

# Beneš Decrees



**Expulsion  
and  
Genocide**

**The genocide of the Sudeten German ethnic group is one of the worst violations of international law in the 20<sup>th</sup> century**

“In Art. I and II, the Agreement on Genocide declares certain acts of aggression against national, racial, religious groups, or groups defined by common ethnic traditions, with the intention of destroying these entirely or in part, no matter if carried out in times of peace or war or against people of one’s own or foreign nationality, a crime according to international law.”

“...the following acts are considered crimes...: the killing and the infliction of severe physical damage on members of the group; the creation of living conditions for the group, which are likely to be used to physically exterminate this group entirely or in part; the imposition of measures which are intended to prevent births within the group and the forceful abduction of children from this group to another.”

“According to Art. III, apart from genocide as such, the following acts are seen as punishable: attempt, participation, conspiracy, and the public instigation to commit the crime.”

The characteristics of genocide prevail in the event of the mass extermination as committed by Czechoslovakia on its ethnic German population.

Genocide as a complex of severe human rights violations plus accompanying measures is not considered subject to the statute of limitations (Convention on the Non-Applicability of Statutory Limitations to War Crimes against Humanity, UN GV Res. 2391 (XXIII)).

The expulsion of the Sudeten Germans was not an “understandable” act of revenge to the fate suffered by the Czech people during the war, but an act of “ethnic cleansing” of the former Austrian Crown lands of Bohemia, Moravia and Silesia of their German cohabitants, planned for decades by chauvinist Czechs. The bloody expulsion had been started through calls by the Czech Exile-Government in London 1942-1945, the Benes Decrees providing its “administrative” form.

Statement of Masaryk’s government to the peace conference: “It is the intention of the Czechoslovak government...to transform the Czechoslovak Republic into a kind of Switzerland...In practice, German shall be the second national language and shall constantly be used on an equal basis with Czech in the administration, in court, and in the Central Parliament. There will be a very liberal regime, resembling that of Switzerland. (Paris, 20<sup>th</sup> May, 1919)

Note: Finding taken from the legal expert opinion by Prof. Dr. Felix Ermacora, Winner of the UNESCO-Prize for Human Rights in Legal Expert Opinions “The Sudeten German Questions”, 1992/page 256 pp.

## Extracts of parts of the internationally unlawful Benes Decrees as well as of some laws and declarations

### 1. Important Nationalisation and Confiscation Decrees and Laws

Decree No. 5, 19<sup>th</sup> May, 1945: proprietary legal transactions

Decree No. 12, 21<sup>st</sup> June, 1945: confiscation of agricultural property

Bulletin by the Ministry of Finance, 22<sup>nd</sup> June, 1945: securing of German property

Decree No. 108, 25<sup>th</sup> October, 1945: confiscation of enemy property

Decree No. 122, 18<sup>th</sup> October, 1945: closure of the German University Prague – expropriation of property

Act No. 131, 6<sup>th</sup> May, 1948: dissolution of the Protestant Church – expropriation of property

### 2. Loss of Citizenship for Persons of German and Magyar Nationality

Constitutional Decree No. 33, 2<sup>nd</sup> August, 1945: regulations concerning the citizenship of persons of German and Magyar nationality

### 3. Forced Labour and Labour Duty:

Decree No. 71, 19<sup>th</sup> September, 1945: labour duty of persons who have lost Czechoslovak citizenship

Decree No. 126, 27<sup>th</sup> October, 1945: forced labour – special departments

### 4. Laws on the Dissolution of Employment Contracts of Germans and Magyars

Act No. 83, 11<sup>th</sup> April, 1946: termination of employment (and apprenticeship) contracts of Germans, Magyars, traitors and their accomplices

### 5. The so-called Impunity or Amnesty Act

Act No. 115, 8<sup>th</sup> May, 1946

### 6. Pure Racism: Allocation of Land

Decree No. 28, 20<sup>th</sup> July, 1945: settlement by Slavic farmers



The beginning of the ordeal. Open-air assembly camp before deportation.

This is what European post-war humanitarianism really looked like.

**Decree of the President of the Republic, 19<sup>th</sup> May, 1945,  
Concerning the Invalidity of Transactions Involving Property Rights from the  
Time of the Oppression and Concerning the National Administration of  
Property Assets of Germans, Magyars, Traitors and Collaborationists and of  
Certain Organizations and Associations**

**Decree No. 5**

All transfers and transactions involving property rights regardless of whether they involve movable or immovable, public or private property are invalid provided that they have been made under the pressure of the occupation or under the national, racial, or politic persecution after September 29, 1938. (Art. 1, Par. 1)

The **property** of persons within the territory of the Czech Republic upon whom the country cannot place reliance will be placed **under national administration** in accordance with the further provisions of this decree. (Art. 2, Par. 1)

The following are to be considered unreliable persons:

**a) Persons of German and Magyar nationality (Art. 4)**

As persons of German and Magyar nationality shall be considered those who, on the occasion of any census since 1929, acknowledged their German or Magyar nationality or who became members of national groups or organizations or political parties in which persons of German or Magyar nationality were united. (Art. 6)



Just an understandable reaction of the mob?

**Ordinance of the Ministry of Finance, 22<sup>nd</sup> June, 1945,  
No. 461/45-IV/5 on Securing German Property  
Official Release No. 83**

According to Art. 23, Par.1 of the Governmental Ordinance of 23<sup>rd</sup> June, 1939, No. 155, which decrees a foreign exchange regulation, the Ministry of Finance orders the following:

I.

Disbursements and money transfers of all kinds from deposits or accounts which have been provided by financial institutions for Germans, German enterprises and German institutions of any kind are forbidden. Exceptions can only be made by the Ministry of Finance or authorities empowered by it to do so. (Art. 1)

Any transfer of domestic deposit (savings) accounts and deposit receipts which belong to Germans (German enterprises and German institutions) to other people is forbidden. Exceptions can only be made by the Ministry of Finance or authorities empowered by it to do so. (Art. 3)

IV. (Art. 8)

- (1) The Germans (German enterprises and German institutions) are required to deposit the following into a personalised blocked account with any financial institution empowered to do so by the Ministry of Finance, at the latest within 15 days after the publication of this announcement:
  - a) domestic and foreign stocks, mining shares, fixed-interest and other bonds,
  - b) precious metals and objects made from them,
  - c) precious stones and pearls,
  - d) valuables and artefacts, as well as collections of such objects
  - e) stamp collections and sets which, on the effective date of this announcement, are in their possession, or owned by them individually or jointly.
- (2) Foreign exchange banks under Czech administration do not require empowerment to accept these objects (collections) into blocked accounts.
- (3) Blocked accounts established in this way are equally subject to the regulations as stated in Art. 4 of this announcement.

(Art. 11)

- (1) From the effective date of this announcement, domestic acquisition against payment of the property as mentioned in Art. 8, Par. 1 by Germans (German enterprises and German institutions) is forbidden.  
If they acquire such property without payment, they are required to deposit it into a blocked account within 3 days (cf. Art. 8).
- (2) Other exceptions from this prohibition may only be granted by the Ministry of Finance or the authorities empowered by it. All of the abovementioned regulations are equally valid for Magyars, Magyar enterprises and Magyar institutions.

**Decree of the President of the Republic, 21<sup>st</sup> June, 1945,  
Concerning the Confiscation and Early Redistribution of Agricultural  
Property of Germans, Magyars, as well as of Traitors and Enemies  
of the Czech and Slovak People  
No. 12**

Following the demand of the Czech and Slovak farmers and persons without land for an effective implementation of the land reform and especially led by the desire once and for all to take Czech and Slovak soil out of the hands of the foreign German and Magyar landowners as well as out of the hands of the traitors to the Republic and to put it into the hands of the Czech and Slovak farmers and persons without land, I decree upon proposition of the government as follows:

With immediate effect and without compensation and for the purpose of the land reform such rural property shall be confiscated as is owned by:

all persons of German or Magyar nationality, without regard to their citizenship (Art. 1, Par. 1a)

Agricultural property (Art. 1 Par. 1) is by definition:

agri- and silviculturally used soil, attached buildings and facilities, enterprises serving ones own agri- and silvicultural economic management, as well as movable accessories (livestock and dead stock) and all rights connected with the ownership of the confiscated property or parts thereof. (Art. 4)

Agricultural property confiscated on the grounds of Art. 1, until transferred to the recipients, is administered by the National Land Fund in the Ministry of Agriculture, which is established herewith. The government is authorised to enact the statute of this fund. (Art. 6, Par. 1)

(1) Part of the agricultural property administered by the National Land Fund is to be allotted to persons of Slavic nationality as their property.

(2) In districts where the vast majority of the population is of German nationality the land remains under the administration of the National Land Fund for the purposes of interior colonisation if there is not a sufficient number of qualified applicants, according to Par. 1, Sec. a) to f), of Czech or other Slavic nationality.

(3) Forest soil up to 50, or up to 100 hectares respectively (Art. 6, Par.2), can be allotted to communities and forestry cooperatives. This soil is subject to state control. (Art. 7)

De-Germanization quote by Masaryk: *“For these foreigners of the land [Germans, note from the author] a modus vivendi may have to be found ... as for the rest I am convinced that the De-Germanization will take place very quickly.”* (Interview in “Martin”)

**Decree of the President of the Republic, 20<sup>th</sup> July, 1945,  
Concerning the Settlement of the Agricultural Land of the  
Germans, Magyars, and Other Enemies of the State by  
Czech, Slovak, and Other Slavic Farmers  
No. 28**

Upon proposition of the government I decree as follows:

Agricultural property confiscated according to the Decree of the President of the Republic, 21<sup>st</sup> June, 1945, No. 12, Concerning Confiscation and Early Redistribution of Agricultural Property of Germans, Magyars, as well as of Traitors and Enemies of the Czech and Slovak People, and now belonging to the National Land Fund will be settled, if it is not distributed in accordance with the confiscation decree, through allotment of land to entitled applicants (Art. 2) from areas in which a lack of arable land or conditions adverse to agriculture persist. (Art. 1) Allotment of land within the scope of this settlement can be applied for by nationally reliable members of the Czech, the Slovak, or another Slavic nation. (Art. 2, Par. 1)



**40,000**

**business enterprises**

**under national**

**administration**

**now your**

**property!**

The Settlement Office fulfils the  
promise made by Gottwald's  
government

On 14<sup>th</sup> February, 1946, in front of a delegation of 9,000 administrators of expropriated enterprises, Benes prided himself on having worked on the systematic economic displacement of the Germans since 1920. (from: Svobodny Smer, Pilsen, 17<sup>th</sup> February, 1946)

**Decree of the President of the Republic, 25<sup>th</sup> October, 1945,  
Concerning the Confiscation of Enemy Property  
and the Funds of National Regeneration  
No. 108**

Upon proposal of the government and in accordance with the agreement with the Slovak National Council, I decree as follows:

Part I: Confiscation of Enemy Property

Article 1: Extent of the Property Confiscated

(1) Any immovable and movable property shall be confiscated without any compensation to the benefit of the Czechoslovak Republic - provided that this has not yet been executed - in particular property rights (such as claims, securities, deposits, immaterial rights) which to the day of the factual termination of the German and Hungarian occupation was or still is owned:

1. by the German Reich, the Kingdom of Hungary, by bodies corporate under German or Hungarian public law, by the German National Socialist Party, by the Magyar Political Party and other groups, organizations, enterprises, institutions, associations, funds and assets earmarked for special purposes of these regimes or connected therewith, as well as of other German or Magyar juristic persons, or by natural persons of German or Magyar nationality with the exception of persons who prove that they have adhered faithfully to the Czechoslovak Republic, that they never committed any offence against the Czech and Slovak people and that they have either participated actively in the combat for their liberation, or have suffered under the National Socialist or fascist terror.



Even this remainder of property was repeatedly and unmercifully ransacked in the course of inspections.



## Okresní správní komise v Kraslicích.

# Upozornění.

Byty, opuštěné osobami odcházejícími do sběrného střediska, musí být zanechány v pořádku a čistotě.

Na jednu osobu přípustno zavazadlo do váhy 60 kg a ruční zavazadlo nejvýše do 10 kg.

Ostatní věci buďtež zanechány na místě v bytě jako záclony, koberce, stolní lampy, nástěnná zrcadla, mycí mísy, součástky nábytku, na stole ubrusy, potom 2 ručníky, v postelích slamníky, prostěradla a alespoň po jednom polštáři a přikrývce, vše čistě povlečené.

Zavazadlo nesmí být baleno do koberců a povlaků.

Bude-li prohlídkou zjištěno, že nebylo dbáno tohoto upozornění, nebude dotyčná osoba přijata do odsunu, nýbrž poslána do vnitrozemí na práci.

## Übersetzung.

Personen, welche für den Abtransport bestimmt sind, haben ihre Wohnung in vollster Ordnung zu verlassen.

Gepäck wird für eine Person zugelassen: 1 Gepäckstück von 60 kg und Handgepäck von höchstens 10 kg.

Alle übrigen Sachen sind in d-

**Okresní správní komise, Kraslice.**

796-66 Braun, Kraslice.

### Translation:

Persons assigned for transportation have to leave their flat in absolute order.

Luggage allowed per person: 1 piece of luggage of 60 kg and hand luggage of max. 10 kg.

All other things must be left in the flat, e.g. curtains, carpets, table lamps, mirrors, washing bowls, parts of the furniture, tablecloths, 2 towels, in beds: mattresses, bed sheets, and at least one pillow and one blanket each, all fresh and clean.

The luggage must not be wrapped into carpets or covers.

If in the course of an inspection it is found out that this has not been heeded to the respective person will not be transported but sent inland for labour.

**Constitutional Decree of the President of the Republic,  
2<sup>nd</sup> August, 1945,  
Concerning the Regulations about the Czechoslovak Citizenship  
of Persons of German and Magyar Nationality.  
No. 33**

Upon proposal of the government and in accordance with the agreement with the Slovak National Council, I decree:

(1) Czechoslovak citizens of German or Magyar nationality who acquired German or Magyar citizenship under the regulations of a foreign occupational force lost their Czechoslovak citizenship on the day the new citizenship was acquired.

(2) The other Czechoslovak citizens of German or Magyar nationality shall lose their Czechoslovak citizenship on the day this decree comes into force. (Art. 1, Par.1)

(3) This decree does not apply to Germans or Magyars who, during the period of increased threat to the Republic (Art. 18 of the Decree of the President of the Republic, 19<sup>th</sup> June, 1945, No. 16, Concerning the Punishment of National Socialist Criminals, Traitors and their Accomplices and Concerning the Special People's Courts), declared themselves as Czechs or Slovaks by official registration.

(4) Czechs, Slovaks, and persons of other Slavic nationalities who during that time declared themselves as Germans or Magyars under pressure or under extenuating circumstances shall not be regarded as Germans or Magyars by this decree, provided that the Minister of the Interior approves of the attestation of national reliability, as issued by the responsible District National Committee (the District Administration Commission) after a thorough examination of the aforementioned facts.



Was this the “humane resettlement” according to Potsdam?

**Decree of the President of the Republic,  
18<sup>th</sup> October, 1945,  
Concerning the Closure of the German University Prague  
No. 122**

To bring the long-lasting historical efforts of the whole of the Czech people concerning the question of the Prague University to an end, and to legally ensure the benefits of the National Revolution and the fight for the freedom of the Czechoslovak Republic, I decree upon proposition of the government as follows:

The German University Prague, which ceased to exist on 5<sup>th</sup> May, 1945, the first day of the rebellion of Prague's population, will be dissolved forever, for being an institute hostile to the Czech people. (Art. 1)

The scientific institutes and all of their facilities, including the entire property belonging to the German University Prague, are passed on to Karl's University. (Art. 2)

This decree comes into force on 17<sup>th</sup> November, 1939, and will be carried out by the Minister of Education and Culture. (Art. 3)

**Act, 6<sup>th</sup> May, 1948,  
Concerning the Liquidation of the Legal Circumstances of the German  
Evangelical Church in Bohemia, Moravia and Silesia  
No. 131**

The German Evangelical Church in Bohemia, Moravia and Silesia (furthermore to be called "Church") ceased to exist on 4<sup>th</sup> May, 1945. (Art. 1)

The entire immovable and movable property, particularly also the property rights, which, until 4<sup>th</sup> May, 1945, belonged to the church communities (the parish, district or general communities) of the Church or its institutions, foundations and funds, is passed on into the possession of the Czech State.

**Public Appeal for Genocide**

**Benes 1942:** "In our country, the end of the war will be written in blood. The Germans will be repaid, many times over and without pity, for what they have committed in our country since 1938. The whole nation will participate in this fight." (Radio broadcast, 27<sup>th</sup> October, 1942)

**Benes 1944:** "The coup has to be violent, has to be a massive national retaliation against the Germans... a bloody and unmerciful fight." (Speech to the National Council, 3<sup>rd</sup> February, 1944)

**General S. Ingre:** "When our day comes, the entire nation will follow the Hussite battle cry: Beat them, kill them, leave no survivors. If there are no firearms to hand, then any kind of weapon that cuts, stabs or hits ..."  
(Appeal on BBC Radio on 3<sup>rd</sup> November, 1944)

**Decree of the President of the Republic,  
19<sup>th</sup> September, 1945,  
Concerning Labour Conscription of Persons having lost  
Czechoslovak Citizenship  
No. 71**

Upon proposition of the government I decree as follows:

For the elimination of and the compensation for the damage caused by the war and the air raids, as well as the re-establishment of the economy destroyed by the war, a labour conscription will be introduced for persons who, according to the Constitutional Decree of the President of the Republic, 2<sup>nd</sup> August, 1945, No. 33, concerning the regulations of the Czechoslovak citizenship of persons of German and Magyar nationality, have lost Czechoslovak citizenship. The labour conscription is also extends to persons of Czech, Slovak or any other Slavic nationality who applied for the granting of German or Magyar citizenship at the time of heightened threat to the Republic, without having been forced through compulsion or particular circumstances (Art. 5 of the aforementioned constitutional decree). (Art. 1, Par. 1) All men from 14 to 60 years of age and all women from 15 to 50 years of age are subject to labour conscription.

Persons freed from labour conscription include:

- a) physically and mentally disabled persons, as long as this condition remains,
- b) pregnant women, from the beginning of the fourth month of pregnancy,
- c) women in childbed, for the first six weeks after the birth, and
- d) women who have to take care of children under six years of age. (Art. 2, Par. 1 and 2)

Persons assigned to work have the duty to perform the work assigned to them properly and conscientiously and to refrain from everything that could harm and endanger the achievement of the purpose of the area of work concerned. They are required to carry out the work assigned to them anywhere, and have the duty even to perform tasks that do not belong to their usual field of activity. (Art. 8, Par. 1)

**Ripka's summary of the first stage of the genocidal expulsion:  
“We were too slow and too lenient with the Germans... The population did not carry out the government’s plan in the first months after the liberation, and the whole operation of the expulsion of the Germans was slowed down.”**

**Decree of the President of the Republic,  
27<sup>th</sup> October, 1945,  
Concerning the Forced Labour Special Departments  
No. 126**

Upon proposition of the government I decree as follows:

In accordance with the regulations of Art. 14, Sec. b) of the Decree of the President of the Republic, 19<sup>th</sup> June, 1945, No. 16, concerning the punishment of Nazi criminals, traitors und their accomplices, as well as concerning the special people´ s courts, special departments for forced labour (furthermore to be called “departments”), will be set up in the district court prisons and in the penal institutions. (Art. 1(1))

The Minister of Justice may also erect special camps for these departments and regulate their organisation. (Art.1 (2))

The prisoners are not entitled to compensation for the work in the departments. The payment which has been agreed upon for the work will be passed on to the state. When setting the amount of payment, heed is to be paid to the workers´ wages not being underbid. (Art. 4)

**Act, 11<sup>th</sup> April, 1946,  
Concerning the Working and Apprenticeship Contracts  
of the Germans, Magyars, Traitors and their Accomplices  
No. 83**

The Provisional National Assembly of the Czechoslovak Republic has passed the following law:

The working and apprenticeship contracts of persons who have lost the Czechoslovak citizenship, following the Constitutional Decree of the President of the Republic, 2<sup>nd</sup> August, 1945, No. 33, on the regulation of the Czechoslovak citizenship of persons of German and Magyar nationality, will be cancelled on the day this law comes into force, as long as nothing else is stipulated by the latter. (Art.1(1))

After three months from the day this law comes into force, the working and apprenticeship contracts will be cancelled, in case they have not been previously cancelled in accordance with Art. 3 or Art. 4 ...(Art. 1(2))

In case they have not previously been cancelled, the working and apprenticeship contracts of the German and Magyar citizens of German and Magyar nationality who are not affected by the Constitutional Decree No. 33/1945 will be cancelled on the day this law comes into force. (Art.1 (4))

The employee whose working and apprenticeship contract has been cancelled in accordance with the aforementioned regulations is not entitled to payment, as he would normally be, following the law or contract in the case of a premature termination of the working or apprenticeship contract. (Art. 5)

**Act, 8<sup>th</sup> May, 1946,  
Concerning the Lawfulness of Acts Connected With the Fight  
to Regain the Liberty of the Czechs and Slovaks  
No. 115**

The Provisional National Assembly of the Czechoslovak Republic has decided upon the following law:

Any act committed between September 30<sup>th</sup>, 1938, and October 28<sup>th</sup>, 1945, the object of which was to aid the fight for liberty of the Czechs and Slovaks or which represented just reprisals for actions of the occupation forces or their accomplices, is not illegal, even if such acts may otherwise have been punishable by law. (Art.1)

(1) If somebody has already been sentenced for such an offence, the regulations for the revision of the criminal proceedings have to be applied.

(2) The court having had original jurisdiction in the criminal proceedings, or, if such criminal proceedings have not taken place, the court which would now have original jurisdiction if the unlawfulness of the act were not ruled out by Art. 'n', has original jurisdiction in the criminal proceedings.

(3) If an act mentioned in Art. 1 coincides with a criminal offence for which the accused has been sentenced by the same verdict, the court will, by verdict, pass another sentence for this criminal offence with regard to the original verdict. (Art. 2)



Beaten to  
death –  
unpunished  
until today

# ČISTÍME REPUBLIKU

„...kam ich srdce hástře...“

## Provolání!

PROVOLÁNÍ  
K ČISTĚNÍ REPUBLIKY  
VŠECH ČESKÝCH  
SUDETSKÝCH  
OBLASTÍ  
K 1. 10. 1945



## Rozkaz mistraho vojenskyh veditelk.

Mass expulsion of the Sudeten Germans in 1945 according to Czech reports. The headline reads: “We are cleaning the Republic.” Photographic montage from the Czechoslovak soldiers’ newspaper, “Naše vojsko”, Prague, 1946. A picture-documentary of the mass expulsion that was called a “humane deportation”.

# The new homelands of the expelled Sudeten Germans

**More than 3 million were expelled, more than 240 000 were killed.**



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