, and it was a shock for me to be at an interrogation, involving a border incident in 1986. It involved a border guard who is about 30 years old today. He was responsible for shooting a civilian, a citizen of the Federal Republic of Germany, on German national territory. We asked him various things, and it was astonishing to me that he answered: "Just let things be, I have other worries, I have a family and children. Just let things ride." A relatively young person.

How is that for a state of mind? There is no sense of responsibility, no sense of guilt.

But that is important for a democratic society. Then I posed him the following question: "Will you say the same thing to the prosecuting attorney from the Federal Republic of Germany? Will you say the same thing (and you'll have the chance, if you wish), will you say the same thing to the wife of the person you shot? 'Let things ride?' This woman has two children!"

It was my impression at the time, and that is what is important, that this was the first time that this young man ever heard such a thing, and that he thought about it. That is the core of the issue of the constitutional republic.