

## **The court ignored the facts in the dispute with the Liechtensteins and ruled according to a nationalist pattern**

**The Czech state is in a completely undignified situation in its dispute with the Liechtenstein Family's Foundation. The authorities and state bodies are clinging to the post-war confiscation of the Princes' property, which took place in contradiction of the laws of the time.**

Moreover, the laws were despicable because they followed the logic of Nazi legislation, which introduced a racial aspect. However, the Beneš Decrees differed from the Nazi practice of determining race only in the fact that they determined confiscations by nationality according to how the citizens of Czechoslovakia had registered themselves in the census.

The most recent ruling against the Liechtensteins was made last week by the court in Břeclav, which considered the claim of the Princely Foundation to the castles of Valtice and Lednice. The judge did not deal at all with the evidence presented by the Foundation and dismissed the case with reference to the Beneš Decrees. It was clear to the judge that the family in question was a German family and that it should have been deprived of its property after the war like all other Germans in the former Czechoslovakia.

The family members of the Princely House of Liechtenstein were not listed as either German or Czech in the last pre-war census, which was decisive for the post-war confiscations. They did not participate in the census because they were citizens of the Principality of Liechtenstein. The family did not explicitly claim to be German and their small state was affected by the aggression of the Nazi Third Reich. But Czech courts have repeatedly held that the German nationality of the Liechtensteiners is a "notorious fact" and therefore the Beneš Decrees apply to them.

The arguments of the lawyers of the Liechtenstein Foundation are ignored by the Czech courts with complete arrogance. They simply do not examine them at all, because they consider 1948, when the Communist coup took place, to be the beginning of our legal history. This is similarly perverse, as if the courts in Germany had respected the legal situation only since the rise of Adolf Hitler.

Since there are no documents that would attribute German nationality to the Liechtensteins in the sense of the legal provisions in force in the post-war period, the Czech courts decide in much the same way as the Nazi authorities did - they look at a person and say, "He is clearly German." Just as in another case they would say, "That's a clear Jew." There is no substantive difference. It is really a crying shame that Czech judges are not ashamed of their legal opinion. Yet it is clear that the opinion of the courts is not guided by legal analysis, but by nationalism and ideological indoctrination from the Communist era.

For the Czechs, however, the official position taken by the Czech state in the dispute with the Liechtenstein family is also shameful. The position of our state is presented by the Office for State Representation in Property Matters (ÚZSVM). Here is an example of the position of our state, which wants to be one of the civilised European countries with a solid legal order:

"The Office for the Protection of Property is directly obliged by law to effectively defend the property interests of the Czech Republic and has consistently taken the legal view that the Liechtenstein property right was transferred to the State by right on the basis of the confiscation under the 1945 Presidential Decrees. It therefore disagrees with the assertion that the property in question was unlawfully taken. The ÚZSVM has succeeded with this argumentation before the District, Regional and Supreme Courts of the Czech Republic. The correctness of the ÚZSVM's procedure was also confirmed by the Constitutional Court in its resolution of

20 February 2020. The ÚZSVM will continue to defend the interests of the Czech Republic effectively in these disputes in accordance with its legal obligations."

Let us add that the Czech authorities are spending many millions to fight the Liechtensteins, not only for lawyers, but also for analyses to prove that the family behaved in an "anti-Czech" way, for example after the Battle of the White Mountain. This absurd and barbaric attitude, which is completely outside the norms of a civilised modern country, should be a topic for the new government of Petr Fiala. It is a chance to stop the stereotypes that the current Czech authorities have adopted from the era of the radical Bolshevik dictatorship and the nationalist frenzy of the post-war years.

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**FORUM 24**

 NÁZOROVÝ INTERNETOVÝ DENÍK  
 PRO OBRANU LIBERÁLNÍ DEMOKRACIE


Zprávy Události Komentáře Nová Orientace Kultura Kaleidoskop

## Soud ve sporu s Lichtenštejnny ignoroval fakta a rozhodl podle nacionalistického vzorce



Kníže Hans Adam II. z Lichtenštejna a jeho žena Marie Aglaé, která se narodila v Praze jako hraběnka Kinská | FOTO: Profimedia


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lichtenštejnově Lichtenštejnsko ÚZSVM

Český stát je ve sporu s nadací rodiny Lichtenštejnů v naprosto nedůstojné situaci. Úřady i orgány státu lpí na poválečné konfiskaci knížecího majetku, k níž došlo v rozporu s tehdejšími zákony. A to se navíc jednalo o zákony zavřeníhodné, neboť navazovaly svoji logikou na nacistické zákonodárství, které zavedlo rasové hledisko. Benešovy dekrety se však od nacistické praxe určování rasy lišily přeci jenom v tom, že konfiskace podle národnosti určovaly podle toho, jak se občané Československa sami zapsali při sčítání lidu.

## Výkup elektřiny

Chci vědět víc

Aktuálně vykupujeme za 4304 Kč/MWh

Naposledy proti Lichtenštejnům rozhodl minulý týden **soud v Břeclavi**, který posuzoval nárok knížecí nadace na zámky Valtice a Lednice. Soudkyně se vůbec nezabývala důkazy, které nadace předložila, a shodila věc s odkazem na Benešovy dekrety. Je pro ní jasné, že jde o německou rodinu a ta měla být po válce obrána o majetek jako všichni ostatní Němci z tehdejšího Československa.

Rodinní příslušníci knížecího rodu Lichtenštejnů se v posledním předválečném sčítání, jež bylo pro poválečné konfiskace určující, nezapsali ani jako Němci a ani jako Češi. Sčítání se nezúčastnili, protože byli občany Lichtenštejnského knížectví. Rodina se výslovně nehlásí k německému národu a její malý stát byl postižený agresivitou nacistické Třetí říše. České soudy ale opakovaně tvrdí, že německá národnost Lichtenštejnů je „notorickou skutečností“, a proto se na ně Benešovy dekrety vztahují.

Dále čtete

Argumenty právníků lichtenštejnské nadace přitom české soudy ignorují a naprosto zprognó