



Summer 2023

NEWSLETTER

Czech-Liechtenstein Society

Member of Europa Nostra



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Ambassador of the Principality for the Czech Republic and Austria Maria-Pia Kothbauer, Princess Nora and Prince Alfred

Introduction by a guest

Next year it will be 775 years since Czech King Ottokar II granted Mikulov to the Liechtenstein family for their loyal service to the country.

Next year it will be ten years since the Czech Republic sued the Prince of Liechtenstein Foundation without any prior warning. The reason: the Princely Foundation inherited a forest near Říčany, registered in the Czech Land Registry in the name of Franz Josef II, father of Hans Adam II.

Next year it will be seven years since a prominent Czech commentator, who has spent many of his professional years praising „Thatcherism“, said to me: „Michal, you are a traitor!“ He was following in

thought Edvard Beneš, Julius Džuriš or Alexey Čepička, who in decisive post-war moments claimed that by confiscating the property of the Liechtenstein family, the Czechs were paying back for the White Mountain.

Times are changing.

However, not yet enough to encourage the Czech political representation to a statesmanlike reflection, in which it would state: Liechtenstein is an ally. For centuries, the Liechtenstein family were building, Moravia in particular, to the pride and benefit of all of us. The Liechtenstein family want to continue and



participate in the care of the work of their ancestors; they want to invest, to care, to bring proven know-how. So, should we continue the litigation and risk a judgment that may not bring an end to the dispute, even if we win? For how long do we want to tread on a possible future cooperation out of fear about a part of the electorate?

But while the statesmen are waiting, Constitutional Court Judge Uhlir has stepped out of line: 'The general courts erred in refusing to address the merits of the plaintiffs' objections,' he wrote in a so-called dissenting opinion to the Constitutional Court's ruling in May this year, when two fellow judges outvoted him 2 to 1.

"Franz Josef II, Prince of Liechtenstein, the legal predecessor of the complainants, whose disputed property should have been confiscated by Presidential Decree No. 12/1945," Uhlir's brief continues, "was a citizen of a state that maintained neutrality throughout World War II. There is no reason to regard him any differently from any other German-speaking citizen of any other neutral state, e.g. Switzerland. The idea that Franz Josef II, Prince of Liechtenstein, was complicit in the crimes of the Third Reich and that he was therefore subject to a presidential decree is absurd. In my opinion, the decisions of the ordinary courts and the Constitutional Court are unfortunately influenced not only by legal considerations but also by political and economic considerations..."

As one prominent foreign lawyer says, the appearance of such a significant dissenting opinion by a Constitutional Court judge in such an important case in another country would trigger a media firestorm lasting for weeks. In our country, there is a pension and budget storm, so the threat is perceived only by a handful of insiders: the Czech Republic could lose a damage claim lawsuit in Strasbourg, which can be estimated at roughly three times what Diag Human has claimed. Paradoxically, the princely family could also see this judgment as a kind of

defeat. Firstly, the historical injustice in labelling the Liechtenstein family as Germans would not be healed, and secondly, the family really wants to take care, share responsibility, and manage the properties in one of its historical homelands. The money earned in the lawsuit would have to be spent elsewhere.

But the change goes deeper.

The Liechtenstein family, distant relatives

This is the title of a working text by a prominent Czech publicist and documentary filmmaker who has recently dealt extensively with the engagement of the Liechtenstein family in the Czech lands. He would like to make a documentary, whose thought-provoking "preamble" convinced me that the topic of the Czech-Liechtenstein dispute is definitely not black and white in the Czech society:

"Seven centuries of history unite us. The family has shaped the history of Central Europe. And the Czech one too. They belonged to us and we to them. They were here, they fought the same battles, on one side or the other, they built and constructed and changed our landscape, leaving a great cultural wealth, which in many cases enjoys the UNESCO World Heritage protection. When we expelled them, did we not impoverish ourselves although we appropriated their fabulous castles and palaces? And what would happen if we gave them the properties and accepted them back? Would we become poorer, or would we become richer by stopping turning a blind eye to the injustice we inflicted on them after the Second World War? Well, not exactly us, but our ancestors, the politicians we are still following in the hereditary causality of wrongdoing. Wouldn't we be richer if we could break this chain and return them to the history? Into the complexity of our country to which they had belonged for so long? Isn't it the time to accept as our own that part of our destiny which we have condemned and buried in the ideologically simplified political battles of the last century?"

About Liechtenstein with Petr Svoboda on Radio ZET

Petr Svoboda, the Chairman of the Czech-Liechtenstein Society, visited the Radio ZET news station on 29 May. Together with moderator Martin Karlík, they discussed relations between the two countries, mutual trade and tourist destinations. You can listen to the whole interview by scanning the QR code.



The court's decision is always either-or. The Czech society and the Liechtenstein family can do much better. ■

Michal Růžička
*Spokesman for the Prince of Liechtenstein and
the Princely Family in the Czech Republic*



■ The towns of Opava and Krnov hosted a Princely visit from Liechtenstein

Members of the Princely House of Liechtenstein accepted the invitation of the leaders of two Moravian-Silesian towns and visited Opava and Krnov in May. They took part in the opening ceremony of the Liechtenstein exhibition at the Silesian Museum and revived family memories during tours of the historical centres. During their two-day stay, they were accompanied not only by representatives of the municipality, but also by Daniel Herman, the Honorary Consul of the

Principality of Liechtenstein in the Czech Republic, and Petr Svoboda, the Chairman of the Czech-Liechtenstein Society.

Around noon at the Opava Town Hall, Tomáš Navrátil put on the mayor's chain, which he wears only on ceremonial occasions. Shortly thereafter, together with representatives of the municipality, he welcomed a distinguished visit from Liechtenstein. The invitation was accepted by Princess Nora, sister of the reigning Prince Hans Adam II, Prince Alfred, President of the Family Council, Prince Wolfgang and his wife Gabriella and Maria-Pia Kothbauer, Ambassador of the Princely Family for the Czech Republic and Austria.

Liechtenstein Exhibition in Opava

Three princesses and two princes came to Opava for the opening of an exhibition in the Silesian Museum, which maps 400 years of this noble family history in the Opava and Krnov region. The exhibition "Princes of Liechtenstein. Lords of the Opava and Krnov Lands" presents portraits of the princes, documents relating to their activities in Opava as well as battle banners, and thus presents the historical importance of the family in the unification and development of the region in the pre-modern period. *"I consider the Liechtenstein exhibition in Opava to be the exhibition of the century without exaggeration. The Silesian Provincial*

Museum is closely linked to the personality of Johann II Prince of Liechtenstein, who ruled at the turn of the 19th and 20th centuries, and thanks to whose philanthropic generosity it was established and received many objects from its founder. In addition, the current exhibition has a large number of artistic artefacts on loan directly from the Princely collections in Liechtenstein and Austria," says Daniel Herman, Honorary Consul of the Principality of Liechtenstein in the Czech Republic. The exhibition will remain open until January next year. After the official welcome, the members of the Princely family walked through the historic centre of Opava, revived family



Welcoming the Princely delegation at the Opava Town Hall



PRINCESS NORA

Are you visiting the Czech Republic for the first time?

I was here in 1972 as a student. I went with a friend in a car, and it was a great trip. I wanted to see the places that used to belong to my family and especially the places where my parents spent part of their childhood and youth. Later I visited Prague on several other occasions, which I think is one of the most beautiful cities in the world.

In addition to Opava you will now visit Krnov, they are two places where your family members return repeatedly. What is your relationship to this region?

I've never been here before, so I'm really looking forward to visiting. This region really means a lot to us, and not only because both the towns are depicted in our family's coat of arms. It's a place where our family has belonged for a long time.

memories and visited the Cathedral of the Assumption of the Virgin Mary, belonging to the Ostrava Opava Bishopric, at the Fish Market. *"The whole visit was very friendly and relaxed. The family was very warmly welcomed everywhere, and Prince Alfred even expressed an interest in becoming a member of the Czech-Liechtenstein Society. The performance of the Domino Children's Choir in the Opava Cathedral was perhaps the most powerful experience for me, ended with the*



Silesian Regional Museum



Princess Nora at the Opava Town Hall

anthem of the Principality of Liechtenstein," said Petr Svoboda, Chairman of the Czech-Liechtenstein Society.

Second day in Krnov

Since the Liechtenstein family historically holds the hereditary title of Duke of Opava and Krnov, the

PRINCE CONSTANTIN

Liechtenstein is engaged in a series of disputes with the Czech Republic over the return of tens of thousands of hectares of forests and five castles. What steps would the Princely family take if it succeeded in getting the forests and castles back?

First, we would probably have to find out what condition the properties are actually in. But we would never close the monuments. The Liechtenstein family opened the first public gallery in Vienna, opened the first public nature reserves in Austria and the Czech lands, and have a tradition of sharing valuable estates.

How would you use the castles, for example? Do you think anyone in your family would permanently move to the Czech Republic?

Our family was expelled from Czechoslovakia about eighty years ago, which figuratively means that three generations lost their home here. It's hard to say what would happen. But maybe some of the youngest Liechtenstein family members would move in and carry on the tradition of my grandfather and great-uncle. But there is certainly no chance of Hans Adam II or Hereditary Prince Alois moving to Valtice, for example.



The Princely family in the pilgrimage church on the Cvilín hill in Krnov

delegation's programme included also a visit to Krnov. A welcome at the town hall in Krnov was also followed by a walk through the centre of the town, a guided tour of the sights, including a visit to the pilgrimage church on the hill Cvilín. The town of Krnov has belonged to the Liechtenstein family since 1622, and the hunting trumpet or horn from the town's coat of arms is still found in the national emblem of Liechtenstein. ■

PRINCE ALFRED

You're the chairman of the family council. How should we understand the position?

The family council is an institution whose most important role is to advise the reigning prince, at this time Hans Adam II, on family matters.

As far as I know, one of the powers of the Council is even to depose the Prince under certain circumstances.

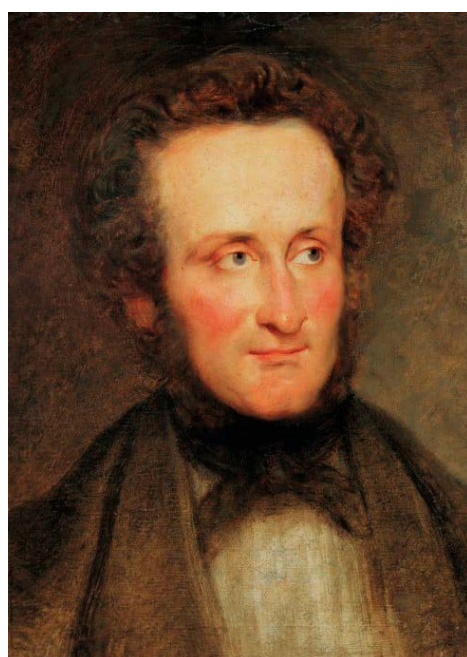
The most important task is to support the prince and help him in solving family matters. At the moment, we are primarily trying to unite the members of the extended family, as they live basically all over the world.

I assume the role in question is not paid, what is your profession?

I am involved in forestry and timber processing, sustainable energy production and land management. My wife Alice and I take care of the Hollenegg family castle in Styria.



Prince Alfred at the exhibition in the Silesian Regional Museum



Alois II of Liechtenstein
© LIECHTENSTEIN. The Princely Collections, Vaduz-Vienna



Anton Florian I of Liechtenstein
© LIECHTENSTEIN. The Princely Collections, Vaduz-Vienna



Karl I of Liechtenstein
© LIECHTENSTEIN. The Princely Collections, Vaduz-Vienna



■ Experience a romantic evening of culture at the Liechtenstein Garden Palace in Vienna

If you're planning to make your summer evenings more enjoyable, we recommend you stop for a short visit in Vienna. The traditional cultural event Summer Rhapsody (*Sommer Rhapsodie*) will take place in the park of the Liechtenstein Garden Palace and offers a wide range of arts from comedy to classical concerts. In the romantic gardens you can enjoy not only the famous wine from the court winery of the Prince of Liechtenstein, but also a high-quality cultural programme.

The Summer Rhapsody Festival lasts approximately four weeks, and the audience can choose to attend many cultural events. This year's edition offers more than ten performances in the main evening programme and eight



afternoon performances for children and teenagers. Visitors can expect concerts of modern and classical music, as well as drama and comedy.

The venue for the event is the Garden Palace in Vienna, one of the most beautiful Baroque buildings in Europe. The Liechtenstein family began to write its history here in the 17th century when Prince Hans Adam I bought a plot of land in the Rossau district. Today, the palace exhibits many rare works from the Liechtenstein collections. In addition to paintings, there are porcelain and bronze objects and a sumptuous golden carriage from 1738 on display. The palace is surrounded by the Princely Garden which attracts thousands of tourists all year round. The programme starts on Monday 10 July with *The Music of Bond* concert, which will be especially appreciated by fans of the James Bond books and movies. The performance will recall music from more than twenty movies featuring this iconic agent serving the British Secret Service. In the following days and weeks, visitors can among others look forward to a comedy play about love performed by the pair of actors Elena Uhlig and Fritz Karl and the wonderful story of Leviathan by author Joseph Roth, read by Erwin Steihauer.

The climax of the Summer Rhapsody will be a concert of modern music. First, Tom Mueller will play the saxophone, and later the Flip Philipp & Bertl Mayer Quartet will present their jazz classics. The Liechtenstein Garden Palace will bid farewell to the festival on Wednesday, August 9. All events take place outdoors, which gives the artistic performances a specific and unforgettable atmosphere. There is no doubt that great food and drinks are also part of a pleasant summer evening. Wine lovers in particular will be pleased as they can order a glass directly from the wine bar in the Garden Palace's cellar and enjoy the performances. A local kiosk will also offer culinary delicacies. **Tickets can be purchased now on the website: www.sommerrhapsodie.at.** ■





The Rhine river when ascending to the Alps



■ Postcard for the journey

Liechtenstein can be cycled around in one day and walked around in a few days. Depending on your physical condition. Although it is such a small country, we can find completely contrasting worlds there. Worlds with their own lives, histories and challenges. People who live in the lowlands along the Rhine even speak differently from those who inhabit the Alpine valleys or the slopes of the mountain pastures, which are so steep that a pedestrian can easily lose his balance on them. These worlds are separated by ten, perhaps fifteen kilometres.

The land here is rare and strictly protected. In Vaduz, the capital city, this is obvious at first sight: between the houses there are still perfectly tended ancient vineyards the size of an ordinary garden or a football pitch. These are oases of local character, armoured by law and common sense against the potential desires of developers.

The Alpine parts of the principality are not visible from most of the territory. The country is so small that it lacks the necessary distance. That is why, from Liechtenstein's land, we admire above all the mountains on the Swiss bank of the Rhine. Malbun, the main

mountain resort of Liechtenstein, only becomes apparent to the visitor after climbing the ridges above Triesenberg or after passing through a tunnel for cars and buses.

Exiting the tunnel "on the other side" is equivalent to discovering the world behind the mirror. The Rhine with its valley plain is forgotten. Here, clouds, birds of prey and mooing cows rule the roost, nibbling the grass around the hiking trails at 2,000 metres above sea level. In places where one holds one's breath over narrow passages and holds on to the chain to avoid falling hundreds of metres down into neighbouring Austria.

But there is also an industrial side of the Principality. More than 40% of the GDP of one of the richest countries in the world comes from industry, about 20% from banking. Liechtensteiners are entrepreneurial, creative and thrifty. There are statistically several companies for every adult here, and the investments in applied research and innovation are the highest in the world. Much higher than anywhere else.

Liechtenstein's economy, based on knowledge and high value-added products, needs more and more people.

But Liechtenstein, with a population of around 39 000, has already run out of people. Every day, 20,000 „guest workers“ commute to the principality from Switzerland, Austria and Germany. The Liechtenstein Marketing state agency, which in the past mainly promoted tourism, is now entrusted with the task to bring some 2,000 new experts to the country to enrich the local economy.

The Czech-Liechtenstein Society is organising a trip to Liechtenstein from 13 to 15 September. At that time, the Princely castle will most likely still be covered with scaffolding. Maybe, that's good. One can hardly find a better symbol for the care the family takes in maintaining its historical heritage. Not only theirs, but ours as well. In Liechtenstein, as well as in central Europe. With their own money. Sustainably. Responsibly. ■



Even the symbol of the Principality needs to be renovated from time to time



Spring in the Princely vineyard in the middle of Vaduz



... take a look at our Instagram account @czechliechtensteinsociety

We continue our Instagram activities! Join us and follow @czechliechtensteinsociety!



2 May 2023 - The members of the Czech-Liechtenstein Society gathered in mid-April at Belveder Castle in Valtice. The meeting discussed, among other things, the program priorities of the society. The Belveder Castle was built on the initiative of Prince Alois I of Liechtenstein in 1806. For many years, the unique building was in a state of disrepair, but it was opened to the public after renovation in 2021. ■



23 May 2023 - Princess Nora, the sister of Hans Adam II, will visit the Silesian region tomorrow. The princess will be present at the opening ceremony of an exhibition in Opava titled: Princes of Liechtenstein - Lords of the Opava and Krnov Lands. Princess Nora has been a member of the International Olympic Committee since 1984, and she has an interesting history with the Czech Republic. Years ago, she presented the gold medal to Czech skier Ester Ledecká, who surprised everyone by winning it in the women's super-G event. "The success of Ester Ledecka was a fantastic achievement, winning two gold medals in different disciplines. I was very happy for her and honoured to give her the gold medal," mentioned princess Nora while recalling this unprecedented success of the Czech athlete. By the way, Liechtenstein's skier Tina Weirather won a bronze medal in the same race. ■



26 May 2023 - If you plan to visit the recently opened exhibition at the Silesian Museum, you really have something to look forward to. The realization of the exhibition involved Prince Hans Adam II and the Liechtenstein Archives, who provided the organizers with rare artworks from the Liechtenstein collections. These make the exhibition truly unique and hardly repeatable. In the post, you will find only a small preview of what awaits you at the Silesian Museum. ■



■ Invitation to the Lednice-Valtice Music Festival 2023

Dear fans of classical music,

one would think that he has seen, experienced, and above all heard a lot in his lifetime. But then one gets to know young musicians who are only at the beginning of their careers, and is amazed at what they are capable of, what they have already accomplished at their early age, and how much pleasure music brings to them. However, they too need the support of others; the reassurance that someone sees them and perceives their abilities and potential. This is what then drives them to improve and desire to grow artistically. Therefore, I would like to dedicate the 8th festival year of the Lednice-Valtice Music Festival (LVMF) to new beginnings, which will be represented by young musical talents under 25 years of age - domestic and foreign "rising stars", who are already proving on concert stages and in renowned competitions that they have a great artistic future ahead of them. They will be accompanied by renowned music ensembles and orchestras.

The Concerto in B minor for double bass and orchestra by Johann Matthias Sperger, a native of Valtice, together with two other works by Johann Christian



Jiří Partyka, director and dramaturge of LVMF

Bach and Leopold Hofmann will be performed in the Czech and world premiere.

Accept our invitation and come and enjoy LVMF 2023 with us. ■

We look forward to seeing you!

Jiří Partyka, *director and dramaturge of LVMF*

In addition to the well-known sites of the Lednice-Valtice Area, this year's festival will introduce three new venues to visitors

- The festival's footprint will be extended to another monument associated with the Liechtenstein family – a concert of the most promising contemporary students of the Faculty of Music and Dance of the Academy of Performing Arts will be performed in the **Bohuslav Martinů Hall in the Liechtenstein Palace in Prague's Malá Strana**, where the Academy is located.
- The second place of the festival remains in the territory of South Moravia in Valtice, close to the border with Austria, where the torso of the **Katzelsdorf castle** lies, which was excavated

by local enthusiasts during the pandemic. Now this hunting lodge, built under Field Marshal Johann I Joseph of Liechtenstein at the beginning of the 19th century, has the status of a cultural monument and its restoration is planned.

- The third venue is the architecturally unique **Obelisk Winery**, whose strategic location above Valtice offers breathtaking views of the distant surroundings.

Tickets for the LVMF can be purchased online from March at www.lvhf.cz, where there is also the detailed festival programme available, or in the **GoOut** network and at LVMF sales points in **Brno, Breclav, Lednice, Mikulov, Valtice, Pilsen, Prague and Ostrava**. Reservations can also be made at prodej@lvhf.cz. ■



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■ Dissenting Opinion of Judge David Uhlíř

In May, the Constitutional Court dismissed a complaint by the Foundation Prince Liechtenstein in a dispute over real estate in the Kolín region now held by forestry and water management companies and other state entities. The Liechtenstein family had extensive estates in the Czech lands, which they lost after World War II. Five years ago, the Foundation, together with the reigning Prince Hans Adam II, filed a series of lawsuits with the Czech courts to establish the ownership title and vacate the properties. The court in Kolín also received one claim, but did not uphold it.

The lawsuit made it all the way to the Constitutional Court, where a three-judge panel ruled on it in May. While two of the judges voted in favour of the Czech Republic, Constitutional Court Judge David Uhlíř expressed his fundamental disagreement with the previous decisions of the Czech courts. In his opinion, the judiciary's decision-making is apparently influenced not only by legal but also political and economic considerations, and the Liechtenstein family are not complicit in the crimes of the Nazi Third Reich. Although the result ended 2:1 in favour of the Czech state, this is a certain breakthrough

in the property disputes between the Liechtenstein and Czech sides. You can read David Uhlir's full opinion, which will also be considered by the European Court of Human Rights in Strasbourg, below.

Disagreeing with the Second Chamber's judgment in this case (the "Judgment"), I invoke Section 22 of the Constitutional Court Act to issue a dissent. I believe that all the challenged judgments should have been quashed.

The general courts erred in refusing to deal with the Appellants' objections on the merits. They reasoned their refusal to do so by relying on the restitution laws intended to mitigate injustice caused, and on the Constitutional Court's opinion Pl. ÚS-st. 21/05, i.e. on acts of a democratic State governed by the rule of law established after November 1989. Had it not been for these acts, it would have been much more difficult, if not impossible, to give reasons for the dismissing judgments. As the classic puts it, "isn't it paradoxical, Mr Vaněk" [*translator's note: quote from Václav Havel's play titled "Audience"*].

Let me begin by saying that I consider the above opinion of the Constitutional Court erroneous, probably the most contentious of all the opinions adopted during its existence. In this respect, I completely agree with the dissent of Eliška Wagnerová and Miloslav Výborný from that opinion of the Constitutional Court:

"... the reasoning of the opinion contains a "Copernican Turn" in the Constitutional Court's case-law in relation to actual restitution cases, concluding that the restitution laws legalised the State's ownership of property acquired by the State through confiscation, nationalisation and other property-related measures (this appears to be a euphemistic term for the State taking over property without a legal ground, i.e., physical occupation). If, in relation to the outlined interpretation of the restitution laws, the opinion states that it does not matter that without the existence of these laws, the right of ownership to such property could have been claimed, in some cases, under the general laws, then the way the opinion explains the purpose of the restitution laws is completely opposite to what the Constitutional Court's case-law has done so far. In other words, the opinion holds that one of the purposes of the restitution laws is to expropriate at least such property that the State has seized by physical occupation."

In my view, the general courts should therefore have applied and interpreted the restitution laws and the Constitutional Court's case-law to open up the possibility of ascertaining whether the Czechoslovak authorities had committed injustice against the Appellants' legal predecessor. They would have had to go back to the



Brno

fundamental issue of whether or not the above Decree was rightly applied to the Appellants' legal predecessor. The refusal to assess this issue with regard to the Olomouc DNC's decision is incorrect. First, the administrative authorities did not definitively resolve that issue before 24 February 1948, and second, any decision of an administrative authority of that time cannot preclude a review of whether the Decree indeed applied to the Appellants' legal predecessor. Decrees of the president of the republic created substantive rights and obligations, while subsequent decisions of other Czechoslovak authorities only confirmed but did not create certain legal relationships. The opposite interpretation is erroneous; to draw an analogy to today's conditions, take, for example, a court refusing to determine ownership of real property on the grounds that the case has already been finally decided by a cadastral office. When deciding which things were transferred under Act No. 172/1991 Sb., on the Transfer of Some Things Owned by the Czech Republic to Municipalities, no one contested the general courts' jurisdiction to decide disputed issues. In addition, the idea that the Third Republic, i.e. Czechoslovakia from the end of World War II until the communist coup d'état in 1948, was a democratic State governed by the rule of law is a Czech national self-deception to which we should not cling. Decisions of the Czechoslovak State authorities from that time should be assessed critically, and one should not refuse to review them. If the general courts overcame the alleged obstacle set by the Constitutional Court's opinion Pl. ÚS-st. 21/05 (that an action for determination of ownership cannot circumvent the restitution laws), if they interpreted this opinion in accordance with the purpose of the restitution laws, they would be faced with the question of whether the decrees of the president of the republic applied to the Appellants' legal predecessor. In its judgment File No. Pl. ÚS 14/94 (Rudolf Dreithaler's constitutional appeal), the Constitutional Court expressed its view of the legitimacy of said decrees and



also explained against whom the decrees were directed and on what grounds collective metaphysical co-responsibility (not collective guilt) can be attributed to Germans. *"Viewed from this perspective, Decree of the President of the Republic No. 12/1945 Sb. can therefore only stand as a normative legal act if it does not contradict the intentions of a democratic State governed by the rule of law. As regards the above question, it should be emphasised, as suggested by the title of Decree No. 108/1945 Sb. (... on the Confiscation of Enemy Property), that the fundamental aspect in specifying the persons and entities to confiscate property from is their hostility to the Czechoslovak Republic or to the Czech and Slovak nations...*

At this point, the following question must be asked: to what extent and in which meaning are only the representatives of the Nazi movement responsible for the gas chambers, the concentration camps, the mass extermination, the humiliation, the beating to death and dehumanisation of millions, or are all those who silently profited from this movement, followed orders and did not resist them also co-responsible for these phenomena...

Based on all of the above findings and deliberations, the Constitutional Court therefore concludes that at the time of its issuance, Decree of the President of the Republic No. 108/1945 Sb., on the Confiscation of Enemy Property and on the National Restoration Funds, was not only a legal act but also a legitimate one."

Franz Josef II, Prince of Liechtenstein, the Appellants' legal predecessor, from whom the disputed property was allegedly confiscated by Decree of the President of the Republic No. 12/1945 Sb., was a citizen of a State that retained its neutrality throughout World War II. There is no reason to treat him in a way different from any other German-speaking citizen of another neutral State, such as Switzerland. The idea that Franz Josef II, Prince of Liechtenstein, was co-responsible for the crimes of the Third Reich, and therefore subject to the Decree, is absurd.

In my opinion, the decisions of the general courts and the Constitutional Court are unfortunately influenced not only by legal considerations, but also by political and economic ones. Just as some major banks are "too big to fall", the Appellants' property appears to be "too big to be returned". ■

David Uhlíř





FORUM 24

From the media

Judge Uhlíř's lesson. The procedure against the Liechtensteins is unfair and many judges know it.

10. 5. 2023 | forum24.cz | by Johana Hovorková

COMMENTARY / After Tuesday's decision of the Constitutional Court, no one in the Czech Republic can think that Czech judges generally consider the robbery of the Liechtenstein family to be a valid act under the legal system. The dissenting opinion of Judge Uhlíř speaks of a clear absurdity.

However, some judges have already let it be known that they are not at all comfortable with continuing to commit injustices. In the corridor, a district judge in South Moravia expressed her wish that the situation should be rectified by international courts because – as she believes – in the Czech Republic the courts have no choice but to defend the property injustice committed. That was a statement made only in the corridor in front of witnesses.

Only now a truly brave judge has been found: on 9 May, the Constitutional Court rejected the Liechtenstein complaint, but the judicial panel had to vote. Constitutional Judge David Uhlíř became the voice of reason and his dissenting analysis scattered the shameful and systematic attack of the Czech judiciary against the Liechtensteins and the citizens of Liechtenstein. In a dissenting opinion, the outvoted Judge Uhlíř reminded the court that the Prince of Liechtenstein, whose disputed property was confiscated by the decree, was a citizen of a state that had maintained neutrality throughout World War II.

Judge Lichovník's warning tricks

The Constitutional Court's ruling in the case of the complainants, the Foundation Prince Liechtenstein and the head of the Principality of Liechtenstein, Hans Adam II, dealt with the decision of the Czech courts in the matter of the return of property unjustly confiscated by the Czechoslovak state in 1945. The manner in which the Chairman of the Constitutional Court Senate, JUDr. Lichovník, announced the rejection of the complaint in Brno was a warning to Czech society. For three reasons:

1. First, Tomáš Lichovník condescendingly praised the Liechtenstein lawyers for how well they had prepared the constitutional complaint and how well they had provided it with arguments.
2. Tomáš Lichovník offered only one argument why it was necessary to reject the complaint: the lawmaker

had supposedly limited the remediation of the damage to 1948, and the Constitutional Court must follow the decision of the politicians.

3. When announcing the ruling, Lichovník forgot to say that the judicial panel (senate) had to vote. He simply concealed the completely different, dissenting position of Judge David Uhlíř, who vindicates Liechtensteins' reasoning on all the complaining points of the case!

“We were completely unaware of Uhlíř's dissenting opinion. It prevented us from reacting when journalists were waiting for us in front of the Constitutional Court,” says Aleš Linhart, a lawyer for the Foundation Prince Liechtenstein.

A crowned absurdity: why is the Fiala government conducting a dispute with the Liechtensteins?

It does not look good for the Czech Republic: the 9th of May in Brno served a lot of material to the European Court of Human Rights in Strasbourg, which has been dealing with the Czech Republic's trampling of the rights of Liechtenstein citizens for two years. Taxpayers are threatened to pay many times more for the hypocrisy of Babiš's and now also Fiala's government than for the ill-fated Diag Human. This is completely unnecessary. The Liechtensteins have repeatedly offered the Czech side friendly negotiations, the result of which would be an agreement beneficial to both parties. When we realise that the government is now headed by a quite serious conservative, Petr Fiala, the lawsuit that the Czech Republic is conducting at huge expense for lawyers in an international court is actually a crowned absurdity. Why is Fiala's government leading the dispute with the Liechtensteins? We really can't wrap our heads around that. It is high time that Czech political cowardice, and the cowardice of Czech judges, gave way to courage and principled thinking, with which Judge Uhlíř has given politicians and judges a really clear lesson on the rule of law and democratic convictions. The trial of the Liechtensteins touches on the concept of our state. The question is whether we are FOLLOWING the post-war pseudo-democracy – which was in fact a transitional stop from one totalitarianism to another, with the lawlessness of the time paving the way for the rise of a communist dictatorship – or whether we are creating a real democracy based on an honest conception of law and justice. This dispute is far from just about the Liechtensteins and their property. This dispute is about us. It is about who we are. Whether we belong to a decent society.