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# Security Services Archive as an Unrivalled Institutional Product of the Human Rights in Czech Republic

## INTRODUCTION

**B**reaking point in new history of the Czech Republic is 17<sup>th</sup> November 1989. On this day the way to the democracy was opened for the Czech Republic. So-called Velvet revolution a relatively peaceful action, was supported by students representing the motional force of the next democratical period.

After 1990 the Czech Republic started to build a new democratical legal and judicial system (part of the EU Law), new institutions, e.g. Constitutional court, Ombuds-

man and new economy system (from state controlled to a free market economy).

This Article is concerning one of the unrivalled product of the Human Rights in the Czech Republic, i.e. Security Services Archive.<sup>1</sup>

In the framework of the verbal presentation I would like to inform you about some of the aspects of this administration and inimitable government authority such as its evolution, contemporary personal management, legal and economical context, but above all – (hard core) - activities

concerning former State Security Police (in Czech: Státní bezpečnost – StB) in connection with actual and current democracy implications to the new thinking proportion and knowledge, mainly in the face of new Czech generation.

The purpose and reason of this article is not only to illustrate how the Czech Republic is dealing with the communistic regime after 20 years.

Primary issue of this presentation is: “Do we need a special authority – Archive, of this type after 20 years?”

In the case that the answer is positive, we need to ask more deeply: “Why do we need this institution in the Czech Republic?”

Following this I would like to find several positive arguments to justify it. In the light of this presentation I would like to present the Archive as an unrivalled institutional product of the Human Rights in the Czech Republic.

#### LEGAL CONTEXT

After 1990, the Parliament of the Czech Republic has adopted Act no. 1/1993 Coll., Constitution of the Czech Republic, Act no. 2/1993 Coll., Charter of the Human Rights, and other important democracy rules, by the way Archive Act n. 499/2004 Coll., Act n. 140/1996 Coll., about the disclosure collections former State Security Police; Act. n. 154/1994 Coll., about the counter intelligence or Act n.101/2000 Coll., Security Data Act.

The objective of this article is the Fundamental Act n. 181/2007 Coll., of 8<sup>th</sup> June 2007, the “Institute for Study of Totalitarian Regimes and Archive of the Security Services Act and Amendment of Other Acts’ Act, laid the foundations for a new government body, the Archive of the Security Services (further “the Archive”).

Effective date of this Act is 12<sup>th</sup> July 2007 and efficiency date of this Act is 1<sup>st</sup> August 2007. From 1<sup>st</sup> August 2007 till 31<sup>st</sup> January 2008 we talk about preparation period and from 1<sup>st</sup> February 2008 Archive started to pursue serious activities under this Act.

#### GENERAL SCHEME

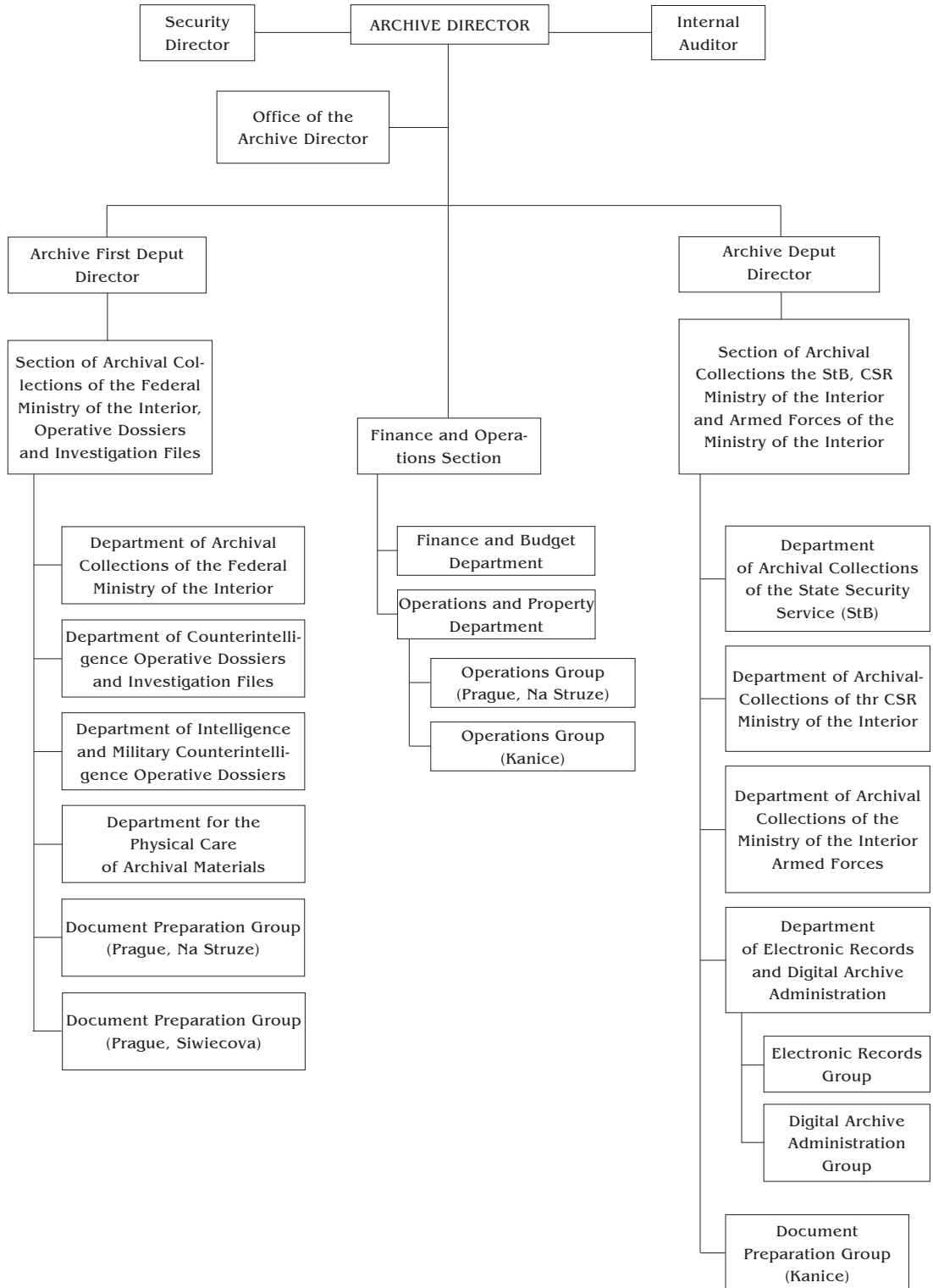
Act no. 181/2007 Coll., specifies three authority bodies: Council<sup>2</sup> of the Institute for Studies of Totalitarian Regimes; Institute<sup>5</sup> for Studies of Totalitarian Regimes; Archive.<sup>4</sup>

The Archive has a director who is appointed by the director of the Institute after the appointment has been discussed by the Council of the Institute.

#### FUNDAMENTAL ARCHIVE’S ACTIVITIES

Under the work plan 2010 Archive is performing the bellow mentioned crucial activities: delimitation of archival materials, funds and collection, processing and free availability of archival materials, funds a collections, protection of the archival materials, funds and collections, research, publications a

**Organizational Structure of the SECURITY SERVICES ARCHIVE as of November 1, 2009**



study activities, cooperation with Institute for Totalitarian Regimes, foreign cooperation, personal management, economy and operation.

### **Delimitation<sup>5</sup> archival materials, funds and collection**

In the past, from 2008 till 2009 under the provision of Sect. 14 of Act no. 181/2007 coll., Archive took over archival materials, funds and collection from number of government authorities. Archive disposes, on the whole, 18 km of the archival materials, funds and collections. Currently, Archive has been taking over materials from the Czech (foreign) Police, appropriate courts and public prosecutor.

### **Processing and accessibility of archival materials, funds and collections**

In this phase Archive is making transformation from "archival file" to the system of information. Archive determines whether the archival material is integral or not, looks for other parts of the archival materials in other archives, analyses archival funds and identifies archival addition from the point of view of general re/inventory.

With regard to "accessibility" – Archive's employees dispose of several hundred of applications per year under the Archive Act no. 499/2004 coll. Archive distinguishes two types of applications: an official (legal person) and a private (anyone from all over the world).

### **Protection of the archival materials, funds and collections**

Ambit of the protection of the archival materials, Archive is making use of the best modern technology procedure. Generally, Archive prefers thesis of the systematic prevention (protection) including checking, physical and hygienic status of the archival materials.

In 2009 Archive bought from Germany new modern (de-acidify) machinery – Neschen C 500<sup>6</sup>.

### **Research, publications and study activities**

In this area, Archive cooperated with other Archives in the Czech Republic in order to create other activities aiming at other cultural, research partners and schools. In 2010 Archive staff has been participating in the 7 projects under Institute for the Study of Totalitarian Regimes (e.g. "Prison system in Czech during 1938 – 1939").

Archive issues several times a year Archive memorial volume<sup>7</sup> and sometimes conference text book.

### **Cooperation with the Institute for the Study of Totalitarian Regimes**

Cooperation with the Institute<sup>8</sup> for the Totalitarian Regimes arises on the basis of two lines. First line represents digitizing of the archival materials, second one relates to electronic archives material.

Hard core of the digitizing is the protection of the archival materials (special fund n. 425 – Hebrew organisation).

Electronic archive is a new open project, currently one of the most known one and we hope, that this common project will be very successful.

### **Internal and external (foreign) cooperation**

The Archive collaborates with other public archives and other institutions in order to share experience in professional matters, scientific research and the use of archival materials.

Main internal partners in Czech Republic: Ministry of the Interior,<sup>9</sup> Ministry of Defence including Military Intelligence,<sup>10</sup> Ministry of Justice,<sup>11</sup> BIS (counter intelligence), UZSI (foreign intelligence) and Office for the Documentation and Investigation of Communist Crimes (the "UDV").

Main external (foreign) partners: Holocaust Memorial Museum – Washington D.C.,<sup>12</sup> Ústav pamati národa<sup>13</sup> (Slovak republic), Institut Pamięci Narodowej (Poland), Historical Archives of the Hungarian State Security (Hungary), Federal Commissioner for the Records of the State security

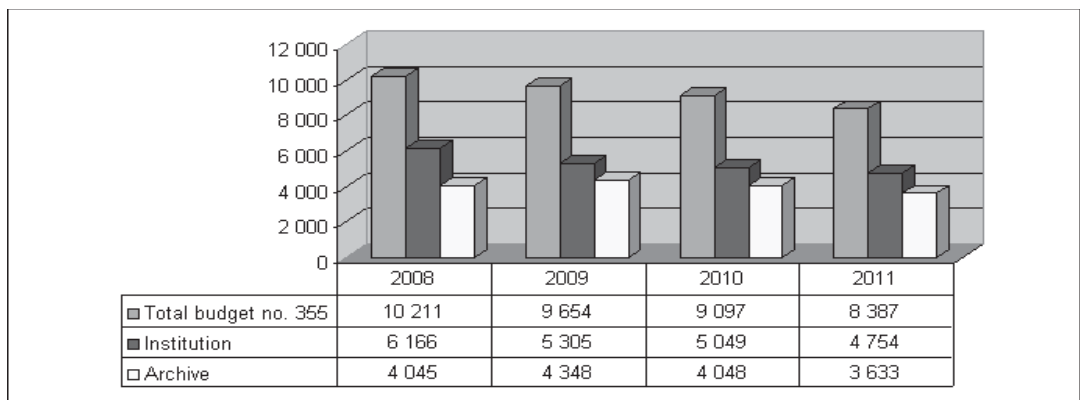
Service of the former German democratic Republic (Germany).

### **Personal management, economy and operation**

Archive disposes of 127 systematic work's places and of that 5 people create the top management and approximately 10 people middle management. The Archive is an accounting entity and its budget is a part of the budget category n. 355 of the Institute. Average (monthly) salary of staff in Archive is 23.000, – CZK; 1.277 USD, 958 EUR. Financial budget 2008, 2009, 2010 and 2011. All the prices specified in the following table are in **US dollars**.

Negative economy aspects: the Security Services Archive operates in three research centres:

The building in Siwecova Street No. 2 (Prague 3) – houses the central research centre, where archive materials from all of the Archive's sections are accessible. At the Struha n. 3 (Prague n. 1) research centre, archived materials administered by



Source: The Institute for the Study of Totalitarian Regimes

the archiving fund of the Federal Ministry of Interior and State Security are presented. The research centre enables the on-site study of archive materials. Kanice (Brno – Country District) research centre provides access to archive materials from all sections of The Archive of Security Forces. The research centre enables on-site study of archive materials.

#### COMMON LAW PRACTICE

The Head of the Director's Office of the Security Services Archive, is a lawyer and he has full responsibility for (court) litigation. During the former 3 years Archive participated before the court (trial) as a defendant together with the Ministry of the Interior approximately in 60 cases. One of the most interesting case was concerning the issue: May the person who in the past cooperated with State (communistic) Police work in Archive?

Last year this issue was brought by Archive before the Supreme Court in the Czech republic, because the court of appeal has decided in 3 analogical cases differently. A lot of cases are promoted in the media.

Archive materials are not classified under level "secret or top secret", vice-versa, Archive's obligation is to completely open archive materials to the public (see: data protection Act to be accepted). Special case results from provision of Sect. 15 of Act n. 181/2007 Coll. Archive doesn't give access to archival materials in the case, that archival's data may endanger

security, economy interest of the Czech Republic and constitutional system (see: K, Koecher<sup>14</sup> case).

#### VISIONS AND PROFESSIONAL MOVEMENT

Under the provision of Sect. 17 of Act n. 181/2007 Coll., Archive from 1<sup>st</sup> January 2030 will be part of the National Archive in the Czech Republic. Archive is administration government authority body, a member of the International Council of Archives. Primary aim of the Archive is to create "excellent administration platform" as a service organisation in part for people (common persons) and also for corporate bodies from all over the world. A lot of people who live outside of the Czech Republic are interested in their ancestors who were victimized by the communistic regime. Archive endeavours to bring to the public full information about common practice, structure and methodology of the State Security Policy.

From the point of view of economy and personal aspect, archive is looking for a central building for the purpose of rigorous centralisation of staff and archival materials to reduce the costs.

#### CONCLUSION

Generally – the purpose and reason, or result of the public discussion 20 years ago and also today is "Coming to terms with communism" (or "Aufarbeitung").

Because of this, we can say – “Yes, we need Archive unconditionally due to Coming to terms with communism”. It is our obligation to all people, who were

fighting against communism and who died in connection with communism. A new generation needs to know all aspects of this historical period.

## N O T A S

1. [www.abscr.cz](http://www.abscr.cz).
2. Highest control authority; members of the Council are elected by Senat of the Cczech Republic.
3. [www.ustrcr.cz](http://www.ustrcr.cz).
4. Head of the Archive (2008 – 2010): Mr. PhDr. Ladislav Bukovszky from Slovak Republic.
5. The legal basis for the acquisition of archival materials by the Archive is the provision of Sect. 14 of Act 181/2007 Coll. which stipulates that “the Ministry of the Interior, Ministry of Defence including Military Intelligence, Ministry of Justice, BIS (counter intelligence) and UZSI (foreign intelligence) will submit to the archive, within six months of the adoption of this Act, registries, search aids, archival materials, including informer, operative, interrogation and personal files, archive collections and single archival items and documents which were produced by the security services and units of the Communist Party of Czechoslovakia and institutions of the National Front which were active in these services between 4 April 1945 and 15 February 1990, held by them as of that date. The Ministry of the Interior will also convey the archival materials produced subsequent to 1 January 1990 in respect of the activities related to the administration of archival materials produced by the security services”. Besides this, the archive carries out ordinary acquisitions as implied by the disposal procedure. For details, see Chapter 2 below.
6. <http://www.ceiba.cz/new/detail.php?id=939>.
7. <http://www.abscr.cz/cs/sbornik-abs>.
8. Head of the Institute is Mr. Mgr. Daniel Herman (Former Director: Mr. PhDr. Pavel Šátek, PhD.).
9. <http://www.mvcr.cz/>.
10. <http://www.army.cz/>.
11. <http://portal.justice.cz/justice2/uvod/uvod.aspx>.
12. <http://www.ushmm.org/>.
13. <http://www.upn.gov.sk/>.
14. [http://en.wikipedia.org/wiki/Karl\\_Koecher](http://en.wikipedia.org/wiki/Karl_Koecher).

# R E S U M O

A criação do *Security Services Archive* na República Tcheca em 2007: estrutura, organização e funcionamento. Acesso aos documentos do período do regime comunista: os arquivos dos serviços de segurança, da polícia, inteligência e contra-inteligência, tribunais e do Ministério do Interior. Perspectivas em relação ao Arquivo Nacional da República Tcheca.

*Palavras-chave: Security Services Archive; acesso a documentos; arquivos dos serviços de segurança; República Tcheca.*

# A B S T R A C T

The creation of the Security Services Archive in the Czech Republic in 2007: structure, organization and operation. Access to documents of the period of communist regime: the files of security services, intelligence and counter-intelligence, the courts and the Ministry of Interior. Perspectives in relation to the National Archives of the Czech Republic.

*Keywords: Security Services Archive; access on archives; security services archives; Czech Republic.*

# R E S U M É N

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