

Witch-hunts in Slovakia: 1999

“Normalization” – 30 Years On

Introduction

Since the hybrid ruling coalition of left, centre and right-wing parties came to power in Slovakia in October 1998 many changes of personnel in state bodies have taken place. Thousands of people associated or perceived to be associated with the former ruling HZDS have been dismissed from their jobs including 8 heads of regional administrations, 79 county heads, 17 state secretaries and 17 heads of ministerial offices. Such people are not sacked as such but if they refuse to go they are relegated to lowly jobs (with lower pay) in different parts of their organizations. There are numerous cases of ordinary HZDS sympathisers who report that they have had problems with their employers.

To destroy the HZDS the new Slovak authorities have attacked the party's economic base. Alterations in the composition of the board of the large steel company VSZ (*Vychodoslovenske Zeleziarne*) have lost the party financial support. Small entrepreneurs are put under pressure to transfer their shares to the government's chosen nominees. To facilitate these changes staff in insurance companies and tax offices are replaced. Spokesmen for the HZDS say c.3000 people in these kinds of jobs have been dismissed. No doubt, they help augment the c. 420,000 unemployed registered in Slovakia in February 1999 – the largest number since figures were collated.

Many employees in the police and security services have also been removed. In December 1998 BHHRG members interviewed Michal Valo the procurator general who was under pressure to resign by the Ministry of Justice. Mr. Valo accepted the inevitable and handed in his notice before his expected dismissal. Since then he has been demoted and is now an ordinary procurator. Recently, he was relocated to a regional office in Dunajska Streda, 50 kilometres from Bratislava for three months. Sooner rather than later, he expects to be dismissed. Mr. Valo is not a member of any political party and admits to only having voted for the HZDS on one occasion. When BHHRG members met him in March 1999 he was concerned about being seen with anyone connected with the party.

As the country still does not have a law on the civil service people like this have little redress to the courts. The upshot is that around 10,000 state employees will worry every time there is a change of government. According to the HZDS only 200 people were dismissed during its four years in office from 1994-8.

People are now afraid to cooperate with the HZDS in forming the shadow structures of state required in every democratic country. Attempts are probably being made again to split the party. During its period in government (1994-8) only one MP, Frantisek Gaulieder, left the HZDS in a high-profile defection. Otherwise the party has been remarkably cohesive and free from back-biting and squabbling.

In February 1999 Ivan Mjartan, former Slovak ambassador to the Czech Republic and an organizer of the September 1998 election campaign for the HZDS announced the setting up of a new political party. A possible collaborator could be Robert Fico of the Democratic Left Party (SDL) with whom his name has been linked. Many people like Mjartan – women think he is very handsome, for example – and he could probably coopt disaffected HZDS members to a new party. However, as there are a plethora of parties covering all parts of the political firmament in Slovakia the point of founding yet another will only be to confuse and disorientate people.

The cases of Ivan Lexa and Gustav Krajci

Before the elections held in September 1998 the then Slovak opposition made it clear that it intended to put at least two members of the Meciar-led government on trial should it win the forthcoming September poll. It was obvious that Ivan Lexa, the previous head of the Slovak security service, the SIS, and Gustav Krajci, Minister of the Interior, were the people they had in mind. However, other names have been mentioned in the Slovak press including Peter Baco, a former Minister of Agriculture and Milan Cagala, a former Minister of the Economy.

The background to the two cases is this. In May 1997 a referendum on NATO membership consisting of three questions was held in Slovakia. The opposition proposed adding a fourth question to the ballot paper asking the public if they supported direct presidential elections. The Christian Democratic Party (KDH) organized the collection of the necessary number of signatures from the public to validate the inclusion of the fourth question.

The Meciar government regarded the fourth question as unconstitutional after a ruling by the country's constitutional court and Mr. Krajci, as Minister of the Interior, ordered that it should not be included on the ballot paper. Another ruling by the court just prior to the poll further complicated the issue. Gustav Krajci now faces prosecution for interfering with the conduct of that poll and fraud.

Ivan Lexa has been accused of a variety of misdeeds during his period as SIS head the most serious being that he organized the kidnap and forced removal to Austria of former president Kovac's son in 1995. Michal Kovac Junior was wanted for questioning on fraud and conspiracy allegations under an Interpol warrant. Mr. Lexa is also accused of involvement in the theft of a painting from the Bishop of Banska Bystrica's residence the same year.

As the investigating authorities in Slovakia decided that they had insufficient evidence in either case to proceed with charges, prime minister Meciar granted amnesties to those accused of involvement in the kidnapping and referendum cases in Spring 1998 when, briefly, he held the post of president of the republic. These amnesties were overturned by prime minister Dzurinda in December 1998 clearing the way for the removal of the parliamentary immunity and criminal prosecution of both men. It should be added that former President Kovac had pardoned his son and other associates and amnestied them against any further criminal investigation in the Slovak republic. These amnesties remain unchallenged by the new prime minister. Although both men face lengthy prison sentences for their alleged actions if found guilty, the charges against Mr. Lexa are the more serious.

Attacks on the Presumption of Innocence

The BHHRG has expressed its views in the past about the nature of these allegations, however as criminal proceedings are now likely as the parliamentary immunity of both men has been lifted (Mr. Lexa himself was taken into custody on 15th April 1999) we feel that any comments on their guilt or innocence would be inappropriate. Unfortunately, this approach – one of the cornerstones of Western legal practice - has not been nor is being followed in Slovakia itself.

The BHHRG interviewed Gustav Krajci in December 1998. His parliamentary immunity was lifted on 26th February 1999. Mr. Krajci is visibly under strain and his demeanour has worsened considerably since December. He complains that the head of the Ministry of the Interior's department of criminal investigation, Jaroslav Ivor, is constantly informing the public of his guilt. He has instigated proceedings against the newspaper *Sme* for carrying statements to that effect by Minister of Justice, Jan Carnogursky. He has also issued proceedings before the Constitutional Court. The media 'dirty tricks' have included digging out a 1977 incident when Krajci was fined for assault after a scuffle broke out between him and the head teacher in the school in which he was teaching at the time. This would be regarded as a spent conviction in normal jurisdictions.

Ivan Lexa complains that he cannot hope to receive a fair trial in Slovakia because the issue of his guilt or innocence has already been prejudged. On February 4th 1999 he told the

opposition paper *Slovenska Republica*: “Pittner [Minister of the Interior] has been pronouncing the verdicts in these cases in public – in other words the trial has taken place already”

The evidence for his complaints is strong. Consider the following:

After a short tape recording was played on the Slovak media allegedly of Mr. Lexa and another man discussing the kidnap, Roman Kovac an MP in the ruling coalition government said on Slovak Radio Twist on the 23rd February 1999: **“I believe that the listeners will be able to see for themselves that Ivan Lexa was really involved in the abduction of a Slovak citizen abroad”**. Although Mr. Lexa denied the authenticity of the recording this did not stop Bela Bugar, Deputy Speaker of the Slovak parliament, from pronouncing: **“In my view the voice is his”**.

On 12th March in Brussels Interior Minister Pittner told listeners to Radio Twist that there was a parallel secret service and that Mr. Lexa still has tapping equipment. Pittner **expects Lexa to be charged and detained as soon as he is stripped of his immunity ...as far as the whole case is concerned the evidence is very powerful**. And, on 6th March on Slovak radio 1 Prime Minister Dzurinda said **“it is clear that he [Lexa] was behind the abduction of a Slovak citizen and behind many crimes”**

These are a few examples that have appeared in the reports from Eastern Europe carried in the English-language BBC Summary of World Broadcasts - a Western publication. However, not all the accusations made against the two men make their way into the Western press: according to both of them the Slovak media regularly pronounces them guilty as (yet to be) charged.

The Slovak Republic has also become the host to numerous NGOs and institutions aimed at promoting a ‘third way’ in society between people and politicians. Despite the loudly proclaimed independence of such bodies they are nearly all supporters of the present government. In opposition they received lavish funding for their programmes aimed at traducing Meciar and the HZDS and finally removing them from office. One of the largest and best-funded, The Institute for Public Affairs, (*Institut pre Verejne Otazky*) remains active even though its previous director, Martin Butora was recently appointed Slovak ambassador to the US. However, his wife Zora Butorova is still listed as a member of the Institute’s ruling council.

On 15th March 1999 the Institute published the result of a telephone poll conducted with 500 respondents aged 18 and over. The question was : “According to you should Ivan Lexa have his parliamentary immunity removed and be prosecuted?” Perhaps unsurprisingly, 65% of respondents were completely or almost completely in favour of this course of action.

It is hard to imagine a body devoted to academic research into public policy in any Western country – the respected Chatham House or the Council of Foreign Relations, for example, recommending the prosecution of anyone in this way. It is an example of how completely unassailable the new government in Bratislava (and its proxies in the ‘third sector’) now feel.

However, in any country operating according to the rule of law such prejudicial, pre-trial publicity would render any future proceedings invalid. The situation in Slovakia is even more serious than this as it is not journalists but **members of the government including the prime minister** who regularly make their views about a citizens’s innocence or guilt public.

Article 6 (2) of the European Convention of Human Rights says: “Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to the law”. The right to a fair trial is also included (Art. 10) in the Universal Declaration of Human Rights - the presumption of innocence follows immediately in the first paragraph of Art. 11. There is a strong body of case law dealing with Article 6 in the European Court of Human Rights.

In British law many of the examples mentioned above would bring the media outlets mentioned within the proscriptions of contempt of court legislation.

In the British case, the biased and provocative statements of politicians in the cases of Gustav Krajci and Ivan Lexa would likely lead to their cases being thrown out of court at an early stage. This is unlikely to happen in Slovakia where everyone (including 'the mob') has pronounced on the accused's guilt except the judges and jurisdiction that will hear the case.

When the Kurdish leader Abdullah Ocalan was captured in Kenya and returned to Turkey, European governments and bodies like Amnesty International were loud in their demands that he receive a fair trial. The Council of Europe and the European Parliament immediately demanded representation at the forthcoming legal proceedings.

But not everyone is happy with the perception that witch-hunts are taking place. Other parties – like the former-Communist SDL and the SOP (Party of Civic Understanding) are more circumspect in their public comments. In an important interview given to the English-language *Slovak Spectator* the entrepreneur Jozef Majsky, talking of the need for economic change, said: "if someone broke the law, let's prosecute him, let's sentence him, but let's not scream about it on the covers of magazines and newspapers.." and "we cannot execute economic changes wildly with one minister going this way another one that way the third acting like an even bigger cowboy the fourth screaming louder the fifth prosecuting even more people". He also said in the same interview: "not just anybody can give interpretations of the law, not even ministers"

The media

Western observers still believe that the HZDS is an undemocratic party which, among other things, completely monopolized the Slovak media over the past four years. This view persists, despite the fact that Jozef Majsky, possibly the most powerful businessman in the country, has recently described how he gave financial support to newspapers and radio stations in order to bring the present coalition to power "I used the mass media" he says referring to his financial interest in both *Sme* and independent Radio Twist. Yet the media monitoring group MEMO, which is supported by the NDI in Washington, thinks that Slovak TV was "worse than the old communist regime" at the time of the September election. It has had to admit since then that Vladimir Meciar is the most criticized politician in the country.

Most media outlets are now in the hands of the government – the one independent cable TV station, VTV, has been sold to a businessmen close to the SDL. All other nationwide radio and TV stations support the coalition. Only *Slovenska Republika* of the leading dailies backs the opposition. Its Washington correspondent says that the Slovak Ambassador to the United States former dissident Martin Butora has banned her from press conferences given by visiting members of the Slovak government.

On top of this, the membership of the Slovak radio and TV councils has been weighted heavily in a political direction. There are no signs that either of these bodies has sought to temper the improper remarks made about forthcoming legal proceedings by leading politicians and state employees on the air waves.

Future Political Developments

The political situation in Slovakia is extremely polarized. According to the afore-mentioned Institute of Public Policy "the development of society after the 1994 elections was dominated by political parties representing the older, less educated, rural and less reform-minded part of the population" – i.e. people who do not deserve a stake in the running of their country. According to the Institute it is the young, entrepreneurs and city dwellers who are the 'natural' leaders. Such a view can lead to fascism - in a democracy it is important for everyone's vote to have equal value.

In the bible of those who trumpet the values of 'civil society', *The Open Society and its Enemies*, Karl Popper attacks the ideology which, he claims, goes back to the later works of

Plato where only the 'philosopher kings' can claim a right to rule. Such views, says Popper, lead to the totalitarianism manifest in both fascism and communism. It is a sad comment on Western journalists and politicians that they have unthinkingly supported the people and parties in Slovakia that perpetrate this offensive viewpoint.

Criticism of the new Slovak government has recently come from an unlikely source. In February 1999 Sergei Chelemendik, one of a handful of journalists of Russian origin working in Bratislava, produced a pamphlet: *Neverte Im – Su to nezne prasata v nasom zite* – "Do not Believe Them – The piglets in our fields of corn". Chelemendik, once a harsh critic of Meciar, now turns his guns on the coalition SDK.

While no one on the Slovak political scene escapes Chelemendik's biting tongue it is the Christian Democrats for whom he has the most contempt. They are referred to dismissively as political novices, "kuricov" – stokers in the boiler rooms where many members of the party worked as dissidents in the past. He also accuses members of the SDK governing coalition *en passant*, of having collaborated with the security services in the Communist period.

Does Chelemendik's attack say anything about the future complexion of Slovak politics? In one important sense it probably does although this offers no comfort to the main opposition HZDS party. It is possible that the government in Bratislava will become increasingly unpopular as the sackings and "witch-hunts" proceed and the economy collapses. Within the government it is the KDH which holds all the important state functions dealing with the police, state security and the judiciary and it is the KDH which will bear the brunt of this unpopularity. Businessmen like Mr. Maisky (whose wife is a SOP deputy) have articulated their unease; centre-left parties like the SOP and the SDL could benefit from not being associated with this 'purge'.

It is therefore likely that sometime in the near future – and the SOP's Rudolf Schuster is the candidate tipped to win the Slovak presidential election to be held in May – these parties will strengthen their position in the government even forcing the KDH out and back into opposition.

Meciar's critics would not be displeased by this development. The KDH would become the leading opposition party in Slovakia thus marginalizing the HZDS even further. 'Moderates' like MPs from the SOP, DU (Democratic Union) and people like Mjartan and Fico would be untainted by the witch-hunts conducted by the KDH. Since it has extensive contacts with foreign sponsors like the Konrad Adenauer Stiftung the KDH could sink back into a role of the loyal opposition.

Conclusion

- An unholy alliance of politicians, businessmen and journalists seems to be trying to destroy the HZDS one of the only parties with a solid grass-roots base to have emerged in Eastern Europe since 1989. This may please many in the West who unthinkingly believed much of the black propaganda about the party. However, the lengths to which the present coalition has gone in demonizing both Ivan Lexa and Gustav Krajci **even before they are charged with any criminal offences** exceeds the boundaries of all internationally accepted criteria for the holding of a fair trial, the separation of powers and respect for the law.
- Undoubtedly, some Slovak politicians including members of the present coalition understand this. However, their unease is probably not unconnected with the fight that is going on over who will receive the richest pickings when the country's basic assets – telephones, electricity, gas, for example – are privatized probably to foreign buyers abroad who may expect a return on previous support. Each has their own favoured patron.

- In which case, it is important for outside and impartial oversight to be kept on the Slovak authorities' observance of the law. The country is a member of the Council of Europe and a signatory to all the main international human rights documents. 30 years after the purges following the "normalization" in 1968 (during which, ironically, Vladimir Meciar was expelled from the Communist Party of Czechoslovakia and professionally demoted) it would be a tragedy if Western human rights agencies abandoned any concern for due process and pluralism in Slovakia.