

## **"Czechs are no enemies but we have to defend ourselves." Why Liechtenstein stopped having patience with Czech silence**

**For many years, the Czech Republic refused to discuss the issue of property settlement with the family of Liechtenstein. It resulted in many lawsuits not only at Czech but now even at international courts. Liechtenstein appealed to the International court for human rights in Strasbourg where it filed an international complaint, a specific and rarely used legal tool. If the Czech Republic was not that inactive, the Liechtenstein family would not have gone into court.**

When Constantin, Prince of Liechtenstein announced in Prague three years ago that the Prince of Liechtenstein Foundation, he presides, managing big part of the family property, would file a complaint with the Constitutional Court, he said he expected the verdict to be delivered "within one year, a year and half at most". And if the Liechtenstein family was not successful, it will take the case to Strasbourg.

It was in July 2017 and it was the case when the Czech Republic sued the Liechtenstein family because of land plots near Říčany (the case is reminded below). The verdict finally came later - only this year in February - and the Constitutional Court rejected the Liechtenstein complaint. Meanwhile, the princely family filed dozens of motions against the Czech state.

The original "Říčany" case thus, indeed, ended up in Strasbourg. Although in a slightly different form than expected. Instead of an individual complaint which the court has settled in about a million cases during its existence, a rare international complaint of one state against another came from Vaduz to Strasbourg. The court in Strasbourg has so far heard only just about twenty cases like this one.

Gesture which has not come

Meanwhile, at the end of 2018, the princely foundation also filed almost thirty motions with Czech district courts; the deadline was approaching within which the Liechtenstein family could exercise their claims. Most of these cases have been so far waiting for the first instance decision.

For a long time, the Liechtenstein family did not want to sue with the Czech Republic, waiting for a helpful gesture from the Czech government. They said they did not expect a return of all big properties, which once used to include also the famous Lednice-Valtice complex, but for example an agreement with the princely family about the use of the properties or other, at least symbolic, form of settlement.

Nothing like this came, not even when the princely foundation offered the Czech Republic an investment programme into education, monument preservation and environment protection. On contrary, it was the Czech Republic in 2014 that was the first one to sue the Liechtenstein family. And that is the first big paradox of the whole trouble - it was not started as a typical restitution lawsuit initiated by a noble family, but the legal battle was started by the state.

It was about the abovementioned "Říčany" case when the state demanded return of 600 hectares of mainly forest land which had been for centuries owned by the princely family. Still in 2013, the state confirmed the inheritance proceedings, stating that the owner is the Prince of Liechtenstein Foundation.

However the state - through the Office for the Government Representation in Property Affairs - says that the land plots were confiscated from the Liechtenstein family already in 1945 based on the Beneš Decrees and that the registration in the land registry in favour of the princely family was an administrative mistake. Finally, all courts of appeal agreed with the state.

Do not make Germans of us

This argument is crucial for the whole dispute - and, according to the Liechtenstein family, completely wrong. For the whole time, they have been defending that the case is not related to the Beneš Decrees and the princely family does not want to breach the decrees because the decrees were, in their opinion, illegally applied to them. They were not Germans but citizens of an independent, neutral state which stood against the Nazi regime in Germany.

The fact is that during the war Liechtenstein supported the Czechoslovak exile government, it had never recognized the establishment of the Protectorate of Bohemia and Moravia and the Munich Agreement; for the whole period of war, it recognized Czechoslovak passports and kept neutral.

However, the state sees it differently and bases its opinion on a document from the 1930 census. In this document, a gamekeeper at the Liechtenstein estate of Velké Losiny wrote German into a one common field for ethnicity and mother tongue. This, according to the Liechtenstein family, only proved that the family members at that time spoke German but that they were not Germans.

Also, the courts in Czechoslovakia after the Communist putsch in 1948 based their verdict confirming the property confiscation on this "proof".

The Principality of Liechtenstein is outraged that the Czech state now applies the same logic even seven decades later and "again makes Germans of its citizens". Therefore, the government in Vaduz interfered and wants to protect the rights of its citizens, including the members of the princely family, through the complaint in Strasbourg. "We do not consider the respect of the Czech Republic to the sovereignty of our country as sufficient," reads the, rather sharply formulated, government statement.

It is not about hectares but justice

The Czech Republic and Liechtenstein re-established diplomatic relations only in 2009 and despite the formation of a common Czech-Liechtenstein commission of historians the current lawsuits prove that the past continues to complicate the current relations of both the countries.

Katrin Eggenberger, the Liechtenstein Minister of Foreign Affairs hopes that the established relations will not be damaged by the ongoing lawsuit. She added that it was by no means a hostile act against the Czech Republic and Czech people, however the principality wants to protect the rights of its citizens. It is obvious that the new escalation of the dispute will not help mutual relations.

"Of course, we have considered it," Martin Frick, the secretary of the Liechtenstein Ministry of Foreign Affairs, laconically commented a possible deterioration of relations at a press conference in Vaduz on Wednesday.

Shortly after, the Liechtenstein princely family published a statement welcoming and supporting the government complaint against the Czech Republic.

"From the viewpoint of the princely Foundation this long-term defence still makes sense. If you recognize legal state, you have to take a path which has some given rules and you cannot omit particular stages of the judicial system. So far, the Czech Republic has always rejected extra-court negotiations, therefore it was necessary to go as far as Strasbourg," says Michal Růžička, the media representative of the princely family of Liechtenstein.

The Liechtenstein family, in his opinion, said several times that it was not primarily "about hectares but about justice".

It is not "just usual" complaint

Lawyers, who helped to prepare the Liechtenstein complaint for Strasbourg, give it good chances to succeed. Vít Makarius, a lawyer who wrote the international complaint, explains why it is different from much more frequent individual complaints and why it may have a bigger chance to succeed.

"It is a dispute in which, compared to an individual complaint process, there are parties of different types but also the way is different in which the European Court for Human Rights discusses the case. It gives the state which started the case a wider process rights and guarantees than it is with individuals. The position of a state in a process with the European Court for Human Rights is stronger than the position of persons who file a common individual complaint with the court," says Makarius. He also confirms the complaint is based mainly on the argument that the Liechtenstein family are not and never have been Germans as the Czech side states in the lawsuits.

"Moreover, if all this happens in relation to the reigning head of a foreign state whose name the country bears and whose family has been co-forming its national identity for centuries, the Liechtenstein government considers it also an issue affecting national identity, inner affairs and sovereignty of Liechtenstein," the lawyer explains.

After an administrative circle, when the government of both the countries will give commentary to the case, and after a hearing of the case, a verdict should be delivered in Strasbourg - most probably in the second half of 2022.

**Author:**

Vojtěch Berger

**Source:**

[www.hlidacipes.org](http://www.hlidacipes.org)

**Type of media:**

Independent news website

**Link:**

<https://hlidacipes.org/cesi-nejsou-nepratele-ale-musime-se-branit-lichtenstejsku-dosla-trpelivost-s-ceskym-mlcenim-kolem-majetku/>

**Term:**

08/21/20