

## ETHNIC CLEANSING IN POST WORLD WAR II CZECHOSLOVAKIA: THE PRESIDENTIAL DECREES OF EDWARD BENES, 1945- 1948

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### Introduction

The first Czechoslovak Republic (1918-1938) was recreated in 1945 at the end of World War II and existed until the end of 1992. In both cases, Czechoslovakia utterly failed to form a governmental structure that secured freedom, prosperity, peace, and equal rights for all citizens of the state.

In 1918, the newly founded Czechoslovak Republic was entirely carved out of the Austro-Hungarian dual monarchy by a unilateral decision of the victorious entente powers. The dictated peace treaties of Versailles, Saint-Germain-en-Laye and Trianon were not an outcome of a true peace conference at which the defeated would also have been given the opportunity to enunciate the limits of acceptable conditions for peace. Such a peace conference was never assembled.

The Versailles peace treaty with Germany was condemned by non-interested parties. In fact, the US Secretary of State, Robert Lansing, had declared that “the Versailles treaty menaces the existence of civilization,” and two popes had stigmatized the instrument. Benedict XV condemned it for “the lack of an elevated sense of justice, the absence of dignity, morality or Christian nobility,” and Pius XI, in his 1922 encyclical “Ubi arcam Dei,” deplored an artificial peace set down on paper “which instead of arousing noble sentiments increases and legitimizes the spirit of vengeance and rancour.”

The peace treaty of Trianon (1920) with Hungary resulted in the dismemberment of the thousand-year-old Hungarian Kingdom, as a result of an unbelievably inimical attitude of the allied representatives toward the Magyars. The consequence to Hungary was a loss of 71.5% of its territory and 63.6% of its population. The extreme tragedy of Hungary can be illustrated by comparing the smaller losses in 1871 of France to Germany, in which France gave up 2.6% of its territory and 4.1% of its population to Germany. The Trianon treaty forced three and a half million Magyars to live, without their consent, in Czechoslovakia, the Kingdom of the Serbs, Croats and Slovenians and Rumania, with the stroke of a pen. The right of self-determination of nations, solemnly promised in the 14 points of US President Woodrow Wilson, was apparently forgotten.

In 1918, the government of the newly founded Czechoslovak Republic agreed to guarantee the rights of national minorities under the protection and supervision of the Geneva-based Council of the League of Nations. This obligation, however, was never honoured during the twenty-year existence of the first Czechoslovak Republic. The Prague government revoked acquired rights of domicile, treating millions of people of German and Hungarian origin as aliens in the land of their forefathers. They were victims of harassment and deprivation. The Czechoslovak government confiscated land from their rightful German and Hungarian owners, without compensation, for distribution among Czech and Slovak colonists. A new tax was enacted called the "capital levy" to collect up to 30% of the value of one's possessions on movable and immovable property.

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Census results were falsified as a quick method to reduce the number of minorities of the state. The Czechs represented only 43% of the mosaic state and attracted political problems for themselves in their own republic through their intolerance. Even their ruling Slovak partners were dissatisfied with Czech domination in the partnership. The Sudeten Germans, with a population of 3.5 million and representing the largest minority group in Czechoslovakia, sought to establish contact with the autonomous Slovaks as well as with the Hungarian and Polish minorities by forming an autonomist bloc against the Czechs. Due to the Defense of the Republic Act of 1923, containing 306 offenses punishable by incarceration, the national minorities along the borders lived a threatening existence of constant insecurity.

The radicalization of the internal political situation in Czechoslovakia worried the founders of the country, the British and French governments, leading to the emergence of the recommendation to appoint a mediator to arrive at a negotiated settlement of the minority problem. This led to the convocation of the four-power Munich conference at the request of the Czechoslovak government, culminating in the Munich agreement of September 29, 1938, and the cession of the Sudeten German districts to Germany. These historical events forced President Edward Benes (1935-1938) from office. The Benes letter of resignation addressed to the Czechoslovak government was delivered by the Prime Minister, General Syrovky, in a radio address during the evening hours of October 5, 1938. Benes escaped to Britain via Rumania several days later with millions of dollars worth of US currency and gold in his possession.

The declaration attached to the Munich agreement was of vital importance to the Hungarian minority. The heads of the government represented at Munich, namely: Britain, France, Germany and Italy, declared that they would reconvene if the problems of the Polish and Hungarian minorities in Czechoslovakia were not settled within three months time. Poland, on its part, decided not to wait for any further negotiations and immediately occupied the Polish-inhabited areas of Czechoslovakia.

Several weeks later on November 2, 1938, in Vienna, at the request of the Czechoslovak government and as a consequence of an impasse in negotiations between Czechoslovakia and Hungary, a two-power arbitration by Germany and Italy returned from Czechoslovakia to Hungary the following segment of lost territory: 12,700 km<sup>2</sup> of land and 1,030,000 inhabitants, including 830,000 Hungarians, 140,000 Slovaks, 40,000 Ruthenians and 20,000 Germans.

It is noteworthy that Article XIX of the covenant of the League of Nations anticipated the peaceful reconsideration of the peace treaties pursued by the Assembly of the League which had become inapplicable and whose pursuit could endanger world peace.

On March 15, 1939, another aftermath of Munich occurred as Hitler ordered the German occupation of two provinces on the rump of Czechoslovakia, Moravia and Bohemia,

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which remained under German rule as a “Protectorate of Germany” until the end of World War II. With the aid and support of Hitler, the Province of Slovakia (1939-1945) declared its independence as a sovereign state on March 14, 1939. The first Slovak Republic then became a faithful satellite state of Germany. A barely six-month old independent Slovakia became a German satellite state on September 4, 1939, three days after the beginning of the German attack of Poland, and remained a German ally during World War II.

It must be noted, for the sake of objectivity concerning the rush to German alliance during World War II that far-lying Bulgaria adhered to the German war effort on March 1, 1941; Rumania did the same on June 21, 1941 on the eve of the German attack on the Soviet Union. Hungary, on the other hand, an immediate neighbour of Germany, became an unwilling German ally on June 27, 1941, four days after the alleged Russian bombardment of the northern Hungarian city of Kassa. Due to its geographic proximity to Germany, Hungary became the last country evacuated by the retreating German occupational forces, leading her enemies to erroneously accuse Hungary of being the last German ally of the war. As a consequence, the Hungarian nation was severely punished at the 1947 Paris peace conference, while Slovakia, a Nazi puppet state and the first ally of Germany during the war, was rewarded.

Exiled in Britain, ex-president Benes established a Czechoslovak National Committee immediately after the outbreak of World War II in September 1939 which was recognized by the British and French governments. When France fell under German occupation in 1940, the British recognized Benes’ group as a provisional Czechoslovak government in exile, with Benes as president. This government in exile was on the payroll of the British government for the remainder of the war years.

The outbreak of hostilities between Germany and the Soviet Union ended Benes’ isolation from the Moscow-based Czech refugees. Soviet Russia concluded a treaty of mutual aid against Germany with the Czechoslovak government in exile and gave diplomatic recognition to the London-based Benes political agents. The Soviet Union recognized the pre-Munich Czechoslovak boundaries at that time while the British government denied the idea of the legal existence and continuity of the pre-1938 Czechoslovak Republic. The Munich agreement was declared null and void by the British on August 5, 1942 and by the French on September 29, 1942. Both had been signatories to the 1938 agreement. As the fortunes of war started to favor the Soviet Union, Benes began to scheme his political future on Russian assistance. He concluded two treaties with Moscow for mutual assistance and postwar cooperation: one in 1943 and the other in 1944. The Soviet Union along with some other governments also exchanged ambassadors with Benes’ London-based exile government.

The diabolic Benes plan for the expulsion of the German and Hungarian population from their homes on former Czechoslovak territory came closer to being a reality when the

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Sudeten German population and the Hungarian minority located there came within his grasp due to Russian advancement into Central Europe. When the German forces retreated from the Russian front, the Czech and Slovak political exiles in London went to Moscow. There they

learned that when the Soviet army liberated the first Czechoslovakia from the German occupational army, the Czech and Slovak communist exiles based in Moscow were to be accepted as key members and portfolio holders in a resurrected Czechoslovak government.

#### Presidential Decrees and Statutes of the Partially Restored Czechoslovak Republic 1945-1992

From London and Moscow, Czech and Slovak political agents in exile followed an advancing Soviet army pursuing German forces westward, to reach the territory of the first former Czechoslovak Republic. Benes proclaimed the program of the newly appointed Czechoslovak government on April 5, 1945, in the northeastern city of Kosice ( Kassa, Kaschau), which included inhuman elements of oppression and barbarous persecution of the non-Czech, non-Slovak and non-allied population of the partially restored Czechoslovak Republic. As an aside, the Soviet Union occupied the eastern province of Ruthenia from Czechoslovakia in 1945. After the proclamation of the Kosice program, the German and Hungarian population living in the reborn Czechoslovak state were subjected to various forms of persecution, including: expulsions, deportations, internments, peoples court procedures, citizenship revocations, property confiscation, condemnation to forced labour camps, involuntary changes of nationality and appointment of government managers to German and Hungarian owned businesses and farms, referred to euphemistically as “reslovakization.” Through these decrees of the self-appointed president of the republic, Edward Benes, who had resigned as president of the first Czechoslovak Republic on October 5, 1938 and was reelected on May 11, 1946, some three and a half million Sudeten Germans were brutally expelled from their homes. Benes also reserved the same fate for the Hungarians, who had been thrown under Czech and Slovak rule for the second time in the 20th century.

Under the guise of legal legitimacy, non-elected and self-appointed government officials carried out arbitrary, high-handed actions resulting in the merciless prosecution of innocent human beings. Between 1945 and 1948, an endless list of discriminatory anti-German and anti-Hungarian presidential decrees, edicts, laws and statutes were proclaimed by the president of the republic, the Prague-based Czechoslovak Parliament, the Slovak National Council (parliament) in Bratislava (Pressburg) and by the Board of Slovak Commissioners (an appendage of the Czechoslovak government in Bratislava).

While in London, in exile, Edward Benes gave himself temporary power to exercise legislative authority as early as February 1945, prior to his appearance on former Czechoslovak territory with Soviet Russian complicity.

To this day, in 2001, with two exceptions, there are 89 such decrees, edicts, laws and statutes, along with innumerable pages of instruction for their enforcement, kept valid by their continued existence in the statutes of the Czech Republic (1993- ) and the Slovak Republic (1993- ). These two successor states of the restored Czechoslovakia remain unwilling to revoke edicts and laws to restore human rights and property rights to their proscribed population. A complete exposure of the text of these regulations and statutes would total hundreds of pages; however, they are cited below in Addendum I – Anti-Hungarian Discriminatory Edicts, Decrees and Statutes, 1944-1948.

The expulsion of former Czechoslovak citizens of German nationality from Bohemia, Moravia and Slovakia, including the Sudeten and Carpatho-Germans, and the atrocities committed during their expulsion has been addressed and is well documented in numerous publications. The expelled Sudeten Germans have strong organizations in Germany and Austria fully a half century after the loss of their homeland. Several German governments and non-governmental organizations have expressed the position, and continue to demand, that the admission of the Czech Republic and Slovak Republic to the European Union be contingent on the revocation by these two successor states of Czechoslovakia of the anti-German and anti-Hungarian decrees of 1945-1948 and on the extension of restitution to the victims.

In 1918, more than one million Hungarians were subjected to Czech and Slovak domination. However, the 1950 census registered only 355,000 Hungarians, while the subsequent census of 1960 for the corresponding population, registered only 553,000. The Magyar minorities of the surrounding states were unable to receive assistance from the mother country since Hungary was under total Soviet Army occupation from the end of World War II until the collapse of the Soviet Union in 1989.

The Slovaks, willing partners in the 1938 collapse of the Czechoslovak Republic and solely responsible for the disappearance of the second Czechoslovak Republic in 1992, joined the Czechs in the persecution of the Hungarian minority in 1945. Army units of the first Slovak Republic (1939-1945) which fought the Soviet Union in alliance with Germany, suddenly at the end of World War II, became soldiers of the new Czechoslovak army, wearing the Czechoslovak tricolor on their Slovak army uniforms. The Ministry of National Defense of the first Slovak Republic, a German satellite state, published in 1942 an illustrated compendium of Slovak army battles against the Soviet Union entitled: OD TATIER PO KAUKAZ (From the Tatra Mountains to the Caucasus). In 1945, these same Slovak army units became Czechoslovak soldiers used for billeting Magyar communities and coercing the defenseless population into Hungary. Slovakia miraculously emerged as an accidental beneficiary of World War II, despite the fact that the President of Slovakia, Mgr. Joseph Tiso, was tried as a war criminal in Bratislava by the Prague government and executed by hanging in 1947. The role of Slovakia during World War II should be the object of an international inquiry.

### The Population Exchange between Czechoslovakia and Hungary

The 1945 Potsdam conference approved the Czechoslovak government request for the deportation of the Sudeten German population to Germany but did not approve their plan for the deportation of Hungarians to Hungary. While the Czech and Slovak ethnic cleansing of Hungarians was rebuffed at Potsdam, the Prague government initiated negotiations with Soviet-occupied Hungary, with Soviet-Russian assistance, for an exchange of population. During 1947 and 1948, according to official lists, 76,616 Hungarians were forcibly taken to Hungary in boxcars; these Hungarians were generally well-to-do businessmen, tradesmen, farmers and intellectuals. At the same time, 60,257, mostly poverty-stricken Slovaks volunteered to move to Czechoslovakia. In 1945, roughly 10,000 Hungarians escaped to Hungary to avoid Czech and Slovak persecution and an additional 39,000 were ordered to leave Czechoslovakia.

### Deportation of Hungarians to the Czech province of Bohemia, 1946-1947

Czech retaliation to the unfavourable decision of the Potsdam conference in July 1945 regarding the expulsion of the Magyar population from Czechoslovakia resulted in the issuance of another vicious presidential decree. On October 1, 1945, decree No. 88 called for the forced transfer of Hungarian families from southern Slovakia to the Sudetenland in Bohemia – left vacant subsequent to the expulsion to Germany of three and a half million Sudeten Germans. This modern day enslavement was officially referred to as “recruitment for public works.” Men between the age of 16-55 and women from 18-45 were designated for forced, read slave, labour.

Between November 19, 1946 and February 25, 1947, in order to ensure an adequate work force in Bohemia, 44,129 Hungarians were deported for slave labour to Bohemia from Slovakia and had their properties confiscated by the state. According to German sources, the number of deportees was 68,407 while a Slovak source put the number at 73,000. A Slovak National Council decree estimated that 570,000 hectares of fertile land was confiscated by the previously referred to confiscation committees. When this action is supplemented by the 7,587,488 acres of land confiscated without compensation from Hungarian landowners by actions of the Czechoslovak National Assembly in 1919, the depth and extent of damage inflicted by the Czechoslovak Republic on their citizens of Hungarian origin can be better understood. After 1945, further injustices were suffered by the Hungarian minority through additional confiscation of private homes, businesses, factories, mines, stock holdings, etc.

In the event that some of the unfortunate deportees escaped from Bohemia they would find that they were unable to return to their former homes since they were immediately occupied by the Slovak colonists brought there by the colonization committees.

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#### “Reslovakization”

Benes provided the finishing touch to the total destruction of the unfortunate Hungarian minority by his decree-writing activity. The expulsion and dispersal did not end the peril of Magyar extinction by way of the Czechoslovak brand of democracy. In the Czechoslovakia of 1946, yet another practice was implemented with the objective of eliminating the Magyar nationality. It was referred to a “reslovakization,” that is, the forced acceptance of Slovak nationality.

On June 17, 1946, the Slovakian Commissioner of the Interior, under the name Reslovakization, issued decree No.20,000/1946. So-called reslovakization commissions were created throughout Hungarian-populated southern Slovakia with the purpose of implementing forced acceptance of Slovak nationality. By December 1947, 326,679 Hungarians were labeled and recognized as Slovak nationals by the Central Committee for Reslovakization, often with the use of the gendarmerie and contrary to the inner convictions of these sacrificed individuals. Threatened and intimidated, these Hungarians submitted their applications to the committee under duress in the hope of retaining their possessions and/or employment. These actions did certainly not represent a voluntary desire to officially become citizens of a foreign nation, but rather were acts of self-preservation by defenseless individuals with a desire to avoid their expulsion to Hungary on 24 hours’ notice.

Revoked Decrees

Benes' pathological hatred and ruthless persecution of his political opponents was ended by a coup d'etat of the Czechoslovak Communist Party in February 1948. Benes died four months later in June 1948 under house arrest at his estate in Bohemia. He had misled the French between 1918 and 1938 by not upholding the obligations that the first Czechoslovak Republic had assumed under the peace treaties after World War I. No longer able to delude the Russians, they mercilessly had Benes removed from office. The Czechoslovak parliament by a unanimous vote in June 1945 transferred Ruthenia to the Soviet Union, without the consent of the Ruthenian population. Ruthenia was formerly a part of the thousand-year-old Hungarian Kingdom and, as the eastern-most province of the first Czechoslovak Republic, this action by the Czechs brought the Russians west of the Carpathian Mountains into Central Europe for the first time in history.

The Communist Party in Soviet-occupied Hungary intermittently took over the reigns of government through intimidation and political purges of opponents and so the Czech-Slovak-Hungarian antagonism became an embarrassment for Moscow over the years.

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The dilemma for Moscow was that the newly founded regimes in the "peoples democracies" had to build socialism in common partnership, as the often-repeated refrain went in the Soviet-dominated capitals of East-Central Europe.

With the disappearance of Benes from the political scene, the Czechoslovak government issued decree No. 76/1948 on April 13, 1948, allowing those Germans and Hungarians still living in Czechoslovakia, to reinstate the Czechoslovak citizenship that had been revoked by decree No. 33/1945. The Slovakian Commissioner of the Interior also revoked the latter decree by issuing decree No. 287/1948. A year later, Hungarians were allowed to send their children to Hungarian schools, which had been reopened for the first time since 1945. In 1963, the Communist Party of Czechoslovakia, but not the Communist Party of Slovakia, condemned the aforementioned methods of population transfer but not the population transfer itself.

### Rudolph Dreithaler vs. Edward Benes

In 1994, another fissure was made in the Benes decrees of 1945-1948 by Rudolf Dreithaler, a Czechoslovak citizen of Sudeten German origin, living in Liberec (Reichenberg), in the Czech Republic.

The Dreithaler family house in the Sudetenland of Czechoslovakia was confiscated by presidential decree No. 108/1945. In June 1994, Dreithaler sought the annulment of the confiscation of his portion of the property through the Constitutional Court due to an error made in the Land Title Office. In the 1930's, one portion of the house was inherited by Julia Dreithaler, with Rudolf named as alternate heir in the event of Julia's death. Julia died on October 7, 1945; decree No. 108/1945 came into effect on October 30, 1945. After Julia's death, the Probate Court did not confiscate the property and Rudolf became the legitimate owner of the property. The subsequent ruling in Dreithaler's favor by the Czech Constitutional Court in November 1997 surprised the Czech government, hoping that it would not set a precedent endangering the validity of the Benes decrees.

For the expelled Germans and Hungarians as well as for the inhabitants of today's Czech and Slovak Republics, this landmark ruling of the Constitutional Court is of potentially great importance. It means that at an opportune moment, affected parties could seek restitution for confiscated properties with a view to reclaiming billions of dollars in damages from the Czech and Slovak governments.

It would be in the purview of the Czech Constitutional Court to void any and all decrees and laws in conflict with the constitution. Rudolf Dreithaler was the first person in the Czech Republic to seek voiding four of the Benes decrees of 1945-1948. After a long wait, the November 1997 decision of the Czech Constitutional Court opened the door for the plundered Sudeten Germans to seek restitution from the Czechs.

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Some argue that only the president of the republic or senators and representatives have standing to seek voiding laws. A majority of lawyers agree that the revocation of the Benes decrees would disturb national security and would cause a negative breakthrough on property ownership. It seems clear that the cancellation of these decrees would allow expelled Sudeten Germans and Hungarians to seek restitution for confiscated property.

### Conclusion

There are similarities between the efforts of bringing into existence a new Czechoslovak state in Central Europe during World War I and World War II. In the first case, political agents were working in France, in exile from Austria-Hungary. In the second case, political agents from the collapsed first Czechoslovak Republic, with the support of the British government, succeeded in the restoration of the Czechoslovak Republic, a mosaic state of seven national groups of different cultural backgrounds and against their will.

The first Czechoslovak Republic disintegrated after twenty years of existence, during the presidency of Edward Benes (1935-1938) because it was not completely democratic. Benes' second term of office (1945-1948) was cut short after the Communist Party of Czechoslovakia, in a putsch orchestrated by the Soviet Union, ousted him.

The second Czechoslovak Republic was artificially built in foreign chancelleries and its survival was dependent on foreign assistance. Benes failed to realize the power of the inner strength of the Czech people and disregarded the historic role of Bohemia. He rather cultivated megalomania and xenophobia, which ultimately set him back in 1938 and destroyed him in 1948 and with it, demolished Czech independence.

Benes proceeded to erode, and then destroy, the previous harmonious coexistence of the Czech, German, Slovak and Hungarian people. The anti-German and anti-Hungarian Benes decrees, the laws of the Czechoslovak Parliament and the decrees of the Slovak National Council, published in the official Gazette, remain in force even today, at the beginning of the 21<sup>st</sup> century. To this day, neither the Czechs nor the Slovaks want to consider their revocation. At the same time, both the Czechs and the Slovaks are demanding restitution from Germany, in the form of monetary compensation, for its citizens who were taken to Germany for the purpose of forced labour. However, during the same era, Czech industry was complicit in assisting the German war machine and Slovakia was a puppet state of fascist Germany.

The restoration of Czechoslovakia after World War II was a political mistake of colossal proportion. In 1918 and 1945, the Slovaks were opportunistic beneficiaries as a result of their political alliance with the Czechs. However, in 1939, they jumped at the opportunity provided by the expansionist policy of the national socialist German government for the establishment of the first Slovak Republic in history, with German assistance.

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This wartime alliance was forgiven by peacemakers at the conclusion of World War II, as demanded by the fiction of a Czechoslovak Republic. In 1945, to avoid punishment for their wartime alliance with Hitler's Germany, the Slovaks hid behind the political cloak of "Czechoslovakism."

Given the historical record, the wartime policy of the first Slovak Republic must be scrutinized and, also, the southern border of the current second Slovak Republic must be questioned. The long-term record of looting, theft, political oppression, denial of basic human rights, mishandling of the Hungarian minority in Slovakia, since 1918, must be subjected to international inquiry. The indispensable condition for the Hungarian minority in Czechoslovakia to achieve equality before the law and for the restoration of civil and property rights of Hungarians either living in Slovakia or expelled from post-World War II Czechoslovakia will only occur by the fulfillment of the following demands:

- 1) acknowledgement of the continued existence of the 1945 Kosice government program,
- 2) immediate revocation of anti-German and anti-Hungarian Benes decrees and laws of 1945-1948,
- 3) declaring the post-1945 persecution of Hungarians in Czechoslovakia as unethical and inhuman,
- 4) establishment of a trust fund by the Slovak Republic to compensate affected Hungarians,
- 5) repatriation of deported Hungarians, and their descendants, from the Czech Republic to the Slovak Republic,
- 6) granting equal rights for the Hungarian population of Slovakia in the constitution of the Slovak Republic,
- 7) granting the right of self-determination for Hungarians in Slovakia, under international supervision.

The incessant harassment of Hungarians in Slovakia must stop, once and for all. Time has come for the peaceful revision of the Slovak-Hungarian border along centuries-old ethnic lines, in accordance with international law and the right to national self-determination. The 1975 Helsinki Final Act recognizes peaceful border changes. It remains an absurdity and an assault against human decency that a territorially enlarged second Slovak Republic (1993- ) has been allowed to emerge as an incidental winner of World War II by

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replacing the Nazi satellite first Slovak Republic and to continue the ethnic cleansing of Hungarians with impunity.

The revocation of the Benes decrees of 1945-1948 has been demanded for years by the Sudetendeutsche Landsmannschaft of Germany and Austria, the German federal government of Helmut Kohl and by several German and Austrian state governments, as a precondition for admission of the Czech Republic and the Slovak Republic to the European Union.

According to a May 6, 1996 report of the Czech News Agency, the Slovak Foreign Minister, Juraj Schenk, clearly indicated that Slovakia couldn't meet demands being made in Budapest to abolish the Benes decrees, which affected the Hungarian minority after World War II. Further, the Czech Constitutional Court has expressed an unwillingness to rescind these decrees and laws, even though it is known that they can never be harmonized with the laws of the European Union.

The Parliament of the European Union called upon the Czech government in April 1999 to abolish the Benes decrees. However, on April 23, 1999, the Slovak Foreign Minister, Eduard Kukan, stated that the Slovak government does not wish to deal with the post- World War II discriminatory edicts over the course of the next three and a half years. It is viewed as a very sensitive issue to be discussed only at the request of the European Union.

The Slovak government has formally apologized for the persecution and deportation of Jews and Carpatho-Germans during the first Slovak Republic and yet avoids the restitution and compensation issues of the persecuted and evicted Hungarians or the guarantee of minority rights to the citizens of Slovakia.

In today's European Union, the legitimate authority and political will for securing equal rights for the Hungarian population of Slovakia and guaranteeing their right to self-determination resides with the Council of Europe. A necessary condition to meet these goals is the revocation of the Czechoslovak and Slovak discriminatory edicts and laws of 1945-1948, made legally binding by their publication in the official Gazette.

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Addendum I

Anti-German and Anti-Hungarian Discriminatory Edicts, Decrees and Statutes

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### I. Presidential and Constitutional Edicts

005/1945 Edict of the President of the Republic concerning the invalidity of transactions involving property rights from the time of the occupation and concerning the National Administration of property assets of Germans, Magyars, traitors and collaborators and of certain organizations and associations. (May 19, 1945)

012/1945 Edict of the President of the Republic concerning the confiscation

and early re-allotment of agricultural property of Germans, Magyars, as well as traitors and enemies of the Czech and Slovak people. (June 21, 1945)

- 016/1945 Presidential edict concerning the establishment of special People's Courts for traitors and collaborators. (June 19, 1945)
- 017/1945 Presidential edict concerning People's Courts for unfaithful citizens. (June 19, 1945)
- 021/1945 Presidential edicts concerning legislative power during the time of transition. The president had temporary power to exercise legislative function. Reprint from the Uredni Vestnik (Official Gazette) in exile in London, England. (February 27, 1945)
- 027/1945 Presidential edict concerning domestic colonization. (Colonization of the Slavic population in German and Hungarian districts). (June 27, 1945)
- 028/1945 Presidential edict concerning the settlement of Czech, Slovak or other Slavic farmers on the confiscated properties of Germans, Hungarians and other enemies of the state. (May 20, 1945)
- 033/1945 Presidential edict concerning the right of Czechoslovak citizenship. German and Hungarian nationals lost their citizenship. (August 2, 1945)
- 050/1945 Presidential edict concerning films. (August 11, 1945)
- 059/1945 Presidential edict concerning the repeal of civil servant appointments during the occupation. (August 20, 1945)
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- 071/1945 Presidential edict concerning forced labor services of persons who had lost Czechoslovak citizenship. (September 19, 1945)
- 081/1945 Presidential edict concerning the dissolution of all German and Hungarian clubs and cultural, social and sports associations in Czechoslovakia. Their confiscated properties were transferred to the state and, in most cases, their libraries were destroyed. (September 25, 1945)
- 088/1945 Presidential edict concerning public labor. This edict ordered the deportation of the Hungarian nationals to the evacuated German districts in Bohemia. (October 1, 1945)
- 091/1945 Presidential edict freezing bank deposits belonging to Germans and Hungarians and prohibition of withdrawals even for personal expenses. Total losses suffered by the Hungarians in Czechoslovakia were estimated to be 1.102 billion Czech crowns as of July 16, 1948.

(October 19, 1945)

- 100/1945 Presidential edict concerning the nationalization of mines and some other industrial plants. (October 24, 1945)
- 101/1945 Presidential edict concerning the nationalization of the feed industry. (October 24, 1945)
- 102/1945 Presidential edict concerning the nationalization of banks of stock corporations. (October 24, 1945)
- 103/1945 Presidential edict concerning the nationalization of private insurance companies. (October 24, 1945)
- 105/1945 Presidential edict concerning the purging committees reviewing civil servant activities. (October 24, 1945)
- 108/1945 Presidential edict concerning the confiscation of enemy property and the funds for national regeneration. Hungarian property was confiscated with the exception of their personal belongings. (October 25, 1945)

Presidential edicts concerning nationalization excluded all Hungarians from any compensation.

- 143/1945 Presidential edict concerning civil action limitations in criminal proceedings. (October 27, 1945)

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## II. Laws and Statutes

- 026/1946 Concerning voter lists. (February 21, 1946)
- 065/1946 Constitutional law concerning the National Constituent Assembly. It effectively abolished the franchise of Hungarians in Czechoslovakia. (April 11, 1946)
- 083/1946 Concerning the employment of Germans, Hungarians, traitors and collaborators. This law went so far as to terminate employment of Hungarians. (April 11, 1946)
- 128/1946 Concerning the nullification of all property transactions through which a Hungarian acquired property after September 29, 1938, the date of the Munich Four-Power Agreement. Subsequently such property, although legally transacted and fully paid by a Hungarian, was either returned to its previous non-Hungarian owner or transferred to the state. (May 16, 1946)

It is noteworthy that on February 12, 1942, four years after the first Vienna arbitral award, the Hungarian government concluded a bilateral treaty which compensated and thoroughly satisfied the

individuals involved.

- 130/1946 Concerning the addenda and changes to Presidential edict 105/1945 dealing with Purging Committees. (May 16, 1946)
- 163/1946 Concerning extraordinary provisions which permitted the termination of a transaction between a Hungarian and a real estate owner. (July 18, 1946)
- 164/1946 Concerning relief to victims of war and fascist persecution. Hungarians became ineligible for relief due to the loss of their Czechoslovak citizenship, as a result of Presidential edict 033/1945. (July 18, 1946)
- 232/1946 Concerning the disenfranchisement of Czechoslovak citizens of ethnic Hungarian origin. Government decree 216/1946 also prohibited the election of a Hungarian to factory committees even in situations where almost all the workers in certain agricultural or industrial workplaces were Hungarian. Hungarians were excluded from trade unions in post World War II Czechoslovakia. (December 10, 1946)
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- 247/1946 Concerning the modification of Presidential edict 105/1945 dealing with Purging Committees. (December 19, 1945)
- 252/1946 Concerning employee compensation in the event of employment loss as a result of confiscation or land reform. Hungarian workers held no claim to compensation. (December 20, 1946)
- 090/1947 Concerning legal procedures in the land registry office for the distribution of confiscated property. (May 8, 1947)
- 107/1947 Concerning provisions against unauthorized border crossings. (May 29, 1947)
- 114/1948 Concerning additional nationalization of industrial plants. (April 28, 1948)
- 115/1948 Concerning additional nationalization of feed industry plants. (April 28, 1948)
- 118/1948 Concerning nationalization of wholesale commerce. (April 28, 1948)
- 119/1948 Concerning nationalization of foreign trade and international shipping. (April 28, 1948)
- 120/1948 Concerning nationalization of enterprises of over fifty employees. (April 28, 1948)

- 121/1948 Concerning nationalization of the construction industry. (April 28, 1948)
- 122/1948 Concerning nationalization of travel agencies. (April 28, 1948)
- 123/1948 Concerning nationalization of printing shops. (April 28, 1948)
- 124/1948 Concerning nationalization of restaurants and hotels. (April 28, 1948)
- 125/1948 Concerning nationalization of spas. (April 28, 1948)
- 126/1948 Concerning nationalization of certain seed improvement enterprises. (April 28, 1948)

v

- 138/1948 Concerning landlord/tenant proceedings. This allowed for the cancellation of agreements with tenants regarded as disloyal from a state security standpoint. By May 1948, the implementation of this law in Pressburg (Bratislava) alone resulted in over four hundred Hungarian families receiving notices to vacate their premises with two to five hours' notice. Similar expulsions also occurred in the countryside. (April 28, 1948)

### III. Government Decrees (Prague)

- 048/1945 Concerning Provisional National Assembly elections. This decree disenfranchised Czechoslovak citizens of Hungarian descent until 1949. (August 25, 1945)
- 216/1946 Concerning the enforcement of the provisions of decree 104/1945, enacted on August 23, 1945 by the Slovak National Council, regarding factory councils, excluding ethnic Hungarians from those councils. (November 5, 1946)
- 030/1948 Concerning the administration and distribution of property, belonging to Hungarians who were transferred to Hungary, among patriotic Czechoslovak citizenry. (March 19, 1948)

### IV. Decrees of the Slovak National Council (Bratislava)

- 006/1944 Concerning Hungarian school closings as well as the banning, in many places, of Catholic and Protestant religious services conducted in Hungarian. This decree was issued during the first Slovak Republic (1939-1945) by the then illegitimate Slovak National Council in exile. (September 6, 1944)

- 004/1945 Concerning the confiscation and accelerated distribution of immovable landed property belonging to Germans, Hungarians, traitors and enemies of the Slovak nation. (February 27, 1945)
- 008/1945 Concerning the restriction on service in the armed forces to Czech, Slovak or Ukrainian nationals. (March 6, 1945)
- 016/1945 Concerning freezing bank deposits of Hungarian nationals. (March 23, 1945)
- vi
- 020/1945 Concerning granting authority to local industrial boards to review and cancel trade licenses to individuals considered to hold questionable political loyalty. (March 29, 1945)
- 026/1945 Concerning the prohibition of organizing administrative councils, called People's Councils (Narodny Vybor), in Hungarian populated villages, towns and districts. In these places, local government was executed by centrally appointed non-Hungarians organized as Administrative Commissions (Spravna Komisia) whose members were reliable Slovak communists who received their instructions directly from the Communist Party of Slovakia. (April 7, 1945)
- 033/1945 Criminalizing any political, economic and cultural activity having any connection with Hungarian government administration of former southern Slovakia subsequent to the September 1938 Munich Agreement. This decree also regulated procedures of the People's Courts in Slovakia. (May 15, 1945)
- 043/1945 Concerning rules for membership renewal for attorneys to the Bar of Slovakia. The Bar Association of Pressburg (Bratislava), then the only one in Slovakia, refused membership applications from Hungarian lawyers, referring to the Yalta Conference resolutions. (May 25, 1945)
- 044/1945 Concerning civil servant employment and the dismissal of all Hungarian civil servants, with immediate effect or no later than July 31, 1945, without any claims or compensation, including the loss of retirement benefits. (May 25, 1945)
- 050/1945 Concerning the National (State) Administration to be established on properties owned by Hungarians, regarded collectively as politically unreliable from the point of view of the Czechoslovak state and the people's democracy. The resultant damage caused by the government-appointed Slovak or Czech administrators was enormous: at least 6120 administrators were

imposed to oversee Hungarian properties, resulting in an estimated financial loss between 1945-1948 of 600 million Czech crowns. (June 5, 1945)

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- 051/1945 Concerning the dissolution of Hungarian clubs and cultural, social and sports associations in Slovakia as well as the confiscation and transfer of Hungarian-owned property to the state and the destruction of Hungarian libraries. (May 25, 1945)
- This decree was identical in content with Presidential edict 081/1945 of September 25, 1945.
- 052/1945 Concerning the nullification of all property transactions through which a Hungarian acquired property after September 28, 1938. (June 6, 1945).
- This was identical to Law 128/1946.
- 062/1945 Concerning the freezing of bank deposits of Hungarians and the prohibition against withdrawals, even for personal expenses. (July 3, 1945)
- Identical to Presidential edict 091/1945 of October 19, 1945.
- 067/1945 Concerning reporting of war damages. (July 3, 1945)
- 069/1945 Concerning the dismissal of all employees of Hungarian origin with immediate effect, without notice and without claim to compensation. (July 3, 1945)
- 082/1945 Concerning restricting legal and notarial professional practice to Slovaks. (July 25, 1945)
- 097/1945 Concerning the prohibition against compensation to Hungarians for war damages. (August 23, 1945)
- 099/1945 Concerning the dismissal of Hungarian civil servants. Only a very small percentage of discharged Hungarians received social relief of 1,000 Czech crowns, roughly twenty dollars. (August 23, 1945)
- 104/1945 Concerning the confiscation and accelerated distribution of immovable Hungarian-owned property without compensation. The objective was to insure that the confiscated property, including cultivated land, forests, livestock, farms and farm implements, would devolve to those considered to be politically reliable. These

confiscation commissions, were involved in 4538 such cases between 1945 and 1948. (August 23, 1945)

viii

- 105/1945 Concerning the establishment of labor camps for those considered to be unreliable. Enforcement responsibility was delegated to national committees at the local and county levels. (August 23, 1945)
- 107/1945 Concerning the provision of benefits to elderly, disabled and poor Czechoslovak citizens. Hungarians and stateless individuals were ineligible for consideration to receive social benefits. (August 23, 1945)
- 130/1945 Concerning compensation for war damages. See also decrees 67/1945 and 97/1945. Hungarians were ineligible to receive compensation, even though the destruction due to military action in southern Slovakia during 1944-1945 occurred in districts which were populated mainly by Hungarians. (November 15, 1945)
- 054/1946 Concerning the termination of agreements between Hungarians and landlords. See also laws 163/1946 and 138/1948. (April 23, 1946)
- 062/1946 Concerning the removal from office of all notaries public of Hungarian origin. (May 10, 1946)
- 064/1946 Concerning the modification of the confiscation and accelerated distribution of agricultural properties of Germans, Hungarians, traitors and enemies of the Slovak nation. (May 14, 1946)
- 065/1946 Concerning mortgaging of immovable property. (May 14, 1946)
- 069/1946 Addenda to decrees concerning the confiscation and accelerated distribution of Hungarian-owned property. (December 19, 1946)
- 005/1948 Concerning the recognition of bar examinations for judges and attorneys completed in Hungary for individuals not of Hungarian descent. (March 15, 1948)

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## V. Ministerial Decrees (Prague)

- 043/1945      Concerning the force of Presidential edict 004/1944 (in exile in London) on the National Councils and Provisional National Assembly. (August 3, 1945)
- 045/1945      Concerning the official powers and elections of the National Councils. Minister of the Interior. (August 24, 1945)
- 2139/1946     Concerning the partial release of frozen bank deposits. Minister of Finance. (December 6, 1946)
- 077/1948      Concerning the deadline for changes regarding eligibility to Czechoslovak citizenship. Minister of the Interior. (April 16, 1948)

VII.    Decrees of the Slovak Commissioners (Bratislava) and the Presidium of the Board of Commissioners (Provincial Government)

- 082/1948      Concerning compensation to employees who were terminated as a result of decrees of the Slovak National Council 104/1945 and 64/1946. (May 31, 1946)
- 109/1946      Concerning the discontinuation of compensation to retired miners who had their citizenship revoked on grounds of disloyalty to the state. (September 10, 1946)

Commissioner of the Interior

- 253/1945      Concerning the regulation of the status of the Lutheran Church in Slovakia. (September 10, 1945)
- 287/1945      Concerning the regulation of Czechoslovak citizenship in accordance with Presidential edict 033/1945 dated August 2, 1945. (October 22, 1945)
- 297/1945      Concerning the issuance to any Hungarian of the certificate of political reliability. This certificate was required to seek employment in post-World War II Czechoslovakia. (November 12, 1945)

- 20000/  
1946            Concerning the forced slovakization of Hungarians in Slovakia, referred to as reslovakization. In addition to dispersion, expulsion and transfer, a segment of the Hungarian population was forced to solemnly declare itself as Slovak. This was the reason for the establishment of so-called Reslovakization Commissions throughout southern Slovakia by the Commissioner of the Interior.

(June 17, 1946)

- 126/1948      Concerning a nationality requirement for inclusion in the permanent voters list. (January 23, 1948)
- A—311/  
18-II/  
3-1948      Contains a long list of places whose names had been “slavified.” (June 11, 1948)

Commissioner of Industry and Commerce

- 1104/1946      Concerning the establishment of a national governmental agency overseeing patent and intellectual property rights and protections for Hungarians, considered by the regime to be people of questionable reliability. See also Presidential edict 005/1945 and Slovak National Council decree 050/1945. (May 8, 1946)

Commissioner of Social Welfare

- 751/1946      Concerning the ineligibility to receive social benefits of disabled war veterans, war widows and orphans of Hungarian descent due to the collective revocation of their Czechoslovak citizenship (see Presidential edict 033/1945). (March 13, 1946)

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