

## INFORMATION

### 50 YEARS PASSED FROM PREMATURE DEATH OF ING. BOHUMIL MODRÝ, VICTIM OF UNLAWFUL TRIAL AGAINST CZECHOSLOVAKIAN ICE-HOCKEY TEAM

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European Convention on Human Rights was signed in the same year of unlawful detention of Ing. Bohumil Modrý and some other players of Czechoslovakian national ice-hockey team in 1950. The Convention even came to force couple of days before Ing. Modrý wrote his request for release of him and the rest of the team from prison, addressed to at that time president Antonín Zápotocký in 1953. The request remained without an answer, accession of Czechoslovakia to European Convention was a dream.<sup>1</sup> This was indeed coincidence of contrasts. Desired release came finally in 1955 after 5 years of imprisonment and forced labor in Jáchymov uranium mines.

The court case titled “*Ing. Modrý and others*” became the true example of injustice the European Convention desired to prevent. Some later complainants like in *X v Netherlands* case would probably never dare to argue their case based on forced or compulsory labor protected by the Convention if they knew much more severe and tragic story of Ing. Modrý.<sup>2</sup> This article aims to remind the sad anniversary of 50 years since premature death of this legendary goaltender, the victim of slavery work in mines. Ing. Modrý won for Czechoslovakia with the national ice-hockey team among others two world champion titles and silver medal in the Olympic games. He also proved potential to become recognized expert and lecturer due to his education and practice of civil engineer.<sup>3</sup> Perhaps he could have become an ambassador of our country in at that time unifying Europe because of his strong character.

Unfortunately after 1948 there had been various “indirect attacks”<sup>4</sup> against Czechoslovak ice-hockey national team which escalated in 1950 when the team was to defend its world champion title in London. This upcoming championship was, as Ing. Modrý wrote,

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<sup>1</sup> The Convention was itself, however, developed from an earlier human rights standard, the Universal Declaration of Human Rights (UDHR) of 1948 but as a declaration UDHR is unenforceable, viz. CLEMENTS, L., MOLE, N., SIMMONS, A. *European Human Rights: Taking a Case under the Convention*. 2<sup>nd</sup> edition. London: Sweet and Maxwell 1999, p. 1.

<sup>2</sup> In the case of *X v Netherlands*, App. No. 9322/81 football player argued that under transfer rules adopted by Football Association, due to so called transfer fee demanded by his former club, he cannot freely transfer to a new club. According to the player he is forced to work for his former club which is a breach of Convention's Art. 4. Obviously he did not succeed because according to Commission (today European Court of Human Rights), based on freely negotiated contract he accepted the rules, he was not under any obligation to perform services which are oppressive or unjust and constituting unavoidable hardship.

“promising another triumph of national team... Suddenly the most insidious attack came... under unfair pretence the team was not allowed to depart to London and this caused team's indignation (especially when for three days team waited assembled in one place for departure to fly to London) and due to this indignation at ban to disable team's desire to win another title for Czechoslovakia again, some players were provoked to expressions which they would never say under normal circumstances and which understandably were directed towards those suspicious sources from which the attacks against the team were coming... an incident indeed happened in one small restaurant which became signal to arrest the national team.<sup>5</sup> Some players were detained and convicted of treason, intending to leave Czechoslovakia<sup>6</sup> and slandering the republic.<sup>7</sup>

Despite Ing. Modrý retired from the national team in 1949 and was not present in the restaurant incident at all, he was sentenced with other players as well, condemned for 15 years of imprisonment.<sup>8</sup> This circumstance and the secret court proceedings served an apparent objective to make exemplary punishment of the hockey players whose success was “salt in the eye” of some “elements adversarial to the republic.”<sup>9</sup> Lawyers of the players were arguing in only two days trial that their behavior did not fulfill all elements of the crimes they were convinced of. Their testimonies were product of seven months in cus-

<sup>3</sup> His studying ambitions and desire to become civil engineer were always higher than all trophies he has won, he refused luxury offers from top ice-hockey clubs until he graduated and became an architect (viz. interview series with his daughters Alena and Blanka, historian Miloslav Jenšík and goaltender Josef Mikoláš broadcasted in *Životopisy* program at Czech regional radio stations from 22<sup>nd</sup> to 25<sup>th</sup> of July 2013). Among others he created territorial plan of City of Lanškroun where he progressively planned the new port to connect the city with Elbe-Danube waterway, including new airport and railway destinations, viz. <http://www.lanskroun.eu/gb/town-lanskroun/personalities/personalities/ing-bohumil-modry.html>. He also indeed did spread his learned knowledge for other generations in his writings for young goaltenders, utilizing the engineer's skills about shielding angles of puck shots.

<sup>4</sup> Attacks mentioned in Ing. Modrý's request for release addressed to Antonín Zápotocký, reprinted in ŠKUTINA, V., BAKALÁŘ, R. *Ztracená léta, Příběh hokejového zločinu*. Pardubice: Helios 1990, p. 127. According to him “one of the most treacherous was the attack in November 1948 when six team members lost tragically their lives (note: they died in a plane crash above La Manche. Long after this accident players were declared by Czechoslovak authorities as illegal emigrants, suspecting them from conspiracy and simply defecting, which had an adversarial effect towards their families). *This tragedy was preceded, as I already mentioned, by another attacks and the tragedy affected the team by crushing blow...*” (more about the plane crash and the chain of events in MACKŮ J., *Utajené stránky hokejové historie (I.)*, Praha, Typo JP, 2004, pp. 177–188).

<sup>5</sup> Ing. Modrý's request for release addressed to Antonín Zápotocký, reprinted in ŠKUTINA, V., BAKALÁŘ, R., *Ibid.*

<sup>6</sup> One month after the tragedy above La Manche “on the occasion of trip to Switzerland, in Davos there was the pressure made on the team to emigrate and part of the team really was considering leaving. It was to be a protest against all acts made towards the team and which probably came from powerful officials. We fought intense inner fight between emigration and love to our country. The latter won at the end” (Ing. Modrý's request for release addressed to Antonín Zápotocký, reprinted in ŠKUTINA, V., BAKALÁŘ, R., *Ibid.*).

<sup>7</sup> Seven Czech Hockey Stars Get Terms for Anti-State Crimes, *New York Times*, 1950, reprinted in MACKŮ, J., *op. cit.*, p. 139. The full story including among others description of shocking methods of interrogation, the course of the court proceedings and imprisonment itself similar to concentration camps during the Second World War is described in detail in above listed publications of Škutina/Bakalář and Macků. In English see for example an interview with Augustin Bubník, teammate of Ing. Modrý, at [http://de.politicalprisoners.eu/dokumenty/dokumenty/czechoslovak\\_political\\_prisoners\\_-\\_the\\_book.pdf](http://de.politicalprisoners.eu/dokumenty/dokumenty/czechoslovak_political_prisoners_-_the_book.pdf).

<sup>8</sup> Other players were sentenced for following periods: Gustav Bubník 14 years; Stanislav Konopásek 12 years; Václav Roziňák and Vladimír Kobranov 10 years; Josef Jirka 6 years; Zlatomír Červený 3 years; Mojmír Ujčík 3 years (restaurant owner); Jiří Macelis 2 years; Přemysl Hajný 1 year; Antonín Španinger and Josef Stock 8 months.

<sup>9</sup> Ing. Modrý's request for release addressed to Antonín Zápotocký, reprinted in ŠKUTINA, V., BAKALÁŘ, R., *op. cit.*, p. 128.

tody of inhuman treatment including torture.<sup>10</sup> Ing. Modrý got the highest sentence since he was the moral and spiritual leader of the whole team because of his noble-minded and gentle, non-violent character features.<sup>11</sup> This also caused attention of guards in custody and in jail with the aim to destroy his dignity. He had to spend long time in solitary confinement of underground bunker whose space was only 1.5 meter high and wide.<sup>12</sup> Drinking water was available only from the wet dirty walls in these types of bunker. Beating threats from guards was still present and never ending forced labor in mines.

Working in Jáchymov with uranium by bare hands this was the way to set him and other of his teammates to offside.<sup>13</sup> He deserves credit despite the devastating treatment, being without loved wife and two daughters, he still had in mind to do something for future generations, he wished to expand his writings for young ice-hockey players to “Higher school of goaltender” and he expressed this wish the other day to his wife in censored letter from Jáchymov (after release based on 1955 amnesty he did so, but the manual he made was issued without his name! Therefore the next generations learned it, studied puck shots’ angles and their shielding by goaltender, not knowing that Ing. Modrý is the author).<sup>14</sup> Ing. Modrý was slowly and painfully dying because of effect of uranium on his body and passed away at the age of 47 in 1963. His case is a very sad story and a big lesson in legal history at the same time.

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<sup>10</sup> [http://www.czech-press.cz/index.php?option=com\\_content&view=article&id=7417:postaveni-mimo-hru-sp-1749090385&catid=1520:1994-05&Itemid=148](http://www.czech-press.cz/index.php?option=com_content&view=article&id=7417:postaveni-mimo-hru-sp-1749090385&catid=1520:1994-05&Itemid=148) and ŠKUTINA, V., BAKALÁŘ, R., *Ibid.*, pp. 96–99.

<sup>11</sup> ŠKUTINA, V., BAKALÁŘ, R., *Ibid.*, p. 74. Politics and sport this way unfortunately intertwined like described in RIORDAN, J., ARNAUD, P. *Sport and International Politics, The Impact of Fascism and Communism on Sports*. Taylor and Francis e-Library, 2003, p. 1.

<sup>12</sup> Interview with his daughters Alena and Blanka, historian Miloslav Jenšík and goaltender Josef Mikoláš broadcasted in *Životopisy* program, Part IV, at Czech regional radio stations on 25<sup>th</sup> of August 2013.

<sup>13</sup> Czech documentary titled *Postavení mimo hru* (in English Offside) is also valuable coverage of the story, directed by Ivan Biel, 2010, 57 min.

<sup>14</sup> Interview with his daughters Alena and Blanka, historian Miloslav Jenšík and goaltender Josef Mikoláš broadcasted in *Životopisy* program, Part II, at Czech regional radio stations on 23<sup>rd</sup> of August 2013. Similarly the school he co-projected as an architect in Sázavská street, Prague - Vinohrady, is also missing in an official Handbook of Ministry of Education titled *Construction of Schools in the Czech Socialist Republic 1945–1970*, published in 1972.