

Council of the Institute for the Study of Totalitarian regimes

To
Göran Lindblad
president
Platform of European Memory and Conscience
president@memoryandconscience.eu

Prague, 27 November 2013

RN: USTR 1635/2013

OPEN LETTER

Dear members of the Platform of European Memory and Conscience, dear Mr President,

We received your open letter from November 13, 2013, in which you express concerns of the members of the Platform of European Memory and Conscience about the situation in Česká republika – Ústav pro studium totalitních režimů (The Institute for the Study of Totalitarian Regimes). Your apprehensions refer to the similar issues that we had already responded in our letter to the President of the Platform of European Memory and Conscience from September 27, 2013. Hereby we had invited the President of The Platform to the Institute for the Study of Totalitarian Regimes in order to let him acquire all relevant information about the current situation in person; however, we have never received any reaction to this invitation. We are naturally able to propose the same to every member of The Platform of European Memory and Conscience to show that none of the democratic principles are being breached in the Institute for the Study of Totalitarian Regimes and demonstrate that we follow valid legislation of the Czech Republic.

We are not willing to change or supplement the argumentation from the above mentioned letter and we insist that changes, which have been made, and also those, which are being prepared, are necessary for the proper working of both the Institute for the Study of Totalitarian Regimes and the Security Services Archive.

Ústav pro studium totalitních režimů
Institute for the Study of Totalitarian Regimes

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Further to your letter, we state that

Ad 1) The director, Mrs. Pavla Foglová, was properly appointed by the supreme body of the Institute for the Study of Totalitarian Regimes – the Council of the Institute, which was properly elected by the Senate of The Parliament of the Czech Republic. There is no legislation, which would obligate the Council to announce an open competition to this position.

Ad 2) We are unaware of any extensive changes of the personnel (except 4 persons, who were dismissed from the management of the Institute). If you think, that there are any such “extensive” changes in the Institute for the Study of Totalitarian Regimes, we ask you to substantiate your allegation.

Ad 3) Please, refer to Ad 1). The decision to announce an open competition or not is according to the law in the power of the Council of the Institute – the organization of the open competition is not the obligation. Only the Council itself makes a decision about the date of the open competition.

Ad 4) Paralysis of the digitalisation is not an issue at all. However, it is highly desirable that digitalized reproductions of the archival documents are meant to be available for everyone, who wants to study them (naturally in accord with the legislative restrictions), not just for some. Until the digitalization intentions are not fully and meaningfully fulfilled and digitalized material is not provided with the descriptive metadata, nothing will be changed about the access to the digital reproductions of the archival materials. If you are convinced of the opposite, we would like to ask you to document the assumptions you are anticipating (that the digitalisation will be paralysed, endangered or even stopped).

Ad 5) The alleged breach the Code of The Platform is seen in which point? The Code contains: „*The Member does not knowingly employ former members or collaborators of repressive forces of totalitarian regimes or former functionaries with paid political jobs in totalitarian political structures, in paid or unpaid functions.*“? The Institute does not knowingly employ any of above mentioned persons.

Ad 6) We ask for an explanation of how the director of the Institute refused to help the Platform acquiring facts about the past of former communists. Your request according to the Act no. 106/1999 Coll. on Free Access to Information was answered fully in accordance with the valid legislation of the Czech Republic. You have also received recommendation about further appropriate steps.

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The Council of the Institute is fully aware of its responsibilities for the observance of the Constitution, the Charter of Fundamental Rights and Basic Freedoms and all relevant legal regulations of the Czech Republic. Considering that until April 2013 the activities of the Institute leadership evinced a number of legal and professional misconducts, it is necessary to reconcile with the current legislation in the shortest time possible. Any kind of pressure on the Council of the Institute (and the management of the Institute) to give in the necessary changes, would lead to the destabilization of the Institute and to continuing sharp reproaches of the experts regarding professional and academic level of the scientific research.

If only one member organization of the Platform (from 43 member organizations from 13 EU countries), as mentioned in your letter, had declared its intention to cancel its membership in the Platform because of the situation in the Institute for the Study of Totalitarian Regimes, it is not possible to consider it as a general standpoint supported by the majority of the members of the Platform.

Let us inform you that we consider your letter a call for breaching the valid legal order of the Czech Republic, which is inadmissible. The Institute for the Study of Totalitarian Regimes is an organizational unit of a sovereign country which legislation must be followed. If the Platform continues refusing respecting these basic principles, we will have to, after the consultation with the government of the Czech Republic, consider next steps.

PhDr. Emilie Benešová
Chairmen

CC: Presidents of the Senate, Chamber of Deputies and Prime Minister of the Czech Republic

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