

## Four Men Exonerated 38 Years After Convictions For Singing Anti-Soviet Song In Pub

Twenty-two years after the fall of communism in Czechoslovakia, the Czech Supreme Court on June 22, 2011 quashed the convictions of four men sentenced to prison in 1973 for singing an anti-Soviet song in a Prague pub.

Ivan Martin Jirous, Eugen Brikcius, Jaroslav Korán and Jirí Daníček were drinking beer at the U Plavců pub in central Prague on July 28, 1973. Jirous was a poet and leader of the Plastic People of the Universe, a nonconformist rock band banned by the communist regime, and the other three were literary rebels involved in the underground movement against the communist regime. The men began singing songs, and the lyrics of one of the songs described driving the Russians to hell where they belong. A captain in the Czech secret police (StB) was in the pub and he called the police. The four men were arrested and charged with defamation of the Soviet Union and hooliganism



Ivan Martin Jirous in 2011. (ISIFA)

of the Soviet Union. Jirous was sentenced to ten months in prison and it was ordered that he undergo psychiatric treatment. The other three defendants were sentenced to 8 to 12 months in prison.

After they completed their sentences, Jirous continued to stand up to Czechoslovakia's communist regime and he spent another seven and a half years in prison, during which time he wrote one of his most acclaimed books of poetry. Brikcius left Czechoslovakia

and settled in Vienna. Daníček worked as a manual labourer until the fall of communism, after which he founded a publishing house. Daníček is now the head of the Czech Jewish communities' federation. Korán translated Kurt Vonnegut, William S. Burroughs and other authors into Czech, and he became Prague's first post-communist mayor.

The Czech Republic's Jus-

(disturbing the peace).

The men were convicted of hooliganism and defamation

of the Russian nation. Jirous was sentenced to ten months in prison and it was ordered that he undergo psychiatric treatment. The other three defendants were sentenced to 8 to 12 months in prison. After they completed their sentences, Jirous continued to stand up to Czechoslovakia's communist regime and he spent another seven and a half years in prison, during which time he wrote one of his most acclaimed books of poetry. Brikcius left Czechoslovakia and settled in Vienna. Daníček worked as a manual labourer until the fall of communism, after which he founded a publishing house. Daníček is now the head of the Czech Jewish communities' federation. Korán translated Kurt Vonnegut, William S. Burroughs and other authors into Czech, and he became Prague's first post-communist mayor.



Eugen Brikcius

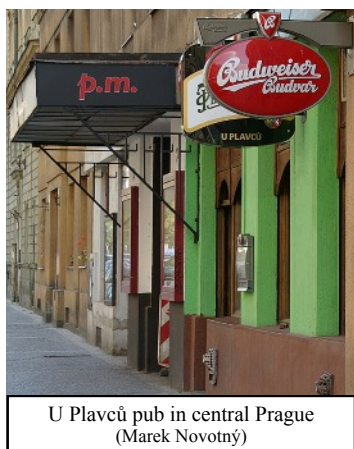
After the Court announced its ruling Eugen Brikcius told Radio Praha:

"I don't want to sound pretentious, but I think the ruling is self-evident. Even though it was a joke, what we did was a public declaration of disapproval with the restriction of freedom, a fundamental human right."

With their convictions quashed, the four men can seek compensation from the Justice Ministry for their wrongful imprisonment. The U Plavců pub is still a popular meeting place in central Prague.

Sources:

[Czech court quashes communist conviction](#) of Plastic People member, Czechposition.com, June 22, 2011  
[Top court cancels 1973 verdict](#) that sent four writers to jail for anti-Soviet song, Radio Praha, June 22, 2011



U Plavců pub in central Prague (Marek Novotný)

## Lynette Stewart Cleared Of A Sexual Assault That Didn't Happen

The November 2005 trial of Lynette Kaye Stewart and Kristina Rachael Oliver was national news in New Zealand. Stewart and Oliver were a lesbian couple, and it was reported they were the first women prosecuted in the history of the country on charges related to women sexually assaulting another woman.

Stewart and Oliver lived in Masterton about 60 miles northwest of New Zealand's capital of Wellington. The prosecution alleged that the night after Stewart and Oliver had a meal with a woman at their home in 2003, they lured her back on the pretext of having coffee with them. The prosecution alleged that Oliver then physically assaulted and sexually penetrated the woman against her will with Stewart encouraging her. The prosecution's key evidence was the testimony of the alleged victim. Stewart and Oli-

ver's defense was that the alleged victim fabricated her story of an assault and that no sexual encounter occurred.

The jury convicted Oliver of two counts of assault and one of sexual violation, and Stewart was convicted as a secondary party to the count of sexual violation. Oliver, 33, was sentenced to six years in prison, and Stewart, 38, was sentenced to two years in prison.

Stewart's appeal was denied by the Court of Appeals in 2006. Oliver's appeal incorporated new medical evidence discovered after Stewart's appeal: expert medical examination of the alleged victim's medical records was inconsistent with her claim that she had been sexually assaulted. Based on that new evidence Oliver's conviction was quashed by the Court of Appeal in 2007 and her retrial was ordered. She was released on bail pending her retrial.

During Oliver's retrial in February 2008 the prosecution didn't present any evidence and she was deemed to have been acquitted.

Stewart then filed a second appeal based on the ground that her conviction should be quashed since it was based on her being a secondary party to the assault Oliver was acquitted on retrial of committing. Since Oliver's acquittal was based on new evidence supporting that no assault took place, Stewart argued she had been convicted of a crime there was no evidence had even occurred. The prosecution conceded "that a substantial miscarriage of justice has occurred" in Stewart's case and did not oppose her appeal.

New Zealand's Supreme Court quashed Stewart's conviction on June 2, 2011 in *Lynette Kaye Stewart v The Queen*, [2011] NZSC 62. The Court stated in part:

[7] Ms Oliver and Ms Stewart were jointly charged and tried together in the District Court on the same evidence, and Ms Oliver was the only possible principal offender. The doubt cast by the medical evidence led during Ms Oliver's appeal must therefore have a direct bear-

**Stewart cont. on page 10**