

Justice delayed, justice denied



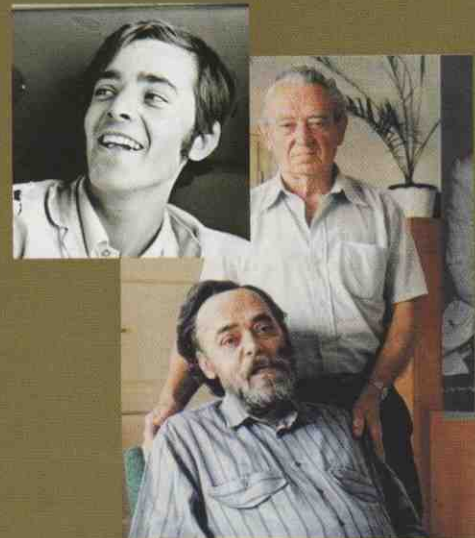
By Lucia Nicholsonová
Special to SPEX

THIRTY YEARS after medical student Ludmila Cervanová was allegedly kidnapped from a Bratislava disco, raped and murdered, the most famous criminal case in modern Slovak history has still not been put to rest. A judge on the Supreme Court panel called in sick on September 27, forcing yet another appeal by the six defendants to be postponed until November 29.

The case is an unusually hot judicial potato, because although the defendants have already spent from six to nine years in jail for the crime since being found guilty in 1982, evidence has since emerged that they were framed. In particular, the alibis of three men and about 8,000 pages of evidence collected from 1976 to 1981 have continually been ignored by the courts, giving the impression of a justice system determined to find them guilty at any cost.

The case remains interesting not only for its human drama, but also because the prosecutors and judges who secured the original guilty verdicts are still in high posts in the justice system today - a reminder that the courts are perhaps the least 'reformed' sector of Slovak society.

30 years after Slovakia's most famous murder, the accused are still waiting for the courts to hear their case



Through the justice system ringer: accused Roman Brázda as a young man, and as a Cervanová case veteran.

The charges

According to the prosecution, seven men from Nitra - Miloš Kocúr, Milan Andrášik, Roman Brázda, František Čerman, Stanislav Dúbravický, Pavol Beďač and Juraj Lachman - abducted Ludmila Cervanová, then 20, by car from in front of a disco in the Mlynská Dolina student dormitory complex in Bratislava on July 9, 1976. They allegedly raped her in a flat on Varinská Street in the Prievoz suburb, and drowned her in a thermal springs in Kráľová pri Senci, while

an accessory, Viera Zimáková, looked on but did nothing. Five days later, citizen Jozef Vrbovský found Cervanová's corpse floating in a nearby creek.

The Bratislava Regional Court convicted the seven men in 1982 and sentenced them to terms ranging from 4 to 24 years in jail. In 1983 the Supreme Court upheld the verdicts.

In 1990, however, the post-revolution Czechoslovak Supreme Court overturned the sentences, saying its communist predecessor had committed 72 legal and

The Iranian lead

The father of Ludmila Cervanová, Lieutenant-Colonel Ludovít Cervan, was the Czechoslovak military attaché to Iran and was a member of the country's military counter-intelligence service. The first investigations of his daughter's murder thus followed up on leads that the crime might have had to do with the father's job.

Two men from Piešťany who knew Cervan and called him by his nickname, "Lali", said he was involved in one of the largest arms deals in the history of Czechoslovakia with Iran, but were unable to provide details of the deal.

Investigator Karol Tóth, one of the first to work the Cervanová murder in 1976, told this reporter at his home in Šamorín that Cervan had also been the key witness in a trial in Iran, but said he did not remember the details of the case. Now in his eighties, Tóth said he had originally considered whether the murder of Cervan's daughter might have been revenge for his role in the trial.

Iran was one of the main third-world battlefields of the Cold War, featuring a US-supported Shah, Reza Pahlavi, who was installed in 1953 and toppled in 1980 by a popular revolution, and a communist movement sponsored by Moscow that was outlawed by Pahlavi in the 1970s.

In the mid-1970s, a group of 11 Iranians who had tried to assassinate Pahlavi were given asylum in Czechoslovakia after Iran issued a warrant for their arrest. They were in Slovakia at the time of Cervanová's murder, and as Tóth remembered were placed under heavy surveillance during the visit of Shah Pahlavi to Czechoslovakia in 1977.

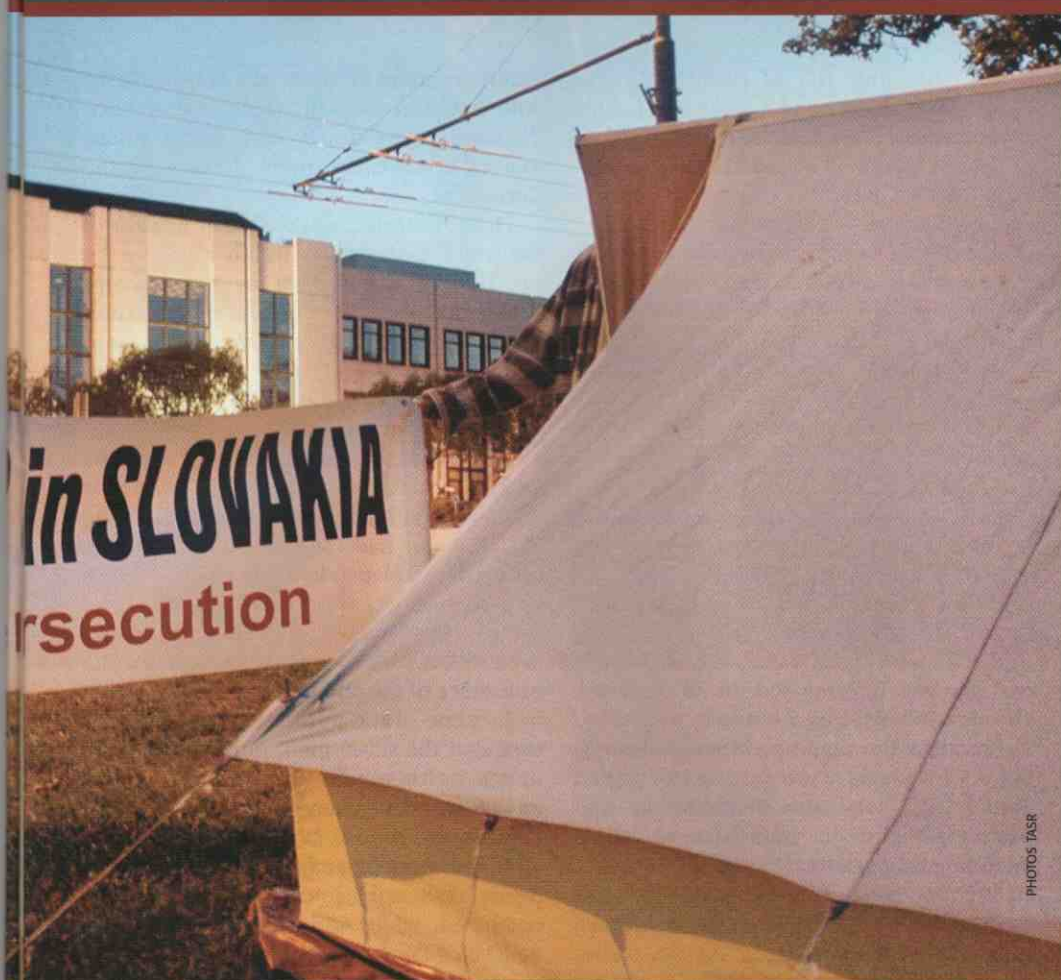
Several of the witness statements contained in 8,000 pages of buried evidence stored in the Interior Ministry archives in Levoča identify suspects in the case as having dark skin, as if of Arab or African descent.

On the other hand, a certain Arab who was present at the UNIC disco on the night Cervanová was murdered fingered the first suspect, Ján Hrmo. Hrmo was later released for lack of evidence. This testimony as well is contained in the Levoča archive, which the courts have steadfastly refused to admit as evidence.

The Czechoslovak state television channel interrupted its broadcast of the Montreal Olympics in 1976 to report the discovery of the corpse of a young woman who it claimed had been murdered "in an unusually brutal fashion, as if in a ritual murder".

However, the autopsy report of the body presented as Cervanová's found no signs of either rape or violence save two bruises of 1.5 to 2 centimeters in diameter, one on her arm and the other on her thigh.

To this day, the defense is trying to get the courts to accept discrepancies discovered by a forensic specialist between the autopsy report and what the state alleged had been done to the victim.



PHOTOS TASR



Accused Milan Andrášik held a hunger strike outside the Slovak parliament before the September 27 hearing.

procedural errors, and that "on the basis of the trial that occurred, the guilt or innocence of the accused could not have been established".

The case then went back to the Bratislava Regional Court to start from the beginning. And even though the accused in the interim were awarded Sk2.3 million in damages because their right to a speedy trial was violated, in 2004 the regional court again found them guilty while continuing to ignore evidence suggesting their innocence that had been buried by the communists in a

police archive in Levoca. It sentenced them to a further 3 to 13 years in jail.

A final appeal brought the case back to the Supreme Court and the current September 27 session.

The accused

When we visited him at his Nitra home on the Zobor heights in early September, there was little about Milan Andrášik to suggest that he had spent nine years in maximum security jails save the fact that he had a

Cervanová case

timeline

July 9, 1976: Medical student Ludmila Cervanová disappears

July 14, 1976: The corpse of a woman is discovered in a creek near Bratislava

July 15, 1976: Massive murder investigation begins involving 47 investigators; 315 witnesses are interrogated in first three months

September 21, 1976: First suspect, Ján Hrmo, is charged, but later released for lack of evidence

1977: Case shelved, but soon reopened due to interest of leadership of Czechoslovak Communist Party, including President Gustáv Husák. A team of crack investigators is dispatched from Prague under the deputy director of the criminal branch of the VB federal police corps, Eduard Pálka, who reports directly to Deputy Interior Minister Ján Pješčák.

June 15, 1981: Seven young men from Nitra are arrested and charged with kidnapping, rape and murder.

September 22, 1982: Bratislava Regional Court sentences the seven accused to 4 to 24 years in jail. One year later the sentences are upheld on appeal by the Slovak Supreme Court.

1983 to 1989: Seven accused individually submit formal complaints from jail accusing state investigators and prosecutors of intimidation, mistreatment and illegal tactics during their interrogations, and demand their case be reopened.

1989: Lawyers for the seven men submit a petition claiming the Cervanová trial was mishandled; one of the signatories is Otakar Motejl, at the time an internationally known attorney, currently the Ombudsman of the Czech Republic. The petition is submitted to then-Czechoslovak Attorney General Ján Pješčák, who led the original investigation.

March 23, 1990: Pješčák's non-communist successor as attorney general, Tibor Bohm, files charges that the law was broken by the state in the Cervanová case with the Czechoslovak Supreme Court.

October 19, 1990: The Czechoslovak Supreme Court overturns the sentences of the seven men, who are released from jail. The court cites 72 procedural errors and legal infractions in the original decision, and returns the case to the Bratislava Regional

laptop computer full of documents and letters that he claimed pointed to his innocence.

"This case ruined half of my life," he said, as his mother and sister offered sandwiches to their visitors. "From one day to another I was persecuted and discriminated against for a crime I didn't commit, both during communism and now. It destroyed my family. I'm glad that my former wife and my son still believe in my innocence, but they were unable to deal with it all. My wife divorced me and my son went to live in London."

Andrášik is reluctant to talk about the years he spent in jail, but it is clear he did hard time. Other prisoners we spoke to who served with Andrášik said he was put in a cell with repeat offender Ivan Fagan, who forced him to eat his own feces. Andrášik says of Fagan only that "he tried to strangle me". He was interrogated on 33 occasions and changed his story 7 times.

František Čerman, now 52, says he was placed in a cell with an inmate named Štefan Rigo, who also beat him up and submitted him to humiliations he is unwilling to speak of.

Čerman is convincing in his lack of emotion and his factual approach to his own case. He was interrogated 22 times, but never confessed. However, as with Andrášik, his wife divorced him - not because she suspected him of having committed the crime, but because she couldn't handle the pressure. His daughter, on the other hand, has written a university thesis about his case.

"I don't expect to see justice in my lifetime, but maybe my daughter will," he said.

Another accused, Pavol Beďač, lives in a

luxurious house in Nitra - alone, because his wife left him as well. He has now been divorced three times, and in his house maintains an entire room devoted to the Cervanová case.

He is by far the most obviously wealthy of the seven men, who were portrayed by the pre-1989 court system as the corrupt "golden boys" of the communist era - a ruse, the defendants say, that allowed the state to claim its justice system was impartial because it "even" jailed the sons of minor Communist Party officials.

Beďač's wealth and equanimity contrasts with the fate of Roman Brázda, who was diagnosed with psychiatric problems during the case and had the charges against him referred to "independent proceedings". He is in a wheelchair, and in no danger now of being again convicted, but his father, František Brázda, continues to fight for the innocence of the other men.

It is one of the ironies of the Cervanová case that the seven men, rather than being united by their trial and suffering in jail, have actually been divided by their responses to it.

Beďač, Čerman and Stanislav Dubravický never cracked in 45 interrogations combined, while Andrášik, Juraj Lachman and Miloš Kocúr all confessed and fingered the others, and changed their stories a total of 24 times in 68 sessions with the police.

More than that, they are vastly different personalities with only two things in common - they all spent time in jail for the same horrendous crime, and they all say the group was framed.

"We are all protesting in different ways, and we are all different from each other, but we are united by our belief that each other is innocent," said Andrášik.



Accused František Čerman (left) confers with defense counsel Allan Bohm.

