

A n n u a l r e p o r t

2001



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“NO SUBSERVIENCE HAS EVER LED TO THE IMPROVEMENT OF A SITUATION—ONLY TO ITS WORSENING. THE MORE FEAR AND SERVILITY, THE MORE GALL THE POWERFUL HAD HAD, DO HAVE, AND WILL HAVE.

THERE IS NO MEANS TO REDUCE THEIR PRESSURE IF THEY ARE NOT SHAKEN IN THEIR CONFIDENCE—IF THEY DO NOT SEE THAT INJUSTICE

AND DISCRIMINATION ARE NOT FORGOTTEN, AND THE WATERS WILL NOT CLOSE BEHIND ALL THIS.”

RENOWNED CZECH PHILOSOPHER JAN PATOČKA

Who Are We? What Do We Seek?

**THE ENVIRONMENTAL LAW SERVICE (REFERRED TO BY ITS CZECH ABBREVIATION EPS BELOW) IS A
NON-GOVERNMENTAL, NON-PROFIT ORGANIZATION OF LAWYERS WHO USE LAW TO FURTHER THE PUBLIC INTEREST.**

Our aim is to **eliminate cases of unlawful and improper decision-making** by state offices in matters of the environment and human rights,
to **help people gain access to the courts**, to **build the knowledge and skills** of non-profit organizations' staffs,
to **expand the ranks** of public-interest lawyers,
and to **help bring about a high-quality legal code**.

This way of using the tools of law to protect and support important societal values is “public interest law,”
and thus EPS is a *public interest law organization*.

Students at the school of law in Brno's Masaryk University founded EPS in 1995 as a volunteer organization.

At present, it has two offices: in Brno, the largest city in Moravia—the smaller of the country's two main historical regions—and in Tábor,
a city in the other region, Bohemia.

EPS's Legislative Activities

EPS runs a campaign against restrictions to public participation in administrative procedures, against undemocratic and anti-ecological provisions in new bills, and for the right to file suits in the public interest.

Mr Prosser said: 'You were quite entitled to make any suggestions or protests at the appropriate time you know.'

'Appropriate time?' hooted Arthur. 'Appropriate time? The first I knew about it was when a workman arrived at my home yesterday. I asked him if he'd come to clean the windows and he said no he'd come to demolish the house. He didn't tell me straight away of course. Oh no. First he wiped a couple of windows and charged me a fiver. Then he told me.'

'But Mr Dent, the plans have been available in the local planning office for the last nine months.'

'Oh yes, well as soon as I heard I went straight round to see them, yesterday afternoon. You hadn't exactly gone out of your way to call attention to them had you? I mean like actually telling anybody or anything.'

'But the plans were on display...'

'On display? I eventually had to go down to the cellar to find them.'

'That's the display department.'

'With a torch.'

'Ah, well the lights had probably gone.'

'So had the stairs.'

'But look, you found the notice didn't you?'

'Yes,' said Arthur, 'yes I did. It was on display in the bottom of a locked filing cabinet stuck in a disused lavatory with a sign on the door saying Beware of the Leopard.' A cloud passed overhead. It cast a shadow over Arthur Dent as he lay propped up on his elbow in the cold mud. It cast a shadow over Arthur Dent's house. Mr Prosser frowned at it. 'It's not as if it's a particularly nice house,' he said. 'I'm sorry, but I happen to like it.' 'You'll like the bypass.'

Douglas Adams, The Hitchhiker's Guide to the Galaxy

We emphasized legislative activities strongly in 2001. The main reason was the **seriousness of the bills** proposed this year in the fields of law to which EPS's activities relate. These bills were put forward by both the Government¹ and by politicians from ČSSD and ODS, the "opposition-contract" parties.² They generally served the interests of the strongest ministries (e.g. the Ministry of Interior) and lobbies (e.g. industrial and nuclear), and **contained numerous provisions tending towards the restriction of every citizen's right to effectively participate in the administration of public affairs.** Based on our previous experience—where the people and institutions we addressed did not pay our comments the attention that their seriousness demanded—we **concentrated not only on drafting comments, but also, and much more than in the past, on negotiations and pressure to promote their implementation. We thereby crossed the border into lobbying**, which we do not consider *a priori* as negative, when it means neither dishonest practices, nor the loss of an organization's independence due to supporting a single political philosophy.

The Act on Administrative Procedures (The Administrative Code)

A bill that would drastically restrict citizens' rights is overturned at the eleventh hour

A Government proposal for changes to the Act on Administrative Procedures (The Administrative Code) grew, during 2001, into an **acute and unprecedented threat to the protection of citizens' rights.** If passed, it would bring increased room for **corruption, discrimination, willful and wayward decisions by officials, and restrictions to public supervision of officials during administrative procedures.**

We commented copiously on the bill during its preparation and discussion; in doing so, we pointed out both the above fundamental objections and a host of defects in its form and content. We pointed out e.g. its conflicts with the Constitution and the Aarhus Convention on Public

Participation in Decision-Making and the overall absurdity of its conception—one motivated by an effort to quicken the permit process for environmentally questionable construction projects, to the detriment of the rights of affected citizens and the public. The Ministry of Interior, and later the Government, ignored the essence of our comments. We thus launched a legislative campaign including the following activities:

a) A petition drive—A petition, *Against the Retreat from Democratic Principles in Laws*, was formulated by a petition committee representing a large portion of the non-governmental sector—from the major environmental and heritage associations to representatives of child-protection and refugee-aid organizations—and even including a mayor from a Moravian village. **We set up 20 signature points** around the country, so that both urban and rural citizens could sign it. Meanwhile, we created a web page (www.i-eps.cz/petice) that informed about the bill and enabled visitors to sign the petition electronically.

b) Bringing the issue into the media—We successfully promoted the issue in the **prime-time news; two discussions** in the Czech national radio program *Radioforum* took place on the issue; we appeared as guests in the 21 program on ČT2, the second national channel, and in two broadcasts of Czech Radio Free Europe's *Zeměžluč* environmental program; one part of the acclaimed *Nedej se* environmental-journalism TV series was filmed regarding the bill; and **a number of articles** on it appeared in the press. **We spent funds from the Open Society Foundation to have 1500 A3 posters³ printed** with the title "The Ministry of Interior Is Preparing to Restrict Citizens' Rights," informing in brief of the bill's dangerous aspects and of the petition. **We arranged for these posters to be displayed from September 15th to October 15th, 2001 in all regional capitals' public transportation.**

1) Translator's note: My usage of the word "government" in this text is the one case where I will be deviating from common American usage, as only a rare American meaning, common in British usage, expresses the needed meaning: **a small group of persons (constituted by the cabinet or by the ministry in a parliamentary system) holding simultaneously the principal political executive offices of a nation or other political unit and being responsible for the direction and supervision of public affairs** (paraphrased from Merriam-Webster's Collegiate Dictionary).

2) The "opposition contract," or "agreement," is one by which the leftist ČSSD, head of a minority government after the 1998 elections, agreed to make certain concessions to the rightist ODS, the second-strongest party, in return for ODS's voting to put/keep ČSSD in power.

3) i.e. roughly twice as large as Letter-sized paper.

c) Proposals for changes to the law; lobbying—we drafted **over forty change proposals** while the bill was being discussed in Parliament's lower house, the *Poslanecká sněmovna* (called the "lower house" below). We met many **deputies from parties represented in the lower house**. We made several speeches at meetings of the lower house's **constitutional-law committee** (even a speech at a meeting held outside Parliament) in an attempt to convince its members of the necessity of our proposed changes. (Later in the legislative process, we focused only on a few of our most important proposals.) We also pointed out the bill's dangerous aspects to **members of the state administration and local politicians, as the amended law would cause them problems too**. During the "Brandýs Forum" (discussed in detail further on in this report), we convinced the chairpersons of the parties KDU-ČSL and Unie svobody to **swear in writing**, as one of their obligations towards the non-profit sector, **to help preserve participants' equal rights in administrative procedures, and an overall democratic nature in the new Code**.

Though we did convince several deputies to submit and support the change proposals we had drafted, the bill slid through, without these changes and in the form in which the Ministry of Interior had drafted it, all the way to the final phase of discussion in the lower house. Only during the final voting—in the bill's third reading—on **February 15th, 2002, did the lower house vote down the bill by a mere 4-vote margin**. This was not, of course, only our doing, but it can be said that we significantly contributed to the bill's rejection. One piece of evidence for this is the fact that MPs from ODS, who voted against the bill entirely to further their own political aims, defended their stance to a large extent using "our" arguments. KDU-ČSL chairman Cyril Svoboda, just like (with one exception) all of his party's other deputies, voted in favor of the law, as did half of Unie svobody's deputies (and, of course, all those from the ruling ČSSD).

The meeting of the lower house's next plenum first let the bill through into its "third" (in truth however fifth!) reading. But there, fortunately, the bill failed by a seven-vote margin. All deputies present from the governmental ČSSD voted for the law, as well as many (seven!) deputies from the

theoretically pro-citizen Unie svobody. All deputies present from ODS, KSČM, and KDU-ČSL, as well as five US deputies, voted no or abstained. This meant definitive salvation (at least for this election period) from the most serious legislative attack since 1989 on not only the public's right to participate in the administration of public affairs, but also, and especially, the principles of legality, legal assurances, protection for the rights of participants in procedures, and openness regarding how the public administration performs its work. This is a great victory for all those who have been opposing this attack (which of course does not only mean EPS). But it is by no means a "final victory." Quite the contrary! ODS representatives above all have declared (we must credit them here: openly, honestly declared) that they opposed the administrative code in spite of the fact that it restricted the rights of the public ("environmental activists") in administrative procedures—a fact they deemed a great plus for the bill, but one that did not in their opinion balance out its defects. Thus we can strongly expect a newer and perhaps yet more serious attack after the elections.

The Amendment to the Act on Nature Conservation and Landscape Protection

The destruction of public participation in environmental procedures was averted.

ODS MPs Brousek, Drda, and Sehoř submitted a bill to amend the Act on Nature Conservation and Landscape Protection (Czech act no. 114/1992 Sb.), **with the real aim of restricting, or even shutting the door on, public participation in administrative procedures regarding nature conservation and landscape protection** by imposing senseless formal restrictions. They counted on MPs' being poorly informed on the issue and passing the bill as the "technical" or "cosmetic" modification that they claimed it was. We therefore sent MPs a letter explaining the true aims of those presenting the amendment and the consequences that passing it would have. In the end, its proponents tabled it.

Besides this "rescue work," EPS twice submitted detailed comments on the Ministry of Environment's prepared amendment of the same law.

The Campaign to Give Environmentalists and Preservationists the Right to File *actio popularis* (Public-Interest Suits)

Your life is at stake when your neighbor's house is burning.

The new act on administrative court proceedings introduces the concept of “suits in the public interest.” It places the right to file suits against officials' infractions of the law solely in the hands of the Attorney General, i.e. of a representative of the State, and moreover one closely watched by his superiors, who occupies an important post and probably will not seek to get involved in controversial cases. **We find this state of affairs entirely defective.** We therefore drafted proposals for changes through which **we want to also give environmental and preservation non-governmental organizations (“NGOs” below) the right to file such suits.** We have met many times to negotiate with deputies, particularly members of the lower house's constitutional-law committee, and try to defend this proposal.

Draft for the “Act on the Environment”

We are drafting a position paper opposing the controversial Environmental “Codex.”

The draft for the “Codex,” a new, general, and comprehensive legal regulation for the field of environmental law, is the fruit of a project of the Czech organization **The Institute for Environmental Policy**, Holland's One Europe Foundation, and the Ministry of Environment. We consider the proposals the team has drafted so far to be rather counterproductive; in some cases, the proposed regulations would mean **a definite rollback of legal tools for environmental protection.**

On request of the Ministry of Environment, we drafted, in April, an **extensive position paper**, which we then presented at the public review proceedings and provided to One Europe Foundation. The Foundation then requested that we **try to involve other NGOs in the process of creating** a “large” critical study of the Codex's final version. **We prepared a “sub-project” with that as its basic aim, in cooperation with Green Circle. We commenced this sub-project, entitled “Involving NGOs in the Preparation of the Act on the Environment,” at the end of the year.**

The Act on Integrated Pollution Prevention and Control and on the Integrated Pollution Register (IPPC Act)

We succeeded in broadening the circle of those who may participate in IPPC procedures.

The so-called “Act on Integrated Prevention” introduces an integrated permit process (i.e. one joined into a single procedure) for the activities (especially constructing industrial plants) with the largest impacts for components of the environment, i.e. water, air, public health, etc. The bill's original version contained provisions weakening or even negating its stated purpose (e.g. one could conclude from its text that an integrated permit application could not be rejected). **EPS's comments on the bill partially solved some of the problems; moreover, we succeeded in widening the public's right to information concerning the integrated permit process.** Thanks to other NGOs' work on other parts of the law, it retained, despite pressure from the industrial lobby and efforts by ODS deputies, a relatively broad requirement for polluters to make information on the hazardous substances they emit publicly accessible.

Act on the Šumava National Park

We fought the shrinking and white-collar plundering of a national park.

EPS took part in the campaign against the bill amending the Act on the Šumava National Park, which was to reduce the park's area significantly. **Companies that build mammoth recreation centers would welcome a drastic constriction of the park, as would logging companies, since the area that was to have been torn out of the park contained 10 million m³ of wood, worth approx. 15 billion crowns (\$454,545,000).** EPS helped non-governmental organizations compose their own version of the bill, which, besides maintaining the park's size, brought a separation of its (state) administration from economic activities in its forests. The proposed changes' main aim was to strengthen public control over for-profit activities in this legally protected area. An EPS lawyer participated in two meetings of mayors from the towns and villages of the Šumavas, and in one meeting each of the lower house's environment and public-administration committees. **Unfortunately, the lower house rejected our bill in the end.**

Proposal to Amend the Construction Act

A thousand words painting one false picture.

The proposal to amend the Construction Act contains a plethora of general proclamations on how important it is to get the public involved in decision-making regarding environmentally questionable construction projects. Its actual provisions, however, tend more towards “passivication” of the active public and a narrowing of their rights to what it terms “consulting participation.” **We thus submitted official comments on the proposal to this effect. We also drafted, as one of the outputs of our urban sprawl seminar (see below), an alternative proposal for principles of land-use planning and public participation in it.**

The Atomic Act

Aiding anti-nuclear organizations in their attempt to introduce public participation in the permit process for nuclear technologies.

Anti-nuclear NGOs submitted comments on the Atomic Act, aiming to **enable the public and communities to participate in nuclear facilities’ permit processes**. EPS took part in the process of formulating certain comments and participated in meetings of the Government’s Legislative Council. **The resistance of those who want a non-democratic permit process for our voracious nuclear projects could not, however be broken, even as regards communities’ participation in permit proceedings. ČSSD and ODS deputies voted in harmony to kill the bill.**

The Act on Assembly

EPS struggled to defend the right to publicly assemble—or organize an assembly without harassment—against legislative attack.

In 2001, EPS’s human-rights program submitted, for the first time, comments on a bill—on the Ministry of Interior’s draft of the Act on Assembly. (Considering both its Czech name and its

contents, it cannot receive the perhaps more natural moniker “Right-to-Assembly Act.”) For more details, see the section on the activities of OPS (our Civic Legal Observers).

EPS and the Brandýs Forum

The Brandýs Forum was an initiative of personalities from various sectors of civic life, formally assembled in *Institut demokracie pro všechny* (the “Democracy-for-All Institute”), who initiated meetings with politicians from various parties (meetings with the chairpersons of KDU-ČSL, Unie Svobody and ČSSD were held) in the town of Brandýs nad Labem. Participants discussed the problems the civic sector faces, and for Hana Marvanová and Cyril Svoboda—from Unie Svobody and KDU-ČSL respectively—the forum led to the signing of the “Brandýs Declaration,” a set of concrete, unilateral obligations, mainly in the area of legislation, that the politicians undertook through their signatures. Participants from the side of civic initiatives promised nothing, and especially not political support for individual parties.

After the dissolution of the Čtyřkoalice, the “Coalition of Four” to which the mentioned parties had belonged, most signers received offers from Marvanová, now chairwoman of Unie svobody, to negotiate about joining the 2002 candidate lists of US and KDU-ČSL. Most accepted the offer. Those who accepted then declared the “Brandýs Declaration” to be a possible foundation for systematic cooperation between them and the mentioned parties. We deeply disagreed with this, and distanced ourselves from this group’s initiative.

Neither the Forum nor the Declaration were to be a tool to promote the interests of civil society from inside any given political party, and all the less were they meant as support for a single political movement—otherwise, we would not have taken part in the Forum.

Furthermore, the negotiations led signers to reduce their pressure on the political process, because they now had a conflict of interests—in being accepted for the US and KDU-ČSL lists on the one hand, and in forcing US and KDU-ČSL politicians to meet the obligations from the Declaration on the other.



This absurd situation climaxed on Friday, February 8th, when the Brandýs group organized a press conference where it stated, among other things, that “potential candidates have no problems with the priorities of KDU-ČSL, and the Brandýs Declaration is proof of this.” And on that very same day, KDU-ČSL votes (including a vote by its chairman) bore the Administrative Code, in the wording authored by the Ministry of Interior, into its third reading. In so doing, the KDU-ČSL chief grossly violated an obligation from the Declaration: to “work for the passing of the Administrative Code bill in a form that maintains an equal standing for all participants in administrative procedures.”

Participation in legal cases intended to protect the environment and human rights (no matter

whether under our own name or via free consulting for other entities) is a key part of our work. We draw from our own cases when preparing the programs for our training events, and they are the foundation for our brochures and legislative materials.

Last year, we began focusing more and more strongly on our **own legal actions, “actions in our own name,” alongside our usual free legal aid to NGOs and civic associations. We undertook cases not covered by any other NGO, and which were thus no “service” for another, but our own initiative.**

This especially applies for legal protection of human rights—the OPH (Civic Legal Observers) project, the Center for the Legal Protection of Children, and the Counseling Center for Women in Crisis.

Legal Cases for the Protection of the Environment

There are countries in Europe where the native considers himself as a kind of settler, indifferent to the fate of the spot which he inhabits. The greatest changes are effected there without his concurrence...

Alexis de Tocqueville, Democracy in America (1835)⁴

Making it impossible for citizens to take part in decisions that decide the fate of the places where they live—this is a dream of many politicians, and top bureaucrats as well. **EPS does everything it can to keep the Czech Republic from being the sort of country Tocqueville had in mind.** We therefore support citizens' right to take part in the permit processes for environmentally questionable activities and construction projects.

We focus primarily on nationwide causes and rural areas (we handle practically no Prague cases).

Our work is always based on thorough legal analysis and legal steps on its basis. In order to increase the force of our legal argumentation, however, we also have expert studies written, and are no strangers to obtaining media coverage nor to helping citizens found civic associations.



Floodplain forest before flood.

Photo: RNDr. Miroslav Šebela

The Nové Mlýny Case

EPS vs. the state enterprise Povodí Moravy s.p., the ministry of agriculture, and the Břeclav District Office⁵, in the case of deliberate flooding of islands whose construction cost taxpayers 60 million crowns.

“Well of course, but that’s just nature.”

Povodí Moravy spokesperson Václav Košacký in response to major daily MF Dnes’s query as to whether or not he knew that, now that Povodí had artificially raised the level of the Nové Mlýny reservoirs, the slightest wave would drown islands on which floodplain forests were gradually regenerating.

Nové Mlýny, a series of dam-based reservoirs on the Dyje River, was meant to serve for the irrigation of surrounding agricultural cooperatives. Highly valuable floodplain forest fell to a reservoir within Pálava, a protected nature area⁶. After Communism fell, the project proved itself to be uneconomic, and discussions on at least partially returning this site to its original state renewed. These negotiations paid off at least partially, as the state paid Povodí, as the reservoirs administrator, 60 million crowns (\$1,818,000) to construct **two artificial islands in the middle of the reservoir**. On these islands, **the floodplain forest and fauna were to be partially restored**. And indeed, lowering the water level and building the islands really did lead to a surprisingly fast renewal of 50 ha (124 acres) of wetlands ecosystems. **The reservoir was even added to the International List of Wetlands under the Ramsar Convention on Wetlands. However, Povodí started putting enormous effort into re-raising the water level just before the project was complete. We used all the tools the law provides to avert this barbarous act.**

We participated in all permit proceedings, submitted dozens of legal filings, filed suit at the Prague



Floodplain forest after flood.

Photo: RNDr. Miroslav Šebela

High Court⁷, and drew media attention to the case. This case’s key problem is that, for its main actors, the ministries of environment and agriculture, it is really about a wider battle for jurisdiction (and power). The law (and its interpretation by the Constitutional Court) states that the Ministry of Environment has jurisdiction in the matter. However, the mighty Ministry of Agriculture had no intention of just accepting this. The case thus became a clash between authorities that we would more expect to see in a banana republic than in a country preparing for EU accession. One ministry forbade the raising of the water level; the other permitted it. EPS turned to the Ombudsman⁸, who confirmed that the Ministry of Agriculture was acting unlawfully. Regardless, **Povodí Moravy s.p. unlawfully raised the water level at the beginning of August 2001, and thereby submerged**

4) (from the translation exhibited by the American Studies Programs at The University of Virginia at http://xroads.virginia.edu/~HYPER/DETOC/toc_idx.html as of May 4th, 2002)

5) In this text, “districts” refer to the Czech administration units called “okresy,” “regions” to the larger ones called “kraje,” and capitalized terms with these words to corresponding government offices.

6) In this text, “nature reserve” refers to “chráněná krajinná oblast,” a specifically-defined type of area with specific legal protection under Czech law; the related terms “nature park” and “national park” likewise refer (word for word) to areas specifically defined and regulated in Czech law.

7) The two Czech High Courts are the second-highest level in the court system; they act variously as first-instance courts, second-instance courts, procedural-review courts (especially in administrative matters), determiners of cases’ jurisdiction, and administrators of lower courts.

8) The Ombudsman is (in a number of countries) a public official who acts as a sort of nationwide public-interest attorney.

islands constructed at great expense and 50 ha of floodplain forest. The act's logic was relentless: "if we destroy the precious biospheres in the reservoir and the islands built at such expense, environmentalists will no longer have anything to fight for." EPS immediately turned to the Police of the CR, demanding they investigate the raising of the water as an illegal act. During the finding of facts, the police turned to the Ministry of Agriculture, which informed it that Povodí's actions had not led to any damage to property; the police thus ended the investigation. EPS then obtained an appraisal evaluating the damage caused as dozens of millions of crowns. As a result, prosecution is soon to be renewed. Meanwhile, we have brought the attention of newspapers and national TV news to the case many times.

The Case of the Nematik Factory in Most

Nematik is ignoring the law... and common sense.

"Investors like green fields. They like birds and forests. There are brown fields [unused, ecologically degraded areas] in Most, but why would we build a factory in the middle of a [former] coal pit? They would have to pave the roads with gold for us to go there."



One of the few worthwhile lands in North-Bohemia.

Nematik representative Pavel Kučera in the English daily Prague Píll
"It's not important what'll fly out those chimneys. What's important is the district public health officer's statement."

Pavel Kučera, in response to a question on how much and what kind of waste his firm's factory in Havraň u Mostu will produce.

Imagine a small but ancient city destroyed by the Communists and "rebuilt" several kilometers away so it could be replaced with a brown-coal strip mine. **This is Most, North Bohemia, northwestern Czech Republic.** Imagine its surroundings in the same devastated condition. **Now imagine a single untouched area in its environs, and a factory to be built atop it. This is Nematik's plant.** Meanwhile, the plant will be a source of carcinogenic dioxins—its operation will thus contaminate the surrounding agricultural land and products, and thereby consumers. The plant's location is absurd if only for the reason that, **in 1993, an industrial zone was created (on land from now-defunct villages) for similar projects, and an access road and infrastructure established there, while the Havraň site will have to be provided with 5-km-long utilities networks, resulting in 50 million crowns (\$1,503,000) needlessly leaving taxpayers' pockets.**

In spite of the above, the Government (after a meeting between the Prime Minister and Nematik representatives) subsidized the project to the tune of 80 million crowns (\$24,242,000). Prime Minister Zeman supports this investment plan using questionable and unscrupulous means. For example, on January 1st, 2002, in TV Nova's *Sedmíčka* discussion with Václav Klaus, head of ODS and of the lower house, he compared the plant's opponents to terrorists.

EPS is representing a local private farmer, Jan Rajtr from Moravěves, who is leading the resistance against Nematik's present siting plans. We also discovered a serious circumvention of the law by the Regional Commissioner, who is simultaneously a partner in the firm that mediated the investment for Nematik. We are also opposing a number of other illegalities. We made a number of administrative filings and filed numerous suits and criminal complaints in this

matter, made great efforts to annul the unlawful decision by the Ministry of Environment, etc. We are also trying to persuade the European Bank for Reconstruction and Development to re-review Nemač's application for credit for use in this project. The media have been watching the whole case with interest. Over 70 newspaper articles have covered the Nemač case; two prestigious political weeklies gave it front-page mention. The case appeared twice in the main newscast of ČT1, the main Czech public TV channel, and also in its *Tady a teď* journalistic program. The report on EPS's appeal against the land-use-permit decision for the plant opened up a debate on the issue of foreign investments in the CR during one episode of ČT2's 21 discussion program.

Brno's "Large Bypass" ("Velký městský okruh") And Its Structures

Citizens of the Moravian capital fight an ill-considered transport solution.

In the 90s, the administration of Brno (a city of roughly 400,000) gave up on progressive solutions (e.g. increased support for public transport) for the enormous growth of personal transport it faced, and **decided for a conventional solution: construction of a bypass, which, however, is**



Appointment of Brno Transport Circle Association.

better described as a "throughpass," as it winds among residential and even recreational parts of town.

The issue mobilized both a number of local NGOs and individual citizens, who began, independently of one another, turning to our organization. The need thus arose to coordinate the work of this heterogeneous group, mainly in order to increase the effectiveness of their work and of EPS's provision of legal aid. We therefore initiated the creation of an informal association, *Brněnský dopravní kruh* (the "Brno Transport Circle") and coordinated its activities for a year. **The Transport Circle mainly coordinates and communicates, both internally** (through a 19-participant e-mail conference and through meetings, of which 18 have occurred since its founding) **and externally** (via the website www.bdk.ecn and leaflets informing citizens of controversial construction), **successfully bringing the public to the meeting-rooms** during the public discussions required for environmental impact assessments ("EIAs" below), etc.).

The Circle has rented two advertising spaces at key public-transport junctions. We have concurrently taken legal steps to reflect citizens' objections to individual structures in the bypass—suits, administrative filings, and negotiations with the investor (*Brněnské komunikace a.s.*).

Felling Continues in Šumava National Park

The park administration and the Ministry of Environment are no longer even pretending to observe the law.

Last year as in previous years, the Šumava National Park Administration "took action" against a bark-beetle infestation. It requested permission to do so from... the Šumava National Park Administration. The National Park Administration objectively considered the request (its representatives stated during oral negotiations with representatives of EPS and Friends of the Earth—Czech Republic that **determining if bark beetles actually exist in the places where trees are to be felled would be "unjustified emphasis on details"**) and granted the National Park Administration the permit.



1. zone of National Park Šumava - without treatment.



2. zone of National Park Šumava - after the „axe“ cure of bark beetles.

We took part in the administrative procedure (oral negotiations and an appeal), where we objected to the Administration's bias and its inexpert manner of decision-making, motivated by an effort to hide its own professional mistakes and white-collar crime at the Park. The Administration's director inspected our complaint of bias and reached the conclusion that the officials granting the permit are not actually his subordinates, as he is merely entitled to

appoint/remove them, stipulate their wages, assign them tasks, and monitor them. Therefore, there could be no talk of bias. **In 2001, we filed three suits in this matter for Friends of the Earth–Czech Republic and continued court cases from previous years.**

The Case of the D8 Highway's Cutting through the České Středohoří Nature Reserve

We continue our struggle with the road lobby.

Last year, the Minister of Environment unlawfully granted **final approval to the construction of a highway through this nature reserve**, and supported the proposal by Ředitelství silnic a dálnic ČR (the state-funded organization responsible for administering and maintaining roads and road-related property), which completely ignores environmental protection interests in this uniquely valuable site. **In refusing our appeals against his granting the exception from the law (which does not allow highways to be built in nature reserves), the minister set a dangerous precedent for other planned, controversial road construction in our country.** We thus continued in 2001 our cooperation with Children of the Earth, the Czech civic association that leads the campaign against construction of highway D8's approved variant. We made nearly a dozen legal filings against the



České středohoří will offer a nice panorama of the nature reserve for car drivers.

decision and sought a way to force a cross-border-highway EIA (per the ESPOO Convention). However, the responsible officials and politicians have not yet dared to face the powerful Czech road lobby.

The Dispute over the Routing of the D11 Highway

Here, EPS is helping fight both law-breaking authorities and their discrimination towards “uncomfortable” civic initiatives.

“We are at present witnesses to the destruction of precious elements of nature, both inside and outside ‘protected’ areas, before the eyes of—or even in the hands of—the state nature-protection authorities.”

RNDr. Jaroslav Rydlo, staff member at the Středočeské muzeum (Central Bohemian Museum) in Roztoky u Prahy, commenting on the granting of permission for the D11 highway to cut through the Libický luh nature reserve.

The procedure setting the route of the D11 highway (from Prague to Hradec Králové), which is to lead through valuable biotopes in the Elbe basin, is now in its third year. The state administration is promoting a variant for the section intersecting Libický luh that could seriously threaten this reserve. Three civic initiatives are participating in the procedure; we are providing them legal aid. And the associations know their work, as shown by, among other things, the fact that **the Ministry for Local Development has already once accepted their argument that the procedure was run unlawfully, annulled the decision, and sent the matter back to the District Office in Nymburk for a new procedure.** But rather than eliminating the criticized illegalities, the District Office decided to eliminate the critics—by excluding civic associations from the land use permit procedure. The responsible District Office official stated, in response to a direct question posed during an October 2001 ČT program, that the reason for their exclusion was an order that the land use permit procedure be concluded as quickly as possible. This ill-considered revelation shows how the “independent” Czech state administration handles citizens who criticize a no-hurdles approval towards environmentally questionable projects.

We filed three suits against the exclusion of civic associations and striking illegalities in the state administration’s decision-making.

The Hluboká Golf Course Case

Will our national heritage fall to commercial and political interests?

“Through its layout and its interrelation with the dominant feature that is the Hluboká estate and with the surrounding landscaping, this land’s current appearance, which the planned golf course would disrupt, has significant and irreplaceable aesthetic value. The proposed course will be an indisputable, major blow to that value.”

From a study by Doc. Ing. arch. Ivan Vorel CSc., from the urban-planning institute at the school of architecture at Czech Technical University’s Prague branch

For two years, we have been aiding South Bohemian civic associations in their fight to **save the surroundings of the Hluboká nad Vltavou mansion, with high ecological and historical value. In terms of its extent and consistency, the park landscaping done by the owners of the Hluboká estate in previous centuries** can only be compared, in the Czech context, to the Lednice-Valtice estate complex—which is on the UNESCO list, i.e. is officially part of the world’s great natural heritage. An investor has come with a plan to **build an 18-hole championship golf course** on this site. **In the opinion of environmental groups and most state authorities** (e.g. the *Státní památkový ústav (National Heritage Institute)*, *Agentura ochrany přírody (Conservation Agency)*, and the Ministry of Environment, this will irreparably damage the area’s natural and landscaping value. The investor (who has close ties to local politics) is striving to get the construction permit with abundant help from the District Office in České Budějovice, which has already thrice issued a permit for the course’s construction. And yet the Ministry of Environment has annulled two permit decisions, and at the end of the year, the case was entering, on the basis of an EPS appeal, its now-third set of review proceedings.



Because the investor did not wait for the procedure to end and began actually building the golf course on the site under the guise of so-called “reclamation” or “cultivation” works, we focused our efforts on stopping this “wildcat” construction.

We filed four criminal complaints and decided to turn to the Ombudsman with the matter, because circumvention of the law on the parts of both the investor and the District Office was growing worse and worse. Regional media are following the case closely.

The Provodov Case—Citizens Protecting a Pilgrimage Site

On the one side stands an energy giant. On the other, a community.

Jihomoravská energetika (“JME” below), a power-distribution company, plans to lead **high-voltage towers up to 30 meters (100 ft) high through the environmentally and aesthetically most valuable part of the Bílé Karpaty nature reserve** in Moravia. **This barbarous plan outraged the citizens of Provodov (a pilgrimage site with Baroque-era architecture) and surrounding villages, and they decided to oppose it.** EPS helped these citizens found a civic association and participate in the EIA procedure (which was manipulated by the investor). Since the investor and those drafting the EIA reject these citizens’ laymen’s opinions, **EPS had an authorized architect prepare an objective expert study on these structures’ impact on the character of the landscape,** to strengthen their position. (Czech law offers specific protection for a landscape’s “character.”) We then wrote a detailed statement on its basis to supplement the documentation.

JME also abused the fact that the owners of the properties affected are poorly versed in the law, by closing with them, in 1998, a contract “encumbering” their property, i.e. giving JME certain rights upon it, which was weighted heavily against them. The JME representative deceived owners by misrepresenting JME’s plans as a mere reconstruction of existing lines. **Once the landowners learned the truth, nearly all of them wrote a notice of withdrawal from the contract. An EPS lawyer then drafted and sent to the JME directorate a detailed legal analysis**

on behalf of one landowner, substantiating his claim that the contract was not concluded in good faith and was of questionable legal validity.

EPS also addressed ten members of the Regional Council for the Zlín region on behalf of local citizens, to inform them of the plan’s problematic legal aspects. **The Regional Council took a negative stance** towards the power-line route variant that JME is promoting.

South Bohemian Environmental Groups Successfully Fight Exclusion from Proceedings

EPS successfully intervened to defend civic associations’ rights.

The environment department at the District Office in České Budějovice **repeatedly prevented civic associations from participating in procedures concerning environmentally questionable construction projects.** Under Czech law, associations can only participate in **procedures affecting conservation or landscape-preservation interests.** The District Office thus issued statements designating even strikingly questionable projects as environmentally harmless, in an effort to torpedo environmental NGOs’ activities. We lodged a complaint against the District Office staff with the **Ministry of Environment, which accepted our arguments and ordered the District Office to stop issuing these unlawful statements.**

Protection of Rivers in the Moravskoslezské Beskydy Mountains

Fish don’t swim when they’re swimming in concrete.

We are systematically providing legal aid to *Ochrana vod*, a North Moravian civic initiative that promotes **revitalization of watercourses, in their fight against construction of ineffective “flood-control” structures on rivers in the Beskydy (Beskids) mountains.** **The state enterprise Povodí Odry is building these in an attempt to acquire maximum state funding for its activities.** These structures prevent the migration of protected fish species and disrupt river

ecosystems. This is leading to the liquidation of our Carpathian-type gravel-bearing rivers (as they are termed in Czech). **The relevant offices ease the task of gaining permits for river-regulation structures by calling the construction of new useless structures “maintenance”** of ones that in reality were destroyed by severe flooding in 1996, and in whose surroundings ecological stability has returned... along with endangered aquatic fauna.

In 2001, our aid was mainly in the form of numerous legal consultations and of two suits against the decisions by the Ministry of Environment that enabled the construction of the mentioned structures on the Tyra watercourse.

Protecting Nature in the Moravskoslezské Beskydy Mountains in Tandem with the Local Association Beskydčan

Beskydčan, a civic initiative from the village of Ostravice in the heart of the Moravsko-Slezské Beskydys nature reserve, is defending the local environment.



Čeladná village - future paradise for golf players.

An investor is not only planning to build in the village of Čeladná a 27-hole golf course that will lie partially on the territory of the Beskydys reserve, but intends it as just the first step in building up to eight new courses, most of them in the beautiful natural environment of the Beskydys villages. The investor respects neither the rights of the owners of affected properties, nor the law (he began building before acquiring a permit), nor nature. As EPS has seen so often in golf-course cases, the investor is planning inappropriate earthworks and the planting of introduced tree species. It is also still unclear how the chemicals to be used will affect the environment, and the icing on this case is that the course will be ringed with a fence six kilometers (3.7 mi) long and 180 cm (70 in.) high. EPS and Beskydčan joined in the administrative procedure connected with the completion of the course. There is a light at the end of the tunnel in this legally complex case, as the developer has stated in the regional press that he is dropping his plans to build further courses, based on his experience from the administrative procedure in which Beskydčan and EPS participated.

An illegal ski run has been in operation in the Beskydys reserve's most strictly protected zone, atop Lysá hora, for several decades. In recent years, skiers' growing demands as to the ski run's surface have caused greater use of a snow grooming machine, bringing major soil erosion and damage to vegetation. Since the current situation is practically and legally unsustainable, the operator aims to legalize the course's operation. But for safe operation, earthworks—unacceptable in a reserve's core zone—are needed. Beskydčan and EPS are thus aiming, through several administrative procedures, for reforestation of the site. So far, we have managed to prevent emission of a permit for running grooming equipment. It is still unclear how the case will end.

Cell-phone network operators' antenna towers are the bane of nature reserves in Czech mountains. However, Beskydčan and EPS are not trying to block their construction entirely, but merely to help minimize their negative impact on the character of the landscape, mainly by pushing for full use of existing transmitters. Using this “compromise” during procedures, we have stopped the construction of several transmitters.



Znojmo—An Oasis of Environmental Lawlessness

The fountainhead of Znojmo authorities' illegalities when approving environmentally questionable projects lies deep.

Active Znojmo citizens face an extreme aversion by local authorities towards defending the city's culture and living conditions before devastating entrepreneurial plans.

For several years, local activists have been urging authorities to solve unbearable noise pollution caused by a road slicing through town. EPS therefore wrote, on behalf of 12 citizens from the worst-affected areas, a new, detailed complaint to the District Public Health Office, and aimed, if that did not properly solve the case, to bring it to court.

The situation is further worsened by projected and existing construction that attracts additional traffic to the high-noise area. **One such project is a new Shell gas station, which moreover stands in the legally protected zone of Znojmo's historical center.** Based on EPS's input, the Ministry of Culture annulled the District Office's approval for the station's siting. The Ministry for Local Development, too, stated that both the **city and district authorities committed a number of errors when deciding about the station's construction.** Regardless, we have not succeeded in getting the permit annulled, let alone in getting the station removed (since by this time it had been built).

Another acute public debate in Znojmo concerns the city's plan to build a new, large "water park" very close to the Loucký monastery, formerly home to Premonstratensian monks. This historical monument is among the most significant Baroque monastery complexes in Central Europe, though today it suffers from indiscriminate Communist-era zoning in its surroundings. Both Znojmo's professionals and its public (mainly, but not solely, members of its Beautification Club) see the park plans as a continuation of Communist planners' approach: neglecting the monastery's spiritual and architectural character and significance. EPS has attacked the park's unlawful permit and aims to have it annulled.

EPS also trying to help local citizens to organize themselves. We helped in the founding of a Znojmo-wide civic association that is to replace several others that sprang up in response to individual controversial projects.

Cooperating with Citizens of Communities Threatened with Placement of a Nuclear Waste Disposal Site

We are helping citizens of communities where surveying for selection of a nuclear waste disposal site has begun.

"Well, I wouldn't have a problem with the waste, even if it was next to my garden—I'd take an extra barrel and boil water on it..."

...joked Vítězslav Duda, director of Správa úložišť jaderných odpadů (the Nuclear Waste Storage and Disposal Sites Administration) at a meeting with citizens of the village Chyšky, where he unsuccessfully tried to force assent to construction of a storage site on Chyšky's land.

We are providing legal advice to **Calla, an environmental group that helps** localities threatened with placement of a nuclear waste disposal site nearby. **We were the first to start cooperation with Chyšky citizens—we helped them found the association *Zachovalý kraj*, met with mayors, and published a brochure, "Legal Handbook for Anyone Who Does Not Want to Live by a Nuclear Waste Disposal Site," for the affected communities.**

Aid to the Village of Bělá against a Sand and Gravel Mine

We helped **councilors (and several citizens) from Bělá**, a border village near the city of Opava, to take legal steps against a local firm's plan to **mine sand and gravel just 100 meters (330 ft) from residences**, thereby worsening living conditions and harming the local countryside. We as an NGO decided to help this village (absurdly overlooked by the state) even financially, to help protect the environment. **Only with this aid could Bělá order an independent assessment,**

which confirmed previous, costly ones that state authorities had called into question. From a thank-you letter by mayor Karel Krupa:

Dear sirs from Ekologický právní servis Brno,

Please allow me, in the name of the Bělá Municipal Council, to thank you in at least this way for your exemplary expert and financial assistance that helped resolve matters vital to the citizens of our village. We now believe that the Ostrava District Mining Authority will decide against the mining proponent in the matter of mining within Bělá's territory, on the basis of forensic experts' assessments (paid for by you). We thus will have together managed to prevent a drastic change to the local color of our small but still beautiful village, Bělá...

Aid to "Minor" Civic Activities

There are no cases too small for us.

After EPS prevented the construction of a giant "chicken factory" by the village Strmilov in 2000, citizens of several other communities turned to them with similar cases. One such case is ongoing in Velký Karlov, near Znojmo, where the cooperative **Agrodužstvo Jevišovice plans the construction of a broiler farm that would hold 200,000+ chickens. The village starts a mere 200 m (656 ft) away from the planned farm buildings.** EPS is taking part in the permit procedure; it has, among other steps, ordered an assessment by the Prague *Výzkumný ústav živočišné výroby (Animal Husbandry Research Institute)*, of whether conditions of law proscribing cruelty to animals, and of the Veterinary Act, were observed when planning the farm's extent and technology.

Another case of resistance by citizens—and their community—against a large-capacity breeding farm is the planned **pig farm in the village Dolní Dubňany.** EPS helped the village draft comments for the EIA documentation, and is preparing for the village source materials for a change to the local land-use plan, which could prevent the planned construction.

Citizens of the villages Bohuslavice and Třeština are fighting, both through an association (*Hráz*)

and their governments, **the plans of the sand and gravel mining company Štěrk a písek Morava to mine on the land of the neighboring village of Dubicko.** So far, EPS has explained to Hráz's representatives the basics of the legal provisions regarding quarrying permits, and citizens' and communities' options for participating in procedures. EPS has also provided them sample legal filings and, when needed, information by e-mail or phone.

The beautification club in Veverská Bítýška and the *Veverka* branch of *Český svaz ochranců přírody* (the *Czech Association of Conservationists*) fear the planned construction of a HARTMANN-RICO medical equipment sterilization plant in the center of town. **The reason? A highly toxic gas—ethylene oxide—is to be used for sterilization.** An EPS lawyer offered consulting to Veverka's members when needed during the EIA and land-use procedures.

In 2001 we also offered several legal consultations to Zlín citizens who are **resisting the construction of a multi-purpose building right next to their homes.** They mainly object to the insufficient assessment of the impact the new building would have on local noise and emissions levels. We also offer basic **legal services to citizens of the South Bohemian city Tábor and their initiatives. Not a golden, but an ashen age awaits Kladno retiree Mrs. A.,** as she lives in a house nearby an industrial zone where, in recent years, several new sources of noise and air pollution have emerged. We therefore have provided her several phone consultations and written an **appeal against the decision to use the zone for a solid-fuel waste dump. This decision was issued in a procedure from which Mrs. A., a valid participant under the Construction Act, was illegally omitted.**

An EPS lawyer helped the **Sázava** branch of the Czech Association of Conservationists write an appeal against a decision by the District Office in Kutná Hora: the office, in its role as a conservation and landscape-preservation authority, issued a binding statement **affecting a significant landscape feature—the valley flood plains of the Sázava.** Concretely, the Sázava's shore land is to be fenced in. The office did not take into account **forensic studies showing that the fence would significantly degrade local ecological stability and ecosystems.**

Cases of Authorities' Illegal Denial of the Right to Information

We sought to create significant court precedents, just as in two thousand... and won.

A Court Confirmed EPS's Claim: Information in Administrative Files Is Public

EPS wins at the Ostrava Regional Court.

On the basis of a suit by the civic association *Lučina* (in Havířov, Ostrava's edge city), represented by an EPS lawyer, the Ostrava Regional Court delivered a verdict that could become a significant precedent in the right-to-information field. The court annulled decisions of the District Office in Karviná and the Havířov City Office. Both offices refused to provide *Lučina* information on suspect construction activities within the *Lučina River Meanders* natural-heritage site. The office **justified the refusal by stating that the Right to Information Act applies neither to its decision files nor to building documentation. The first appeals authority approved this approach. Both offices based their statements on an unlawful interpretation of the Act by the Ministry for Local Development, which was being applied nationwide and blocking citizens' access to information.** The court accepted the plaintiff's principal argument, and the verdict can be used in future cases as well.

A Court Confirmed EPS's Interpretation of the Law

State and municipal authorities may not classify information as "internal" at whim.

VITA, a civic association in Ostrava, requested from the city council the materials on whose basis the council decided about the lending of ground for a park within the *Fifejdy* housing project. **At first, the council refused to provide the information, claiming that their meetings are non-public per the Act on Municipalities** (which act, however, affects not one whit the right to receive written materials and information). **After *VITA* filed an appeal, the council refused the information again, this time claiming that it related "exclusively to internal Council instructions."**

The council did not, however, justify this claim in any way in its ruling. Moreover, in light of the requested materials' contents, the claim was visibly untruthful and a ploy. EPS therefore filed a suit at the Regional Court, which **annulled the council's unlawful decision.** The council eventually provided *VITA* the information (more than a year and a half after the original request).

A Successful Fight for Information from the Šumava National Park Administration

There were secrets hidden in those hills.

The administrations of the Šumava National Park and the Šumava Nature Preserve refused, for two years, to make accessible documents called under Czech law "forest management plans," which contain information on planned cutting, planting, etc. in forests on park territory. They also kept secret their contracts with the firms that log on park territory. Friends of the Earth–Czech Republic thus turned to us for help.

We filed four information requests and engaged for two years in procedures in which applications were first denied, we filed appeals, we negotiated in person, etc., until we finally forced the Ministry of Environment to decide on our appeals. And it did so in our favor. **This is the first case where a state forest-administration authority has provided complete forest management plans,** and it even gave them digitally (also despite officials' vehement resistance)—on CD!

EPS Versus the Ministry of Industry and Commerce

In March 2001, **the Ministry of Industry and Commerce released an annual report that falsely informed regarding its denial of information.** The ministry stated, for example, that it always

denies information via official rulings, so that they can be appealed. Yet in fact it had not done so in four cases known to us. It likewise stated that only two right-to-information suits had been filed against it, even though EPS knows of four. **We sent Minister of Industry Grégr an open letter**, which the ministry handled as an official complaint, and **confirmed in May 2001 as justified. One**

consequence of this was the firing of top officials at the ministry. An EPS press release led to the publishing of an article in a national newspaper and an article by EPS member Vítězslav Dohnal in the analytical weekly *Respekt*, on our experience with exercising the right to information.

Legal Cases for the Protection of Human Rights

The Civic Legal Observers (OPH)

“Ask what his number is? Yowch, that’d be a beating at the station,” reacted a 40-year-old Roma⁹ man when a lecturer stated that an ID badge is among the things a uniformed police officer must wear.

(national daily Lidové noviny: report from an OPH seminar)

EPS founded the *Občanské právní hlídky* (Civic Legal Observers; “OPH” below) project in 2000 in anticipation of expected conflicts between demonstrators and police officers during the Prague IMF/World Bank meetings. The project focuses on public monitoring of illegalities that the police commit in the course of their activities.

We concentrated in 2001 on the following:

- **informing international institutions** regarding the incidents that occurred at police stations in September 2000, **in an attempt to bring international pressure on Czech authorities** to change the existing, unsatisfactory situation;
- **maintaining domestic legal pressure for the investigation of September 2000 police-violence cases;**
- founding a **new project of cooperation with Roma organizations**, aimed at preventing police officers from disregarding their duties towards citizens when they take Roma to stations;
- **organizing “OPH patrols”** in the streets during the street protests of various ideological groups;



Police action at Brno’s street party in June 2001.

- starting up a campaign against the restriction of the right to assembly within the amended Act on Assembly.

9) Translator’s note: While **Roma** are called “**gypsies**” vastly more often, and the English term is (at least in America) devoid of the hatred that haunts its Czech equivalent, it seems that, in light of increasing usage in the human-rights sector, the association with extinct, folksy fortune-tellers dancing around covered wagons, and *gypsy*’s silly etymology (“Egyptian”), using Roma’s own word really is appropriate.

Providing Information to International Human Rights Institutions in an Effort to Exert International Pressure on the Czech Republic

OPH's findings were worked into comments by the UN Human Rights Committee.

Our strategy for ending police officers' human-rights infractions in enclosed areas and the lack of independent oversight of police activities is to seek a system-wide solution. As a part of this, we **have been providing information to renowned foreign human-rights organizations and institutions.** This has borne fruit: our comments are reflected in reports and recommendations these organizations have issued.

March 2001: Amnesty International's London Headquarters Criticizes the Czech Police

Amnesty International ("AI" below) issued a highly critical report on the September 2000 incidents, entitled "Czech Republic: Arbitrary Detention and Police Ill-treatment following September 2000 Protests," on the basis of our fall 2000 reports, subsequent consultations occurring constantly from October 2000 to March 2001, and a number of its own verifications. AI, who had both processed OPH's information and run several of its own inquiries, pointed to the very same police errors as OPH lawyers had. Their report literally states: "Amnesty International believes that with regard to the painfulness and seriousness of the reported injuries suffered by some of the victims [of] the Police's maltreatment, **it can be classified as torture.**"

Our cooperation with AI's London headquarters continues, thanks to the trust we have gained through the accuracy of our information. AI has shown an interest in further information on the inquests into the IMF cases, which inquests it repeatedly criticized in the Czech part of its 2001 first-semester report on the observance of human rights in European countries, as well as on new Roma cases. It is also monitoring the preparations for the amended Act on Assembly.

March 2001: EPS Sends a Report to the Committee Against Torture

In March 2001, we sent the Committee Against Torture ("CAT" below), headquartered at the UN complex in Geneva, a **detailed report on our findings regarding violence at police stations and the method of their "investigation."** At its May session, the CAT discussed the issue of violent behavior by officers and its prevention and monitoring in the CR during the last six years. We sent the same report to the **European Committee for the Prevention of Torture** in Strasbourg, which had already pointed out the deficient conditions at police stations during its last visit to the CR, in 1997.

The CAT entirely identified with the objections contained in the OPH report, and strictly demanded in its recommendations that *"independence and thoroughness of investigations of all allegations of ill-treatment in general and in connection with the IMF/World Bank meeting in September 2000 in particular, and to provide the Committee in its next periodic report with information on the findings and measures taken, including prosecutions and compensation to victims, as appropriate."* Their third fundamental demand is *"ensuring independence of investigations in cases where those with executive authority are accused, by establishing external supervision mechanisms."*

July 2001: OPH Stands before the Human Rights Committee

In July 2001, two OPH members took part in the 72nd session of the most important universal human rights institution: the UN Human Rights Committee. Two days of the session were dedicated to the Czech Republic. Government representatives were required to answer questions concerning Czech state authorities' observance of international obligations in the period since 1993.

On the basis of the credibility we had gained through our concrete findings and our efforts to ensure due investigation of brutality at police stations, we were invited—as the first and so far only Czech NGO—by FIDH, the International Federation of Human Rights, to present our standpoints on the observance of human rights in the CR directly at the headquarters of the UN High Commissioner for Human Rights, in Geneva.

FIDH has consultancy status within the UN, UNESCO, and the Council of Europe. **Its permanent Geneva delegate arranged for us meetings not only with experts from the Human Rights Committee prior to Committee negotiations with the Czech delegation**, but also with representatives of numerous UN working groups and special commissioners, as well as with representatives of major world anti-torture organizations such as the World Organization Against Torture and the Association for the Prevention of Torture. We even met personally with certain Committee experts during the session, so they could verify the information they had obtained regarding deficiencies in the prevention and investigation of police violence at stations during the 1990s in the CR, domestic violence against women, cases of disregard for freedom of speech, and illegalities by the Foreign Police when expelling foreign citizens.

The Committee experts' questions focused on how Roma stand within Czech society and especially on cases of violent approaches taken by police officers at stations, which often, in the experts' opinions, went as far as torture of detainees.

One result of our mission was **the inclusion into the Human Rights Committee's summarizing**



Appointment with the assistant of the Special Reporter of the UN Committee Against Torture.

comments of a requirement (point 16 of the recommendations) that an independent body be established to investigate all complaints of police misconduct. The Committee stated explicitly that *"the existing system is not objective or trustworthy, and seems to secure impunity for police officers who violate human rights."* **Moreover, the Committee has imposed a shortened deadline—just one year—for the Czech Government to confirm its compliance!** The Committee also expressed its dissatisfaction with unsolved cases of police bullying of both foreigners and Roma (point 15), as well as with the overlong 48-hour period for which police are authorized to detain someone without a court ruling on detention. It furthermore demanded that access to a lawyer be enabled from the start of detention (just as OPH had in its reports, CPT had in its 1997 recommendations, and CAT had in its May 2001 recommendations).

Thanks to the presence of OPH members, we also had the chance to promote before experts the other topics we cover, particularly domestic violence. This was reflected in a Committee demand to increase protection for such violence's victims under Czech law (point 14). This point explicitly called attention to the need for restraining orders against violent partners' entering victims' residences.



Members of the UN Committee for Human Rights during presentation of OPH, OMCT and FIDH reports.

Our cooperation with FIDH continues. Thanks to it and to a number of official FIDH contacts at the UN and in African states, we could even indirectly intervene in an exceptional case of unlawful police crackdowns, against our partner organization LEAT in Tanzania.

The two matters mentioned above (domestic violence and Tanzanian lawyers) proved yet again the advantages of EPS clustering a wide range of activities for the protection of both human rights and the environment.

November 2001: The EU's Report Evaluating Czech Preparedness for EU Accession Criticizes Police Violence and the Non-Existence of Independent Police Oversight in the CR

Our international activities criticizing the abuse of the law by the Police of the Czech Republic and the absence of independent monitoring of police illegalities have raised echoes within the EU as well. In November 2001, the European Commission, which judges candidate states' preparedness for joining the EU, issued its annual Evaluation Report. Its section on the state of civil and political rights in our country gave first-page mention to the problem of how ineffectively complaints against the police are investigated, a problem laid bare by deficient investigation of cases of maltreatment of dozens of detainees at stations. **The Commission joined the above-mentioned human-rights committees in pointing out that detained persons cannot inform an independent, non-detained third party of their choice of their situations when at a Czech police station.**

Pressure for Clarification of the September 2000 Police Violence Cases

The Inspectorate at the Ministry of Interior repeatedly had to admit that OPH was right. We have maintained our intense pressure for objective inquiry into the September 2000 police-

violence cases. We have, through great efforts and dozens of legal steps (actively representing injured parties, objecting to the shelving of criminal complaints, and issuing statements as we uncovered the facts surrounding police violence), achieved a situation where **the Ministry of Interior's *Inspekcje (Inspectorate)*, its (essentially police-run) police-supervision body, has had to admit in several cases, based on arguments and materials we presented, that detainees have been beaten at police stations.** Afterwards, the Police Executive Committee¹⁰ and the Ministry of Interior touted these cases as proof that the Inspectorate had investigated objectively.

The Arkadiusz Zajaczkowski Case

The Ministry of Interior's Inspectorate admitted OPH was right.

In its ruling dated June 4th, 2001, it **stated that officers** at the Ocelářská station in Prague's Vysočany quarter broke the law when they **physically attacked Polish detainee Arkadiusz Zajaczkowski.**

However, the Inspectorate shelved the given criminal complaint through this same ruling, stating it was impossible to prove which of the officers present had committed the offense. It also rejected (as unverified) testimonies about violence to other detainees. **However, according to OPH lawyers, the police should have commenced an investigation against a specific person, as Zajaczkowski recognized one of the officers who had beaten him.** (He had been beaten in the head by several officers behind him; they had knocked out one of his teeth, kicked at him, insulted him as a "piggy Polack," and threatened that he "wouldn't come out alive.") A forensic study confirmed that bloodstains found at the station were identical to a blood sample taken from Zajaczkowski. **Furthermore, at least four examined officers, who testified that no violence had occurred at the station, had consciously lied—a fact the Inspectorate tacitly ignored. For these reasons, OPH has filed a complaint against the ruling.**

¹⁰ Translator's note: or, as the Police tend to slavishly yet all too aptly translate the name, the Police Presidium. (A "presidium" is, the dictionary states, "any of various permanent executive committees in Communist countries having power to act for a larger governing body.")

The Byeongju Jeong Case

A member of a district attorney's¹¹ office twice annulled the Inspectorate's decision to shelve this case.

Byeongju Jeong, a foreign expert instructor at Charles University—whose work, ironically, includes World Bank research projects—was detained as he happened to walk down Štěpánská street on the evening of September 26th, 2000. He was kept at a station for 24 hours. Officers let him contact neither his embassy nor a lawyer; entering the police bus, he had to run a gauntlet where police beat, kicked, and clubbed him so badly that he urinated himself. In his testimony he stated how he heard police officers in the next room (where detainees were led for interrogation and searches) beating people—in one case for over half an hour.

The Inspectorate shelved this case in December 2001, despite the fact that eight persons have corroborated that police officers committed violence against detainees in the same manner at the same time and place. OPH submitted a complaint to the Prague 6 District Attorney's Office against this approach, as the law required the Inspectorate to request, as soon as the criminal complaint was filed, testimonies from other, foreign detained persons via what is termed International Legal Assistance. However, it did so six months late, and moreover but informally, through the aid of Interpol. Due to its dilatory approach, no-one will probably ever learn which specific officers took part in the violence.

In January 2002, the District Attorney's office acknowledged OPH's complaint and again returned the case to the Inspectorate for proper investigation. When so doing, it stated that **"the officers' actions give evidence for a founded suspicion that physical violence was used against these persons by police officers!"** If the Inspectorate fails once more to give justice its due, OPH will turn to the Czech courts, and if needed, then to the **European Court of Human Rights in Strasbourg**.

The Case of Yehoshua Tzarfati and the Lupáčova Station

The Police of the CR had to admit OPH was right in stating that a crime¹² had been committed at this station.

Eight to ten persons, including two Czech citizens, were detained at the Lupáčova station in Prague's Žižkov district on the night of September 26th-27th, 2000. Testimonies stated that **all the foreigners detained were beaten and maltreated**. Several officers beat Israeli Yehoshua Tzarfati for dozens of minutes, hitting his face, kicking his entire body including his groin, and dragging him by his hair along the floor. Both Czech witnesses testified that officers addressed him mostly as "you black¹³ swine" and "you black bastard."

We lodged a criminal complaint against these offenses. The Inspectorate at the Ministry of Interior, **to whom the filing was addressed, admitted** on the basis of the written testimonies we sent it and of officers' testimonies that **a crime had been committed, but wrote that nevertheless, it could not initiate proceedings because no specific offender had been determined!** Since the Inspectorate did not use **not all possible evidence, as required by the Criminal Code and international treaties, we sent several complaints to superior authorities, which were, however, formally rejected**.

The Case of Detention of Štěpánská Street Passersby

OPH brought the Police of the CR to recall unjustified indictments for disturbing the peace.

In the evening on September 26th, officers detained with no prior call for dispersal **during a raid in Štěpánská street a "mixed bag" of everything from remnants of the demonstrators to random passerby to tourists to innocent gawkers** (so frequent at such events). Many of these unfortunates

11) This term is of course only an approximation, as the equivalent Czech offices have different rights, responsibilities, and structures than US DAs' offices.

12) Unlike a typical text in US English, the dialect of this report, Czech texts primarily distinguish not "felonies" and "misdemeanors," but rather "trestné činy"—major offenses tried in courts, called "crimes" in this text, and "přestupky"—minor offenses handled not in courts but through other state authorities, called "minor infractions" here.

13) Translator's note: the officers were perhaps in a blind orgy, but not (literally) color-blind; Czech racists typically call brown-skinned persons "black."

then became victims of brutal violence at stations. Besides trying to cause investigation of violent acts against individual detainees (e.g. the Byeongju Jeong case), **we made efforts to have the police clear the names of persons unjustly indicted with disturbing the peace. We succeeded in the cases of two detained students** (Jaroslav Valúch and Petr Warzel), after **using video footage captured by OPH and testimonies by OPH witnesses to prove that officers had broken the law when arresting them.**

The Samantha Iyer Case

A court stated OPH was right¹⁴.

A year after the Prague IMF/WB protests, **an court stated EPS lawyers were right** in their claim that the Police of the Czech Republic were not entitled to terminate the residence of American Samantha Iyer in connection with the protest. **This is the first case where Czech courts have scrutinized a residence termination decision.**

Already during the September 2000 protests, OPH criticized the police to the effect that they were detaining passersby and innocent demonstrators as readily as the guilty, and without justifying their decisions to expellees in any way. OPH chose Samantha Iyer's as a pilot case. We filed an suit against the police's decision. In light of the fact that the Police could not at all substantiate any illegal actions by Iyer, the Prague Municipal Court acknowledged our complaint and annulled the Foreign Police's decision. **OPH considers the court's decision an important precedent, because we have information on dozens of Foreign Police decisions that were identically unjustified.**

The Matthew Price, Jane Denett-Thorpe, and Tim Edwards Cases

No-one more to hear, see... move along.

Dr. Matt Price, an American historian working for the Max Planck Institute in Berlin, was **causelessly beaten by officers in the head (breaking his nose) and other parts of his body** in the street. **Along with other detainees, he was taken to the station.** Detainees gave matching testimonies on officers' friendlier approach towards detained neo-nazis: unlike others, they were allowed to exercise their basic rights, could move freely about the station, and had their effects, including weapons (baseball bats), returned upon release.

The Inspectorate rejected our criminal complaint despite not gathering all the evidence we suggested—including, most strikingly, examinations of the aggrieved. We thus referred the case to the Ombudsman, who could have then initiated treatment of the case through his input, but who unfortunately has not, despite our repeated pleas.

OPH's Roma Project

In 2001 we commenced a project to help prevent police officers from ignoring their obligations towards citizens when taking Roma to stations.

Both our own experience and information from Roma rights organizations point to **Roma being among the most frequent victims of police violence.** Our development plans for OPH therefore count on **focusing on this very problem.** In view of the notorious Roma distrust in "whites" being able to solve their problems, this will be a highly demanding and, in all its phases, precarious project.

Roma fear the police and distrust white lawyers. **We have therefore begun by addressing, as "mediators," Roma NGOs** like Brno's *DROM*, the British NGO *European Dialogue* with its *Roma Rights and Access to Justice in Europe (RRAJE)* project, and the *European Roma Rights Center (ERRC)*. Their employees helped OPH find and hire a **field worker to communicate with the Roma community, in order to ferret out cases of police violence.**

¹⁴ Translator's note: the profusion of headlines along the lines of "the authorities admitted OPH was right" may seem whiny or seem like "overkill," but they are not, in the context of alternating demonization of OPH and belittling of their claims by these authorities.

We will handle **cases that were poorly investigated in the past**, e.g. the highly domestically publicized case of a Rom whose son was—as proven by a doctor’s report—beaten by the city police in Náchod. His father lodged a complaint against the police, which the police’s investigator unlawfully rejected. The Náchod police then planned to indict the father for the crime of malicious prosecution. ERRC staff attest that in this case, as in similar cases, aid from “classical” lawyers is bound to fail. Another case we are handling is that of 18-year-old Rom Ivan F., whom the police dragged off straight from a visit to a DROM social worker, neither for a reason nor with any legally valid explanation, and equally groundlessly detained. We immediately intervened by contacting the spokesperson for the Brno branch of the Police of the CR. I.F.’s two-hour ordeal ended with his release and a laconic justification to the effect that he resembled the object of a police manhunt. Despite the social worker’s insistence, he and his family decided, out of fear of the police, not to contest its approach. In May 2001, during project preparations, we attended a meeting of Roma assistance workers in Vsetín and informed that they could receive our aid. Thanks to this meeting, we entered cooperation with the part of European Dialog’s RRAJE project that is ongoing in the city of Pardubice. In the course of a Brno project by the organization *Akord*, **we led a seminar in Brno on the rights and responsibilities of the Police of the CR towards Roma**. The seminar **tied into a hands-on seminar** on officers’ rights and responsibilities when checking ID, taking people to a station, and detaining them. We had organized that seminar in March 2001 **with the Ostrava association *Vzajemné soužití* (“Coexistence”)**.

The “Blue Jackets” in the Streets

OPH patrols to help deter violence during street demonstrations.

The legal steps that OPH took against police illegalities towards demonstrators in September 2000 justifiably caused a stir. And so in 2001, police were careful not to break the law during peaceful demonstrations of minority groups **where OPH volunteers stood by in their signature blue jackets**. All



Legal observers at Car-Free Day.

that remains from the bad old days is unlawful police searches and ID checks of most participants and the occasional officer bearing an illegible identification badge, or none at all. OPH monitors assemblies objectively no matter why they are organized nor who organizes them. We have even twice offered our participation at actions of the nationalist group *Národní aliance*, which has, however, always refused it.

Events where OPH patrols participated in 2001:

March 24th, 2001 – demonstration by *Antifa*, a militant anti-skinhead anarchist movement.

May 1st, 2001 – May Day demonstrations by anarchists and skinheads on Prague’s Mír and Tylovo squares; marches through Prague. Bullying of participants by the Police observed.

June 2nd, 2001 – the “Brno Street Party,” which included a march through town from the Brno central graveyard to the downtown and a blockade of a major crossroads.

June 16th, 2001 – Prague Street Party.

September 21st, 2001 – Brno Car-Free Day, which included a protest bike ride through town.

October 28th, 2001 – skinheads’ traditional demonstration (and Antifa’s traditional counter-demonstration) on the anniversary of the founding of Czechoslovakia.

December 10th, 2001 – demonstration against the war in Afghanistan; event organized by the *Czech Anarchist Federation, ČSAF, and RAA.*

The Vysoké Mýto Street Party Case

The police illegally forcibly dispersed this assembly.

During September anti-car demonstrations in Vysoké Mýto, the **police, in our opinion, forcibly dispersed an assembly without any legal grounds.** We filed at the Hradec Králové Regional Court a complaint against this dispersion (they have not yet discussed it). We also filed a criminal complaint against the mayor of Vysoké Mýto and a complaint of a minor infraction of the Act on Assembly by the police officers present at the demonstration and staff of the Vysoké Mýto Municipal Office. We filed further complaints against individual officers who were wearing no identification and/or no uniform, in conflict with the Act on the Police of the CR. The latter complaint was partially acknowledged, to the effect that a policeman involved was wearing improper portions of a uniform.

The Act on Assembly—EPS Opposes Proposed Amendments That Would Restrict Assembly Participants' Rights

We oppose groundless harassment of the organizers of public assemblies.

The bill amending the Act on Assembly that the Ministry of Interior submitted to the lower house in November **openly aims to curb the right to assembly.** The proposal's authors have stated that the Act's currently valid version, from 1990, is **the product of a period with "a focus more on the political processes of that time—that is, primarily democratization."** They claim that **the right to assembly is now, however, abused and that it is thus necessary to constrain it.** We disagree with this because, among other reasons, the hoodlums who occasionally disturb peaceful demonstrations feel no threat from legal restrictions to obtaining assembly permits: hoodlums ignore the law. The changes will thus affect only law-abiding citizens who wish to peacefully express their opinions.

This bill is comparable to the one amending the Administrative Code—its provisions are muddled, it contains many **provisions abusable by authorities, e.g. one allowing non-granting of a permit for an assembly because it addresses current events** (which, practically speaking, means allowing authorities to do away with such assemblies), it inadequately treats the question of legal remedies against the banning of an assembly, and so on.

We drafted detailed comments and proposals for changes to the bill and sent them to deputies on the committees that are handling it. We took part in numerous meetings with representatives of the railways union, Czech Television's union, and NGOs, and a number of deputies. We sent our comments in English to Amnesty International and the US Congress's Helsinki Committee, who showed interest in them.

EPS's Center for the Legal Protection of Children

The principal tasks and goals of our *Centrum pro právní ochranu dětí (Center for the Legal Protection of Children;* "Center" below) are to seek out threatened children, offer them expert aid, and help them find psychological and social aid. During 2001, we reached the conclusion that close cooperation with a psychologist and a social worker was a necessity for successful, holistic solution of such children's problems. We therefore went beyond just providing services for child-protection organizations and created our own circle of external partners. We cooperate closely with renowned child psychologist PhDr. Alena Uváčiková and several volunteers from among law students. We also took on a social worker, so that the third pillar of our work with our young clients, social welfare aid, will be as strong as the other two pillars, expert advice and legal aid.

The Center focuses on helping children who suffer the consequences of neglect and physical, emotional, and sexual abuse. We focus especially on "systemic abuse" cases, i.e. cases where the very institutions

that should help a child are hurting him or her. Examples include bullying at child-care homes (and, in more serious cases, at schools as well) and secondary victimization by police, the courts, or child-care authorities during investigation of sexual abuse. The Center is currently handling about 15 cases.

The names of all Center clients were changed below to protect their privacy.

Sexual Abuse of a 13-Year-Old Boy and a Scandalous Decision by the Mělník District Court

Mrs. M. had lived with a husband who had long been physically and mentally abusing her. Despite this, she supported visitation rights for the father—until her son indicated that his father had tried to abuse him. **Soon thereafter, Mr. M.'s new partner looked up Mrs. M. on her own, to relate her strong suspicions that Mr. M. had tried to sexually abuse her daughter. She meanwhile reported odd behavior by the M. boy during visits (e.g. he refused to undress and slept in many layers of clothing).** Mrs. M. decided to seek help—she visited a social worker and followed her advice from then on. **Even though the M. boy had been examined many times** (by a social worker from the child-care authorities, staff of the child-abuse organization *Fond ohrožených dětí*, a psychologist, a psychiatrist, a police investigator, a forensic expert, the judge competent to remove visitation rights, etc.), **a judge demanded during the trial that he recount the matter again** in a packed courtroom, before Mr. M. and his lawyer and the District Attorney. His mother protested, due to the many times he had already related the matter. **Even though the court's forensic expert confirmed that boy was speaking the truth, the judge acquitted Mr. M. because she found Mrs. M. was “hysterical.”** To this day, the judge refuses to provide the child-care authorities with the document containing her verdict, in conflict with the law on social and legal protection of children. During the criminal proceedings in this matter, an EPS lawyer represented Mrs. M., the legal guardian of the injured party. The lawyer is offering legal advice, mainly regarding procedural complaints against the courts, and successfully initiated an appeal

of the termination of the minor-infracton proceedings against Mr. M., who harasses Mrs. M. and her son to this day with phone threats and violent excesses in Mrs. M.'s house.

A Case of Illegal Placement of a Child in a Children's Home

The father of seven-year-old K. kidnapped her from her mother several times; during the last incident, the police found her in her father's cellar. Experts' assessments of K. stated directly that **she bears, as a result of the father's pathological behavior, the aftereffects of child abuse, namely, of emotional cruelty.** Despite this, a social worker proposed not a return of K. to her mother, but rather **her placement in a children's home.** Out of, perhaps, carelessness the worker proposed to **place 7-year-old K. in a home for children aged 1 to 3,** and this furthermore in conflict with regulations that required that she first be taken to a diagnostic institute. The courts fully accepted the proposal, and thus **seven-year-old K. spent, despite various attempts to intervene, six months alone among toddlers, scarring her emotionally and stunting her development.** Neither the court nor the state child-care authority officially admitted their mistake. The court conditionally halted the kidnapping trial against the father, adducing that this was a family dispute. That very day, another judge decided to retain K. in institutional care, for one sole reason: **if she were to return to her mother's custody, another kidnapping was imminent, while if she were to be placed with her father, it could be expected, based on his past actions, that he would isolate K. from her mother entirely.**

An EPS lawyer prepared a criminal complaint against the social worker, complaints against authorities, a letter to the Ombudsman, to the Ministers of Justice, an appeal against the decision that kept K. institutionalized, etc.

Courts' Sluggishness and Inability to Execute a Final Ruling Are Erasing a Father from His Son's Memory

Little T.'s father had a bit of difficulty in securing visitation rights after a divorce: during the last



two years, he has seen T. for **three hours** all told. Throughout several years of proceedings, **his father has faced countless imaginary charges, intended to bully, from his mother and her lawyer; the mother has flooded the court with repeated proposals to change his surname and to ban contact between young T. and his father and even his grandparents. She is trying to erase T.'s father from his life.** T. is thus now rejecting his father. EPS is helping the father oppose the barrage of five-ounce filings and respond rationally and with legally founded statements.

Thirteen-Year-Old Rom Physically Attacked by a Corrections Worker

The attacked boy's mother refused to return him to the institute until the matter was investigated. As the boy's very institutionalization was disputable, we wrote an appeal against the institutional-care ruling and a proposal for an injunction. **This case confirmed for us yet again the fact that no true system exists in our country for investigating violence in places where personal freedom is restricted—in this case, in a corrections facility.** We eventually dispelled the threat of the boy's receiving "care" from the same suspected worker in the same institute, through informal steps:

unofficial intervention by a *Fond ohrožených dětí* worker convinced the diagnostic institute's director to at least have the boy switched to another institute during the investigation, out of goodwill.

Aid to a Kazakh Refugee

M.V., a Kazakh woman of Russian nationality, has been living in our country for four years. Her two children speak only Czech. **She was blackmailed in the CR by her former Czech husband, and probably also by her lawyer.** Czech police banned her from living here when they found she had had a stamp falsified (she had done so because could not pay for a needed extract from Kazakh police records), and she may well be deported. **But she essentially cannot return to Kazakhstan—she is Russian, tall, blond, college-educated, and Christian, with no male relative, and has children of Russian nationality, who are one-quarter Korean.** EPS is helping this woman in her negotiations with the Foreign Police and other offices. We have also written an analysis of the flaws in the decision to halt her asylum proceedings; the analysis led the Ministry of Interior to overturn the decision through a Czech legal corrective measure called an *autoremedura*.

EPS's Advisory Center for Women in Crisis

"...then one day he came home drunk again, roared at me that I was a tramp, a good-for-nothing, good at nothing, and only in the way... then he took a long knife—the carving kind—and stabbed me in the hand; there was blood all over... I screamed a lot, but that just got him madder... he grabbed me by the waist, stuck my head into the sink, turned the water on, and then raped me from behind..."

EPS's *Poradna pro ženy v tísní* (Advisory Center for Women in Crisis; Center below) is an autonomous project supervised by Mgr. Markéta Huňková. Its aim is to **offer women who have suffered serious domestic violence services** that were in our opinion previously lacking in South Moravia: **comprehensive, thorough, and especially long-term legal, psychological, and social welfare aid**, which alone can tear victims out of the spiral of violence in which they are trapped.

During 2001, the Center **broadened its activities and the ranks of its volunteers** from among college students, whom we train internally to give them the practical skills and emotional resistance needed for work with domestic-violence victims. Besides legal services, the Center now offers psychotherapy, as well as consulting, in the area of social welfare (welfare payments, etc.). **We are participating to great success in a project by the organization *Magdalenium***, which is

about running confidential shelters. They help us to help our clients to hide from aggressors; in return, we provide them advisory services, train their personnel, etc.

The Center's vast quantity of work burdens its volunteers so heavily that, in early 2002, we **interviewed for and hired a full-time coordinator.**

The legal steps that the Center takes most often are ones in the fields of criminal and family law. The Center is currently handling about 30 cases. **But it doesn't stop there—it also works to tear out problem's roots within the system.** In October 2001, for example, we organized a conference in Brno regarding domestic violence for 25 representatives of the governmental and non-governmental sectors: NGOs, state institutions, the Ombudsman's office, lawyers, etc. **We plan, as the capstone of our efforts, to organize a regional conference on domestic violence and create a "Regional Coordination Center,"** which is then to enable more effective solution of domestic violence in our region, by coordinating cooperation among those who handle it (the police, local branches of the state administration, and NGOs).

In November 2001, we took part in the conference "Domestic Violence—Old Problems, New Solutions," where the main ideas of EPS's project for intervening against domestic violence were presented. We presented there the acute need for legislative changes in this field. The Center also organized for the public, in fall 2001, a lecture series on gender issues.

We have only space to properly present but a few of the Center's cases below. Listing all cases, though possible, would abridge and thus distort them. **Here again, names have naturally been changed to protect clients' privacy.**

The B. J. Case

We will use this model domestic-violence case to elucidate the Center's working methods.

Mrs. J. married in 1994. After her second daughter was born, her husband **took up drinking,**

began constantly **switching jobs, and started handling his inner conflicts through tantrums and violence** towards his wife. For lack of finances, Mrs. J. began sewing for extra income. Her husband held this against her—and beat her for it. In the last years of their common life, Mrs. J. and her daughters had to regularly lock themselves into the children's room to avoid Mr. J., so they could get at least a little sleep. **The protracted stress the daughters experienced emotionally wounded them, and they had to visit a psychiatrist.** Mrs. J. and her children eventually fled their home. **After verifying our client's testimony was credible, we offered her comprehensive aid.** We helped her obtain a divorce, alimony, and custody of the children. We filed for her a complaint against the police, who had four times assessed Mr. J.'s actions as minor infractions when they were in truth crimes, and indictments for the crimes of restricting personal freedom, battery, and violence towards a group or an individual, and a proposal to ban contact between her children (as minors) and Mr. J., including a further request for a injunction. As our aid is comprehensive, we went beyond this **legal** help to also provide **psychological and social welfare** help (mediating shelter for Mrs. J. and joining her on visits to the authorities).

Several times, we had to intervene during e.g. negotiations with the state child-care authorities, who were forcing Mrs. J. to reveal her haven to her husband. We obtained **with no problems** and within seven days a court-order ruling.

The police classified Mr. J's conduct as a minor infraction; our proposal for a restraining order barring contact with the father was rejected. Mr. J. began pressuring his wife to come back home, as did a state psychologist and a woman working for the state child-care authorities (to put an end, as she expressly stated, to Mr. J.'s urgings). Mr. J. began threatening the Center's staff and **pressuring his daughters.** This stressed and frightened them. The older daughter began wetting herself and suffering weeping and shaking fits. (Once, when her father



attempted to have sex with her, she had a hysterical fit due to which she fractured her leg). The younger one refused to communicate and suffered eating disorders and fits of anxiety.

The Center promptly arranged a meeting between its staff, the responsible state child-protection official, and a state psychologist; they agreed to have the children's sole psychologist be an expert verified and recommended by the Center, and to **hasten the court proceedings** as much as possible. The Center filed a complaint against the police's approach **and a series of requests for court preliminary measures. We also met with officials to urge acceleration of the court proceedings.** Mrs. J. became an active member of the specialized psychotherapy group run by the Center. The Center found the children a contact for a new psychologist (**as Mr. J. had attacked their previous one, who thus refused to treat them**).

Mrs. J.'s situation has now stabilized, and her psychological state is improving. Likewise, the daughters are calming down and starting to communicate, and their psychosomatic problems are fading away.

The F. A. Case

Mrs. A.'s husband showed a violent disposition from the very start of their marriage: he regularly beat her, kicked her, and broke her arms, saying, "a real woman's gotta be strong, and tough enough for a little pain." In 2001, he also started attacking their daughters (aged 10 and 13) after drinking; this caused them psychological symptoms—depressions and suicidal tendencies. Once Mrs. A. contacted the Center, Mr. A. set fire to their apartment. We contacted the Police, who then took Mr. A. to jail. We provided Mrs. A. with comprehensive legal aid and found a job for her. The courts imposed on Mr. A. a suspended sentence for the crime of "drunkenness" and required that he enter treatment for it. (During his concluding speech, he "promised" he would do again all he had done.) No-one informed Mrs. A. of **his release from custody**, and so she and her daughters had to flee their apartment, **with no time even to take along their personal items.** Mr. A. then

lived alone at their apartment until entering treatment, paid no rent, and sold off their furniture. Mrs. A. had to pay his rent just to keep from losing the apartment. Nor did Mr. A. make a single alimony payment. Mrs. A. was denied asylum, "because she enjoyed the title to a specific residence." When her husband entered treatment, Mrs. A. returned to her residence; she is now a member of a psychotherapy group. The Center filed a number of proposals, including ones for injunctions, aiming to have rental rights to the A. apartment go into Mrs. A.'s name alone. We also met with officials to urge acceleration of court proceedings.

The M. L. Case

M. L. is an entrepreneur... and a domestic-violence victim.

The L.s were **successful entrepreneurs** with three children, but when Mrs. L. contacted us, their home life was a failure: Mr. L. had long been acting aggressively. (He regularly beat and kicked Mrs. L., often forcing her to seek medical aid. She lied to those around her that her injuries were from "falling down the stairs"—she was highly ashamed of the state she was in.) Mr. L. then began drinking, **consuming all the property and money he had, and much he didn't have**; he began out of stress to **also attack the children, whom the whole situation marked strongly (the daughter and the elder son began taking drugs).** We provided comprehensive legal aid to Mrs. L. (who in the end did not give permission to initiate prosecution of her husband, out of fear for the life of her youngest son). She divorced and was placed in a year-long program of the Center's therapy group; we recommended a treatment center for her children.

The Mrs. C. Case

Mr. C. is a police criminologist at work... and a tyrant at home.

This is the most serious case of domestic violence the Center has ever handled. **Mrs. C.'s husband holds a prestigious position as a police criminologist in Brno. He abused Mrs.**

C. for 22 years and always took a hard line at home—everyone had to obey his every wish, or be punished. After Mrs. C. finally contacted the Center, Mr. C. **physically attacked her every day** (threatening to kill her, saying that as a policeman he knew his killing business, pulling out his service weapon to prove it, etc.) and took revenge through the children. All of Mrs. C.'s attempts at resistance ended in failure, as Brno police treated her humiliatingly, and all her prosecutions were suspended (this despite sufficient hard evidence, like doctors' reports). Her situation was made yet more hopeless by the fact that she could not enter a shelter, since one of her children is strongly handicapped. **Her psychiatrist (who treated her for two years) stated it was very likely she would crack under the stress of the situation and commit suicide.**

The Center took every step for Mrs. C. that its contacts and the Czech legal code enabled. By strongly pressuring Mr. C.'s direct superior and threatening that we would take the case to the media, we **successfully requested an agreement terminating the joint title to the C. apartment and giving Mrs. C. the sole right to rent and use it. Mrs. C. now appears to be much more calm and collected.** Despite unexpected problems with the behavior of her grown son, we must state that Mrs. C. is coping well with her situation, has her life well within her hands, and will win her fight.

The Mrs. S. Case

The police receive a domestic-violence victim with outstretched harm.

Mrs. S. decided to flee her husband after 20 years of very harsh abuse (rape, daily beatings and kickings leading to broken ribs, knocked-out teeth, etc.), which culminated in a three-month stay at a psychiatric ward (due to a stress-induced inability to accept nourishment). **She reported the last incident before her flight (rape and beating) to the police. The police recommended that she think twice before prosecuting. They interrogated her a total of eight times during the investigation—thrice in the presence of her husband. The investigation was conducted in such**

a way as to paint Mrs. S. as a mentally ill and thus untrustworthy person (due to the stay in the psychiatric ward) who was unstable and neglected her children (by leaving them). We must note here that during the Center's handling of her case, we learned that about 20% of women patients at one psychiatric ward in Brno are victims of domestic violence, who use such internment as shelter from a violent partner.

The Mrs. V. Case

This battered wife turned police advice into action... and was thus convicted for unauthorized interference in a residence's usage rights.

After living five years with a violent husband (who beat her, dragged her around their apartment by her hair, refused food to her, locked her in a room, etc.), Mrs. V. filed for divorce and filed several felony complaints; they all ended with dismissal "for lack of evidence" or classification of Mr. V.'s acts as minor infractions. **Her husband began attacking more and more often. She called the police regarding several attacks, but during their last visit, they emphatically admonished that she would have to solve her conflicts herself.** So she did. To prevent Mr. V. from entering the apartment, which she perceived as hers since she had been renting it since before the marriage, she changed the locks. **She was found guilty of a crime: "unauthorized interference with the rights to [use] a house, apartment, or non-residential space" per § 249a, par. 2 of Act no. 140/1961 Sb. (the felony code).** She received a two-year sentence, with a three-year suspension. **She had to flee the apartment; her husband now uses it freely.**

Educational Activities

While our legal aid program *gives* fish to people hungering for righteousness, our educational and informational activities *teach* them to fish. Our Human Rights School, meanwhile, has yet a further important mission: it helps us to change the view law students have of legal options for protecting the public interest, and here and there, to fish up enthusiasts for public interest law.

The 2001 Urban Sprawl Seminar

From May 26th to 27th, 2001 in Brno, we held a **seminar on “urban sprawl,” i.e. on unchecked growth of cities and the environmental problems it causes.** It took place within a joint project of environmental NGOs from the Czech Republic (EPS), Slovakia (the *Center for Environmental Public Advocacy*), and the United States (the US branch of *Environmental Law Alliance Worldwide*). It gathered environmental lawyers, grassroots activists from environmental NGOs throughout the Czech Republic who cover this problem, and the very experts who compose land-use plans. The seminar followed up on an international workshop in Trenčín, Slovakia that had seen guests from Poland, Hungary, and the CR. The seminar’s output was an open letter to the Ministry for Local Development and the Ministry of Environment containing concrete proposals on tools for fighting “urban sprawl.”

The School of Civic Initiative

EPS staff gave trainings at a seminar organized as part of Friends of the Earth–Czech Republic’s *Škola občanské iniciativy* (School of Civic Initiative) series. These seminars help give *initiatives* (citizens’ campaigns) *initiative* (the energy and aptitude they need to take action). On Saturday, April 28th, 2001, we used practical exercises to teach around twenty advanced participants of this series to obtain information and to promote and organize a local referendum.

A Training for the Environmental Advisory Center Network

In September of 2001, we organized, for *Sít ekologických poraden* (the Environmental Advisory Center Network), a seminar on consumer’s rights, deceptive advertising, and eco-labels. Our main guest there was Mgr. Martin Elger from the association *Ars Aequi at Boni*.

Trainings for Participants at Forest Conservation Camps in the Beskydy Mountains

In July and August of 2001, we led **two trainings for participants of a forest conservation camp in the village Muchovice**, on the topics of the right to information, public participation in administrative procedures, and using the law to protect the environment. We also took part in a roundtable regarding the ski run atop Lysá Hora. This meeting at the Ostravice eco-center brought together representatives of the District Office in Frýdek-Místek, the village of Ostravice, the forestry company *Lesy ČR a.s.*, the association *Beskydčan*, and 30 angry skiers.

Lectures and Trainings by the Advisory Center for Women in Crisis

On October 1st, 2001, we led a **training for workers at an asylum house in Brno** (run by the association *Magdalenium*), on the topic of the legal, psychological, and social-work aspects of domestic violence. On October 22nd, we gave a **lecture for students at Masaryk University’s school of social sciences** concerning domestic violence.

Seminar for Roma in Ostrava and Training for Roma Advisors

See the chapter on the Civic Legal Observers (OPH).

Citizens and the Police

This nearly 100-page brochure, which we published at the end of the year as part of our *Pro public* editions, provides readers with theory, examples, and sample legal filings connected with **the rights and responsibilities of citizens, the Police of the Czech Republic, and members of city police forces**. The publication acquaints readers with basic legal terms and concepts and covers the issues of detention, police searches and ID checks, the police's allowable means of coercion, the right to assembly, and legal options for reacting to unlawful actions by the city and state police.



Citizens and the Police title page.

Legal Handbook for Anyone Who Does Not Want to Live by a Nuclear Waste Disposal Site

The environmental group *Calla* issued this handbook, but EPS contributed to it by writing the vast majority of its text. The handbook covers the **legal aspects of surveying and permits for nuclear waste disposal sites**. It is intended for citizens and for communities that have been preliminarily selected for placement of deep nuclear waste disposal facilities.

Leaflets of the Advisory Center for Women in Crisis

The Center issued several leaflets intended to help domestic-violence victims appreciate that what is happening to them is neither normal nor in accord with the law, and what their options are for handling their situations. For victims sexually abused as children and female rape victims, we issued our Leaflet for Sexual Abuse Victims; we also published two leaflets serving to increase awareness of the problem of violence towards women, as well as two card-sized publications: "Characteristic Traits of Violent Partners" and "Why She Won't Leave Him." We distributed the leaflets to child-care authorities, psychological consulting centers, NGOs that cover this issue, and hospitals.

Via iuris Gets a Facelift

EPS published six new issues of its public interest law newsletter, with a completely new look and new contributors.

In 2001, we published six more issues of *Via iuris*, our bimonthly newsletter on the legal protection of the public interest. It has been coming out since the beginning of the year in a new layout, with several new columns and an expanded format—now eight pages.

www.i-eps.cz and www.zenavtisni.cz

Our websites are finally complete.

March 2001 brought a new way to obtain information on EPS's activities: its now full-fledged website <http://www.i-eps.cz>. Though we are still putting the finishing touches on it, it is already usable as a source of up-to-date news on our organization's work.

We have also set up a site for the Advisory Center for Women in Crisis: www.zenavtisni.cz. It provides definitions of domestic violence and rape, answers to frequently asked questions, a contact for the Center, and more.

Developing Public Interest Law Sector

“I am stunned—I’m glad to have had the chance to get to know this field of law and to finally experience that law, too, has a purpose.”
(From a final evaluation by a participant at the School of Human Rights)

Schools of human rights are a tool used throughout the world to acquaint law students with a set of issues that receives only limited time and mention at their schools. For us, in the Czech context, it has yet another goal—it is a key tool for broadening the ranks of lawyers who cover, as volunteers or professionals, the legal protection of the public interest.

The Summer Human Rights School, September 16th-22nd, 2001 in Brno

“Four years of studies at the Olomouc law school have systematically spoiled my taste for law, but here law seems very interesting... would you like to teach at our school?”

(From a final evaluation by a School participant)

EPS’s 2001 Human Rights School took place from early evening of Sunday, September 16th to the morning of Saturday, September 22nd, in the **Kozí Horka hotel near the Brno reservoir lake**. Participants attended the program, slept, and took their meals within the hotel. Students from any



Model situation of an administrative proceeding.

of the Czech law schools (in Brno, Olomouc, Plzeň, and Prague) who had completed at least three years of studies could apply to participate.

The School's Program

“Great organization, group work, constant attention from the organizers, very interesting topics, perfect theater performances. It would be hard to find any fault with the [School] (perhaps just the weather); it was great. Thanks.”

(From an evaluation by a School participant)Snažili jsme se:

We tried to:

- **offer the most complete overview possible of the problems** faced when promoting public interest law in the Czech Republic;
- **lecture as little as possible**, and role-play proceedings and cover cases interactively as much as possible;
- **and invite guests to individual program blocks** wherever this would raise the program’s quality.

So... what did do at the Human Rights School?

Sunday, September 16th: We played ice-breaking games, the “Three Sailors Case” role-play (on the relationship between law and justice), and “A Step Forward,” a game surveying students’ opinions on specific legal and social problems.

Monday, September 17th: An all-day game regarding the investigation of a racially motivated felony, run by activists from the Slovak organization CEPA in cooperation with JUDr. Jan Sladký, a

state prosecutor at the Brno Public Prosecutor's Office. Sociologist Jan Keller gave a lecture on the topic "Are Democratic Politics Dead?"

Tuesday, September 18th: Students covered cases of psychologically, physically, and sexually abused children under the guidance of EPS lawyer Mgr. Radka Jelínková and psychologist PhDr. Uváčiková, who handle such cases. Mgr. Huňková led a block entitled Theory and Practice of Dealing with Violence towards Women. Ing. Leoš Košťál from the association *Beskydčan* and Ing. Vladimír Burda from the association *Ochrana vod* spoke on how they are acting locally to promote global change, and how local offices "help" them in the process.

Wednesday, September 19th: We role-played the "Chomutov Case," about an administrative procedure regarding placement of a supermarket in place of a green area in the city of Chomutov. This time around, EPS staff played officials from state authorities, and students played participants of an administrative procedure (investors, the supermarket's future "neighbors," a community, and environmental organizations). In the evening, we held a discussion with Pete Frost from the Western Environmental Law Center in Oregon regarding forest conservation, endangered animal species, and indigenous peoples' rights.

Wednesday, September 19th: OPH staff presented OPH's work, and spoke on the theory and practice of monitoring violence at police stations. They also led a role-play in which police violence "occurred" within the hotel and an investigation took place; here, students had the chance to experience first-hand what non-governmental monitoring of the actions of the Police of the Czech Republic look like. Doc. JUDr. Dalibor Jílek, from the International Law department of Brno's Masaryk University, gave a presentation on decision-making processes at the European Court for Human Rights. EPS spoke in the evening about the necessity of a well-protected right to information.

Wednesday, September 19th: We covered refugees' legal standing in the Czech Republic, theory regarding refugee law, and deficiencies in this law in practice. We led a role-play including a



Guest of honor - first Czech Ombudsman JUDr. Otakar Motejl.

hearing of an "Afghan refugee," on the basis of whose words participants were to decide whether or not she meets the conditions for being granted asylum. Mgr. Martin Elger from the association *Ars Aequi et Boni* spoke on consumer protection in the Czech Republic. We were also honored with a visit by JUDr. Otakar Motejl, the first Czech Ombudsman. Friday evening brought the closing events: an evaluation (what participants liked and disliked) and a farewell party.

The School's Continuation Meeting: November 15th-17th in Olomouc

Here several participants in the School decided to become participants in the EPS's activities.

"Lots of themes to reflect on (children, women, OPH, the environment). I want to go out and do something."

(From an evaluation by a School participant)

The best proof of the 2001 School's **success** lies in the fact that **most participants** also came to its continuation meeting. This meeting, from November 15th to 17th in Olomouc, took place thanks



Continuation meeting at University of Olomouc.

to **cooperation with the leadership of the local law school and several of its teachers.**

Moreover, students themselves took a large part in organizing this follow-up. The event could have hardly taken place without this help.

Our aim—to expand the ranks of our volunteers from among participants of the School of Human Rights—succeeded this year to an absolutely unexpected degree. We gained active volunteers for **all** EPS programs, and **our cooperation continues unchecked even a half-year later.** Concrete exhibits of cooperation include week-long internships by three participants of the 2001 school: Miroslav Stehlík, Jiří Bajer, and Helena Svatošová.

What Are Our Future Plans?

In light of the successfulness of the three Human Rights Schools to date, we wish to continue with them. We also want to add these improvements:

- **internships in the Netherlands for selected participants**—thanks to a joint project by EPS and the organization Millieukontakt Oost Europa, six participants of the Human Rights School will go on a several-day “immersion” internship at Dutch human-rights organizations.

- **exchange-based participation by students at the Human Rights School in Slovakia**—we want to reach an agreement whereby three students each year would attend a similar event in Slovakia after attending the School.

- **a wider palette of NGO contacts—we will offer School participants materials from other NGOs.** We will also try to arrange the participation of people from other organizations at the School of Human Rights. Our aim here will be to deepen participants’ understanding of the non-profit sector and help them form mutually beneficially relationships.

- **networking with School “graduates”**—participants of the School will receive *Via iuris*, our Infolist newsletter, and other EPS materials, and will be invited to certain of our events.

What Else Happened in 2001?



EPS received the Sasakawa Peace Foundation's award for the best environmental project of the year

In **September 2001**, the campaign to organize a local referendum in Tábor, which EPS led together with Tábor activists now gathered in the local group *Společnost pro trvale udržitelný život*, **received 1st prize from Sasakawa Peace Foundation in Japan**. First prize carries a financial reward of \$6,000. EPS decided to donate the majority of this sum towards civic activities in Tábor, because the referendum could never have taken place without the aid of other Tábor citizens. EPS still covers the topic of local referendums, and it advises civic initiatives in several communities of various sizes in the Czech Republic that are striving to organize local referenda (e.g. in Libouchec, Přebouč, and Jilemnice).

EPS Staff Members Visit the United States

In **early 2001**, two EPS staff members had the chance to better acquaint themselves with how **NGOs and the legal system in the USA work**. **Pavel Franc spent three months in a study stay at our partner organization E-LAW US in Eugene, Oregon**. E-LAW (Environmental Law Alliance Worldwide) is a worldwide network of lawyers and scientists working on environmental-protection issues. During his stay, he focused mainly on the possibilities for using court protection as a tool in environmental issues, and on the phenomenon of urban sprawl, including related adjustments to construction-permit proceedings. He also took part in E-LAW's annual meeting during his stay and spoke at the public interest law conference that tied into it. Vítězslav Dohnal, meanwhile, **went on a four-week trip to the USA in the framework of the International Visitors Program, on the invitation of the American embassy in Prague**. During his trip, he studied development of the non-profit sector. He and four other Czech participants met with dozens of representatives from NGOs, foundations, and government institutions in Washington, Portland, Austin, and New York.

Cooperation with the Dutch Organization Milieukontakt Oost-Europa

EPS and Milieukontakt Oost-Europa representatives met in Amsterdam in early October for a kick-off meeting starting a **three-year cooperation project financed by funds from the MATRA Programme, a program to support social transformation in post-communist countries**. The main goal of this Czech-Dutch cooperation is for EPS to gain from Dutch experience with bringing the public into decision-making regarding the environment and human rights.

EPS Ever Larger and More Professional

As EPS takes on more tasks, it also takes on more paid and unpaid staff. Thanks to our successful Human Rights School, we currently boast a **well-functioning network of volunteers** as well as paid partners, mostly part-timers. Besides new partners from among lawyers, we have, for example, two on-staff psychologists and a psychotherapist, who are helping endangered children and domestic-violence victims, and a fieldworker for communication with the Roma minority, who will be seeking out cases of police violence. We have begun **systematically making use of expert studies** to help resolve our cases.

EPS Staff, Friends, and Supporters

EPS's highest authority is its **Členská schůze (Members' Meeting)**, a democratic decision-making body containing all EPS members. Its executive and statutory body is the **Výbor (Committee)**, which included in 2001 Martin Prokop, Vítězslav Dohnal, and Pavel Černý. The **Dozorčí rada (Supervisory Board)**, which acts as its supervisory body, was staffed in 2001 by Pavol Žilinčík, Martin Škop and František Korbel.

EPS's Poradní sbor (Advisory Board) has the following members:

RNDr. Martin Bursík, former Minister of Environment of the CR,
Ir. Jan Haverkamp, chair of ZHABA Facilitators,
JUDr. Petr Kužvart, environmental lawyer,
Mgr. Monika Ladmanová, student at Columbia University in New York,
Doc. JUDr. Vladimír Mikule, educator at Charles University's law school,
RNDr. Jan Piňos, head of the administration of the Broumovsko nature reserve,
and Doc. JUDr. Ivana Průchová, educator at Masaryk University's law school.

EPS's permanent staff members in 2001 were:

Pavel Černý
Vítězslav Dohnal
Pavel Doucha
Pavel Franc
Radka Jelínková
Jiří Kopal
Lenka Mrázová
Martin Prokop
Martin Škop
Jan Vodák



The following people selflessly aided us in our work:

Gwendolyn Albert	Lukáš Matějka
Jiří Bajer	Jan Morávek
Marie Boháčová	Tomáš Mráz
Volunteers at the Advisory Center for Women in Crisis	Ladislav Pavlík
Martin Elger	Markéta Řičářová
Martin Fadrný	Jan Sladký
Yvona Fasurová	Věra Soldánová
Jan Filipi	Martin Šíp and other volunteers at EPS's <i>Centrum pro právní ochranu dětí</i> (Center for the Legal Protection of Children)
Dominika Glacová	Jana Tomášová
Ján Hrubala	Michal Tošovský
Robert Cholenský	Miloš Tuháček
Vladka Jabůrková	Alena Uváčiková
Paul Kosterink	Jitka Vildová
František Korbel	Imre Vozár
Michael Kousal	Helena Wágnerová
Eva Kováčechová	Elke Wijffels
Monika Ladmanová	
Lori Maddox	

Special thanks to:

Helena Svatošová, who provided invaluable and selfless aid for our most important legislative activities (regarding the administrative code, the Act on Assembly, and the rules of procedure for the administrative-court system).

Incomes and expenditures in 2001 (in USD)

EXPENDITURES

office supplies, software	4 758
equipment	6 927
overhead costs	2 009
literature	2 123
communication costs	10 014
print, copies, propagation	17 174
schools and seminars	4 698
office rent	3 119
travel costs	5 331
legal fees and services	10 414
expertises	6 381
labor costs	50 072
taxes, health and social insurance	14 211
bank fees	476
others (exch. rate losts, penalty, refreshment...)	2 066
total	139 773

INCOMES

own incomes	5 369
governmental and semi-governmental grants	
Ministry of the environment CR	5 593
Employment agency	386
Delegation of EU in CR - PHARE	14 056
Embassy of the United States in CR	2 669
MATRA programm of Dutch ministry of foreign affairs	8 243
private grants	
Open Society Fund Prague	54 978
Open Society Institute Budapest	30 992
Regional Environmental Centre	1 639
Environmental Partnership for Central Europe	3 999
C. S. MOTT Foundation	10 950
NROS	3 009
The Czech Eco-Counselling Network STEP	3 999
proFEM	827
donations	414
bank interest	250
total	147 374
PROFIT	7 601

USD exchange rate from 31st December 2001

36.259

AUDITOR'S REPORT

designed for members of the committee and for the general meeting of the civic association

Ekologický právní servis

The auditor audited the financial statement of the civic association Ekologický právní servis drawn up to 31.12.2001 in accordance with the Act on auditors, the Chamber of auditors of the Czech republic and appropriate legal regulations of the Czech republic. The audit has been conducted in a selective method observing significance of the indicated accounting operations.

The audit includes examining on a test basis taking into consideration the significance of stated economic transactions.

In my opinion the financial statement reflects truly assets, liabilities, owner's equity and results of the civic association Ekologický právní servis. The financial statement was drawn up on the basis of accounting kept in accordance with valid laws and accounting regulations.

The auditor's opinion as to the financial statement is without any reservations

Brno, dated on 12 March 2002



ADEUS Audit s.r.o.
Auditing company decree no. 366
Ing. Martin Tuček
Auditor licence no. 1443



We would like to thank the following institutions for their support:

C. S. MOTT Foundation Delegation of European Commission in CR Environmental Partnership for Central Europe Embassy of United State in CR

German Marshall Fund Matra Programme of the Duch Ministry of Foreign Affairs Milieukontakt Oost Europa

Ministry of the Environment CR NROS Open Society Institute Budapest

Open Society Fund Prague Regional Environmental Center for Central and Eastern Europe The Czech Eco-counselling network STEP





EKOLOGICKÝ

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