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François Bregha

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[See table of contents](#)

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Forced Labour Camps in Countries under Communist Domination

by FRANÇOIS BREGHA, *member of the Czechoslovak Foreign Institute.*

In this study, we shall describe the official reasons for the establishment of Forced Labour Camps, as they understand them in Czechoslovakia.

The establishment of a socialistic state — which guarantees the subsistence of its citizens, which portions out national production according to objective criteria — such as the need or meriting of goods — necessarily implies the legalizing of obligatory labour, together with penalties for those who contradict it. Without the pressure of unemployment (which does not exist, naturally, in a socialistic state), it would be impossible to maintain discipline and a high rate of production among workers if the state did not have at its disposal certain means of coercion.

It is through this need for punitive sanction that the communist regimes attempt to justify forced labour camps. According to communist propaganda, the FLC's¹ are centers of education or of re-education for those who attempt to escape work, who produce nothing for the common good of society and are living consequently at its expense. According to communist propaganda, the FLC's in the U.S.S.R. which serve as models for satellite countries, are agreeable places in which to work which the re-educated even refuse to leave; they undergo no form of force except that which obliges them to work, as any other citizen and worker, in favorable and pleasant conditions, receiving the same wages as a free worker. Political education shows them the immorality of their past way of thinking, and if they recognize their mistake and prove their change of mind by devoting themselves seriously to their

work, they can obtain certain distinctions and be freed immediately. Those in charge never fail to point out instances in which the great Stalin himself awards to those held in FLC's the title of "hero of labour."

The re-educated return from the FLC like "new men", transformed into partisans of labour and ardent builders of the new and just society, the socialistic society. For propaganda reasons, it is strictly forbidden, in Czechoslovakia, to call the camps other than "Compulsory Labour Camps" and their inmates "re-educated".

The following chapters present a résumé of information collected by resistance groups forming the "Labour Party" which is looked upon as entirely illegal in Czechoslovakia. The data were assembled in Forced Labour Camps, in dispatch bureaux to the FLC's and from relatives and friends of persons who had spent a certain length of time in the camps.

This information shows clearly that the FLC's do not form an organization established to educate or punish those who shirk labour, thus bearing prejudice against society and violating the duty to work laid down by the Constitution of the Republic. On the contrary, it shows that the FLC's are simply the instrument of political oppression and that they were deliberately organized with this end in view.

1) Legal basis

The first attempt against the principle of free choice of labour was brought about by the extraordinary circumstances in which Czechoslovakia found itself subsequent to its liberation in 1945. It was the result of

(1) We employ the abbreviation FLC for Forced Labour Camps.

Decree No. 32 issued by the President of the Republic. The purpose of this decree was to facilitate the task of the State authorities at a time when it was absolutely necessary to allot the work which had to be accomplished, to the citizens, even if it was against their will. Then it was a question of labour of common interest, especially in regard to those tasks which had to do with the reconstruction of the country. It was in this sense that the law was enforced. It permitted that men from 18 to 55 and women from 18 to 45 years of age, be obliged to work at a task other than their normal occupation, for a period of one year, and in case of extreme urgency, for 18 months.

Certain persons, however, were not included under this obligation: persons in military service; students and others regularly following courses; women pregnant since five months or more; women having under their charge at least one child, etc.

Another source which limits the freedom of labour resides in the Constitution of May 9, 1948 (already established since the "coup d'état") which stipulates, in the passage which deals with the "fundamental obligations of the citizens toward the State and society" (paragraph 32): "Every citizen must work according to his capacity and must contribute, through his labour, to the common good."

Neither the Decree of the President nor the Constitution of May 9th, however, gave to state organizations the power to put that into force under the form of political persecution of adversaries. Alone the *Act Respecting Forced Labour Camps*, of October 25, 1948, renders possible such an attack on the rights of the individual. Through this Act, the Communist Party disguises its actions under a veil of legitimacy. The new law is the logical outcome of the *Act for the Defence of the People's Democratic Republic*. Both aim at the same thing: the suppression of

the enemies of the communist regime within the State.

Paragraph 1 of said act institutes forced labour camps for the "Education of citizens for work as well as for their duties as citizens", and the "Utilization of their working capacity for the common good."

Paragraph 2 reads: Persons between 18 and 60 years of age may be condemned to forced labour, a) who shirk work or who threaten the maintenance of order in the people's democracy or in its economic life, as well as those persons who assist others in such activities; b) who have been found guilty of one of the acts mentioned in the Act for the Defence of the Republic and the Act against Black Market Activities.

Paragraph 3 fixes the periods of forced labour at from 3 months to 2 years.

Paragraph 4, moreover, sets forth the following measures which may be taken against those found guilty: a) confiscation of living quarters; b) state administration of the business or property of the condemned person; c) cancellation of permission to exercise a profession.

It is clear that this act is directed especially at country folk, artisans and small business-men; however, paragraph 2 offers also the possibility to persecute any type of citizen. Finally, paragraph 4 reveals above all the economical background of this act.

Therein lies the basis on which communistic justice supports its right to send any person under suspicion into forced labour. The most important paragraph is the second, which provides for the sending to camps of those persons who "constitute a threat to the people's democracy." It is to be noted that this sort of "justice" *does not imply the necessity of the accomplishment of an action contrary to the law or of the concrete violation of such and such an act; neither does it explain in what consists an attitude or act dangerous for the people's democracy.* (To be noted: the expression "people's democracy", moreover, does not find its explanation under any juridical norm. According to the official de-

fnition of the Kominform, the people's democracy is like a framework in which the State carries out its functions of dictatorship of the proletariat).

2) Procedure of dispatch to the FLC's

Forced labour, according to communist interpretation, does not constitute a form of punishment; that is why (except for persons found guilty under the Act for the Defence of the Republic) the sending of persons to the FLC's is not decided upon by a court of justice, but by a special board composed of three members and having its headquarters in the chief town of the department. These boards called "Forced Labour Camp Dispatch Commissions in pursuance of Act No. 247/48" are numbered (the Prague commission carries the number I; that of Brno, 13). The departmental commissioner for the Criminal Investigation Board is the president of the Commission. The second member represents labour, and the third, the National Board of the Department. All three are, of necessity, communists.

The great majority of accusations, which form the basis of the proceedings of the said Commission, stem from the following sources: a) the State Criminal Investigation Board; b) organizations and commissions of the communist party; c) factory boards; d) committees of the various national boards.

The accused is pronounced guilty even while not present and before he ever suspects such a thing. He is immediately arrested by a member of the National Bureau of Investigation and is sent first to a concentration center in the principal town of the department (in Prague this center is situated in the concentration camp of Svaty Jan pod Skalou (St. John under the Rock); in Brno, it is in the forced labour prison, Lidice Street, where the medical examination is

given). According to the results of the medical examination, those being held are classed under two headings: those under class A are to be sent to the mines and are dispatched to the FLC's connected with mining; those under class B are to work at ground-level and are sent to the FLC's affiliated with factories. Women are held in special camps.

The medical examination often is reduced to the form of a joke, since the doctor is always a member of the police who are subjugated to their superiors' orders. It is a known fact that an officer by the name of Grig of the National Bureau of Criminal Investigation (commanding all of the FLC's in Moravia) accused a doctor of having pronounced all of a certain group fit only for class B work and ordered him to send all to Oslavany (mines). It was thus that a post-office employee, having been declared unfit for military service but fit for labour in the mines — measuring 5'4" in height and weighing only 102 pounds — fainted in his first descent to the bottom of the mine.

In general, nevertheless, the division into two groups seems to be maintained. Particularly, persons wearing glasses are not sent to the mines.²

Moreover, the communist doctors make certain themselves that no one escapes his fate. The director of the largest hospital of Brno, Saint Ann's Hospital, asked in November 1949 that those in charge of the FLC's in Moravia should not adhere too closely to medical certificates issued by the hospital since they are, in general, too "indulgent."³

Once transferred to the FLC, the prisoners receive their "FLC incorporation warrant", within a delay of two or three weeks, which, according to the opinion of the re-educated, ne-

(2) PTT, Memorandum F concerning the establishment of FLC's. pp. 22s.

(3) PTT, Report No. 10.

cessarily implies the impossibility of making an appeal in the required time. The incorporation warrant mentions the length of time to be spent in the FLC, other measures taken against the prisoner (eviction of the family, confiscation of property, governmental administration of the business, etc.), and reasons for incorporation in the camp.

The reasons mentioned are: 1) you have attempted to flee to a foreign country; 2) you were aware of punishable acts and did not make them known; 3) you have transported persons to a foreign country. When there is nothing punishable that can be proved, incorporation is justified by the following reasons: 1) you are a suspectable person from a political point of view and are capable of hindering the establishment of the popular democratic order; 2) you do not entertain a positive attitude toward the Republic.

An appeal against the pronouncement of incorporation must be sent to the Minister of the Interior within 15 days, through the commission which made the finding. In general, it is delivered to the Minister of the Interior only after three months. Thus, a citizen completely innocent is obliged to work for at least three months in the FLC. The appeal is accepted only in entirely exceptional cases.⁴ As there were a great number of interventions, it became forbidden to intercede for the prisoners, with the penalty of being sent to a FLC. This prohibition was posted at the Ministry of the Interior.

3) By-laws

No regulations are known, and it may well be supposed that there are none. In general, prison regulations are employed; they are interpreted personally by the guards and may be

(4) In the beginning of November 1949, all appeals were refused by the Minister of the Interior (Report No. 19 of the PTT).

likened to German concentration camp procedure.

The prisoners are supervised either by prison guards, by members of the National Police, or by the worker militia. Theoretically, they may receive an unlimited number of letters. All correspondence, naturally, is censored. They may likewise receive visitors in the presence of guards, taking into account the category to which the prisoner belongs. The first category is that of prisoners of short sentence; the second is that of prisoners incorporated to camps for long periods; the third, that of persons who have been found guilty in pursuance of the Act for the Defence of the Popular Democratic Republic.

Prisoners of the first category may receive one visitor every 15 days; those of the second category, one visitor every six weeks; those of the third, one visitor every two months.

In "Operation SC" (Struggle of the Classes) the inmates were classified in four groups: A, B, C, D. The reason for this classification is not known.

The work schedule is irregular. In general, it is eight hours a day. But at Vitkovice, for example, the schedule runs from 6 a.m. to 2 p.m., and from 4 p.m. to 10 p.m., in the form of "volunteer brigades". No person is obliged to work in the brigade, but upon refusal to do so, he exposes himself to the danger of being considered "lazy" or "idle" and thereby causing a considerable lengthening of sentence in the FLC, or deportation to another labour camp where the type of work is still more difficult — Jachymov (Joachimsthal) and Hodonin, especially. At FLC Jachymov (Joachimsthal), the working hours run from 6 a.m. to 2 p.m. in the mines, followed by three hours of additional labour at ground-level. At FLC Horni Slavkov, the schedule begins at 7 a.m. and terminates at 3 p.m. for work in the mines, which is followed by three more hours at the

surface. (Report No. 17 of the Czechoslovakian Underground Resistance Party according to the experience of the informant himself).

4) Number of camps and their geographical location

The camps are located in places at great distances from roads and railroads; their exact geographical location is not known. One might say, however, that there is one camp in each administrative district. The camps are quite different in regard to their size, the number of inmates, and the type of work performed.

The majority of the camps, however, supply man-power to various industrial and agricultural enterprises. The most important political prisoners, i.e., the most dangerous for the party, are sent to the mines (coal, porcelain clay, uranium). The mines of Jachymov (Joachimsthal) are noted for their hard labour, their lack of sanitation, and the faulty construction of the mines. No form of security whatsoever is accorded to the prisoners working under the ground.

In Bohemia, the most important camps are those of Kladno (coal-bearing area) north-west of Prague, and Jolive (central Bohemia). In the coal-mining region north-west of Moravia, there are the camps of Ostrava (several camps), Vitkovice and Trinec. In central Moravia there are Kuncice, Oslavany, Blansko (several camps), Hrusov (Stachanov mines), and Hodonin. The camp of Znojmo (Znaim) near the Austrian border, is exclusively for women. The only important camp in Slovakia is that of Orava, near the Polish border.

The camps are divided according as the work is more or less arduous. The camp of Hodonin is certainly considered as one of the most terrible. The camp of Leopoldov is employed for deportations into the U.S.S.R.

The group of FLC's which operates in connection with the uranium mines in the vicinity of Jachymov is in a very unique position: the dispatch centre of prisoners for this group is located at Vitmonov where the political prisoners of the entire Republic are brought. The average length of sentences is eight years. Those who are condemned to a long period of imprisonment are transported in special cars and are accompanied by armed guards equal in number, approximately, to that of the prisoners. From Vitmonov, the condemned are directed to the other FLC's of that area, of which the most well known are Jachymov (Joachimsthal) and Horni Slavkov.

The total number of persons imprisoned or held in Czechoslovakia for political reasons is maintained a secret. — For the department of Brno, there were about 3,000 persons being held in the last part of June 1949. At the end of September of the same year, the number had already passed the 11,000 persons. Report No. 14 of the Czechoslovakian Underground Resistance Party for the end of October, puts the total, according to non-official sources, at 700,000, that is, from 5% to 6% of the entire population of Czechoslovakia. — The government makes a great effort to hide this terrible fact by means of scattering the camps and by inspiring terror into those who have been freed, thus preventing them from repeating their experiences.

5) Reasons for deportation

The reasons for deportation are very diverse, especially because of the difference in ages of the deported persons, which is considerable (one may count among the deported young men and girls of eighteen).

In reality, the procedure amounts to this: some organ of the Communist Party or of the Criminal Investigation Bureau of the State (local organization of the Party, factory coun-

cil, board of the State Secret Police or any commission of the Local National Council, etc.) designates someone as doubtful or dangerous; then a reason, or rather a pretext, is found to arrest him.

At Brno there were arrests made because of the demonstrations of May 28, the birthday of President Bénéš. The very fact of being found in the vicinity of the monument of President Masaryk was enough to be arrested by the National Police. During the investigation which followed, the police attempted to discover some black spot in the past lives of the arrested persons. The opinion of the superintendence and control commission of the Communist Party may send the arrested to a FLC.

One of the causes most often observed for dispatch to a FLC is anti-communist propaganda in all its forms. Even schoolboys at Brno were deported, as well as at Prostějov, for having distributed anti-communist pamphlets (which, of course, is not prohibited by any law, the Constitution of the Republic guaranteeing, on the other hand, freedom of expression and opinion, etc.). Another reason is refusal to properly ally ones own business with the State's. Workers absent from factories or mines for three days without sufficient reason, or systematically abstaining from taking part in voluntary brigade work, are brought into the FLC's. Persons investigated by the State Court (organization having to do especially with political crimes), or the Criminal Investigating Bureau of the State, and who should be released as innocent are almost always sent to the FLC's. Furthermore, robbers and prostitutes are also held in the FLC's, a fact which considerably aggravates the situation of the political prisoners.

6) Conditions inside the camps

The camps are surrounded by barbed-wire fences ten feet high, and are flanked by towers with machine-

guns. The prisoners live in damp, unsanitary barracks, with often more than twenty men in a room constructed for ten. Sanitation measures do not exist. In all known camps, wash-basins and toilets are lacking; they are replaced by wooden troughs and holes in the ground, respectively. To make matters worse, water is also lacking. Medical service is inexistant almost everywhere, even in camps where the inmates are employed in dangerous labour.

The food differs widely from one camp to another and leaves all the more to be desired in proportion as the camp is more closely supervised and stems directly from state authority. In certain small camps, groups of prisoners are sent here and there to work, and the various industrial or agricultural enterprises in which they work are responsible for their subsistence. In this case, their conditions are endurable, but such a situation is especially reserved for common law prisoners and not for those held for political reasons.

Conditions are quite different in camps holding prisoners of the second and third classes, who enjoy no liberty of circulation, and depend directly on the camp where they are likewise fed (camps of Honorin, Jachymov, Znojmo, Orava, etc.). In each of these camps the food is not sufficient to uphold the physical standard of the prisoners, nor is it proportionate to the exhausting labour which they are forced to accomplish. In general, the food consists of soup, black bread, potatoes; there is hardly ever any meat or fat.

Salaries also constitute a weak point. The prisoners of Kladno, for example, "earn" 1.50 Kcs a day (three cents in Canadian money according to legal exchange rates) while the department of mines pays for each of the forced labourers to the administration of the FLC's 150 Kcs (\$3.00) a day.

The latter holds that it is obliged to retain this money in order to "pay"

for the food and housing of the prisoners, and to guarantee the subsistence of their families. As a matter of fact, no family of prisoners has ever received a subsidy from the camp administration; these families, on the contrary, are obliged to purchase and send to the prisoners food-stuffs in order to keep them alive. To make matters worse, it often happens that these families have had their property confiscated by the state and the head of the family imprisoned. Thus, the salary of the inmates is kept almost entirely by the government.

“Political education” is one of the most important things in the life of the prisoners. Each inmate must prove that he is acquainted with the marxist ideology and the living standards of a socialist society, unless he wishes to see his sentence of “re-education” prolonged. According to the communist definition, political education means a political change or transformation in those who undergo this form of instruction, and a progressive elimination of those who are unwilling to accept it. Therein lies one of the main ends of this institution.

To have a good idea of exactly what communist education is like, it is to be noted that one of the best ways in which to demonstrate one's attachment to communism consists in denouncing those who show less interest in becoming educated. The prisoners are pressed by their instructors (young officers of the State Police) to denounce all reactionaries. Since this sort of denunciation is one of the most certain means of being released, it is wide-spread in certain camps. One must not forget the numerous “agents provocateurs”, sent out by the State Police to test the zeal of the denunciators!

Prisoners who receive a notice of incorporation in a FLC for a period exceeding more than three months, make a great effort, usually, during

the first three months, to prove their loyalty to the regime by every means possible in order to be freed, i.e., that their appeal might be accepted. Having failed — for that is what happens most often — they resign themselves to their fate or fall into a state of despair which is manifested especially by intoxication wherever the prisoners have access to alcohol. This state of mind was especially notable during the first few weeks which followed the establishment of the FLC's, and principally among those inmates who possessed little or no political knowledge. On the other hand, the latest reports of the most painful camps speaks of a remarkably fine spirit among the prisoners.

The treatment the prisoners receive at the hands of the guards differs according to whether or not the latter belong or do not belong to the Communist Party. Communist guards, especially the officers who are in charge of “political education”, delect in humiliating the prisoners and in insulting them. The prisoners are not beaten (as was the general rule in the German camps), but it does happen sometimes. There is neither legal means nor practical possibility of defence against such harsh treatment.

On the other hand, the members of the non-communist national police, often sent as guards in the FLC's as a form of political punishment, as well as the free workers who work with the inmates, help to render the fate of the latter more endurable by giving them food, by aiding them in their work, and even by facilitating their escape. That is the reason for the numerous cases of escape in certain camps; for example, at the Vitkovice camp, there were two or three prisoners who fled each day.

For some time now, the cases of disappearing prisoners has been noted. Undoubtedly, certain of these disappearances are caused by changes in the place of work and the

transferability of the inmates. But recently, another reason has come to light. According to reports from escaped FLC prisoners, it seems more and more likely that a certain proportion of the FLC prisoners in Cze-

choslovakia has been sent to the U.S.S.R, and that still others face the same lot. The dispatch center from Czechoslovakia into the U.S.S.R. seems to be the camp of Leopoldov, in the Sudetan Mountains.

Comparative Study of the Legislation on Conciliation and Arbitration

INTRODUCTION

This study is not intended to define the basic principles of the various systems of settling labour disputes, but merely to outline the main types of settlement procedure. Nor is it intended to pass judgment on the value of the different systems, notwithstanding certain necessary explanations.

By "labour disputes" we understand only those disputes of a collective nature and not individual disputes, even though the latter may easily be transformed into the former. Moreover, the distinction between individual and collective disputes is of a somewhat artificial character, as Rouast and Durand point out in their "Précis de législation industrielle".¹ At any rate, in spite of the difficulty in establishing the criteria of an individual dispute, the collective dispute presents characteristics which may readily be recognized.

In this connection, Rouast and Durand adopt the following position:

a) Collective disputes are those which concern fundamentals, the solution of which affects the legal status of the various members of a cer-

tain group. Such is the case when the dispute is in regard to the creation or revision of a statute of labour legislation. (Settlement by arbitration of prevailing labour conditions, revision of a collective agreement following an award because of a lack of foresight). Likewise those disputes present a collective aspect which concern the interpretation of the rules of law, whether it be a question of acts, customs, collective agreements or of awards. b) Secondly, collective disputes are those which bring into play an interest common to the whole or to a part of a group, for example, those which affect freedom of opinion, freedom of association, the rights of personnel representatives, the right to strike, even though the solution of the problem changes the legal status of only one member of the undertaking. So, a particular measure may give rise to a collective conflict: one has only to suppose the firing of a wage-earner because of his adhesion to a labour union. In harming the right of becoming a member of a union, the act encroaches upon the worker-group's prerogative. The competence of jurisdiction by arbitration could not, moreover, come about from a simple allegation, but from the proof of an injury to the common interest. The competence and the scope and depth of the case at issue are intimately related. The idea of the collective dispute is, then, quite large, and overlaps that of the

Note of the Editors — Under this title, we shall publish in the Review, a series of articles written by a professor in the Industrial Relations Department of Laval, who, for certain reasons, wishes to keep his identification anonymous.

(1) Rouast et Durand, *Précis de législation industrielle (Droit du Travail)*, p. 276 and following, Librairie Dalloz, 1948.