

Abolish the across-the-board abolition

The formulation of Václav Klaus's amnesty leaves it up to the state prosecutor and the courts to determine whether the remission/abolition part of the Jan. 1 decree applies to specific individuals. Many of these cases are being contested, and it's probably only a matter of time before one of them makes it to the Constitutional Court. One question worth answering is whether such an across-the-board presidential remission/abolition is valid at all. In the case of an amnesty, a sweeping decree without specific names is clearly possible, but Par. 63 of the Constitution deals with a remission by stating that the president has the power to "order a criminal prosecution not to be begun, and if it has been begun, to order it not to continue." When speaking of an abolition, the Constitution uses the singular, which could be interpreted to mean the president must specify which concrete case he is halting. Since a reprieve is uniquely a presidential prerogative, shouldn't the president be the one to decide who qualifies, not the prosecutor or judge?

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