

WRITTEN QUESTION P-2089/02
by Daniela Raschhofer (NI)
to the Commission

Subject: Compatibility of the Benes Decrees, the 1946 Amnesty Law and the 1992 Restitution Law with EU law

On 2 June 2002, the Frankfurter Allgemeine Zeitung (FAZ) published an interview with Commissioner Verheugen concerning the compatibility of the Benes decrees with EU law. In reply to the question whether the 1946 law granting amnesty still had legal effect to this day, Mr Verheugen answered that it was not a question of immunity from prosecution for crimes committed in connection with driving out the Germans. The intention was to give resistance fighters legal protection. Acts committed on the basis of dishonourable motives did not fall within that law. Mr Verheugen went on to say that in so far as these laws still had legal effect, they would be brought into line with EU law by means of individual measures and other steps in the Czech Republic.

In an article on 18 August 1995, the FAZ reported the case of a Czech citizen who had shot dead and buried 14 people in Schwarzbach on 24 May 1945. On 16 March 1992, the České Budejovice district court ruled that the perpetrator of this crime was not subject to prosecution. On 11 June 2002, the Czech Interior Minister, citing Decree No. 33/1945, refused Count Salm-Reifferscheid the restitution of his property (FAZ, 14 June 2002).

- In the Commission's view, is the current use of the 1946 amnesty law by Czech case law contrary to the principles laid down in Article 6(1) of the Treaty on European Union?
- What steps does the Commission intend to take - as indicated by Commissioner Verheugen in the abovementioned interview - to bring the laws still effective (the 1946 amnesty law, the 1992 restitution law and the Benes Decrees) into line with EU law?
- What is the Commission's view of the idea of the Czech Republic setting up a reconciliation fund as symbolic compensation for the expropriation of the Sudeten German population as an option for settling this dispute (along the lines of the Austrian compensation fund for expropriated Jewish property set up in 2001)?