



Environmental Law Service

Legal Protection of Environment and Human Rights

„From the beginning they have been likeable to us, because they were prospective students of law, but they did not go into a business, where they could earn a lot of money. They provided help to NGOs and communities, built up a great legal and legislative center, and they developed one of the best NGOs in our region. I think the Czech NGO sector couldn't function without them...“

*Miroslav Kundra
Environmental Partnership for Central Europe*

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EPS in the Fifth Year of Its Existence

Who We Are and What We Strive For

"Do not lose yourselves in recollections of your famous history; strive for a famous present. Do not hold merely to slogans and words; you should rather follow public matters as well, as you can then improve them and make order in them. Do not fly in the clouds—stick to the ground. No matter what you serve, stick to reality."

T. G. Masaryk, first Czech president

EPS is a non-governmental, non-profit organization of lawyers who wish to use law to promote the public interest. **For us, the kind of public interest that deserves intensive legal protection is the defense of the environment and of human rights**, especially where such defense involves public participation in decision making, public monitoring of state administrative authorities, and citizens' access to justice.

Our goals are to eliminate cases of unlawful and unfair decision-making on the part of state offices in matters of the environment and human rights, to help people gain access to the courts, to raise NGO staffs' level of legal expertise, and to help legislation and legislative wording of quality come into being.

Our method, the use of the powerful force of legal tools to protect and support important societal values, is known as "public interest law"; thus, we are a **public interest law organization**.

What Was 2000 Like for Our Organization?

"This group is well-organized..."

(from Minister of Interior Stanislav Gross's announcement for ČTK, the largest Czech press bureau, entitled "Someone Is Leading a Campaign against the Czech Republic," made after EPS's Civic Legal Observers project publicized police violence against persons detained at stations during the demonstrations against the September 2000 IMF/World Bank meeting.

... and indeed the minister spoke the truth; we truly are well-organized. We do not, however, lose sleep plotting to hurt the Czech Republic; instead, we lose it over certain abuses, which we try to solve with the law as our tool. These include, for example, officers' abuses at police stations. During 2000, we succeeded in bringing the nearly-unique **Civic Legal Observers (OPH below, per the Czech acronym)** project, focussed on independent legal monitoring of the situation on the streets and in police stations in Prague in the course of the protest actions against the meeting of the International Monetary Fund and World Bank. During the protests, we sent almost 100 observers into the streets, equipped with photo and video cameras. After we learned of the violence at police stations, we used a complex, **well-organized** process of gathering personal accounts by individual detained persons that, taken as a whole, attested to wholesale violence at police stations. We then passed this information on to the media, filed 26 criminal complaints, 4 constitutional complaints, and a number of common complaints on the police's approach.

An entirely different angle on EPS's year 2000 is brought by the successful Tábor referendum campaign: **we organized a referendum on the planned construction of a road through the botanical gardens in Tábor**, which we helped local citizens to organize after numerous obstructions from the public administration, and in which nearly 80% of voters voted against construction of the road.

As unlikely as it may seem in light of the legal situation in the Czech Republic at the end of the 20th century, **we even achieved several victories in legal battles in defense of the environment and human rights.**

We also held our **second annual activist-training events** for activists (the Spring School of Public Participation in Decision Making) and students (the Summer School of Human Rights, in Boskovice).

So then, what was year five like for EPS? Difficult, full of large projects, and last but not least, it was the year that saw our definitive division into a Tábor office and a Brno office. With two members of EPS moving from the Moravian capital to the heart of South Bohemia and with the acquisition of new staff for the Brno office, we have both expanded our staff and made EPS one of the strongest non-governmental organizations in its field.



Foto: Supporters of local referendum at city council meeting

EPS Reorganizes Its Activities

The strengthening of non-ecological themes within EPS's activities in 2000 has led us to the decision to change the structure of our activities. Thus, we began last year dividing EPS's activities into three main programs:

1) Our **Program for Legal Protection of the Environment**, which includes:

- Our **project for free legal aid to the public** during legal action to protect the environment, help to citizens who have been illegally denied information by the authorities.
- **The training and teaching project**, aimed at raising the legal awareness of citizens, of the staff of environmental organizations, and of bureaucrats.
- Our **publishing project**: "[Legal] **Paragraphs for Nature**" editions.
- **EPS's legislative project**, which include commenting on environmental laws and other legal regulations.



2) Our **Human Rights Defense Program**, which includes:

- Our **project for providing free legal aid** to non-governmental organizations that **protect the victims of domestic violence, help endangered children, and protect ethnic minorities**.
- The publication of brochures and manuals under our "**Pro public**" editions.
- Our project for independent monitoring of police activities at public assemblies – the **Civic Legal Observers**.

3) Our **Program Aimed at Strengthening the Area of Public Interest Law in the Czech Republic**.

This includes:

- Publishing the "**Via Iuris**" **newsletter**, which focusses on public interest law.
- Organizing the **Summer School of Human Rights**, which focusses on promoting public interest law among students at law schools.
- **Promoting public interest law** among judges, lawyers, and public officials, and helping connect lawyers who are inclined towards the principles of public interest law.

Don't, however, let this division confuse you – many "environmental" suits are closer to being about human-rights – primarily citizens' rights anchored in the Constitution and in the Charter of Human Rights and Freedoms of the Czech republic – **than to nature protection in the strict sense of the phrase**. This is the case, for example, when we are protecting citizens against abuses of power by state officials and local politicians, when they attempt to promote the entrepreneurial interests of a particular firm to the detriments' of citizens' rights, or in the case of refusing citizens' legal right to information, which should be a legal tool for raising the transparency of state authorities' activities. Therefore, our division of cases into those involving human-rights matters and environmental matters, is often for orientation only.

Foto: Police at antiglobalisation demonstration in Prague

Program for Legal Protection of the Environment

Legal aid to citizens, and their informal associations, who defend the environment

"The president of the republic has been aiming, for the last eight years, for a different political, economic, and overall societal system than the one desired by the nation's dominant political powers – rather than a society of free citizens, he wants this elitist system that underestimates people; he wants what he calls civic society."

Václav Klaus, Head of Parliament

Yes, civic society – so laughed at by our politicians, so profaned by intellectual jabbermouths – is our theme. Legal aid to non-professional, generally unorganized nature protectors from among local citizens, who wish to take part in the solution of public matters is the most demanding, but also most important part of our work. Just as last year, we are helping a very broad range of people this year too. This includes both **"grassroots" ecological activists** and their efforts to protect the public interest – typically the landscape and the part of nature that surround their homes – independent of professional non-governmental organizations.

The Village of Nedakonice vs. the Gravel-Mining Company Šterkovna Ostrožská Nová Ves: A Battle over Gravel Mining in the Morava River Valley

We have provided legal aid to *Nedakonice*, a village near *Uherský Brod* that is bucking plans to commence gravel mining directly adjacent to the village, for the last three years. A positive point in this case is the unified standpoint of the village's citizens and its representation. Last year, we prepared a constitutional complaint for the village, and the village is using this to try to achieve participant status in the proceedings on definition of the area to be mined (the village does not have participant status in the proceeding by default under Czech law). The *Czech Mining Office* had already defined the mining area in the meantime, so we filed an appeal in the name of the village, which the office refused in June of 2000. We have filed an administrative suit against this decision.

Besides legal aid, we are trying to help the village increase the natural value of its surrounding countryside, via revitalization. We have ordered for the village the help of *RNDr. Miroslav Šebela* from the *Moravian Regional Museum in Brno*, who wrote a biological-monitoring study for the territory in question. In cooperation with the nearest Regional Office (similar to a U.S. county office), we are working out, through a series of field trips, the specific nature of the revitalization project. In February 2000, we were filmed by the Brno television station regarding the revitalization of the *Nedakonice* Forest.

Strmilov, South Bohemia – An End to Plans for a "Chicken Factory"

We helped the citizens of *Strmilov* in southern Bohemia stop the plans of the firm *Bohemia Vitae* to build a hall-style, extremely large chicken-breeding plant in their village. The citizens criticized the plan especially for

the legally-unacceptable cruelty towards animals that it would cause, and also for the inappropriate cut it would make into the forested areas and biocorridors around the village. We primarily helped citizens in the land-use proceedings on the placement of the building, and on the building's "protective zone" (the minimum distance between it and sensitive natural features, etc.) We drafted around a dozen legal submissions, on the basis of which the District Office in *Jindřichův Hradec* repealed the land-use decision on permission for the construction, stating the decision had been illegal, and returned it for re-negotiation. At the end of 2000, the investor dropped the project.

In retrospect, we were wise when, at the beginning of 2000, we requested the drafting of an expert study regarding the planned construction. The study concluded that the proposed project would lead to cruelty towards animals in conflict with valid legal regulations, and thus we used it as evidence in the administrative proceedings regarding permission for the construction. The state veterinary administration viewed the study we submitted as correct. This was a precedent of a sort, since even though mass breeding plants provably lead to cruelty towards animals, administrative organs do not want to evaluate this type of breeding as illegal. We summarized our experience from this case in a seminar on animal cruelty, which we organized for *Společnost pro zvířata* (the Association for Animals).

EPS Helped to Organize the First Ecological Referendum in the Czech Republic

One special cause we undertook last year was not legal aid in the true sense of the phrase, but rather an independent campaign: successfully organizing the country's first local referendum on a city's environment, which took place in *Tábor*, South Bohemia. In this referendum, citizens were to vote for or against the planned construction of a road through the botanical gardens and down the *Jordán* levy, an ecologically and urbanistically extremely valuable part of the city's green space. With the help of other *Tábor* citizens, we composed the wording of the referendum questions, gathered over 3,000 signatures, organized a campaign to convince citizens to come to the referendum and vote against the construction of the road. Despite resistance from part of the city's representatives and the head of the District Office (the referendum was even temporarily illegally halted by the District Office), and unlike many preceding cases where bureaucrats managed to stop referenda through such steps (in *Havířov* and *Ivančice*), the voting did finally take place, and citizens voted down the city's road construction plan by a nearly 80% majority.



Foto: Gathering of signatures below a proposal for referendum

Citizens against Severočeská energetika's Plan to Build High-Tension Lines from Nový Bor to Varnsdorf

We helped the citizens of the North Bohemian communities of *Rousínov* and *Svor* in their efforts to prevent the construction of electric lines over the ridge of the *Lužické range*. The construction, which is motivated primarily by the interest of ČEZ, the national energy monopoly, to increase its possibilities for export of (domestically unnecessary) energy from the *Temelín nuclear power plant*, would amount to a significant bite out of the forests in *CHKO Lužické hory* (the Lužické Hills Nature Preserve, a 30m wide, 21 km long cross section area) and into the character of the local landscape, and could also negatively affect the stability of the water supply for the surrounding territory. We helped the local citizens, who were the very model of unity in their opposition to the planned construction, to found a civic association. We then jointly filed comments on the project's EIA documentation and on the prepared draft of the land-use plan for the area, which takes into account the power lines, calling them "publicly beneficial construction." In the meantime, the ministry of environment decided it was necessary to draft new EIA documentation for the project.

The Citizens of the Border Town Znojmo against Money-Blinded City Planning

In *Znojmo*, a group of citizens has been trying for several years to stop the haphazard and not very thought-out construction (supermarkets, gas stations, etc.) surrounding the city center, which has immense value both historically – it is a national memorial – and for city planning. These construction activities are closely related with the 90's entrepreneurial boom after the opening of the border with Austria.

After a grueling paper war, we managed to convince the *Ministry of Culture* to repeal the illegal agreement by the local authority for state memorial preservation (at the District Office in *Znojmo*) with the construction of a *Shell* station in the protective zone of the *Znojmo* memorial reserve. The construction as such thus came into conflict with the law, but unfortunately, only after its construction had been completed. On the basis of our filings, the *Ministry of Regional Development* also repealed as unlawful the appeal decision on the construction permit for the gas station. They then told the District Office to renegotiate the whole matter.

We successfully stopped the construction of a supermarket in the protective zone of the memorial reserve on the grounds of the city park, the building permit for which the authorities had issued unlawfully. After we successfully attacked the permit decision, the investor backed away from the project.

Civic self-organization is more difficult to achieve in *Znojmo* than usual, which makes communication more difficult and lowers citizens' ability to take action. Therefore, besides consultations and meetings with public officials, we also organized a seminar for citizens on the legal aspects of civic activities and helped to found an umbrella group.

Construction of a Firing Range next to a School Prevented

We can now safely say that the children of the elementary school in *Podomí*, near *Vyškov* in south Moravia, won't need to fear bullets on the playground. The problem was not youth violence, but a planned sports firing range that was to be just 260m from the school. After we drafted a legal analysis of the illegality of the plan and citizens organized a petition, the municipal office repealed its decision to permit this construction, and the investor then backed away from the plan.

Citizens Fight the Destruction of the Forest Adjacent to Hodonín

We offered legal aid to the civic association "*Borovice*" (Pine) from the small Moravian city of *Hodonín* during

their campaign against the city office's plan to cut down a neighboring forest, which acts as a very effective natural noise and air-pollution filter, and build suburban-style homes there. We visited these citizens in person and filed an appeal to the *Ministry for Regional Development* in their name. The city eventually backed away from the plan.

Citizens vs. an Asphalt Plant in Horní Benešov

We offered legal aid to the civic association "*Za zdravý život Hornobenešovska*" (For a Healthy Horní Benešov Region) in their attempts to reduce the irritating emissions from a plant that produces asphalt roof coverings. We helped them find a firm capable of measuring the concentrations of these foul-smelling emissions in the atmosphere; we also helped them find information needed in order for the measurement to take place.

Due to obstructions on the part of the local city office and the plant operators, the process of acquiring information turned out to be quite complicated. Even though the city office's illegal decision was overturned three times by the district office in *Bruntál*, the city office and the plant operator refuse again and again to provide information. We visited the community several times and took part in several meetings. We will continue to take part in this cause until the needed information is obtained.

Trees Are More Than an Obstruction!

North Bohemian resident Mr. Novák, from *Liberec*, decided to take a stand against a heedless practice of the electricity-distribution companies during their maintenance of power lines: they unnecessarily chop down trees and mangle treetops throughout the landscape and in communities. In Mr. Novák's name, we sued *Severočeská energetika*, the local power-distribution company, for damages to several mature linden trees he owns. The suit is still in court. If we win, we want to draw media attention to the court's decision in this case, so as to draw national attention to this, in our opinion barbaric, practice.

Aid to Environmental NGOs' - Efforts to Protect the Environment

"I can't agree to let eco-nomads who ride from action to action have more authority than the state administration."

Antonín Peltrám, former Czech Minister of Transportation and Communication

Though we consider help to non-organized citizens the most important part of our work, we also consider help for environmental organizations as the most effective, as professional ecological organizations **work on the country's most important environmental cases**, such as the Temelín NPP, and thus our work is sown on the most fertile ground. The experienced staff at NGO's also is capable of putting our work to use in campaigns, for example in the form of press releases. By helping ecological NGO's, we **weaken the element of amateurism** in their activities and strengthen the groups themselves to the point where they can stand up to large national companies that have access to well-paid legal staff to promote their aims. **Our legal aid is not our only activity in this field** – if no organization is involved in an important cause, **we start proceedings ourselves**, on our own initiative (as in, for example, the case of the suite against Danone or the Nové Mlýny case) and in these cases, the tables are turned – NGO's aid us.

However, in this area, there is **typically only a quite small number of victories**, since:

1. Serious cases, like fuel loading for the Temelín NPP or clearcuts in the Šumava National Park **are decided** at the level of administrative authorities on the basis of **political will, and not legal argumentation**.

2. **Administrative courts and the Constitutional Court offer more protection** to the traditional entities defined in administrative and constitutional law – that is, to **citizens as individuals** – than to civic associations that defend the public interest. (The stronger protection for the human and civic rights of citizens as individuals in constitutional norms corresponds with this.)

The Battle over Povodí Moravy a.s.'s Plan to Raise the Water in the Novomlýnské Reservoirs

Since February of 2000, with the help of *Hnutí DUHA* (the Czech chapter of Friends of the Earth) and *ČSOP* (the Czech Association of Nature Protectors), we have been striving to prevent the plans of water-management firm *Povodí Moravy, a.s.* to re-raise the level of the *Nové Mlýny reservoir* on the *Dyje* river, near the *Pálavské hills* in South Moravia, allegedly in order to raise the output of a small hydroelectric plant. This rise would destroy the renewed wetland forests that have grown on shoreland exposed in the four years since the reservoir level was lowered. It would also cause flooding of artificially-created islands that the company built with funding from the *Ministry of Environment*. Artificial, yes – but serving as natural biocorridors, and also serving to revitalize nature at the *Nové Mlýny Reservoir*.

From the end of 1999, a total of four administrative proceedings on the reservoir's water level alone have been in process. Two of these involve the District Office in *Břeclav*, two more commenced by

Česká inspekce životního prostředí, the Czech environmental-monitoring government agency, at the *Ministry of Environment's* behest. The District Office and the *Inspekce* both issued preliminary corrective measures in the middle of last year; these were supposed to temporarily define the water level. The District Office ordered the firm to raise the water; in reaction to this, the *Inspekce* issued a preliminary measure to do the opposite – to



Foto: Novomlýnske reservoirs

preserve the current lowered level. EPS is a participant in the proceedings, and we have filed a number of legal documents related to them: one for the inactivity of the first-instance authority, a complaint on the inactivity of the department of the *Břeclav* District Office responsible for executing the state administration's decisions, and a request to the *Inspekce* for sanctions against *Povodí Moravy*, on the basis of which sanctions proceedings did indeed begin. We took part in a large number of meetings at the *Ministry of Environment* and the *Inspekce*, including four meetings with the *Minister of Environment* (at a closed meeting, the minister personally praised EPS's work on this case, but we, as much as we would like to, cannot rightfully praise the Ministry's work on the case). We are planning to file a criminal complaint against the staff of *Povodí Moravy* for violation of their responsibilities in managing public funds.

Illegality in the Permit Process for the Temelín Nuclear Power Plant

EPS took an active part in the campaign against the start of trial operation for the *Temelín NPP*. For a coalition including *Hnutí DUHA*, *Calla*, *Greenpeace*, and *the South Bohemian Mothers*, we composed a legal brief criticizing the decision of *SÚJB (the State Nuclear Safety Office)* to permit the loading of nuclear fuel. After this brief was rejected, we also filed an administrative suit. EPS spoke before Czech and Slovak judges regarding the absurdity of the permit procedure for activating the *Temelín NPP* at the Slovak "Public Interest Law Conference" in October of 2000.

One partial success in this cause was our proposal that permission be granted to re-open the permit process, and a brief aiming to initiate a review of the decision to change the *Temelín NPP* construction project just before completion outside of the appeals process (for the absence of an EIA and the violation of the rights of participants in the proceedings). The District Office turned down the proposal to renew the proceedings, EPS appealed, and the *Ministry for Regional Development* judged that EPS was right and returned the matter for re-negotiation, which is currently ongoing.



A Suit Against Danone to Protect Eco-Farmers

Around the end of 1999, we joined the civic association *Ars Aequi et Boni* in submitting a suit against the firm *Danone*, in the name of representatives of ecologically responsible farmers (the Pro-Bio Association). *Danone* had been using the word BIO on its yogurt products. By law, however, only the products of ecological agriculture

Foto: Demonstration in front of Temelín Nuclear Power Plant

can use this word on their packaging. Danone was thus deceiving consumers and parasitically taking advantage of the reputation of properly registered eco-farmers.

At the company's behest, we led almost a half a year of negotiations with their legal representatives, trying to reach a peaceful settlement. We submitted a proposal for preliminary measures for the court to use in order to prevent the product from reaching the market. In the meantime, the court requested several times that we provide more evidence to supplement that in the original filing. The concrete result of the suit was the fact that (after the media pointed out the case), the *Olma company in Olomouc* turned to *Kontrola ekologického zemědělství*, an eco-agriculture quality-assurance company, requesting information on the conditions that must be met to obtain the BIO certificate. Within a quarter year later, they had brought a true Bio yogurt, named Dr. BIO, to market. We also began negotiating with *Galas a. s.*, the manufacturer of YOPLAIT BIO ACTIV yogurts, to convince them to withdraw their deceptively-packaged product from the market. The firm promised to take the product off the market within the year, and in the meantime, the new law on ecological agriculture, passed last year, came into effect and required to do, in essence, precisely that. Although the proceedings have not yet come to a close, we consider the Danone case to be precedential for the legal procedures used against multinationals that abuse their economic weight and compete in illegal ways with local producers.



Label for organic products

The D8 Highway's Slice through the České středohoří Hills

For two years now, we have been offering all needed legal aid to the civic association *Děti Země* (Children of the Earth) for their attempt to promote the more eco-friendly variants for the path of the D8 highway through the *České Středohoří CHKO* ("protected landscape area," a specific, legally-defined type of preserve) and *the Krušné hory* "nature park" (another legally-defined category). Due to the current political situation, where accelerated construction of highways is idolized by nearly all political parties, neither legal nor practical arguments have, for



Foto: The protected area České středohoří

the moment, much chance of success in highway-related administrative proceedings. Even though we took part in the drafting of more than ten voluminous legal filings and in several meetings, we did not succeed in altering the highway's route for the better. Despite the glaring illegality of the decisions involved, we also did not succeed in getting any of them overturned. Unfortunately, "mere" illegality is not a sufficient justification for issuing corrective measures in our times..

The most important event of last year in connection with this case was the *Ministry of Environment's* issuing an exception from the protective conditions of the *České Středohoří CHKO*. We drafted a very detailed analysis criticizing this decision, which the relevant

commission of the ministry processed near the end of the year. Despite a number of illegalities, the commission decided in the fashion that, for that matter, was to have been expected: they recommended that the minister grant the exception. This is an unprecedented decision, as this is the first case in domestic history where a ministry of environment has given agreement to a highway. This decision will doubtlessly negatively affect the permit process for other highways planned in the country as well. For this reason, we are preparing to file an administrative suit against the act of granting of the exception.

Logging in the Core Zone of the Šumava National Park

We have offered various forms of legal help to *Hnutí DUHA* in connection with the campaign against logging in the 1st (core) zone of *Šumava National Park*. No study has proven the need for this highly damaging logging in the most strictly protected zone of the park. Meanwhile, the administrative proceedings related to permission to log are a mere farcical juggling game, where the forest management department of the park's administration proposes to issue an exception from the legal regulations regarding the national park, and the administration's state-administration department grants the exception.

The Ministry of Environment, which has the right to issue exceptions for actions that could impact specially-protected types of plants and animals, works from the assumption that no exception is needed, as the logging itself is nature protection and that therefore no intervention (as defined in the law on the protection of nature and the landscape) is occurring. Yet in truth, the logging is being ordered in the framework of the forestry law for forest protection, and the conflict of interest here is clear, in light of the damage that is being caused.

At the same time, the "Šumava" case is a sad reflection of the state of the Czech administrative courts. EPS has been a participant in administrative proceedings on the permission to log in all zones of the park. We have submitted two administrative suits, and against the decision by *the High Court* in Prague, which refused to deal with *Hnutí DUHA's* suit against the decision of the Minister of Environment, we even submitted a constitutional complaint. Because the Constitutional Court also refused to handle the matter, even though this is, in our opi-



Foto: Clearcut in the Šumava National Park I.

nion, a clear case of the violation of the constitutional right to a fair trial, we submitted a complaint to *the European Court of Human Rights in Strasbourg*.

We also helped draft a complaint to the *Česká inspekce životního prostředí* (the national environmental monitoring agency) and later also a criminal complaint against the responsible employees of the park administration for delayed processing of wood from blown-down trees; this delay very likely caused a worsening of the termite calamity that has afflicted these forests in recent years.

When the National Park Administration and *the Šumava CHKO* decided after a year to give "exemplary sentences" to selected participants of the 1999 blockade of first-zone logging, and to continue to conclusion the misdemeanor proceedings against them, an EPS lawyer represented 8 of the accused during face-to-face negotiations and then issued an appeal in their name, as the blockade participants' actions (that is, the blockade itself) was action taken in an extremely grave situation, and furthermore, there was not sufficient evidence for their concrete misdemeanors. The misdemeanor proceedings eventually ended due to the statute of limitations.

The Liberec Incinerator – An Effort to Use Criminal Law against a Plant That Endangered Local Citizens with Dioxins

EPS is offering legal aid to the civic association *Děti Země Liberec* (the Liberec branch of Children of the Earth), which is trying to stop the operation of the local incinerator, which processes dangerous wastes. During trial operation (permitted by *Česká inspekce životního prostředí* only up to 30. 9. 2000), dioxin emissions exceeding by several times the limit set by *the ČIŽP* and by the amended government decree on emissions were measured. Also, the operation of the incinerator has continued without a new permit, after the expiration of the trial-operation permit. We filed a complaint to *the ČIŽP* and helped *Děti Země* draft a criminal complaint about the incinerator's management. We are also preparing for a civil-law suit on this issue.

Help for the Beskydčan Association

In the name of *the Beskydčan association*, which has, among other activities, long been involved in nature protection on the highest peak of *the Beskydy mountains, Lysá hora*, we filed an administrative suit against the *Ministry of Environment's* decision to grant an exception from the protection conditions of *the Beskydy CHKO*, so the vehicles that maintain ski routes (these are a sort of "snow steamroller") could drive outside of designated paths. The exception proceeding related to the issue of the future operation of a ski route, in connection with the topsoil and the ecologically-valuable plants in the CHKO's 1st (core) zone have been repeatedly damaged. The proceedings are still ongoing.

"Green Brno" – Solving Issues Related to the Permits for Construction Projects Comprising the "Large Brno Bypass"

In 2000, we began actively taking part in solving the problems related with the construction of *the "Great Brno Bypass"* (also called the "Large City Bypass"). This is a strip of road cutting through suburban areas, intended to solve the "outflow" of transit traffic from *Brno*; this comes, however, at the price of relatively serious effects on the city's ecology and on city planning. We took part in public EIA negotiations regarding *the Brno-Pisárky* overpass and filed a complaint on their approach during the EIA procedure, and filed a petition in the framework of the procedure.

The Human Rights Protection Program Included OPH Project

"Even small things help great things."

(Horatius)

The program for legal protection of human rights was born as a result of an attempt to transfer our legal and ecological know-how to the area of solving other societal problems which have so far been lacking access to the kind of legal force that could help solve them. Thus the "**Poradna pro ženy v tísní**" (Counseling Center for Women in Crisis) was born; this entity, located at the Brno office, offered advice and representation in 2000 to women who were the victims of domestic violence. Besides EPS staff members, a volunteer, Supreme Court lawyer Markéta Huňková, offered invaluable help here.

While in the case of the Counseling Center, the clients turned directly to EPS (without coming through another non-governmental organization), there are other cases where we **protect the interests of children and offer legal aid** to human-rights organizations that cover these areas – primarily the regional branches of the Fond ohrožených dětí (Endangered Children's Fund). Lastly, we tried to provide at least a little help to **handicapped minorities**, which includes, for example, aid for the DROM non-governmental organization representing Romany (gypsies) in Brno. Because aid to endangered children and women is potentially a never-ending task, we have focussed mainly on the most serious cases (like, for example, sexual abuse of children) and cases of a precedential nature.

Our "Civic Legal Observers" project is a special aspect of our activities for protecting human rights.

Aid to Women and Children Who Are the Victims of Domestic Violence

"Do not battle persons; battle their vices."

(Marcus Aurelius: On Responsibilities)

The Case of M.C – Mediation and an Attempt to Reach an Agreement between Partners

This case was sent to us from ROSA as a case of domestic violence, but it later became apparent that the main victim of the turbulent marriage of the C. family in Prague was not the parents themselves (although physical and several verbal violence were present here), but rather their eight-year-old son M. The son had been placed in a diagnostic institute as a result of major psychic deprivation (his father had turned him against his mother, so he even attacked her with a knife), and was later placed in a children's home. The threat existed that he would remain permanently in institutional care.

Together with *the Centrum náhradní rodinné péče* (the Foster Care Center), with the locally competent child-care authorities, and with the children's home, we began negotiating an agreement on who would raise the child, one that would allow the child to be placed in the mother's care while creating a conflict-free method of contact

between the child and his father (the father regularly changed his standpoint, from absolute refusal of any contact between the son and his mother to willingness to see the child enter her care). Several meetings took place; at these, EPS acted for the mother, and *the Foster Care Center* for the father, as an independent, objective entity between the feuding parents. We composed an agreement, but just before it could be concluded, the husband "took a trip" and has informed no-one of his situation for over a year (he is still at large). The mother could thus reestablish ties with the son, and at the beginning of summer, the proceedings for placing the son in institutional care were stopped on EPS's request. The son returned to his mother's care. The relationship between her and the boy have begun to significantly improve, are at present normalized, and now the divorce proceedings and the official placement of the child in the mother's care must be finalized.

Mrs. K. – Successfully Defended from a Dangerous Partner

Mr. K. is a dangerous repeat offender; in his last conviction, for armed robbery, he was sentenced to unconditional imprisonment. After returning from jail, he moved in with his wife and daughters (17 and 13 years old), and began bullying them – he beat them with a nail-studded leather belt, he was nearly constantly threatening them with a knife (which he even had on his nightstool so he could place it at his mother's and daughters' throats during threats). After the wife turned to EPS's counselling service for women in crisis, we filed a proposal for divorce and for ending their shared apartment rental, a childraising proposal, preliminary measures for preventing contact, and above all, several criminal complaints: for harm to health, infringing on the family's personal freedom, blackmail, violence against a group of persons and against an individual, and abuse of a dependent. The police cooperated very well with EPS in this case; they forced the offender to leave the apartment and prevented contact of any kind with the family. At present, Mr. K. is again in jail, for robbery, and Mrs. K. is currently divorcing him.

Mr. A. – Protection of Paternal and Children's Rights

Mr. A. from *Domažlice* is the father of three children. After the divorce, all three were given to the mother, who wants them to be in her care, even though she has major nervous problems and was not able to handle raising them. The children bore the marks of violence – this was not an appropriate environment for growing children. The middle child, a daughter (9 years old), ran away to her father and wants to remain with him; she refuses to return to the mother, who is trying to gain her back. The father's proposal for the child to be placed in his care was, however, turned down by the district court. The decision was based on a very bad expert study, and was insufficiently reasoned. EPS filed an appeal, and *the Endangered Children's Fund* drafted an alternative study, a proposal for preliminary corrective measures, and a standpoint on the proposal to put into practice a divorce decision; at the moment, divorce proceedings are underway.

Mrs. S. vs. her Parents

Mrs. S. is a young woman who got off to a bad start in adult life: she divorced her husband early and is living with her small daughter by her parents, who are entrepreneur. Her parents treated her as if she were legally incapacitated and terrorized her. With the help of *the Endangered Children's Fund*, she hid in a shelter house. Her parents want to place the granddaughter in their care, and filed a proposal for this. EPS responded to this proposal in a brief that showed it to be in conflict with *the Convention on Children's Rights*. All is quiet around the case for the moment; we do not expect any court to agree with any proposal such as theirs.

Mrs. M. – An Unbelievable Story with an Unhappy Ending

Mrs. M. from *Bystřice pod Pernštejn*, is a single mother. She was raised by adoptive parents; after conflicts between them, they rejected her and placed her daughter in their own "care." Because the daughter had run away from home and because she had neither work nor a place to stay, her son was placed, in a preliminary court measure, in the care of the grandparents, even though he is visibly being manipulated by the grandparents and turned against his own mother in such a way that, for example, the son began spouting racial slurs at her (as she is of Jewish origin and the adoptive parents are not).

The mother did not agree with the court's decision to place her son in the care of the grandparents, as such a style of upbringing is absolutely inappropriate for the future development of her young son and for the formation of his personality. Furthermore, the child has become more and more mentally ill under their care. Mrs. M. turned to *the Endangered Children's Fund* and filed, with EPS's help, an appeal against the preliminary measure. In the course of the suit, Mrs. M. gave up the "fight" for her son, and now is trying, with EPS's help, to at least achieve an adjusted visitation regime.

J. K. – Representing a Sexually Abused Girl before the Criminal Court

If asked for a classic example of helplessness before a hostile family environment, we would name the case of fifteen-year-old J. K. from *Písek*, who was repeatedly sexually abused by her father. At her mother's behest, the local branch of *the Endangered Children's Fund* issued a criminal complaint against her father, in the course of which the father (without much ado) admitted his guilt. The court soon released the father, however, as there were no longer legal grounds for detention. The father lived with the daughter in the same apartment, where he began threatening her and had a negative psychological effect on her. With the help of *the Endangered Children's Fund* and the police, the child "hid" at her grandmother's apartment in a neighboring village. EPS represented J. K. at the court during the main standing so she would not have to stand alone against her father and his lawyer. Meanwhile, EPS submitted a proposal for the father to be stripped of his parental rights. In the name of the mother, EPS submitted a divorce proposal and a proposal for placing the children in the mother's custody.

During the standing, the mother changed her decision to leave the father and turned against her daughter (which is typical for such cases). She returned to the husband and withdrew the divorce proposal. The court finally decided on parole for the father, as after her "change of winds" the mother told the court that imprisonment of the family's breadwinner would only hurt the family. EPS at least succeeded in stripping the father of his paternal rights. We could not, however, prevent a tragedy for the girl – after her grandmother was hospitalized and the rest of her family abandoned her as a "black sheep," she ran away to become a prostitute in North Bohemia, where the child-care authorities found her and placed her in a children's home.

Mr. L. – Successful Use of the Convention on Children's Rights

We helped Mr. L. achieve his right to raise his own son. The L. family from *Hradec Králové* divorced at the beginning of the 1990's. They have an eight-year-old son, David, from their marriage; the courts put the son in his mother's care. The mother, however, severely neglected the child, and eventually he was solely in the care of his grandmother. Therefore, he was officially placed in her care in 1997. In the meantime, Mr. L. remarried, bought a house, and concluded that he could raise the son together with his two stepsons. He thus asked for David to be placed in his care, but the courts turned down his request. In the course of the first-instance proceedings, relations between him and the grandmother markedly worsened, and the grandmother began manipulating his

son. This led to nervous problems for his son.

EPS prepared a supplemented appeal for Mr. L., in which we used the argument that the court's decision had been in conflict with *the Convention on Children's Rights*. Meanwhile, we also represented Mr. L. before the court. After long and dramatic negotiations, the District Court returned the child to his father's care. We successfully used argumentation based on *the Convention on Children's Rights* in this case: under *the Convention*, a child can be taken from his or her blood parents only in cases where the parent is not capable or willing to care for the child, which was definitely not Mr. L.'s case.

The H. family – Fighting for an Apartment to Fight for a Child

The H. family, a couple from *Hradec Králový*, are parents short on intelligence and finances (they both come from troubled families, and have troubles running a household, keeping a job, etc.), but still long on love for their children. Their children were taken away from them on the request of the *OPD* (*the Child Care Department*, "OPD" below) for quite suspicious reasons, and according to the Endangered Children's Fund, a certain children's home's trade in healthy white children was behind the decision. The management of the children's home in question allegedly cooperates with *the OPD* to place such children in the adoptive care of childless couples for exorbitant fees. There is, sadly but understandably, a major lack of white children for adoption, and thus there is pressure for them to be taken from parents. In any case the H. family, in addition to other troubles, ran into a problem where under pressure from the landlord of the house where they lived (and did not pay rent), they changed the apartment's rental contract from an open contract to a limited-time contract, and were told to leave when the contract ran out. The court decided that the resolution of their living situation was a precondition for their children being returned to them, and so we decided to try to save the apartment. Fortunately, the change to the contract contained illegalities, and so once we had confirmed that the landlord does not need the apartment (which is in a quite unattractive location) and is more or less not determined to make the H. leave, we began negotiating an agreement where the H. promised to pay rent and invest in reconstruction of the apartment, and the owner closed a new limited-time contract with them. The negotiations were on the right track for a long time, but now the landlord is backing away from the agreement and again requesting a continuation of the suit against the H.

Mrs. P. – Evening Odds in Court to Protect a Child

Mrs. P. from *Prague* is a submissive woman, practically incapable of negotiating with bureaucrats, and lacking the money for a lawyer. Her husband, an entrepreneur, left her, lived with a lover, and visited the family only as a "service station" (for washing, ironing, etc.); he also bullied and physically attacked the wife. When she submitted a divorce proposal, he decided to request that the children be placed in their joint care, in order to preserve his current comfortable situation. In light of our experience so far, where the father behaved badly while raising the children (e.g. he had no interest in the daughter, only in the son; he took the children to the cottage where he stayed with his lover, etc.), this had to be prevented. Because he is a very charismatic and capable speaker, and because he hired a lawyer, the mother was almost helpless against him. The case stretched on, however, to last almost a year, and it was not at all clear how it would end. Finally, in October of 2000, the court decided to place the children in Mrs. P. care.

A Refugee from Kazakhstan in the Hands of Blackmailers

A Kazakhstan citizen of Russian ethnicity, Olga V., has been living in the Czech Republic for the last four years; her two children speak only Czech. She was banned from living in the country due to her use of false stamps (she could not afford the fees for the required extract from the Kazakhstan national criminal register), and is threatened with deportation. Hers is a borderline case for seeking asylum, and in light of the asylum situation in the Czech Republic, she apparently will not be granted asylum. She cannot, however, return to Kazakhstan – she is a Russian lady, tall, blond, college-educated, and Christian, with no male relative, and with children who are of Russian nationality and ethnically one-quarter Korean. In short, the type of person who is viewed with extreme prejudice in Kazakhstan.

In the Czech Republic, she was blackmailed by her former Czech husband, who married her for a large sum of money in a “fake marriage”, and by the Russian mafia, and was likely also sexually abused by her lawyer. EPS is helping her in the asylum proceedings (participation in negotiations with police and in interviews); now, a year and a half after the ban on living in the Czech Republic, we are requesting that the state forgive her and reverse the deportation order.

Mrs. Š. – a Wife Dependent on a Bully

The Š. family of Brno are both capable entrepreneurs, but their marriage is marked by extreme conflict. They have three children, of which two are minors. Mr. Š. has problems with alcohol. He bullies his wife and children, he is aggressive (when drunk, he threatens his wife with his legally-owned gun). Their children are depressed from the conflict (a tendency towards drug addiction, gambling, prostitution), and now the family is seeking therapy. We helped Mrs. Š. to divide matrimonial property, and proposed about 8 preliminary measures for defraying her living costs. We also tried to achieve a ban on contact between the couple, but without success. Furthermore, we submitted a divorce proposal, but Mrs. Š. has proven to have a sick dependency on her husband. When we submitted a criminal complaint for harm to health and threatening dependents in her name, she ended up retracting all of these filings.

Mrs. H. on the Run from her Husband

Mrs. H. of Brno is a young wife who ran away from her home to escape physical and psychological bullying by her husband. She has a three-year-old son who she left with the father, and the only contact which the father allows between her and the son is contact in the presence of staff from *the Endangered Children's Fund*. We submitted a proposal for divorce and for her to take over the child's care and upbringing, as well as a criminal complaint for harm to health and restriction of personal freedom.

Mr. R. P. – Protecting a Young Homosexual from Libel

Mr. R. P. is a young, retarded homosexual who was sexually abused by his psychiatrist, MUDr. Š. It was proven that he was in homosexual contact with his patients, taking advantage of their dependence on him (e.g. the Nova television station broadcast a video recording in which MUDr. Š. sexually harassed a young patient who was actually a “mole” from *the Endangered Children's Fund*). When defending himself in an article for *Blesk* magazine, MUDr. Š. said of Mr. P. that he was a homosexual prostitute willing to do anything for money. Therefore we submitted, in Petrlík's name, a libel case against both MUDr. Štembera and *Blesk* magazine (three court cases have taken place to date), and meanwhile submitted a complaint to *the Česká lékařská komora* (the Czech Physicians'

Board). Our goal is now to make this case serve in the future as a visible warning to other psychiatrists who take advantage of their patients' dependence on them in similar ways.

Legal Aid to Romany Citizens, Czech/Romany Leaflets on Legal Topics

"Sakoneske akada hin zaručeno andro pravos andro zakonos, hin pisindo andro maškaro nacionalna liľa" – Romany for "Basic rights and freedoms are guaranteed to all, regardless of their nationality"

(art. 3 of the Charter of Basic Rights and Freedoms of the Czech republic)



In the framework of our human-rights program, EPS cooperates with *DROM*, an organization that defends the interests of Romany (gypsy) citizens in Brno. *DROM* cooperates with the Brno-střed city district's Ward Office to compose a project for the reconstruction of apartment houses followed by what is called "community accommodations." In the framework of this project, the individual renters worked for free on the reconstruction of apartment houses owned by the city. The city then waived their rental debts and enabled them to

obtain new rental contracts. EPS drafted "settlement contracts" for *DROM* and the Ward Office, and the Romany involved did indeed receive new rental contracts after "paying" their debts via self-help work on repairs to buildings. We also organized two seminars for *DROM* on contractual relationships and on the legal protection of children and family life.

As a part of our aid to Romany citizens, we published (for the first time in the Czech Republic) **two bilingual Czech/Romany leaflets** focussing on the legal standing of citizens in rental relationships and on their legal options for defense against racial discrimination. We offered sample leaflets to hundreds of government agencies and non-governmental organizations across the republic, especially to district offices and city offices in cities with a large Romany community. Many recipients (primarily government offices) replied; we sent them leaflets and they handled their distribution among Romany social workers and other Romany citizens.

Foto: Seminary for Romany social workers

The Civic Legal Observers Project

„I can't help myself: even after ‚black Tuesday‘ [a day during the Prague World Bank/IMF meeting, marked by violent demonstrations], I still consider the Civic Legal Observers to be one of the few unquestionably positive aspects of the events around the September meeting. I especially appreciated their efforts to position themselves between demonstrators on the one side and the police on the other.”

(Tomáš Feřtek, in a statement for Reflex magazine)

Another burning issue that we covered in the framework of our human-rights program is the monitoring of state powers' observance of human rights. The fruit of our efforts in this area was our "Občanské právní hlídky" ("Civic Legal Observers"; "OPH" below), modeled after similar projects abroad. These are independent observers at demonstrations; ours focussed specifically (but not only) on the events in the course of the protests against the Annual Meeting of *the World Bank* and *the International Monetary Fund* in September 2000 in Prague. **The goal of the OPH was to monitor the situation in the course of the protests and to record moments of crisis in photographs, on video, etc., as well as through their role as personal witnesses, for the purposes of any eventual future evaluation of the appropriateness of police officers' actions and investigations of actions taken by protestors.** The OPH project's legal-aid center had the task of offering legal information to those detained during the protests, in those cases where the police was breaking laws. It also had the task of preparing the legal analysis of the situation for the OPH Press Center. The lawyers involved often had to travel abroad so OPH could help solve situations where people were unlawfully denied entry to the Czech Republic. One example is the successful overturning of the police intervention against the train that was carrying activists from the Italian leftist movement *Ya Basta*.

At the beginning of the project – in spring of 2000, we contacted *the National Lawyers Guild* in the US; this professional association, which joins lawyers who defend human rights, offered us its experience. After the project was ready, we began negotiations with the Ministry of Interior of the Czech Republic, and *the Policejní prezidium* (the Police Presidium). After several difficult negotiations, we reached an informal agreement with these entities. In this agreement, the police promised not to consider clearly and visibly designated members of the OPH team as demonstration participants, thus giving them a status in the demonstration similar to that of news reporters. **One relatively large success was *the Prezidium's* promise on the basis of which the uniforms of policemen at demonstration were finally clearly marked, with number 12 x 3.5 cm in size – this after 10 years of the police refusing to wear such markings.** Furthermore, the police promised OPH that it would have partial access to police stations (in practice it did not keep this promise) and to proceed justly and lawfully when dealing with foreigners (it did not keep this promise either).

After intensive recruiting of volunteers (primarily college and university students) and obtaining clothing, etc. for identification (turquoise vests and caps marked "OPH", OPH badges) and communications equipment, we organized two two-day trainings for those interested in voluntary cooperation as observers on the OPH team. During these trainings, they were schooled in relevant psychological, legal, technical, and medical issues, learned to work with videocameras, etc., and obtained information on the typical course of a demonstration.

One of the goals which we set for ourselves in this project was to inform the broadest possible range of participants at the September demonstrations of the legal aspects of public protests and demonstrations. The sense of this effort was to ensure that both foreign and domestic participants of the protests who did not



aim to break Czech laws intentionally also did not break them unintentionally. To this end, we published a leaflet called *"The Legal Situation of Demonstration Participants,"* which described in detail the rights and responsibilities of both the police and other citizens during protests, and which was published in four language versions – Czech, English, German, and French, with a total of 20,000 copies printed. We also published 10,000 copies of cards with contacts, called *"Legal Aid from Legal Observers."* The original aim of publishing these cards was a result of the promises made during the meeting with the *Prezidium* (see above) – we wanted to enable those held at police stations

to contact us so we could come for consultations. We also created OPH web pages – www.oph.cz – etc.

During the September protests, nearly a hundred OPH team members roamed the streets of Prague at various times, coordinated by the OPH Coordination Center. From their recordings during the week of September 22nd-29th, we assembled an archive of over 120 text documents (written accounts of observed actions, eyewitness reports on police interventions and by those arrested or taken to a police station, description of photo and video documentation, etc.). The OPH observer teams were present at the sites of the sharpest conflicts, as well as the sites of non-violent protests. In some cases, they ended up acting as negotiators between demonstrators and police, especially in cases where the language barrier was blocking communication. The OPH Press Center issued nearly 40 press releases over the course of the protests, the OPH's texts, etc. were used by major world press agencies (*Reuters, AP, AFP*), and the OPH were referred to by *CNN, BBC* radio and television, and print publications like *the New York Times, the Wall Street Journal, and Washington Times, and the Guardian*.

A key (and unexpected) task was laid upon us when, on September 27th, accounts of police violence at police stations began to appear. During the days that followed, the OPH's legal-aid center succeeded (with the help of dozens of human-rights activists and interpreters from around the world) in assembling a database of over 500 names of detained persons. For a number of them, we obtained information on where they were held and on what was going on at the police stations. OPH staff then listened to accounts from 70 of these persons. At the Legal-Aid Center, we provided separate mobile-phone contacts for many languages during the greatest flood of information on the events at police stations and requests for help. These contacts included English, Spanish, Italian, and German hotlines, and in cases of need, we also found Polish, Hungarian, Swedish, Danish, and Greek interpreters. We tried to inform the media of what we were hearing (relatively unsuccessfully, in light of the prior violence of the militant extremists so called *„Černého bloku"* (The Black block).

According to detainees' accounts after release, police beat detainees, and this even in the most sensitive areas (stomachs, genitals, kidneys), bullied them (e.g. forced them to stand or kneel for long periods of time in unnatural positions), terrorized them, vulgarly insulted them, and did not give them food or water. They refused them their right to legal aid, forced them to sign documents without the presence of an interpreter or with an imprecise and misleading interpretation. Those detainees who had been injured during violent police intervention were in some

Foto: Legal observers (OPH) on the street

cases never offered medical aid, or offered extremely delayed aid. Numerous accounts mention the illegal destruction of photographic materials, videocassettes, photo cameras, mobile phones, and video cameras.

Those OPH observers who were present at the mass police “roundups” (such as the evening police strike on Štepanská street) attested that the vast majority of those arrested were non-violent protestors, and that furthermore dozens of innocent bystanders were arrested! It would seem, then, that officers’ actions at stations were more “institutional” revenge against “them protestor crooks” than personal revenge against specific persons, which might be considered more excusable. The nature of officers’ behavior also attests to this: besides directly brutal actions, they often used bullying and sophisticated humiliation techniques on detainees.

The legal steps which OPH then took quantitatively vastly exceeded the framework of the original project; one proof of this is the fact that they are still ongoing. We went to the authority competent to investigate criminal acts by police officers – the *Inspekce ministerstva vnitra* (the Inspection of *Ministry of Interior’s*) – with many pieces of concrete evidence and eyewitness accounts of events at the stations. In the 26 most serious cases, we filed criminal complaint, and we also filed four Constitutional Complaints and complaints under government decree 158/1950 Ú.I.

Despite the serious nature of the facts we had found, supported by independent, individual eyewitness reports from a number of Czechs and foreigners, and in some cases also including doctors’ confirmations of injuries, **the *Inspekce* responded to our filings with an approach that can only be called biased, subjective, and sluggish.** The *Inspekce* did not contact a single foreign witness (it heard only two complainants from the Czech Republic), it did not compare the policemen’s accounts to check their consistency, and it belittled the evidence we provided. The cause of this clearly lies in the fact that the *Inspekce* is, not only from the legislative standpoint as regards its competence under the law on police, but also, and primarily, from the standpoint of its de facto standing and its staffing, undeniably a police authority. As such, it functions (no matter whether deliberately on the basis of “false solidarity,” or unintentionally due to its own incompetence) not as an independent body for investigating crimes by the members of the country’s security forces, but rather as a veil, and as a broom to sweep such crimes under the table when needed.

The London center of *Amnesty International* stood up for us, as well as the *International Federation for Human Rights (FIDH)* and *Human Rights Watch*: they included OPH’s findings in their reports on the state of the observance of human rights in the Czech Republic. *Amnesty International* has informed about findings of OPH on page www.amnesty.org. Results of OPH findings have been used also by *US Department of State* in its Country Reports on Human Rights Practices (on address <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=733>). **Also President of the Czech Republic Vaclav Havel invited us, to give us moral support for advancement of the OPH project.**

Further activities from the start of 2001 are aiming towards the transferral of the whole case to *the Ombudsman*, a publicly-appointed national-level defender of citizens’ rights, and submission of a report to the most important world human-rights institutions – *the CPT Committee*, founded on the basis of *the European Convention on Preventing Torture*, *the Human Rights Committee* founded on the basis of *the Political and Civic Rights Pact*, and *the UN Committee against Torture*. Several victims of concrete, thoroughly-investigated, and unpunished cases of police brutality are turning, with EPS’s help, to *the European Court of Human Rights* in Strasbourg. We will also strive to change the way in which police crimes are investigated in the future, and to change (improve) human-rights NGO representatives’ access to police stations and other closed spaces where detained persons are held by the police.

Promoting the Right to Information

"No written reply is being prepared in response to your filing."

(The public relations officer of the Ministry of Industry, in response an EPS staff member's question on whether or not the ministry was processing our appeal to a decision to refuse access to information)

In 2000, EPS devoted itself deliberately to a number of cases of unjustified denial of information to citizens who had requested it either under the "general" right-to-information act (no. 106/1999 Sb.) or under the law on information on the environment (act no. 123/1998 Sb.). Promoting the right to information is tremendously important for the very needed move towards transparency in the functioning of public authorities, since it is a significant tool for civic monitoring of the state administration's and local administrations' activities. **In the cases where we have taken unjustified denial of information to court, we have achieved a number of successes, and our activities have borne fruit in the form of several useful precedential decisions, applicable in future cases.**

Here are some examples of such cases, divided according to their most problematic aspects for application of the right to information laws:

A. Cases where a state authority has maliciously decided to declare information as secret. Cases where a state authority has broken the rules on the procedure for denying information

Under the new legislation, the bodies that wield state power do not decide what information is secret, but rather lawmakers do, by setting the range of classified information in the law. Also, the procedure for denying information is strictly regulated in the relevant laws. Denials must be in the form of official decisions (and not merely informal letters), appeals can be sent against decisions to deny information (even in cases where an office does not reply at all to a request: this is called an "appeal to a fictitious decision to deny information"), etc.

Iran, Land of Secrets

In January of 2000, we submitted a request to *the Ministry of Industry and Commerce* for information on the influence of the *Radio Free Europe* transmission (sent from the Czech Republic) on foreign trade with *Iraq* and *Iran*, after minister Miroslav Grégr announced that the government had decided that this information was secret. We wanted primarily to draw attention to the severe infraction of the right-to-information act, as organs of the executive branch **do not** have the right to decide to make particular information secret. The ministry denied the information through a simple letter (and not a formal decision, as required by law), and it did not react at all to our memorandum against the denial of information, and so EPS filed an administrative suit in April 2000, and an official reply to the statement of the sued party in December 2000. We drew media attention to the case so well that the representative of the ministry scheduled to speak in the "Duel" program on *Radioforum Český rozhlas 1*, a national radio station, apparently decided it was safer simply not to show up.

Thanks for Caring...

The Upper Austrian regional government's representative for issues related to completion of *the Temelín* NPP, Mr. Radko Pavlovec, repeatedly requested information from *the Ministry of Industry and Commerce*; these requests were refused with no mention of a reason and not in the form of a formal decision, but rather as an informal letter. We prepared memoranda regarding two such cases, and handled related administrative suits sent to the administrative court.

B. Cases where the allowable reasons for refusing information have been abused

Both of the right-to-information laws list reasons why information can be legitimately refused; these include protection of business secrets, the fact that the information has not yet been processed, protection of citizens' privacy, and the like. However, offices abuse these allowed reasons by pointing to them even when they refuse information in situations where the conditions required by law for a given justification are clearly not met.

The Tábor City Office Exhausted Nearly Every Existing Justification for Refusing Information, but Eventually Lost and Had to Provide Information Anyway

On the basis of a request under the right-to-information law and the law on the right to information on the environment, we requested copies of contracts between the city of *Tábor* and the firm *Rumpold s.r.o.*, which collects and dumps municipal domestic waste. The environmental department of the city office first issued two decisions under Act no. 123/1998 Sb., refusing to provide information both because it was allegedly entirely unrelated to the environment and, later, because the information was allegedly a business secret that needed to remain secret. The District Office in *Tábor* repealed both of these decisions as illegal on the basis of our appeal.

On the basis of these decisions, the city office provided part of the information, but key articles covering the way in which the garbage-collection price was calculated were still illegally kept secret. The city office refused a repeated request (in the meaning of Act no. 106/1999 Sb.) from January of 2000, and the *Tábor* District Office later confirmed their decision as well. Therefore, EPS filed an administrative suit against this decision to the Regional Court in *České Budějovice*, which agreed completely with our complaint and confirmed that the District Office had been in error. Therefore, they repealed the District Office's decision in September 2000.

After the decision was delivered to the District Office in *Tábor* and the city of *Tábor* was informed of it, the city council met and decided to make public the still-undisclosed information, on the basis of the Regional Court's decision. This happened in October of 2000.

As a result of the way this case was resolved, the City Office meanwhile also decided to include a new clause in all contracts related to the city's financial management, stating that the contractual parties are **not** forbidden to disclose information, and that information from such contracts can be made available to third parties.



SÚJB (the State Nuclear Safety Office) versus South Bohemian Ecologists

We have made a number of legal submissions regarding *SÚJB*, which refused to provide information to the Tábor branch of EPS and the South Bohemian anti-nuclear association *Calla* regarding fuel loading at the *Temelín NPP*. *SÚJB* refused information for reasons of their alleged responsibility of non-disclosure under the law on the *SÚJB* (even though this law is a *lex specialis* of the right-to-information law) and for other absurd reasons.

Mr. Mach versus the Ecostrix Company

In the name of Mr. Mach from *Otrokovice*, we prepared a suit against the Czech *Ministry of Agriculture*, which Mr. Mach repeatedly, and in most cases unsuccessfully, queried for information regarding the “project for biological protection against rodents around *Prostějov*.” The ministry refused to make most of the requested information available, pointing to their need to protect the business secrets of the *Ecostrix* company, and to the lack of an “overall evaluation of the project”, which was not, in this case, relevant.

C. Reasons for refusal lie in misinterpretation of the relation between the right-to-information law and special legal regulations.

EPS repeatedly encountered cases where the building offices refused to offer information (especially copies of decisions) on proceedings under the construction law. The offices argue that the Construction Act (in its § 133) contains its own regulations on provision of information, and that the right-to-information laws have no effect on this law.

Two Conflicting Decisions on the Same Point – Which One Is True?

Pointing to § 133 of the construction law, containing its own regulations on the provision of information, the City Office in *Havířov*, for example, refused to provide the association *Lučina* with information on several illegally-built buildings. The appeals authority upheld the construction office’s opinion. Therefore, we filed an administrative suit in this matter.

We encountered precisely the opposite approach in our aid for the cause of the association *Beskydčan*, where *Beskydčan* requested information on the land-use proceedings regarding the planned construction of a golf course. During the appeal against the refusal of information on the construction-permit proceedings for a golf course in *Čeladná*, the construction to which the refusing office was subordinate ordered that the requested information be made available. In light of the preceding case, this is a very important precedent.

Foto: Our opponents in the battle for information - Czech prime minister Mr. Zeman, minister of industry Mr. Grégr, chief of the State Nuclear Safety Office Mrs. Drábová dedicate the Temelin Nuclear Power Plant

Conflict with the Law on Municipalities

The civic association *VITA* requested the Ward Council for the *Moravská Ostrava* city district in *Ostrava* to offer them a report listing the reasons for their decision to lend out grounds on which *VITA* has intended to build a park. The district council decided not to provide this information, stating that under the Municipalities Act, the meetings of municipal (and thus also ward) councils are non-public. This reason is, however, entirely irrelevant from the standpoint of citizens' right to information on the *basis* of a council's actions. EPS therefore prepared an administrative suit for *VITA*.

Tweedledee is Tweedledum

We filed suit in the name of *ČSOP Veverka*, a local branch of the national nature protection association, who had been illegally refused information on the municipal budget. Our aim here is to answer the following question: if we submit an appeal against a "fictitious decision to refuse information" (see above), and then the mayor, who by the way in this case is authorized to act both as the authority of first instance **and** as the appeals authority (!), writes that he will not provide us the requested information, without mentioning an appeal, what kind of document do we now hold? An appeals decision, or "just" a decision of the authority of first instance? This case is evidence of the absurd legal traps into which a citizen can fall during the application of the Right-to-Information Act.



Foto: Clearcut in the Šumava National Park II.

Training and Schooling Events

"Knowing this, the teacher must prepare his work such that the student does not find that which is done during teaching to be revolting and harsh, but rather easy and pleasant. Anything you teach a student deserves to be placed before them so clearly that they see it as well as their own fingers before them."

Comenius, a Czech Baroque-era European education reformer, in Didaktika to jest umění umělého vyučování (Didactics or, the Art of Teaching Artfully)

Trainings and schoolings form the educational part of our work – **when we assemble a useful area of experience during our work, we try to pass it on to those we help**, that is to the staff of ecological and human-rights organizations, as well as to those whom we wish to change, that is, the staff at state-administration bodies. **Because they generally have trouble swallowing such a dry discipline as law when it is delivered in the classic seminar format** ("I talk, you listen"), we pass on our experience and information in certain of our events in a **training format** ("I talk, you try"), using elements of **"street law."** This means delivering legal theory in small chunks, interspersed with interactive legal simulations that illustrate the theory – simulations of court hearings, witnessing, oral negotiations at a government office, etc. – as well as with tests and games.

Event Name: The Beginners' and Advanced School for Civic Initiatives

Description of the event, its theme, and its contents:

Hnutí DUHA organizes the School for Civic Initiatives in cooperation with EPS. These include several training events intended for people who want to focus on work with NGO's, both environmental and other. Among other topics, like fundraising in the non-profit sector, leading campaigns, public relations, etc., it also includes a detailed training on the legal aspects of activists' work. EPS schooled participants in the basics of law, so they could orient themselves among legal regulations, law topics, the legal standing of municipalities, the right to information and the basics of administrative proceedings.

Event Dates: Nov. 11th-12th, 2000.

Event Site: The Centrum ekologické výchovy Toulcův dvůr (Toulcův dvůr Center for Environmental Education) in Prague's Hostivař district.

Number of Participants: appx. 25, mostly young people.

Trainers: Vítězslav Dohnal, Pavel Černý, Pavel Franc.

Event Name: The Spring School of Public Participation in Decision-Making II.

Description of the event, its theme and contents:

EPS organized this event in 2000 for the second time. This is a training intended primarily for "grassroots" activists (however, we also invite environmentally-minded staff from the state entities for environmental protection) who want to actively take part in environmental protection proceedings. Unlike at other events, we go into detail here on the rules for administrative bodies' actions, on the nature and landscape protection law, on the EIA process, and on the right-to-information law, focussing on unfair practices by staff in the state administration.

Event Dates: May 11th to 13th, 2000

Event Site: Tábor

Number of Participants: 30

Trainers: Vítězslav Dohnal, Pavel Černý, Pavel Franc, Andrea Rezková, Jiří Kopal, Stanislav Pazderka, Pavel Doucha

Event Name: **Street law**

Description of the event, its theme and contents:

This was performed as aid to the organization *Partners for Democratic Changes* during their efforts to organize the teaching of "Street Law" to teachers at elementary and high schools in central Bohemia and in the Czech-Moravian Highlands, and for students at the law college of Charles University.

Event Dates: Mar. 2nd, 2000; Mar. 21st, 2000; May 3rd, 2000; May 22nd, 2000

Event Sites: Chrudim, Havlíčkův Brod, Beroun, J. Kepler college-prep high school in Prague.

Number of Participant: 50 participants in total

Trainers: Vítězslav Dohnal, Andrea Rezková, Pavel Doucha

Event Name: **Seminar for the DROM Romany Civic Association**

Description of the event, its theme and contents:

In 2000, we organized two trainings for Romany social workers at elementary schools, associated in the Brno Romany civic association "DROM." We chose two themes:

- *"Law and Contracts"* – in this seminar, we tried to explain to participants the basic principles of contract law, using apartment-rental contracts as an example (renters' rights and responsibilities, when and how the existence of a rental contract starts and ends), as well as employment contracts. We placed special emphasis on the block which aimed to explain the difference between a contract and a decision (the issues of contractual freedom, options for appeal, etc.).

- *"Law and the Family"* – in this seminar, we tried to acquaint Romany social workers with the basics of legal protection for families (especially children's rights) and protection for the victims of domestic violence.

In the framework of these seminars, we tried to use the most interactive method possible for transferring information. At the end of the first training, we requested participants to evaluate how interesting, complex, and practical the selected topics were.



Foto: Spring School of Public Participation

Event Dates: April 28th, 2000; Oct. 5th, 2000

Event Site: Brno

Number of Participants: a total of 30 Romany social workers

Trainers: Vítězslav Dohnal, Pavel Černý, Andrea Rezková, Martin Prokop, Jiří Kopal

Event Name: [Intensive Agriculture and Animal Rights](#)

Description of the event, its theme and contents:

Společnost pro zvířata (the Society for Animals) and Compassion in World Farming organized this event in the framework of the conference of the same name. The seminar was a concrete output of our activities in the already-mentioned "Strmilov Chicken Factory" case, and aimed at transferring our summarized experience with the legal aspects of the permit process for large-capacity breeding plants, especially on the argument we used in which we stated that permission for the building was in conflict with the law on prevention of cruelty to animals. (We ourselves did not know this until we received an expert study we had commissioned during the permit proceedings for the above-mentioned chicken-breeding plant.)

Event Date: March 3rd, 2000

Event Site: Brno

Number of Participants: a total of 50 participants from the ranks of activists, civil servants, and the general public

Trainer: Vítězslav Dohnal

Event Name: [Seminar for the Endangered Children's Fund](#)

Description of event, its theme and contents: We conceived this seminar to include relevant aspects of family and criminal law, which are the legal areas which *the Endangered Children's Fund* encounter most often, and also an introduction to the new legislation affecting how decisions on changes to the upbringing of minors are carried out. We acquainted participants with the legal options for protecting children from sexual abuse and other abuse, and with the legal aspects of courts' decisions on the upbringing of children.

Event Date: October 23rd, 2000

Event Site: Prčice, Central Bohemia

Number of Participants: a total of over 50 participants from the ranks of the Endangered Children's Fund's staff throughout the republic

Trainers: Radka Jelínková, Martin Prokop

Event Name: [The Legal Aspects of Preventing Urban Sprawl and the Construction of Suburban Hypermarkets](#)

Event description, theme, and contents:

We organized this seminar together with *Nesehnutí*, an environmental and human-rights NGO in Brno, in reaction to a number of administrative proceedings regarding the placement of hypermarkets (huge shopping complexes sharing traits of both Wal-Marts and shopping malls) around cities, as these structures often destroy or threaten to destroy the nature that surrounds cities. The core of the seminar was the use of construction law in solving problems where city planning and ecology meet.

Event date: Oct. 28th, 2000

Event site: Brno

Number of Participants: appx. 30

Trainer: Pavel Franc

Event Name: [Law Helps Those Who Help Themselves: How to Protect Nature and the Landscape using the Law](#)

Description of the event, its theme and contents:

This seminar was similar to the school for civic initiatives – it was an introduction to the topic of legal protection of nature and the landscape for beginning, mostly local activists, who were at the time participating in a forest-protection camp.

Event Date: Aug. 30th, 2000

Event Site: the forest-protection camp at Muchovice in the Beskydy mountains

Number of Participants: appx. 40

Trainers: Pavel Franc and Jiří Kopal



Foto: Participants of the School of Public Participation

EPS's Publishing Activities in 2000

"What that farmer in the Expedition had said when they thought he had come for his books stuck in my mind and worked there. That a poor and simple man must starve both for food and for knowledge. This reminded me that the masses are stupid and ignorant, but that there would be readers enough, if only there were books enough. And so I said to myself: 'Matouš, you are your own master; now go and serve the mass from which you came.' And so now I cross the countryside, bringing people Krameri and other books. When all goes well I sell them; when it does not, I give them away, so that the people need not starve even in this respect."

A. Jirásek, F.L.Věk, Act II., priest Matouš Vrba's monologue

In 2000, we began distributing new series of books, "Pro public," focussed on protecting human rights, in addition to our existing "Paragraphs for Nature" series. The new series included a brochure called "**Legal Protection of Children and the Victims of Domestic Violence**" (90 pages), which covers the legal options for the protection of endangered children (that is, abused, bullied/threatened, and neglected children) and the victims of domestic violence. The publication describes in detail the rights and responsibilities of married couples and parents, children's rights, and the legal tools for protecting them including the use of criminal law. A large portion of the brochure is dedicated to divorce and decisions on the placement of children into foster or institutional care, and how legal decisions on children are executed.

In our publication "**Are We Going to Sue Then? II.**" (128 pages), we present the reader with a greatly expanded edition of our publication of the same name that offered information on the procedural access of citizens to law in the area of public interest law. The publication defines legal norms and the constitutional-law, administrative-law, and criminal-law tools for protecting human rights (the rights of children, of the victims of domestic violence and racist violence, etc.).

We are trying to distribute this publication to bookstores across the country, we distribute them at our actions and in cases where we deem it appropriate, we give them away. We no longer aim for our publications to become a side source of income, but rather for the information they contain to reach the right hands (and heads).



EPS's Legislative Activities

"Preserved nature is actually a curse for the Jindřichův Hradec district, which belongs among the five poorest districts in the republic today. The only thing that can save our district is a change to the law on nature protection."

from an article by the then-Chair of the Jindřichův Hradec District Council, Mr. L. Mikulecký, "Preserved Nature Is a Curse" (in Jindřichohradecké listy, Feb. 23rd, 1999)

"The nature protection law must be scaled back, because it hampers business. Unfortunately, a group of fundamentalists in parliament still prevents this."

from a speech by the RNDr. Petr Nečas, Vice-Chair of ODS, the nation's main rightist party.

"And so, whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees..."

John Locke, Second Treatise on Government, 1680

In 2000, we focussed especially on (unfortunately quite widespread) legislative problems connected with **public participation in decision-making and the preservation of the rights of citizens** and other participants in public-interest proceedings.

Our activities focussed on systematic commenting of drafts of legislation, as well as on helping the environmental movement take a stand against legislative changes designed only to help private interests. The range of laws whose drafts or amendments we commented upon reflects this.

The Administrative Code – Telling Citizens' Groups to Go Sit in a Corner

At present, the **administrative code** is being rewritten. This means, in other words, the law on administrative proceedings. Our comments focussed on two basic problems in the proposed new wording: the too-narrow definition of participant status in proceedings, and the intention to restrict the status of those entities involved in proceedings to defend the public interest to mere "associate participants," a classification with very restricted options for affecting the course of proceedings. If this approach, used in the current draft of changes, makes it to a final, approved amendment, it will condemn citizens' groups to the role of merely-tolerated observers in decision-making processes, with no options for effectively dealing with any illegalities that may occur in the processes. At present, it looks like we will succeed in getting the most problematic changes to the law removed from the text of the draft.

The Law on Social and Legal Protection of Children – Defeating an Attempt to Restrict Non-Profit Organizations' Roles in This Field

The law on the social and legal protection of children contained provisions that restricted the possibilities for non-government, non-profit organizations in the area of social and legal protection of children (establishing licensing by district offices and ministries, high fines for activities to benefit children performed with no license,

nonsensical bureaucratic restrictions on the organization summer activities for children, etc.). The law was visibly in conflict with the constitution in these areas. We drafted an analysis on the unconstitutional provisions for *the Endangered Children's Fund*, and sent out to each representative personally, pointing out these problems and urging them to send the law back for renegotiation. Through the joint effort of many NGO's, we succeeded in convincing the parliament to change the most problematic provisions of the law.

The Integrated Pollution Prevention and Control (IPPC) Law and the Law on a Unified Pollution Register (PRTR) – Integrated Permits

The IPPC law aims for a "cumulative" permit process for activities that may affect the environment. In place of the EIA process, hygiene-permit proceedings, etc., a single, unified proceeding will take place, including in itself all these other proceedings. The meaning of this law comes from this fact. In the case of the IPPC law (under preparation by *the Ministry of Environment*), we succeeded in expanding the range of information on IPPC-evaluated projects that must be publicized, which makes it possible for the public to gain more background information than otherwise, and a number of other technical improvements to the legislation that ensure the process is objective. We also took part in the preparation of the PRTR (pollution register) law, which was to be legislation requiring and regulating a unified register for all major sources of pollution in our country. During the permit process, the idea of a separate law was dropped, and we succeeded in getting our version of the law incorporated into the draft IPPC law.



The Law on Protection of Nature and the Landscape – A Double Attempt to Drive the Public out of Decision Making

In 2000, the environmental movement had to confront two very dangerous attempts at amending § 70 of Act no. 114/1992 Sb., on protection of nature and the landscape. Both attempts aimed to exclude public participation in administrative proceedings, which is in essence the only way that citizens can effectively get involved in commenting investment plans that may endanger the environment in their local areas. In both cases, we drafted a critical legal analysis of the proposed amendment, wrote a number of letters and articles, and took part in a number of meetings. The parliament eventually refused both amendments.

The GMO Law – Public Participation in the Spirit of Aarhus

We commented on the Czech GMO (genetically modified organisms) law in cooperation with *Zelený kruh* and *Greenpeace*. Our greatest success during this commenting process was successful promotion of public participation in the process of permitting new genetic manipulations, in the spirit of the Aarhus convention on public participation in decision-making. We prepared materials for MP's and an article on the GMO law for the Parliamentary Bulletin.

Foto: Clearcut in the Šumava National Park III.

The Environmental Impact Assessment (EIA) Law

Our efforts to improve the quality of the new draft of the environmental impact assessment (EIA) law ended in failure. The primary issues were public participation in the evaluation and review of the legality of the EIA process and of the evaluators' independence from the investor. We composed a memorandum covering all aspects of the law and took part in a number of meetings regarding the final draft of the law. We wrote a number of articles (for the EIA Bulletin, the Parliamentary Bulletin, and the magazine "Veřejná správa" – Public Administration) in which we argued with the law's opponents from the ranks of industry lobbies. Unfortunately, because of the current overall anti-civic and anti-ecological atmosphere in the parliament, the industries that fear objective evaluation of the effects of construction on the environment (the nuclear, road, and construction lobbies) succeeded in getting all the most important provisions removed from the law.



Foto: There was planned new road in Tabor

Our Program for Strengthening the Public Interest Law Sector

"After four years of studies at the Law College of Masaryk University, I lost most of my illusions on law as a field, on teaching methods, and on my fellow students. I decided to visit the Summer School of Human Rights precisely because its leaflets offered the hope that it might be display a different approach to law..."
(from an evaluation of the Schools of Human Rights)

There are precious few lawyers that handle the defense of the public interest. The lawyers of the present rarely have much understanding for ecological and human-rights activism, and (with rare exceptions) they either directly harm the public interest or do not help it in any way. Law schools indirectly teach the lawyers of the future to take a cynical approach to law, and they drop their illusions of law as the art of the "just and good" before they pick up their diplomas.

Our program for strengthening the public interest law sector aims to change this state of affairs. We organize a **Summer School of Human Rights** for students at law colleges. Through these seminars, we try to raise interest in areas of the law that the plans of studies at law schools either ignore or handle only at a highly academic level. We try to thus increase the number of lawyers actively involved in the protection of human rights and the environment and to convince students seeking other law careers to take a more comprehending and progressive



Foto: Debbie White from Australia - a guest of Summer School of Human Rights

approach towards legal issues in the ecological and human-rights fields than the judges, state representatives, public attorneys, and civil servants of today.

In order to tear down the barriers between civil servants and the lawyers involved in public interest law, we organize free “seminars for civil servants.” We issue a bi-monthly newsletter named “**Via Iuris**” (Latin for “The Path of Law”), where we describe current problems in legal protection of the environment and which we distribute among hundreds of lawyers in an attempt to open their eyes and educate them.

The Summer School of Human Rights II. (Boskovice, Sep. 19th – 23rd, 2000)

“Your Summer School is worth as much as two years’ study at law school...”

(from participants’ evaluations of the Summer School)

The idea of organizing a summer school of human rights did not originate with EPS. This is a technique used by public-interest-law organizations in many countries to acquaint law students with issues that receive only limited time and space at a law college.

Our goal is to alert students to the most burning issues in the area of legal protection for human rights and the environment and to show them the activities of non-governmental organizations in these fields. We also wish to pass on our experience to them so that once they move on to careers as lawyers, judges, civil servants, and the like and gain the chance to affect the legal protection for the public interest from inside our government, they will put this experience to work.

One fundamental element that raises the popularity and effectiveness of the “School of Human Rights” is the experiential teaching style, in the framework of which we enable students to, after an essential theoretical introduction, experience the situation of an environmental activist being “choked” by a bureaucrat and needing to use law to defend him or herself, as well as other roles, like a judge who is judging racially-motivated violence, an employee of a non-governmental organization listening to an Afghanese refugee in a refugee camp and needing to decide whether or not he has the right to asylum, etc.

Students at all the nation’s law schools (in Brno, Olomouc, Plzeň, and Prague) could take part in the project if they had completed at least 3 years of studies. On the basis of positive feedback from last year’s Summer School, which participants eagerly passed on to their fellow students, we received submissions from over 50 interested parties, of which we selected 25 on the basis of the letters describing their motivation to attend.

The Summer School began on the evening of Tuesday, September 19th and ran until the afternoon of Sunday, September 24th, 2000, at took place at the Velen Hotel in Boskovice (about 30 km north of Brno). Our food and accommodation were in the spaces of the hotel, and the program took place there as well. We tried for our program to reflect actual problems in public interest law. There were day-long blocks dedicated to investigative and criminal proceedings for racially-motivated criminal acts. The students took part in a simulated court case regarding the distribution of anti-Semitic leaflets by skinheads. In the simulation, they were divided into individual roles (the offenders, their lawyers, the prosecutors, judges, news reporters). There was also a presentation on the controversial street actions called “Street Parties,” where *Milan Štefanec* from the local branch of *Amnesty International* showed videotapes of police activities during a Street Party. Professor *Jan Keller* spoke with students on the topic “Do We Really Know What Globalization Is?”



An entire day was devoted to the topic of psychological, physical, and sexual violence towards children and the problem of domestic violence. Another day-long block simulated in detail a fictitious construction permit proceeding for a hypermarket in Chomoutov. This reflected real cases important from the standpoint of public participation in decision-making, in which the state authorities sidestep the law. *JUDr. Aleš Gerloch* from the Law College at Charles University explained the problems of the Constitutional Court to participants, and a whole day was devoted to the topics of the right to information and consumers' rights. The issue of refugees was also present at the seminar, and there was a very-well-evaluated discussion with *Debbie White*, a staff member from the Australian public interest law organization Environmental Defence Office, on the legal protection of the environment, the movement for the rights of Australian aborigines, etc. Because we do not want students' financial situation to be a barrier to their attending the Summer School, we pay all participants' costs using funds from foundations (in 2000, this meant concretely from NROS and the Open Society Fund).

Foto: Participants of the Summer School of Human Rights 2000

The Seminar for State Officers (Prague, Bechyně, Olomouc – Feb 10th, Feb. 11th, Feb. 22nd, and June 6th, 2000)

Our series of trainings for civil servants, which we offered to *the Ministry of Environment*, to *the Česká inspekce životního prostředí* environmental monitoring agency, and the mayors of villages joined through the *Spolek pro obnovu venkova* (Society for Rural Renewal) for free, aimed to propagate citizen-friendly interpretations of new legal norms (especially in the case of civil servants). We tried to keep in mind the principle that "he who comes up with the first interpretation of a rule wins" and thus to propagate interpretations of the Right to Information Act (valid since Jan. 1st, 2000) that prevent the abuse of provisions on making information secret and refusing information, on the handling of appeals when refusing information, etc. We strongly emphasized the ties between the Right to Information act and the law on information about the environment. We provided the training for mayors from *the Association for Rural Renewal* out of sympathy for the aims of this association, because mayors too should be environmentally educated. Overall, we can safely state that this training series is very useful.

Publishing the Via Iuris Public Interest Law Newsletter

*„Tua res agitur, paries cum proximus ardet – If your neighbor’s house is burning, it is your problem“
(Via Iuris’s motto)*

Via Iuris’s aims are to warn non-profit organizations of legislative attacks by certain parliamentary lobbies, to inform on interpretations of new laws important from the public interest law standpoint, inform on cases that EPS or other lawyers involved in public interest law are handling. **We publish this newsletter and distribute 1.000 copies of each issue to a wide range of parties interested in public interest law.** (Until last year, we did so with the kind help of the organization *Zelený kruh*.) We also find an audience among the staff of non-profit organizations, both state and local civil servants, judges, politicians, teachers, and even scientists.

We try to write the magazine broadly understandable; as far as the subject matter, we focus generally on the legal protection of human rights and the environment, and specifically on the unfair and unlawful actions of public offices towards citizens, on access to justice and courts’ decisions in public interest law cases, on court reviews of the legality of administrative decisions (weakness in the administrative-court system), on cases where public offices illegally refuse to offer citizens information, on proposed laws and amendments of existing laws, and on like matters.



Foto: Participants of the Summer School of Human Rights

EPS in 2000

"I'll go anywhere as long as I'm going forward"

(Dr. Livingstone)

In 2000, EPS succeeded in bringing its activities up to full steam. In 2000, we took on a new employee, lawyer *Radka Jelínková*, and hired *Dušan Rosenbaum* to handle our administration. For the Civic Legal Observers project, we hired journalist *Marek Veselý* as a full-time for six months. The Bohemia office, in Tábor, south Bohemia, was strengthened by the arrival of *Vítězslav Dohnal* and *Pavel Doucha* from the Brno office, while volunteers *Martin Škop* and *Martin Fadrný* joined the Brno office. On the other hand, *Stanislav Pazderka* definitively left the ranks of our staff (but by no means the ranks of our members). *Andrea Rezková* also left EPS.



Foto: Public hearing hold in Tábor before local referendum

We, Our Friends, and Our Supporters

The people who make up EPS are motivated for their work by the possibility of having a say in what EPS will do, and how, at the **Members' Meeting**. This is the association's highest authority. This system brings great shared responsibility, but a direct result of it is that EPS is not a "firm" of passive employees, but a true team where members cooperate and aid each other in their work. The executive and statutory body of EPS is **the Committee**, which is currently made up of *Martin Prokop*, *Vítězslav Dohnal*, and *Pavel Černý*. The **Supervisory Board**, which performs a monitoring and oversight role, is composed of *Pavol Žilinčík*, *Martin Škop*, and *František Korbel*.

The EPS Advisory Board is a board of EPS's sympathizers and advisors, made up of:

- RNDr. Martin Bursík**, the former Czech Minister of Environment,
- Jan Haverkamp**, anti-nuclear activist, member of Greenpeace CR,
- JUDr. Petr Kužvart**, an environmental lawyer and attorney,
- Mgr. Monika Ladmanová**, head of Open Society Fund Prague Legal Programme,
- Doc. JUDr. Vladimír Mikule**, a professor at the law college of Charles University in Prague,
- RNDr. Jan Piňos**, head of the administration for the Broumovsko CHKO,
- Doc. JUDr. Ivana Průchová**, assistant to the Constitutional Court of the Czech Republic.

In 2000, the following employees and volunteers worked for EPS:

Pavel Černý, Vítězslav Dohnal, Pavel Doucha, Pavel Franc, Lenka Hotovcová, Markéta Huňková, Radka Jelínková, Jiří Kopal, Stanislav Pazderka (up to March 2000 full-time, up to September of 2000 part-time), Martin Prokop, Andrea Rezková (up to November of 2000), Dušan Rosenbaum, Martin Škop, Marek Veselý, Jan Vodák

EPS would not be where it is today without the help of the following persons and institutions:

Gwendolin Albert, Marie Boháčová, Britské listy, Jan Filipi, Petr Hlobil, Ján Hrubala, Yvonna Gailly, Miroslav Kundrata, František Korbel, Eva Kováčechová, Petra Ledvinková, Monika Ladmanová, Vladimír Mikule, Tomáš Mráz, Erik Piper, Ivana Průchová, Tamas Scsaurszki, Jan Sladký, Paul Simon, Monika Šatavová, Renata Todavčičová, Elke Wijffels, Pavol Žilinčík, All those who took part in organizing the Civic Legal Observers teams.

All You've Ever Wanted to Know about EPS, But Were Afraid to Ask

Why are you named the "Environmental Law Service" when you also focus on legal protection of human rights?

We maintained our original name, Ekologický právní servis ("Environmental Law Service"), even after expanding our activities to include a counselling center for women in crisis, legal aid for abused, bullied, etc. children, and a project for independent monitoring of police activities (the Civic Legal Observers – the "OPH"). We did not want to get rid of the organization's established name, which in any case still reflects a major part of our work. Just as the British insurance agency Lloyd's was named, until quite recently, Lloyd's Coffee House according to the coffeehouse where it was founded in 1689, we too will continue our operations through a name that, while slightly misleading, is part of the good tradition of our organization.

Why don't you have a chairman or chairwoman?

EPS's activities resemble those of a family-owned business more than those of a corporation. Most EPS employees become – after a certain trial period – official members of the association, with the right to decide at the members' meetings on all matters related to EPS's activities. Each member is responsible for a certain part of the association's activities (e.g. for organizing trainings or commenting on laws) and in this area, he or she has the right to reasonably delegate tasks to the other members. The Executive Board of the association monitors whether or not the resolutions of the members' meetings are being carried out properly, and it also prepares meetings and handles personnel problems. This system is ideal for small organizations like EPS, since people who decide together on the nature of their work have a maximum of motivation. A system where members of the association are also its employees creates in all of them a feeling of responsibility for the organization's activities.

Why don't you have a Prague office?

EPS has two offices – in Tábor and in Brno, where EPS was founded and where a number of major environmental organizations also have their seats. Some members of the organization moved to the small South Bohemian city of Tábor in order to seek a more environmentally sustainable lifestyle. They found here an alternative to the "metropolitan" way of life, and yet this lifestyle does not exclude the execution of our tasks, since Tábor has (at least for the moment) relatively good access to Prague and Brno via public transportation. Communications technology, especially e-mail, helps to partially eliminate the disadvantage of frequently needing to travel.

Organization Finances

„Riches serve the wise and command the stupid.“

(Luccius Annaeus Seneca: On Spiritual Peace)

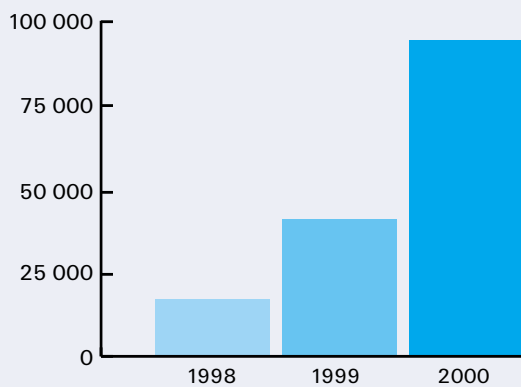
ELS cost in USD

office supplies	2 711
equipment	5 465
overheads expenses	2 909
literature	643
communication	11 958
printing, copies, propagation	10 539
rent	3 118
travel expenses	8 065
legal services	7 252
other services (seminars, etc.)	6 682
personal costs	35 077
bank fees	408
other expenses	842
total costs	95 670

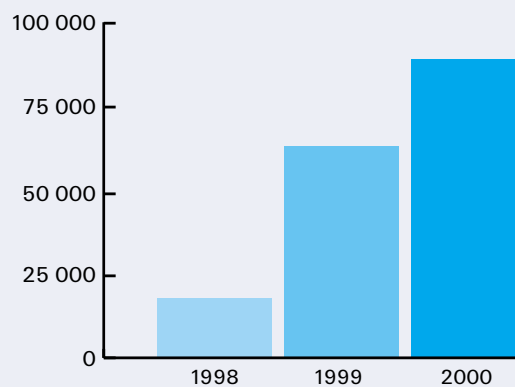
ELS incomes in USD

own incomes	10 422
state subsidy	880
Partnership (EPCE)	8 207
Open Society Fund	19 192
MARTRA/KAP	5 126
German Marshall Fund	4 870
European Commision (PHARE)	2 133
C. S. MOTT Foundation	19 278
others - final instalment	19 748
donations	267
bank interest	177
total incomes	90 301
incomes - costs	-5 369

ELS cost in 1998, 1999 and 2000



ELS incomes in 1998, 1999 and 2000



Environmental Law Service is supported by:



Environmental Partnership (EPCE)



European Commission (Phare)



German Marshall Fund



C. S. MOTT Foundation



Open Society Fund



The Netherlands Embassy

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