

Justice in Hungary Today

THIRD REPORT OF THE
INTERNATIONAL COMMISSION OF JURISTS ON

The Hungarian Situation and the Rule of Law

SEPTEMBER 1, 1957 – JANUARY 31, 1958

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GENEVA

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INTRODUCTION

This report is the third to be issued by the International Commission of Jurists on the Rule of Law in Hungary. The two previous reports, published in April 1957 and June 1957 respectively, sought to make known the facts concerning the administration of justice in Hungary on the basis of the laws published and accounts of arrests and trials given by the Hungarian authorities themselves. The report here presented covers the period September 1, 1957 to January 31, 1958.

The object of the International Commission of Jurists in publishing these reports has been to provide an incontrovertible basis of fact which may be submitted to the judgment of world public opinion and in particular may be assessed in the light of the general principles of law recognized by civilized nations. The reports have been well received in many countries, many of them geographically and politically remote from the European scene, and they have been extensively used in the debates on the Hungarian situation in the United Nations. They have had a considerable impact on the present régime in Hungary itself, and the facts which they have disclosed apparently caused some concern at an international conference of lawyers meeting in Moscow in November 1957.¹

Recent visitors to Hungary confirm that the authorities are now anxious to rehabilitate themselves with world opinion and to this end to create the impression that a system more lenient and more strictly in accord with legality is now prevailing in Hungary. The true position would appear to be that

an unspecified number of people remain in prison either for taking part in the uprising of November 1956 or for their opposition, actual or potential, to the régime thereafter set up;

the authorities are reluctant to bring such persons to public trial for fear of repercussions in and outside Hungary;

they are therefore relying to some extent on secret trials, on the linking of political offences, where possible, with alleged discreditable common law offences and on their powers of detention without trials;

¹ *Prawo i Zycie*, No. 26/27, December 22, 1957. Mr. Nezval, the Hungarian Minister of Justice, in an article in "Nepszabadsag", No. 295, of December 14, 1957, describing the Conference tried to take satisfaction from the fact that "at the plenary session" questions concerning the accordance of Hungarian legislation with human rights, the legal status of the present Hungarian regime and the rights of the defence under Hungarian procedure were not raised "any longer".

the legal procedure, however, applicable in such cases as are brought before the courts still fails to provide the minimum safeguards of fair trial.

Moreover, it is clear that the Hungarian authorities alternate, at all events as the people of Hungary are concerned, between promises of leniency and threats of savage repression. Thus in a report² to the Hungarian National Assembly on December 21, 1957 the Supreme Public Prosecutor, Mr. Geza Szenasi, said:

"Workers engaged in the Criminal Courts should not heed the siren song of 'let's be friends'. Such voices come from the circle of those who, professing a degree of loyalty and displaying good will, try to strike root again, but who in the autumn of 1956, incited, mostly from behind the scenes, drove to their death or to catastrophe simple people who were confused and trusted them. A luke-warm atmosphere would favour the enemy, because it would allow him a respite and thus open up fresh possibilities for action. We shall not give the enemy this advantage . . . Let no one tell us that a year has passed since the counter-revolution and that we ought accordingly to be more lenient. No, we will not relent when judging active enemies."

Trials

To arrive at the real picture of recent developments in Hungary the mere examination of the number of published sentences based, as has always been the practice of the Commission, upon official Hungarian sources only, is an insufficient guide.

Nevertheless, during the period of four months under review, a very substantial number of sentences, often of great severity, has been disclosed in Hungarian publications and radio, and these (which number over 200) are fully cited in Appendix VIII. It is worthy of note that it has now been admitted, albeit in a small number of cases, that trials are conducted in secret.

People's Chambers³

It is of the greatest significance that the Decree-law of June 15, 1957 on People's Chambers still remains in force. This Decree-law, the text of which is contained in Appendix II, re-enacted and extended summary procedure before ordinary Courts. Bearing this in mind the passing of the Decree-law No. 62, published on November 3, 1957, which purports to abolish summary jurisdiction, is misleading in the

² See Appendix XVI to this Report.

³ In the English translation from the Hungarian the terms "People's Courts" and "People's Court Benches" have also been used interchangeably with "People's Chambers".

extreme. For instance, the preamble of this Decree-law provides: "The successes attained in the last year concerning the re-establishment of law and order make it possible to abolish summary jurisdiction introduced for a transitory period". In fact a careful examination of Decree-law No. 62, and the Chart (Appendices V and I), discloses that while seven different Decree-laws dealing with Summary Jurisdiction have at different times been repealed or have become obsolete, the sole effect of the repeals is to discontinue certain summary proceedings primarily before Military Courts which, due to the introduction of People's Chambers, have largely fallen into disuse. The procedure before the People's Chambers is of summary nature and continues "to violate human rights in failing to provide the minimum safeguards of justice in criminal trials which are recognized by civilized nations".⁴ This is evident from the provisions of the Decree of June 15, 1957⁵ the relevant parts of which may be summarized as follows:

1. There is no necessity for the prosecution to present a written accusation and the charge is made orally at the hearing; no date for trial need be fixed (Art. 8, 1).
2. The prosecutor should secure the presence of witnesses (Art. 8, 1).
3. The accused cannot be represented by Counsel of his own choice, but must select him from a list provided by the Ministry of Justice, "if the security of the State should specially warrant it" (Art. 31, 1).
4. The People's Chamber of the Supreme Court has the power to sentence an accused even if acquitted by the lower Court or to increase his sentence even if the Prosecutor has not appealed (Art. 16, 2).
5. The People's Chamber of the Supreme Court may set aside any final judgment at the request of the Chief Procurator or the President of the Supreme Court (Art. 17), and pass a decision less favourable to the accused (Art. 19). The Presidential Court of the Supreme Court has the same right to set aside a judgment of a Chamber of the Supreme Court.

The continued operation of People's Chambers is emphasized in the speech of Mr. Szenasi of December 1957 (Appendix XVI). "The introduction of summary jurisdiction had demonstrated the strength of the revolutionary Worker Peasant Government and that initial success has made it possible to start the large-scale liquidation of the counter-revolution by legal action. Steps in that direction had been the introduction of the accelerated criminal procedure and the setting-up of People's Chambers of the Supreme Court and later also of the County Courts. People's Chambers have also helped to remove counter-

⁴ *The Hungarian Situation and the Rule of Law*, published by the International Commission of Jurists, March 1957, p. 4. This report is available on request.

⁵ See *infra*, pp. 21—30.

revolutionaries from the Law Courts and the appointment of People's Judges has further strengthened the judiciary".⁶

The post-revolutionary laws providing for detention without trial on grounds of public security have also remained in force notwithstanding Decree-law No. 62.

Mr. Szenasi admitted in his above-mentioned speech the existence of one detention camp in which "1,869 persons were detained on December 20, 1957", and suggested that these measures of preventative detention should be extended.

Pressure on Judges and Procurators

The exercise of pressure on judges and procurators to apply utmost severity in the performance of their duties has continued. In an article in "Nepszabadsag", No. 266, November 10, 1957 (Appendix XIV), the same Dr. Geza Szenasi, the Supreme Public Prosecutor, had already complained that prosecutors had been too lenient. "They did not always apply adequate firmness when dealing with violators of the law. Public prosecutors must work in such a way that the offender's punishment is always commensurate with the offence..." He was particularly concerned that they should resist pressure by individuals and organizations and apply equal vigour in prosecuting "persons engaged in State or economic functions". He also suggested that local influence made the prosecutor's task more difficult, and cited Lenin as saying "there is no different standard of legality in Kazan and Kaluga". Finally, Mr. Szenasi expressed in different words his view already referred to: "We must liquidate the bases, remnants and consequences of the counter-revolution".

Attack on Practising Lawyers

It is of particular concern to members of the legal profession in all countries to know that the attacks on practising lawyers in Hungary have not diminished. In an article in "Nepszabadsag", No. 278, November 24, 1957, Laszlo Szabo attacked the Hungarian Bar. "After the defeat of the counter-revolution, a new leadership took over which has at disposal the list of the persons who were rehabilitated by the fascist leadership. What has been done against them? A few very conspicuous and prominent bourgeois lawyers were 'ticked off', but

⁶ *The New York Times* of December 22, 1957 and *Le Monde* of December 24, 1957 report that in the speeches of the President of the Supreme Court of Hungary, Mr. Jozef Domonkos and/or of the Public Chief Prosecutor, Geza Szenasi, it was revealed that half the total number of Hungarian judges had been summarily dismissed for having refused to sit on summary Courts for the trial of revolutionaries. As far as the Commission could ascertain Hungarian sources were silent on this point as regards this ground of dismissal and the number of the dismissed.

on the whole the anti-State measures of the general staff of lawyers of the counter-revolution have been left untouched. These gentlemen walk about also today with their lawyer's certificate and 'represent the laws of the People's Democratic State in the service of their clients.'" He then attacked by name a number of members of the Budapest Bar.

It was reported in "Nepszabadsag", on March 23, 1958 that the legal profession was to be reorganized, self-government of the Chambers of Lawyers suspended and practice as a general rule only permitted on a collective basis.

Conclusion

The present regime in Hungary has recently been anxious to show that its administration of justice corresponds with the fundamental principles recognized by civilized peoples, but the evidence of its laws and practice, as well as some of the pronouncements of its leaders, are hard to reconcile with this intention. Nevertheless it is clear that the continuing pressure of an informed world legal opinion has already had a considerable impact on the Hungarian authorities. The present report raises questions which the lawyers of the world in their individual capacity would do well to ask of the Hungarian government and those who support them.

NORMAN S. MARSH
Secretary-General

**Letter of September 2, 1957 from the Secretary-General
to UN Delegations.**

Your Excellency,

On the eve of the special meeting of the United Nations General Assembly, I venture to draw your Excellency's attention to the views of the International Commission of Jurists as set out in its publications, "The Hungarian Situation and the Rule of Law", published in April 1957, and "The Continuing Challenge of the Hungarian Situation to the Rule of Law", published in June 1957. A brief summary of the reports together with additional documentation is appended to this letter.

I would firstly emphasize that the concern of the International Commission of Jurists over the Hungarian situation is based not on political or national considerations, but on the common interests of the legal profession over a wide part of the world to maintain, in international and in municipal law, respect for Human Rights as set out in the Charter of the United Nations, and for the minimum standards of justice recognized by all civilized nations.

Secondly, it may be pointed out that the information on which the Commission has based its report is exclusively drawn from the Official Laws, Government Statements and Press of Hungary. While the Commission has reason to believe that these do not give a complete picture of the situation, they do at the very least reveal conditions which are profoundly disturbing to the conscience and professional standards of lawyers in all countries.

The information published by the Commission showed that the laws and decrees of the authorities in Hungary failed to provide the minimum safeguards of justice in criminal trials as are recognized by civilized nations. In particular, these laws and decrees:

- 1) failed to provide for an impartial tribunal;
- 2) defined offences in vague terms open to abuse in interpretation;
- 3) gave the accused no proper notice of the charge preferred;
- 4) allowed no adequate time and facilities for the accused to prepare his defence, to call witnesses and to instruct counsel of his own choice on his behalf;
- 5) empowered a higher Tribunal to sentence an accused person previously acquitted, or to increase the sentence when no appeal had been made in the interests of the accused.

The Commission would now respectfully draw your attention to the incontestable fact that, since the publication of the Commission's reports in April and June last, and since the issue on June 22 of the Report of the United Nations Special Committee on the Problem of Hungary, repression in that country has been intensified rather than diminished. On June 15 a consolidating law confirmed the main features of the legal system set up by the Hungarian authorities, thus establishing on a permanent basis the system of trial for political offenders which had been described in the Commission's publications.

Moreover, the evidence of Hungarian official sources and Press shows that the legal system instituted by the Hungarian authorities to deal with political offenders has, in recent months, been used with increasing severity. Thus, in a two-month period, June 22–August 22, Hungarian official sources and Press have admitted the arrest of at least 194 persons and the trial of 204 other persons for offences of an allegedly political nature. Of 204 persons tried in this period, concerning whom the details of sentence are known, 22 have been sentenced to death, 11 to life imprisonment and 171 to long periods of imprisonment. In the whole preceding period of approximately seven-and-a-half months from the outbreak of the Revolution until June 22, the Commission obtained exclusively from Hungarian sources information concerning 423 persons brought to trial and sentenced. It should be emphasized that, owing to the secrecy with which most of the trials have been conducted, these figures necessarily give an imperfect idea of the scale of repression in Hungary; they are only significant in so far as they show, on the basis of information released by the Hungarian authorities themselves, that this repression is continuing with increasing force.

Of even greater significance than these figures are the statements recently made by Hungarian spokesmen.

Thus, on June 1, in a speech reported over Budapest Radio, Dr. Nezval, the Hungarian Minister of Justice, announced that "mercy" would be only an exceptional step. On June 4, Mrs. Imre Juhasz, member of Parliament, in a speech reported in *Nepszabadsag*, said:

"Quite a fair number of judges have asked to be transferred from the Criminal Court to the Civil Court. . . . a good many of our public prosecutors have shown procrastination in drawing up indictments and in ordering preliminary arrests."

In reference to "counter-revolutionaries", she said, "We cannot show mercy towards them". In the same sense, on July 10, Dr. Nezval, at a Press conference reported over Budapest Radio said:

"We must make sure that the courts keep counter-revolutionary elements and aspirations at bay and mete out punishment for counter-revolutionary criminal acts."

On July 17, an article in *Delmagyarország* entitled, "Leniency – Why?" began with these words:

"Counter-revolutionaries have got the jitters, they do not like the pressure, of the steady hard fist and the determination of the workers' class. . . . It is superfluous for them to lament and moan, they will get where they deserve to be, irrespective of where they keep in hiding."

Between the middle and the end of July the world press published unconfirmed reports of a new wave of arrests in Hungary, the most conservative of which estimated that 1500 to 2000 people had been arrested. Mr. Marosan, Minister of State, in a speech reported in the Hungarian Press on July 26, and on Budapest Radio on July 31 and August 1, said:

"We do not deny that we have arrested a few counter-revolutionaries who had well deserved it. . . . the detention of some hundreds of people has aroused indignation in the West. Why all this excitement? Our organs of internal security are today striking blows at those at whom Rakosi should have struck. . . . We showed patience for a while, but after the CPSU (Communist Party of the Soviet Union) resolution, a number of dubious elements were discovered and began to spread the 'words': 'We start again in October'. Our patience was then exhausted and our authorities did what they should have done in the years 1945 to 1948."

The Commission has noted with the utmost concern that among the most recent lists of arrested or convicted persons are included a number of lawyers, including amongst them the President of the Budapest Bar. In this connexion, it is significant that a number of official spokesmen of the present regime in Hungary have repeatedly reprimanded the judges and public prosecutor, as well as university professors of law, for their adherence to "an excessively strict interpretation of the law" and to the "dream of the judge's independence" and "impartiality".

In the light of the foregoing consideration, the Commission respectfully urges

1. that the claim of the present Hungarian regime to speak in the United Nations as the effective Government of Hungary must depend on its ability to maintain its power without recourse to methods of oppression which are at variance with the respects for Human Rights required by the Charter of the United Nations, with the specific provisions of the Treaty of Peace with Hungary of 1947 and the Geneva Convention of 1949, as well as with the fundamental principles of law recognized by all civilized countries;

2. that the continuing repression in Hungary as shown by the findings of the International Commission of Jurists based on the exclusive evidence of Hungarian sources, raises a case against the present regime in Hungary which cannot be satisfactorily answered until that regime is prepared to allow an impartial committee of investigation to visit Hungary.

I have the honour to be,

Your obedient Servant,

NORMAN S. MARSH

I

LEGISLATION ON SUMMARY PROCEDURE CURRENTLY IN FORCE

In spite of recent utterances to the contrary of Hungarian authorities and their endeavours to create an opposite impression, one of the main characteristics of the criminal trials in political cases in Hungary is still the application of a summary procedure.

The summary procedure currently applicable in the trial of political opponents is regulated in a Decree-Law of June 15, 1957.¹ This Decree-Law provides for the creation of "People's Chambers" within County Courts, the Metropolitan Court of Budapest and the Supreme Court. These People's Chambers may apply a summary procedure, if the Procurator so suggests (Arts. 8-10).

Such procedure is also applicable to proceedings before a Special Court of the Military Tribunals (Art. 24¹).

The simplified procedure is characterized among others by the following provisions:

- a. There is no necessity for the prosecution to present a written accusation and the charge is made orally at the hearing; no date for trial need be fixed (Art. 8¹);
- b. It is for the Procurator to secure the presence of witnesses (Art. 8¹);
- c. The accused cannot be represented by Counsel of his own choice, but must select his advocate from a list compiled by the Minister of Justice,² "if the security of the State should specially warrant this" (Art. 31¹). In proceedings before Military Tribunals this applies to all offences (Art. 32), while in other proceedings it only applies to offences specified by the Minister of Justice (Art. 31²); a list of such offences was published on June 29, 1957.³
- d. The People's Chamber of the Supreme Court is empowered to sentence an accused person who has been previously acquitted, or to increase his sentence, even if the Procurator has not lodged an appeal (Art. 16²);

¹ Decree-Law No. 34/1957, *Magyar Közlöny* (Official Gazette), Budapest, 1957, No. 66; English translation: Supplement to an Appeal of the International Commission of Jurists to the United Nations on September 2, 1957, Part III, pp. 1-10, a copy of which is attached to the present report as Appendix II, *infra* p. 21. The provisions of Chapter I and Chapter IV were put into effect on June 29, 1957 by Decree No. 41/1957, *Magyar Közlöny*, 1957, No. 73; English translation: Appendix III, *infra* p. 31.

² In this connection attention should be drawn to the fact that the autonomy of some Bar Councils has been suspended by order of the Minister of Justice. Such orders were published, e.g. for the Bars of Budapest and Miskolc in *Magyar Közlöny*, 1957, No. 8 and 1956, No. 106 respectively; English translations: Appendix VI to this Report (*infra* p. 35).

³ Ordinance of the Minister of Justice No. 5/1957, published in *Magyar Közlöny*, 1957, No. 73; English translation: Appendix IV to this Report (*infra* p. 32).

- e. The People's Chamber of the Supreme Court may set aside – within a year – any final judgment of any criminal Court on a protest of the Chief Procurator or the President of the Supreme Court (Art. 17) and may pass a decision “less favorable to the accused than the invalidated decision has been” (Art. 19). The same right is vested in the Presidential Court of the Supreme Court with regard to decisions of the Chambers of the Supreme Court (Art. 18).

The provisions governing the procedure just outlined are still in effect. They have not been repealed by subsequent legislation during the period covered by this Report, either expressly or by implication. Even the Decree of November 3, 1957 entitled “On the Abolition of Summary Jurisdiction”⁴ does not affect the validity of the rules of summary procedure described above. The Decree of November 3, 1957 repeals Decree-Law No. 28/1956 of December 11, 1956 on the Proclamation of Summary Jurisdiction⁵ and a supplement thereto: Decree-Law No. 32 1956 of December 13, 1956.⁶ These Decrees of December 1956 provided that “proceedings under summary jurisdiction shall be within the competence of the Military Tribunals” and that the “Government is authorized to make detailed rules governing summary jurisdiction” (Art. 4). Such rules were actually laid down in a Decree (No. 6/1956) of December 11, 1956.⁷

The Decree-Law of November 3, 1957 on the abolition of summary jurisdiction introduces no change in the essence of the law, except in so far as the summary procedure as regulated by the Decrees of December 1956 provides for more extra-ordinary measures than the rules currently in force. Abolished are, for instance, the maximum period of summary proceedings which was fixed at 72 hours, and the provision requiring death sentences to be carried out within 2 hours, if the Court decides not to recommend an application for mercy.

Nor does the “Decree on Abolition of Summary Procedure” affect in any way whatsoever the validity of the post-revolutionary laws providing for public security detention without a Court sentence.⁸

In order to determine the practical effect of the Decree abolishing

⁴ *Magyar Közlöny*, 1957, No. 117; English translation: Appendix V to this Report (*infra*, p. 34).

⁵ *Magyar Közlöny*, 1956, No. 100; English translation: *The Hungarian Situation and the Rule of Law*, published by the International Commission of Jurists, The Hague, 1957, pp. 69–70.

⁶ *Magyar Közlöny*, 1956, No. 102; English translation: *The Hungarian Situation and the Rule of Law*, *ibid*, p. 71.

⁷ *Magyar Közlöny*, 1956, No. 101; English translation: *The Hungarian Situation and the Rule of Law*, *ibid*, pp. 72–76.

Decrees of December 13, 1956 and of January 13, 1957 as well as March 19, 1957 and July 14, 1957. Texts: *Magyar Közlöny*, 1956, No. 102 and 1957, Nos. 4, 32, 77; English translation: *The Hungarian Situation and the Rule of Law*, *ibid*, pp. 77–80; *The Continuing Challenge of the Hungarian Situation to the Rule of Law*, published by the International Commission of Jurists, The Hague, June 1957, pp. 15–17; Appendix VII to this Report (*infra*, p. 36).

summary jurisdiction it is necessary to have in mind the type of Courts that have tried cases of a political nature and the procedures applied by them. It appears that soon after the crushing of the revolution – approximately between November 1956 and January 1957 – political trials were primarily conducted by Military Tribunals applying the now abolished summary procedure.⁹ In January 1957 “Special Councils” were established within existing Courts.¹⁰ The procedure before these Councils was governed by the rules for summary jurisdiction of December 11, 1956 mentioned above.¹¹ The experiment with “Special Councils” within the framework of Courts apparently failed to produce an instrument of repression satisfactory to the group in power. This probably led to the creation of “People’s Chambers” at the Supreme Court by a Decree of April 6, 1957.¹² It was empowered to apply a summary procedure outlined in the same Decree (Arts. 3–7). “In the course of trying crimes committed for political reasons or having political objects, summary procedure and the adjudication by the People’s Chamber of the Supreme Court have proved effective.” This statement is taken from the Preamble of the Decree-Law of June 15, 1957.¹³ This Decree-Law abolished the “Special Councils” and created further People’s Chambers – apart from the one already existing at the Supreme Court – at County Courts and at the Metropolitan Court of Budapest. It also regulates in detail the procedure to be applied by the People’s Chambers. It is, as outlined above, a summary procedure, but technically not identical with the summary procedure now abolished, since it is regulated in another Decree. From then on trials for participation in the October uprising were mainly conducted by People’s Chambers.

It thus appears that the practical effect of the Decree-Law abolishing summary jurisdiction is very limited. This is the more true if one considers that Military Tribunals which primarily applied the summary procedure now abolished are expressly empowered under Decree-Law of June 15, 1957, still in force,¹⁴ to try cases by a procedure of a summary nature. Such trials may now be conducted by “Special Courts” of Military Tribunals. They have the same rights as People’s Chambers of ordinary Courts with regard to jurisdiction, procedure, appeals, extraordinary remedies, mercy and sentence (Art. 24).¹⁵

A table showing the Hungarian emergency laws passed since No-

⁹ Sources as in Notes 5 and 6.

¹⁰ Decree-Law No. 4/1957 of January 13, 1957 with Supplement of January 15, 1957; Texts: *Magyar Közlöny*, 1957, No. 5; English translation: *The Hungarian Situation and the Rule of Law*, *ibid*, pp. 83–86, 76.

¹¹ Source as in Note 7.

¹² Decree-Law No. 25/1957 of April 6, 1957. Text: *Magyar Közlöny*, 1957, No. 40; English translation: *The Continuing Challenge of the Hungarian Situation to the Rule of Law*, *ibid*, pp. 10–14.

¹³ Source as in Note 1.

¹⁴ *Ibid*.

¹⁵ *Ibid*.

vember 4, 1956, is attached (Appendix I). In the last column particulars are given whether and by which law each of the acts is repealed. The extent to which summary procedure is still applicable is illustrated in this table.

II

CONTINUING REPRESSION

The statements of Hungarian Party and State leaders responsible for the administration of Justice show that their determination to deal with oppositional forces in a ruthless manner has in no way diminished.¹⁶ This is corroborated by the trials of persons having participated in the October rising. But it would be misleading to reach a conclusion on the extent of repression merely on the basis of the number of sentences reported.¹⁷ Caution in evaluating these figures is required because the number of cases tried *in camera* seems to have increased. This is indicated by the fact that even cases of prominent figures were tried in secret, although it must have been obvious to the authorities in question that in view of the popular concern, both in Hungary and abroad, over the fate of the accused the secrecy of the trial could not be kept.

III

CONCLUSION

The procedural devices which were used so far to dispose of political opponents are still in force. The lack of procedural safeguards becomes more serious from the point of view of the accused since the crimes triable summarily are defined in vague terms and the punishments are unduely severe.¹⁸

In the light of the official statements and of the sentences reported the conclusion is, therefore, warranted that the danger of summary jurisdiction in Hungary is at present as great as before.

The continuing repression of participants of the October rising is in striking contrast with Art. 3 of the Program of the Hungarian Revolutionary Worker-Peasant Government of November 4, 1956, which reads:

¹⁶ Texts and extracts from a number of pertinent statements are reproduced in Appendices IX-XXI.

¹⁷ See the chronological list in Appendix VIII compiled exclusively from Hungarian sources; Western sources report 40,000 persons being in detention camps, 12,000 persons being deported to the Soviet Union, 2,000 being executed (*Times* (London), October 23, 1957, based on figures given by the Society of American Friends of Captive Nations and the Assembly of Captive European Nations).

¹⁸ For a more detailed analysis of the substantive and procedural aspects of the Hungarian emergency laws see the publications of the International Commission of Jurists quoted in Notes 1, 5 and 8.

"To end the fratricidal fighting and to restore internal order and peace, the Government will not tolerate that workers should be persecuted, under any pretext whatsoever, for having taken part in the most recent events." ¹⁹

¹⁹ Radio Budapest I (Kossuth Radio), November 4, 1956, 21.05 hours; English translation; *BBC Summary*, Part IIB, No. 775, November 8, 1956, p. 75 (71).

HUNGARIAN EMERGENCY LEGISLATION NOV. 4, 1956—DEC. 31, 1957 WITH DATA ON ITS STILL BEING IN EFFECT OR ITS REPEAL

Appendix I

Type of Act	No.	Date	Subject	Text "M.K."	English translation	Repealed by
I. <i>Summary Jurisdiction</i>						
1)	D-L	22/1956	Nov. 12, 1956	Simplification of criminal procedure	1956 No. 93	RoL 68
2)	D-L	28/1956	Dec. 11, 1956	Proclamation of Summary Jurisdiction	1956 No. 100	RoL 69
3)	D-L	32/1956	Dec. 13, 1956	Supplement hereto	1956 No. 102	RoL 71
4)	D	6/1956	Dec. 11, 1956	Rules of Summary Jurisdiction	1956 No. 101	RoL 72-76
5)	D-L	4/1957	Jan. 15, 1957	Procedure of Summary Trials (Creation of Special Councils at Courts)	1957 No. 5	RoL 83-86
6)	D	2/1957	Jan. 15, 1957	Supplement hereto	1957 No. 5	RoL 76
7)	D-L	25/1957	April 6, 1957	Creation of People's Chamber (at Supreme Court)	1957 No. 40	Supp. 10-14
8)	D-L	34/1957	June 15, 1957	Creation of People's Chambers (at Supreme Court and County Courts with right of Procurator to direct trial by summary procedure, Art. 8)	1957 No. 66	App. II
9)	D	41/1957	June 29, 1957	Giving effect to Chapter I and IV of D-L 34/1957	1957 No. 73	App. III
10)	Ord.	5/1957	June 29, 1957	Containing a list of offences for which choice of counsel is limited.	1957 No. 73	App. IV
11)	D-L	62/1957	Nov. 3, 1957	Abolition of Summary Jurisdiction	1957 No. 117	App. V

II. *Public Security Detention*

12)	D-L	31/1956	Dec. 13, 1956	Public Security Detention	1956 No. 102	RoL 77-78	—
13)	D-L	1/1957	Jan. 13, 1957	Amendment hereto	1957 No. 4	RoL 78	—
14)	D	1/1957	Jan. 13, 1957	Carrying out of D-L 31/1956	1957 No. 4	RoL 79-80	—
15)	Ord.	1/1957	Mar. 19, 1957	Police control	1957 No. 32	Supp. 15-17	—
16)	D-L	41/1957	Jul. 14, 1957	Amendment to D-L 31/1956	1957 No. 77	App. VII	—

Abbreviations: App. = Appendix; D = Decree; D-L = Decree-Law; "M.K." = Magyar Közlöny; Ord. = Ordinance; RoL = "The Hungarian Situation and the Rule of Law"; The Hague, 1957; Supp. = Supplement; "The Continuing Challenge of the Hungarian Situation to the Rule of Law", The Hague, 1957.

Decree Law of June 15

Decree Having the Force of Law (hereinafter: "Decree-Law") No. 34 1957 of the Presidential Council of the People's Republic (of Hungary) Concerning People's Courts and the Regulation of the Judiciary's Organization and Certain Questions Arising from Criminal Proceedings.

In the course of trying crimes committed for political reasons or having political objects, summary procedure and the adjudication by the People's Courts of the Supreme Court have proved effective. For this reason (and) in the interest of a continued fight against counter-revolutionaries, the complete liquidation of counter-revolutionary elements and, generally, the upholding of public order and public security, and the further strengthening of socialist legality, the setting up of People's Courts with the Metropolitan and County Courts to adjudicate according to the rules of summary procedure is – at the request of the workers – warranted.

The rules governing judges' competence in proceedings for crimes against the proper functioning or safety of traffic and transport by rail, road, air and water, and of telecommunications, and those governing defence counsel's co-operation in crimes particularly offending against the interest of the State, do not comply with present-day requirements.

For these reasons the Presidential Council of the People's Republic has passed the following Decree-Law.

CHAPTER I

RULES RELATING TO PEOPLE'S COURTS

Organizational Rules

1. (1) People's Courts shall be created at the Metropolitan Court in Budapest and at the County Courts.

(2) The Metropolitan and County People's Courts (hereinafter: "County People's Court") shall consist of one Chairman and two People's judges.

(3) The Chairman of the County People's Court shall be appointed from among professional judges by the President of the Metropolitan Court or of the County Courts (as the case may be).

2. (1) There shall be a People's Court at work at the Supreme Court of the Hungarian People's Republic.

(2) The People's Court of the Supreme Court of the Hungarian People's Republic (hereinafter: People's Court of the Supreme Court) shall consist of a Chairman and four People's judges.

(3) The Chairman of the People's Court of the Supreme Court shall be appointed from among professional judges by the President of the Supreme Court.

3. (1) The People's judges shall be elected – for an indefinite period – by the Presidential Council of the People's Republic.

(2) Any Hungarian national who has had no previous convictions and is entitled to vote and is not less than 30 years of age may be elected a People's judge.

(3) The legal status of People's judges shall be identical with that of the judges of the Metropolitan Courts, the County Courts and the Supreme Court.

Jurisdiction of County People's Courts

4. (1) If the accused is in preliminary custody and the necessary evidence is available and the Prosecutor – at the direction of the Chief Prosecutor – suggests, the County People's Court shall deal with the following crimes:

- a) organizing against the People's Republic or against the People's Democratic State order (Official Compilation of Valid Rules of Substantive Criminal Law (hereinafter: "C.R.Cr.L."), s. 1) and conspiring to this end (C.R.Cr.L., s. 8),
- b) revolt (C.R.Cr.L., ss. 17–24),
- c) crimes committed by the unlicensed possession, etc. of explosives or fire-arms or ammunition (C.R.Cr.L., s. 33(1) and 34(1)), the use of explosives and the unlawful use of fire-arms (C.R.Cr.L., ss. 33(3) and 34(3)),
- d) treason (C.R.Cr.L., ss. 35, 37–40),
- e) crimes committed by causing malicious damage to utilities supplying water, gas or electricity; or to indispensable public undertakings supplying the population with essentials; or to public transport undertakings or to undertakings required for defence; further, the acts of any person who, by unlawful entry into, or by his presence on, the premises of such undertaking, or in any other way deliberately disturbs the working of the undertaking (circumstances taken from C.R.Cr.L., s. 73(1) and emphasized in the present Decree-Law);
or the instigation of others do commit any such act, or the calling upon another so to do (C.R.Cr.L., s. 73(2));
Provided that it (the County People's Court) shall only deal with the crimes listed in this sub-section if the act was directed at mass stoppage of work or otherwise threatened great danger;
- f) arson (C.R.Cr.L., ss. 162–164),

- g) intentionally committing a crime for the purpose of endangering transport (C.R.Cr.L., s. 172),
- h) murder and intentional homicide (C.R.Cr.L., ss. 349, 351 and 352),
- i) looting (housebreaking: C.R.Cr.L., s. 427(c)),
- j) robbery (C.R.Cr.L., ss. 433–437).

(2) In the case of crimes set out in paragraphs (f), (i) and (j) of sub-section (1) hereof, the Prosecutor may raise a charge before the County People's Court irrespective of whether the act was harmful to private or to State-owned property.

Jurisdiction at First Instance of the People's Court of the Supreme Court

5. (1) The People's Court of the Supreme Court shall in any criminal matter act as a Court of first instance if the President of the Supreme Court attributes the matter to fall within the jurisdiction of the People's Court of the Supreme Court or if the Chief Prosecutor raises the charge in that (People's) Court.

(2) If the Supreme Court at first instance is seised of a criminal matter wherein a civil or military person was a perpetrator of the crime, the President of the Supreme Court may transfer the matter – according to its character – to either the People's Court of the Supreme Court or the Military Divisional Court of the Supreme Court (s. 24).

Jurisdiction of the County People's Court

6. That County People's Courts shall also have jurisdiction wherein the Prosecutor suggests the proceedings to be conducted.

Rules of Criminal Procedure to be Employed

7. Proceedings before the People's Court shall be governed by the provisions of Act No. III of 1951, as amended by Act No. V of 1954 and Decree-Law No. 8 of 1957, subject to the following changes.

Summary Procedure

8. (1) The Prosecutor may, without an accusation in writing, cause the accused to be brought before the County People's Court. In that case, the County People's Court shall not appoint a day for the hearing of the case and shall not issue subpoenas; it shall be the duty of the Prosecutor to secure the presence before the County People's Court of witnesses and experts and of any evidence that may be required. The charge shall be made by the Prosecutor orally at the hearing.

(2) If the Prosecutor submits an accusation in writing, the hearing shall take place within the shortest possible time. In that event the

provisions of the Code of Criminal Procedure regarding preparatory sittings and the time-limits for the appointment of dates of hearing shall be inapplicable.

9. (1) The jurisdiction of the County People's Court shall extend to all crimes of the accused, even if some of those crimes are not covered by the provisions of s. 4.

(2) The County People's Court shall not proceed against a person – even on the grounds of multiplicity (of crimes) – who has committed no crime falling within the jurisdiction of the County People's Court.

10. The provisions of ss. 8–9 shall be applicable to cases where the Chief Prosecutor raises a charge before the People's Court of the Supreme Court (s. 5(1)) and suggests summary procedure.

Adjudication on Appeal

11. Appeals against decisions of County People's Courts shall be heard by the People's Court of the Supreme Court.

12. (1) In case of appeals lodged against decisions of County People's Courts, s. 190(2) of the Code of Criminal Procedure shall be applied, except that the appellant may, if the judgment be served on him, within three days therefrom give detailed reasons for his appeal.

(2) Periods specified in s. 195(2) and (3) of the Code of Criminal Procedure shall not be applicable to appeals against decisions of County People's Courts; and appeals shall be heard within the shortest possible time.

13. (1) Appeals lodged against judgments of first instance of any court shall be adjudicated upon by the People's Court of the Supreme Court if the President of the Supreme Court attributes the appeal to fall within the jurisdiction of, or if the Chief Prosecutor refers the appeal for adjudication to, that Court.

(2) The provisions of s. 12(2) shall be inapplicable in cases to which sub-section (1) of the present section applies.

14. Save for the exceptions set out in s. 15 hereof, decisions on the merits of the appeal before the People's Court of the Supreme Court shall be based on the facts as found by the court of first instance.

15. (1) If

- a) the finding of facts is defective, or
- b) the finding of facts is obscure, contradicts the contents of documents, or is based on wrong factual conclusions, and the full and/or true facts can be ascertained from the documents beyond all doubt, the People's Court of the Supreme Court shall supplement and/or amend the facts as found by the court of first instance.

(2) If from the documents the full or true facts cannot be ascertained beyond all doubt under sub-section (1), the People's Court of the Supreme Court shall:

- a) order additional evidence to be adduced, or
- b) invalidate the judgment of first instance and order the court of first instance to conduct a re-trial.

(3) In cases to which paragraph (a) of sub-section (2) applies the People's Court of the Supreme Court shall either adduce the evidence itself or direct the court of first instance so to do.

(4) In cases to which paragraph (b) of sub-section (2) applies, re-trial may be ordered to be conducted by another People's Court of that court of first instance which conducted the original proceedings. Appeals lodged against a judgment resulting from such re-trial shall also be adjudicated upon by the People's Court of the Supreme Court.

(5) If the People's Court of the Supreme Court supplements and/or amends the finding of fact, its adjudication upon the judgment of the court of first instance shall be based on its own (the People's Court of the Supreme Court's) finding of fact.

16. (1) If in the opinion of the People's Court of the Supreme Court the judgment of the court of first instance was wrong, it (the People's Court of the Supreme Court) shall vary the judgment of the court of first instance and decide according to law.

(2) The People's Court of the Supreme Court may convict the accused and/or increase his sentence even if the Prosecutor has not lodged an appeal.

Extraordinary Remedial Measures

17. Objections on the grounds of legality raised by the Chief Prosecutor or by the President of the Supreme Court against a final judgment of County People's Court and the Chief Prosecutor's proposals for re-trials shall be adjudicated upon by the People's Court of the Supreme Court.

18. (1) Unless the decision was made by the Supreme Court, the Chief Prosecutor or the President of the Supreme Court may, in the interest of legality, lodge with the People's Court of the Supreme Court their objection against a final decision in a criminal matter of any court.

(2) Objections on the grounds of legality raised against final decisions of the People's Court of the Supreme Court or the Military Divisional Court of the Supreme Court (s. 24) may be referred to, and adjudicated by, a Presidential Court consisting of the Chairman, being a professional judge appointed by the President of the Supreme Court, and three professional judges and seven People's judges or military assessors (as the case may be).

(3) Objections on the grounds of legality raised by the Chief Prosecutor or the President of the Supreme Court against a final decision of another criminal court of the Supreme Court may also be referred to the Presidential Court specified under sub-section (2).

19. If the People's Court of the Supreme Court and/or the Presidential Court specified in s. 18(2) takes a meritorious decision on the objection raised on the ground of legality (s. 227(3), Code of Criminal Procedure), this decision may be less favourable to the accused than the invalidated decision has been, provided the period that had elapsed between the decision complained of becoming final and the notification of the objection is less than one year.

20. The Chief Prosecutor may submit to the People's Court of the Supreme Court his proposal for the re-trial of any proceedings resulting in a final decision. If the People's Court of the Supreme Court finds the said proposal to be well founded, it may itself conduct the re-trial proceedings.

*Determination of Recommendations for Mercy
and Implementation of Judgments*

21. (1) If the accused is sentenced to death by the People's Court, the People's Court shall, after hearing the Prosecutor, *in camera* express a reasoned opinion on whether or not it will recommend the accused for mercy.

(2) If the People's Court of the Supreme Court unanimously or by majority vote recommends mercy for the convicted person, the papers relating to the case (if any) and the opinion of the People's Court of the Supreme Court shall forthwith be transferred to the Minister of Justice for submission to the Presidential Council of the People's Republic.

(3) If the People's Court of the Supreme Court does not recommend mercy for the convicted person, it shall direct the carrying out of the death sentence.

22. The implementation of a sentence of imprisonment imposed by the People's Court shall be put into effect immediately upon the publication of the judgment.

Sentences which People's Courts may Impose

23. (1) The sentence to be imposed by the County People's Court for the crimes listed in s. 4 hereof shall be death. Having regard to all the circumstances of the case the Court may, in lieu of the death penalty, impose a sentence of imprisonment for life or for a period of 5 to 10 years; there shall be no further lightening of sentence. Insofar as the act concerned is, by law, punishable by death even apart from the present Decree-Law, no shorter term of imprisonment than 10 years shall be imposed.

(2) s. 53 of the Criminal Code (General Part) shall be inapplicable to proceedings before the County People's Court.

(3) If the accused is a minor, he shall be sentenced in accordance with the provisions of s. 8 of Decree-Law No. 34 of 1951 (Ftvr.). This shall not, however, affect the provisions of C.R.Cr.L., s. 12.

(4) Whenever the People's Court of the Supreme Court proceeds as a court of first instance according to the rules of summary jurisdiction in respect of any crime set out in s. 4 hereof, it shall impose sentence pursuant to sub-sections (1)–(3) hereof.

(5) If proceedings at first instance were conducted by the People's Court, the People's Court of the Supreme Court shall, at second instance or by way of an extraordinary remedial measure, also impose sentence pursuant to sub-sections (1)–(3) hereof.

(6) The provisions contained in this section shall not be applicable to crimes committed prior to the 15th day of January 1957.

Provisions concerning Courts Martial Proceedings

24. (1) The provisions contained in ss. 4–23 hereof shall also be applicable to courts martial proceedings; such proceedings shall be conducted, within the jurisdiction of the People's Courts, by a Special Court of the military tribunals and of the Military Divisional Court of the Supreme Court.

(2) The composition of the Special Court set up under sub-section (1) hereof shall be governed by the provisions of ss. 1–2 (of the present Decree-Law). Instead of People's judges, the proceedings shall be attended by Military Assessors chosen by the Presidential Council of the People's republic.

Definition of Indispensable Public Undertakings

25. (1) For the purpose of C.R.Cr.L., s. 73, all State (owned) agricultural, industrial (mining, transport, etc.) or commercial undertakings regularly employing over 100 workers shall be deemed to be indispensable public undertakings.

(2) The provision of sub-section (1) hereof shall not be applicable to crimes committed prior to the 15th day of January 1957.

Authority for the Setting-up and Dissolution of People's Courts

26. The Minister of Justice shall see to the setting-up and dissolution of County People's Courts.

CHAPTER II

PROVISIONS RELATING TO CERTAIN QUESTIONS OF THE JUDICIARY'S ORGANIZATION

27. The following provision shall be added to s. 18(1) of Act No. II of 1954 concerning the organization of the Judiciary in the Hungarian People's Republic:

"The Minister of Justice may within the same area amalgamate District Courts and City Courts and in Budapest may amalgamate several District Courts."

28. Sub-section (2) of s. 50 of Act No. II of 1954 shall be substituted by the following provision:

"(2) The Presidential Court of the Supreme Court shall proceed in the name of the full court of the Supreme Court in the matters set out in paragraphs (b), (d) and (c) of sub-section (1). The Chairman of the Presidential Court shall be the President of the Supreme Court, or a member of the Presidential Court so appointed by the President of the Supreme Court. The members of the Presidential Court shall be appointed by the President of the Supreme Court from among Vice-Presidents and Judges of the Supreme Court."

CHAPTER III

COURTS COMPETENT TO CONDUCT PROCEEDINGS IN RESPECT OF CRIMES HARMING TRAFFIC, TRANSPORT AND TELECOMMUNICATIONS

29. (1) Proceedings in respect of crimes committed against the proper functioning or safety of traffic and transport by rail, road, air and water, and of telecommunications, which do not fall into the County Courts' jurisdiction shall at first instance be conducted by Courts appointed by the Minister of Justice from among the District Courts within the county (City and City District Courts).

(2) Proceedings in respect of crimes referred to in sub-section (1) hereof shall be conducted by the courts which, under the general rules (Code of Criminal Procedure, ss. 24–30), are competent, if the Prosecutor submits the case to them for adjudication.

30. Crimes committed against the proper functioning or safety of traffic and transport by rail, road, air and water, and of telecommunications shall mean the following offences:

misuse of explosives (C.R.Cr.L., s. 33),
those offences endangering the interests of defence which are listed in C.R.Cr.L., s. 73,
arson (C.R.Cr.L., s. 162),
causing of flood (C.R.Cr.L., ss. 168–171),
endangering of transport and damage causing public danger (C.R.Cr.L., ss. 172–183),
endangering of life or body (C.R.Cr.L., ss. 374–376),
abandonment of victims of accidents (C.R.Cr.L., s. 377),
robbery (C.R.Cr.L., ss. 433–436 and 437(1)),
offences specified in ss. 95–96 and 93–100 of Act No. XIX of 1934 on the Service Discipline of Seagoing Merchant Ships,

offences specified in ss. 3, 5, 8, and 9 of Decree-Law No. 24 of 1950 as amended by Decree-Law No. 11 of 1956 on the Protection by Criminal Law of State-owned Property; and finally offences specified in Decree No. 55 of 1953 (4 December) M.T. dealing with Increased Protection of Traffic; provided these offences harm or endanger the proper functioning or safety of traffic or transport by rail, road, air or water, or of telecommunications.

CHAPTER IV

PROVISIONS APPLICABLE TO THE DEFENCE IN CERTAIN CRIMINAL PROCEEDINGS

31. (1) In the course of civil and military criminal proceedings – if the security of the State should specially warrant this – no advocate may act as authorized or appointed defence counsel whose name does not appear on a list compiled by the Minister of Justice for that purpose.

(2) The Minister of Justice shall – in consultation with the Minister of the Interior and the Chief Prosecutor – by Decree lay down those offences in respect of which criminal proceedings are to be governed by sub-section (1) hereof.

32. In military criminal proceedings, even in matters not falling under s. 31, no advocate shall act as defence counsel whose name the Minister of Justice has not included in either the list of military defence counsel or the list compiled under s. 31(1) hereof.

CHAPTER V

PROVISIONS CONCERNING OPERATIVENESS

33. Subject to ss. 23(6) and 25(2) hereof, the provisions of the present Decree-Law shall be applied also to proceedings commenced in respect of crimes committed prior to the coming into force of the present Decree-Law.

34. Those provisions of the present Decree-Law which regulate retrials and objections on the ground of legality shall be applied also to completed matters which resulted in final decisions.

35. Criminal matters now pending shall be completed in accordance with the provisions of Decree-Law No. 4 of 1957 on Expedited Procedure and Decree-Law No. 25 of 1957 on the Setting-up of, and Procedure before, the People's Court of the Supreme Court, provided a hearing of the matter has already taken place in court.

36. The present Decree-Law shall not affect the validity of Decree-Law No. 28 of 1956 on Summary Jurisdiction. However, if summary proceedings under ss. 8–9 of the present Decree-Law have already been

commenced against the accused, no expedited proceedings shall be taken in respect of the same crime. On the other hand, where a court of summary jurisdiction remits the case to the ordinary court, the Prosecutor may – pursuant to a direction by the Chief Prosecutor – propose that the proceedings be completed by the People's Court.

37. Cases pending and involving any of the offences specified in s. 30 hereof, shall be dealt with pursuant to the provisions of s. 29 hereof, if the court has not set down the case for trial (Code of Criminal Procedure, s. 140(3)(a)) and the Prosecutor proposes the case to be transferred to the District Court (City, City District Court) competent under s. 29 hereof.

38. (1) Save for the provisions of Chapters I. and IV., the present Decree-Law shall come into force on the day of publication.¹ The date when the provisions of Chapters I. and IV. will come into force shall be stated, by Decree, by the Hungarian Revolutionary Worker-Peasant Government.

(2) On the coming into force of the provisions of Chapter I. and IV. hereof, the following enactments shall cease to have effect:

Decree-Law No. 20 of 1950 on the Amendment of Certain Provisions concerning Army Defence Counsel;

subject to the limitations of s. 35 hereof, Decree-Law No. 4 of 1957 on Expedited Procedure and Decree-Law No. 25 of 1957 on the Setting-up of, and the Procedure before, the People's Court of the Supreme Court; and

Decree No. 2 of 1957 (15th January) Korm.

(sgd.) ISTVAN KRISTOF,

Secretary of the Presidential
Council of the People's Republic.

(sgd.) ISTVAN DOBI,

President of the Presidential
Council of the People's Republic.

¹ Published in *Magyar Közlöny*, No. 66, 15 June 1957.

Appendix III

Decree of June 29, 1957

Decree No. 41/1957 of the Hungarian Revolutionary Worker-Peasant Government concerning the Execution of Decree-Law No. 34/1957 (Concerning People's Courts and the Regulation of the Judiciary's Organization and Certain Questions Arising from Criminal Proceedings).

On the basis of Art. 38(1) of Decree-Law No. 34 of 1957 the Hungarian Revolutionary Worker-Peasant Government decrees:

Article 1

The provisions of Chapter I and IV of Decree-Law No. 34 of 1957 concerning the People's Courts and the Regulation of the Judiciary's Organization and Certain Questions Arising from Criminal Proceedings come into force on July 3, 1957.

Article 2

The present Decree comes into force on the day of its promulgation.¹

DR. FERENC MUENNICH,
First Vice Chairman of the
Hungarian Revolutionary Worker-Peasant Government

¹ *Magyar Közlöny*, No. 73, June 29, 1957.

Appendix IV

Ordinance of June 29, 1957

Decree No. 5/1957, I. M. of the Minister of Justice concerning The Execution of Decree-Law No. 34/1957. Concerning People's Courts and the Regulation of the Judiciary's Organization and Certain Questions Arising from Criminal Proceedings.

On the basis of the authorization contained in Art. 26 and Art. 31(2) of the Decree-Law No. 34 of 1957 concerning the People's Courts and the Regulation of the Judiciary's Organization and Certain Questions Arising from Criminal Proceedings—with regard to Arts. 2-4 in agreement with the Minister of Internal Affairs and the Supreme Procurator — I decree:

Article 1

The Chamber of the People's Court starts its activities at the Metropolitan Court, the County Court of Pest, further the County Courts of Miskolc, Szeged, Pécs and Győr on July 3, 1957.

The venue of the Chamber of the People's Court of the Metropolitan Court, comprises the area of Budapest.

The venue of the Chamber of the People's Court of the County Court of Pest comprises the area of the counties of Pest, Szolnok, Fejér and Nógrád.

The venue of the Chamber of the People's Court of the County Court of Miskolc comprises the area of the counties of Borsod-Abaúj-Zemplén, Heves, Hajdu-Bihar and Szabolcz-Szatmár.

The venue of the Chamber of the People's Court of the County Court of Szeged comprises the area of the counties of Csongrád, Bács-Kiskun and Békés.

The venue of the Chamber of the People's Court of the County Court of Pécs comprises the area of the counties of Baranya, Somogy, Zala and Tolna.

The venue of the Chamber of the People's Court of the County Court of Győr comprises the area of the counties of Győr-Sopron, Komárom, Vas and Veszprém.

Art. 31(1) of the Decree-Law shall be applied:

- a) if the proceedings are brought for:
 - actions, movements or organizations against the democratic order and the People's Republic (BHÖ, point 1), preparatory actions of such offences etc. (BHÖ, point 8) or the non-performance of the duty of reporting an offence mentioned in point 1 of the BHÖ (BHÖ, point 9),
 - crimen laesae maiestatis* against the territory of the Hungarian State (BHÖ, points 13-16),
 - the crime of sedition (BHÖ points 17-24),
 - the crime of illicit organization of armed troops (BHÖ, point 25),

¹ BHÖ is the official collection of criminal provisions—transl.

the crime of treason and spying (BHÖ, points 35-47),
the crime of violating international good relations (BHÖ,
point 109),
the crime against State secrets (BHÖ, point 109),
further:

b) also in other criminal cases if this is especially motivated by the safeguarding of State interests.

Article 3

1) In the course of the investigation the Procurator and after the filing of the indictment the President of the Court shall ascertain whether in a certain criminal case the safeguarding of the State interests is especially motivated (important-transl.) (Article 2b).

2) If the specific importance arises after the beginning of the trial the counsel previously retained (or ordered) shall be entitled to act until the final conclusion of the case if his name was not included in the list (Art. 31(1) of the Decree-Law).

Article 4

1) The provision of Art. 31(1) of the Decree-Law must be applied also if there are several suspects in the case and the reason for the applying of the above mentioned provisions arises with regard to any of the suspects, further, if the proceedings are conducted for several crimes and the reason for applying the above mentioned provisions with regard to any of them.

2) In cases which are unfinished at the time of the coming into force of the Decree-Law until the final conclusion of the proceedings on the basis of his formerly being retained (or ordered), also the counsel may act whose name is not in the list.

Article 5

The present Decree comes into force on the day of its promulgation.¹

DR. FERENC NEZVAL, M.P.
Minister of Justice

¹ *Magyar-Közlöny*, No. 73, June 29, 1957.

Appendix V

Decree-Law of November 3, 1957

*Decree-Law No. 62/1957 of the Presidium of the Hungarian People's Republic concerning the abolishing of summary jurisdiction.*¹

The successes attained in the last year concerning the reestablishment of law and order, make it possible to abolish summary jurisdiction, introduced for a transitory period. Therefore the Presidium of the People's Republic enacts the following Decree-Law:

Article 1

- 1) Summary jurisdiction, introduced by Decree-Law No. 28/1956 and the Decree-Law No. 32/1956 supplementing the former, is repealed from the date of the publishing of the present Decree-Law.
- 2) The Hungarian-Revolutionary-Workers'-Peasants'-Government is charged with the promulgation of the repeal of summary jurisdiction.

Article 2

- 1) The present Decree-Law comes into force on the day of its promulgation.
- 2) On the coming into force of the present Decree-Law proceedings which are *sub judice* before summary courts, must be transferred to courts which have jurisdiction and are competent according to general provisions. The prosecutor may in these cases also move for a hearing by the People's Court.

ISTVAN KRISTOF M.P.
Secretary of the Presidium
of the People's Republic

ISTVAN DOBI M.P.
President of the Presidium
of the People's Republic

¹ *Magyar Közlöny*, No. 117, November 3, 1957.

Appendix VI

*Publication*¹

I suspend the autonomy of the Chamber of lawyers of Budapest on the basis of Article 43(2) of the Act IV of 1957 until the holding of new elections and I charge with the preparing of the elections and the administration Dr. Imre Bárd, Solicitor at Budapest, as delegate of the Minister.

DR. FERENC NEZVÁL, M. P.
charged with the Administration
of the Ministry of Justice

*Publication*²

I suspend the autonomy of the Chamber of Lawyers of Miskolc on the basis of Article 43(2) of the Act IV of 1937 until the holding of new elections and I charge with the preparing of the elections and with the administration Dr. Miklós Sömjéni, Solicitor at Miskolc, as delegate of the Minister.

DR. FERENC NEZVAL, M.P.
charged with the Administration
of the Ministry of Justice

¹ *Magyar Közlöny*, No. 106, December 29, 1956.

² *Magyar Közlöny*, No. 8, January 22, 1957.

Appendix VII

Decree-Law of July 14, 1957

*Decree-Law No. 41/1957 of the Presidium of the People's Republic.
Concerning the Administration of Decree-Law No. 31/1956.*

Article 1

The second sentence of Art. 4 of Decree-Law No. 31 of 1956 (in the following D-L) is replaced by the following provision: "The duration of custody of public security is six months, which can be extended by the Ministry of Internal Affairs with the consent of the Supreme Procurator".

Article 2

Art. 6 of the D-L is repealed.

Article 3

The present D-L comes into force on the day of its promulgation.¹

ISTVÁN KRISTOF,
Secretary of the Presidium
of the People's Republic

DANIEL NAGY,
Deputy Chairman of the
Presidium of the People's
Republic

¹ *Magyar Közlöny*, No. 77, July 14, 1957.

CHRONOLOGICAL LIST

of Sentences as Reported by Hungarian Sources
September 1, 1957 – January 17, 1958*

*September 1, 1957*¹

The People's Chamber (of the County Court) of Szeged pronounced in the trial against Medard Skultethy and 10 co-defendants conducted partly in closed session the following sentences for "active participation in the organization for overthrowing the People's Democracy":

Medard Skultethy	10 years imprisonment	
Ferenc Balint	10 years	"
Tibor Jozsef Farkas	10 years	"
Zsuzsanna Kecskes	10 years	"
Imre Nagy jun.	10 years	"
Joszeff Tisoczki	8 years	"
Mihaly Sulyok jun.	7 years	"
Peter Veres	5 years	"
Mihaly Karacsonyi jun.	3 years	"
Illes Godo	2½ years	"
Matyas Honko	2 years	"

*September 3, 1957*²

The County Court of Szeged passed the following sentences against counter-revolutionaries who damaged the Soviet monument:

Sandor Haller jun.	2 years and 2 months imprisonment	
Mihaly Bogar	1 year imprisonment	
Sandor Varga	8 months	"
Janos Nemeth	6 months	"

*September 14, 1957*³

Geza Goor was sentenced to 2½ years of imprisonment for illegal possession of arms.

*September 14, 1957*⁴

The Court (in Szolnok) pronounced the following sentences for instigation against collective farms:

Andras Szekeres	3 years imprisonment	
Janos Vereb	2 years	"
Sandor Fekete	1 year	"

* In the preceding two months see the Secretary General's letter to UN delegations of September 2, 1957, (supra, p. 12).

¹ "Delmagyarország", Szeged, September 1, 1957, p. 6.

² "Delmagyarország", Szeged, September 3, 1957.

³ "Zalai Hirlap", Zalaegerszeg, September 14, 1957.

⁴ "Tiszavidek", Szolnok, September 14, 1957, p. 3.

September 16, 1957 ⁵

Istvan Suetoe and Istvan Boros were sentenced each to 2½ years of imprisonment for having tried to leave the country without authorization.

September 21, 1957 ⁶

The Szolnok Court sentenced Istvan Csatho for embezzlement and for having tried to cross the border without authorization with 4 years imprisonment.

September 25, 1957 ⁷

A Budapest Court sentenced Dr. Gyoergy Noel for violations of foreign currency regulations and for illegal possession of arms to 2 years imprisonment, to a fine of 2,000 Forint and to deprivation of civic rights for 3 years.

September 26, 1957 ⁸

A Budapest court sentenced 5 persons to imprisonment from 8 months to 3 years. The leader of the group, Istvan Jozsa, was accused to have stolen and looted public property. During the trial two other persons were arrested who were summoned before the court as witnesses.

October 5, 1957 ⁹

In the trial of Zsigmond Piros and his group in the County Court (of Debrecen) the following sentences were pronounced for counter-revolutionary activities:

Zsigmond Piros	18 months imprisonment	
Sandor Szabo	14 months	„
Sandor Nagy	1 year	„
Lajos Hogyesz	1 year	„

The rest of the accused were sentenced to imprisonment from 4 to 12 months.

October 5, 1957 ¹⁰

The Military Tribunal sentenced the following persons for concealing weapons:

⁵ "Hetfoei Hirek", Budapest, September 16, 1957, p. 7.

⁶ "Tiszavidek", Szolnok, September 21, 1957.

⁷ "Nepakarat", Budapest, September 25, 1957.

⁸ "Nepakarat", Budapest, September 26, 1957.

⁹ "Hajdu-Bihari Naplo", Debrecen, October 5, 1957.

¹⁰ "Naplo", Debrecen, October 5, 1957.

Hornyak and Kurunczi (leaders)	15 years imprisonment each
Osvai	15 years ,,
Gyuricza	12 years ,,
Funne	12 years ,,
Szabo	10 years ,,
Harsfalvi	10 years ,,
Csordas	10 years ,,
N. Istvan	7 years ,,
K. Istvan	7 years ,,

*October 5, 1957*¹¹

In a trial for conspiracy the People's Court passed the following sentences:

Laszlo Balogh	death
Geza Pech-Eckhardt	life-long imprisonment

14 other co-defendants were sentenced from 2 years' to life-long imprisonment. The group was charged with illegal contacts with the West and organizing for the overthrow of the People's Republic.

*October 8, 1957*¹²

The People's Court of Szolnok sentenced the following persons for defamation and persecution of Communists, instigation against the Soviet Union and terror actions in October 1956:

Mihaly Herczeg	15 years imprisonment
Ferenc Molnar	15 years ,,
Laszlo Csetenyi	12 years ,,
Imre Csato	11 years ,,
Istvan Balazs	10 years ,,
Janos Adam	6 years ,,

*October 8, 1957*¹³

The death sentence against Lajos Nagy has been executed. The death sentence against Nagy has been passed in June 1957 by the People's Court of Szeged in a rehearing of the trial for counter-revolutionary activity. The judgment was confirmed by the Supreme Court and the plea for mercy of the accused was rejected.

*October 9, 1957*¹⁴

The People's Chamber of the Supreme Court sentenced Istvan Patyi jun., Matyas Kolompar and Istvan Peko to death. The sentences

¹¹ "Nepszabadsag", Budapest, October 5, 1957, p. 8.

¹² "Tiszavidek", Szolnok, October 8, 1957.

¹³ "Petoefi Nepe", Kecskemet, October 8, 1957.

¹⁴ "Petoefi Nepe", Kecskemet, October 9, 1957.

have been executed. They were accused of having murdered the employee of the Council of Kiskunmajas in October 1956. The accused Sandor Koncz was sentenced to life-long imprisonment.

October 9, 1957 ¹⁵

The Budapest Court sentenced Janos Szekeres and 13 co-defendants for assistance to cross the border illegally, for theft, forgery of documents and other offences. They have been working in the Hungarian Red Cross:

Andor Csznik	3 years imprisonment
Janos Szekeres	2 years ,,
Istvan Szerencses sen.	18 months ,,

The other accused persons were sentenced to imprisonment from 6 to 12 months.

October 9, 1957 ¹⁶

The Supreme Court of Budapest passed the following sentences for aiding the counter-revolutionary movement:

Zoltan Molnar	3 years imprisonment	
Domokos Varga, writer	2 years ,,	
Aron Tobias	1 year ,,	(suspended)
Gyula Fekete	1 year ,,	(suspended)

The trial was held *in camera*.

October 16, 1957 ¹⁷

Rozalia Rab, accused of looting at "Divatcsarnok" (at a dress-maker's in Budapest), was sentenced to 12 months of imprisonment.

October 16, 1957 ¹⁸

Ilon Borbas, an employee of the post office, was sentenced by the Budapest Court to 14 months imprisonment for having emptied 32 envelopes coming from abroad and for the possession of leaflets with instigating contents. The two co-defendants Mrs. Istvan Toth and Mrs. Balint Toeroek were sentenced to 14 and to 8 months imprisonment respectively.

October 20, 1957 ¹⁹

The People's Chamber of the Military Tribunal at Gyoer sentenced Dr. Arpad Brusznay and his 11 associates. Brusznay was accused to have organized a conspiracy for the overthrow of the

¹⁵ "Nepakarat", Budapest, October 9, 1957.

¹⁶ "Radio Budapest", October 9, 1957, 23.00 hours.

¹⁷ "Nepakarat", Budapest, October 16, 1957.

¹⁸ "Nepakarat", Budapest, October 16, 1957.

¹⁹ "Eszakmagyarország", Miskolc, October 22, 1957.

People's Democracy. The other accused persons were sentenced for active participation.

Brusznyai	life-long imprisonment
Imre Kis Gal	10 years "
Laszlo Dormanyi	10 years "
Dr. Ferenc Horvath	5 years "
Imre Lorand	4 years "
Miklos Maczko	3½ years "
Laszlo Ferenczi	2 years and 4 months imprisonment
Dr. Oszkar Jonas	2 years imprisonment
Imre Perge	2 years "
Gyula Monori	1½ years "
Sandor Eva	1 year "

October 22, 1957 ²⁰

The People's Chamber at Miskolc imposed the following sentences on the members of a group who were accused for having arrested and insulted members of the Party Committee of Miskolc.

Laszlo Babits (leader of the group)	life-long imprisonment
Istvan Farkas	15 years "
Janos Molnar jun.	14 years "
Sandor Kiss	12 years "
Gyula Spanyol	11 years "
Sandor Remenyi	11 years "
Arpad Vita	8 years "

5 more accused persons were sentenced to 2 to 4 years imprisonment.

October 25, 1957 ²¹

The County Court of Borsod sentenced Gyula Lemdvai to death. The sentence has been executed. Gyula Lemdvai was the leader of a group of 45 persons composed mostly of prisoners released during the revolution. He fled and was recaptured.

November 13, 1957 ²²

The People's Chamber of the Supreme Court sentenced the following Hungarian writers accused for activities hostile to the state.

²⁰ "Eszakmagyarország", Miskolc, October 22, 1957.

²¹ "Nepszabadsag", Budapest, October 25, 1957.

²² Radio Budapest, November 13, 1957, 18.00 hours; English translation: BBC Summary of World Broadcasts, Part IIB, No. 881, November 19, 1957, page 1.

Tibor Dery for leading an organisation with the aim of overthrowing the order of the People's Democracy	9 years of imprisonment	
Gyula Hay for participation in this organisation	6 years	„
Zoltan Zelk	3 years	„
Tibor Tardos for instigation against the democratic order	18 months	„

November 26, 1957 ²³

Istvan Szoertsey, accused of having joined the counter-revolutionaries at the Kilian-barracks, having taken an active part in armed actions and of having participated in the murder of several persons, was sentenced in the first instance to life-long imprisonment, and in the second instance to death. The sentence has been executed.

December 3, 1957 ²⁴

Istvan Vecsernyes was sentenced to an imprisonment of 2 years and 8 months for assistance to cross the border without authorization (sentence suspended). Two women were sentenced (suspended) to 10 and 14 months of imprisonment for having tried to cross illegally the border.

December 11, 1957 ²⁵

The Special Council of the Supreme Court's Military Tribunal has sentenced to death Major Antal Palinkas-Pallavicini, who in October 1956 escorted Jozsef Mindszenty to Budapest with a convoy of armed vehicles, for organizing a military counter-revolutionary battalion, arresting members of the State Security Authority and editing a pamphlet. The sentence has been carried out.

December 12, 1957 ²⁶

Paul Fekete and his associates have been sentenced by the Military Court of Szeged. Paul Fekete, Istvan Toth and Hrabovszky were found guilty by the court of leading a group for the overthrow of the People's Democracy, 12 co-defendants were sentenced for active participation in this group.

Paul Fekete	Life-long imprisonment	
Istvan Toth	15 years	„
Otto Hrabovszky	10 years	„

²³ "Nepakarat", Budapest, November 26, 1957, p. 4.

²⁴ "Nepakarat", Budapest, December 3, 1957, p. 8.

²⁵ "Nepszabadsag", December 11, 1957.

²⁶ "Bekesmegyei Nepujzag", Bekeszaba, December 7, 1957, p. 5.

Other accused persons were sentenced to imprisonment from 18 months to 8 years.

December 21, 1957 ²⁷

21 rebels were sentenced by a Special Tribunal at Szeged, in Southern Hungary.

January 3, 1958 ²⁸

The People's Court Council of the Supreme Court approved the sentence passed on first instance by the County Court of Pest, according to which Laszlo Ivan Kovacs, one of the leaders of the counter-revolutionary group in Corvin-Koz, had been found guilty of the crime of organizing and heading a conspiracy aimed at the overthrowal of the order of a people's democracy and sentenced the accused to death. The sentence has been executed.

January 17, 1958 ²⁹

Father Egon Albert Turcsanyi, former secretary to Cardinal Mindszenty, primate of Hungary, was sentenced by the People's Court of the Budapest Tribunal to life imprisonment for crimes against the People's State, not suitable to his clerical activities.

15 other Roman Catholic priests and theology students and one layman were charged with actions against "peace priests" who co-operated with the Communist régime and with distributing pamphlets. The organizers and directors of this group, who continued their activity also after November 4, were sentenced to 4-10 years imprisonment, while the other members of the group, performing mostly technical work, were sentenced to imprisonment ranging from 1 to 2 years, or less than one year.

²⁷ "Bekesmegyei Nepujzag", December 21, 1957.

²⁸ "Nepakarat", No. 2, Budapest, January 3, 1958.

²⁹ Radio Kossuth, January 17, 1958, 22.00 hours.

Appendix IX

Article in Nepszabadsag, May 19, 1957

“What was, and in a sense what is even now, the cause of the mistrust in courts? The fundamental reason is the opportunism and *liberalism of certain judges in the fight against the counter-revolution . . .* In some cases the Courts pass ridiculously mild sentences on the mortal enemies of our people and our system despite the fact that their guilt was stated and their action justly described . . . In other cases judges apply extenuating circumstances in an entirely unlawful manner, which make the passing of severe sentences . . . impossible . . . We must avail ourselves of all means to make our courts work and judge in the *spirit of the class warfare of the proletariat. The demand to pass sentences in a spirit of class warfare has never been as opportune as now . . .* This means *ruthless, unbending rigor against the enemies of the people.*”

Appendix X

Janos Kadar: Speech before Miners at Tatabanya ¹

"... We work with our right hand and hold the gun in our left hand. And we shall teach those people a lesson who have any objections. Whoever revolts against the regime will have to bear the consequences..."

¹ Radio Budapest, September 1957.

Appendix XI

Gyoergy Marosan

Speech at a Mass Meeting of Students at the Budapest Technical University ¹

"Perhaps somebody wants to say: 'Calm us down, because in July you have imprisoned 1,200 persons. What is the guarantee that you do not imprison more persons?' We did not like to put these people in prison; by the way we have partly released them, especially engineers and others. But as for the Horthy-officers, they will not be released. 'We shall begin again', they said, and in order to prevent that, we keep them in safety."

"The students will have to know that October 23 is a working day and that they will have to study on this day. I shall come myself to check whether the students are present. The workers are working on that day so you will have to learn too. Everyone who will not be present without being able to prove that he was ill will be reminded that another 15,000 students are waiting to be enrolled at the University."

Gyoergy Marosan

Speech at a Mass Meeting at the Koeztarsasag Square in Budapest

"... The 'Bourgeoisie' does not give in ... but when it is necessary we shall take further measures against the class enemies ... We shall prevent from the beginning any attempt directed against the people's rule ..."

¹ Radio Budapest, September 23, 1957, 21.00 hours

² Ibid. October 30, 1957, 21.00 hours.

Appendix XII

Laszlo Gyaros, Foreign Ministry Spokesman

Press Conference (Excerpts)
*September 27, 1957*¹

Internments and Death Sentences

Replying to a question about internments, Gyaros said that Court approval was necessary to prolong an internment order beyond six months². This served "the consolidation of legality". The internal political tension which had been noticeable after the crushing of the counter-revolution, had, moreover, been diminishing since January. It was only the Western reactionary Press which now still spoke of "tension" in connection with the political situation in Hungary.

Asked how many death sentences had been pronounced in Hungary and how many executions had been carried out since last November, Gyaros said that the Hungarian Press had given the exact numbers: 107 persons had been sentenced and 47 executed. The 10th September communique of the International Commission of Jurists, which estimated the number of persons executed to be between 2,000 and 5,000, was "invention from beginning to end" and "part of the campaign of slander launched against the Hungarian People's Republic prior to the 11th session of the UN General Assembly on 10th September".

¹ Radio Budapest, September 27, 1957. English translation: BBC Summary, Part IIB, No. 868, October 3, 1957, pp. 11-12.

² There appears to be no necessity for the Court approval under Art. 1 of Decree-Law No. 41/1957; see Appendix VIII *supra*.

Appendix XIII

Dr. Geza Szenasi, Supreme Public Prosecutor

Article in "Nepszabadsag", No. 266, November 10, 1957¹

On the Road of Socialist Legality

In contrast with the bourgeois state order, where the public prosecutor is simply a state representative of the indictment whose exclusive task is the prosecution of criminals, the socialist state demands from its public prosecutor the safeguarding of legality and, of course, provides him with all legal rights and guarantees necessary to exercise power. The new public prosecuting organs set out on the designated road. Our public prosecutors were faced with new tasks and new territories.

Their work was not free from mistakes. They did not always apply adequate firmness when dealing with violators of the law, or applied undue rigour in case of lesser offences. But in spite of all deficiencies, they endeavoured, in their own sphere of work, to contribute to the strengthening of the workers' power and to the building of a happier future.

Firmness in safeguarding socialist legality is of basic importance both from the point of view of the state and citizens. It is, therefore, a public matter, in the fullest sense of the word, how the public prosecutors practice the rights provided by the law. The Supreme Public Prosecutor of the Hungarian People's Republic and the prosecuting organs subordinated to him are to take steps if the laws of the Hungarian People's Republic are violated in any way. This means that the proceedings of the prosecutor's office, the actions taken against the violation of the law, are not of a discretionary nature, but are obligatory *ex-officio*, irrespective of the fact whether the violations of the law are revealed in the course of the proceedings of the prosecutor's office, or on the grounds of requests, reports or complaints submitted by citizens or authorities.

After the counter-revolution in the autumn of 1956 also the prosecutor's offices had to carry on their work under difficult conditions. Today the wounds inflicted by the counter-revolution are in the process of healing, life is back to normal. Order has been restored and confidence in the party and the worker-peasant government has strengthened.

Normal work is now possible in the field of public prosecution, that is to protect our state with full vigour from all hostile attacks, from conspirators, war-mongers, destructive elements and looters of

¹ English translation: BBC Summary, Part IIB, No. 880, November 14, 1957, pp. 2-3 (Excerpts; missing part supplied from Hungarian source).

social property. Public prosecutors must work in a way that the offenders' punishment is always commensurate with their offence and honest people can live and work in peace.

In view of the fact that the public prosecutor possesses special power, by virtue of the law, to initiate prosecution, to bring the accused before the court, it is easy to understand that he may be exposed to incessant attempts made by individuals and organisations to exercise pressure on him. It may occur in particular that such attempts are made in the interest of persons engaged in state or economic functions. As a matter of course, such actions cannot be unanimously branded as dishonest. In many cases arguments are put forward stressing the individual merits of the suspect persons, the importance of their function, and efforts are made to convince the public prosecutor of the alleged indispensability of the persons in question.

Were the public prosecutors to accede to such attempts and were the intermediaries to succeed in warding off the danger of the criminals' being called to account, this would inevitably entail as its consequence that the necessarily greater responsibility of persons in leading positions would get reduced, thus calling forth a reverse reaction. This would rightly hurt the natural sense of justice of the working millions and also socialist legal principles.

It is, therefore, the duty of prosecuting organs to make it conscious and also to prove it in their daily practice that in the course of their control of legality equal treatment is applied to all offenders irrespective of their function, of their employment.

The investigating organs directly responsible for criminal prosecution must not lose sight of their duty, while tracing criminal acts and ascertaining who the culprits were and the extent of their responsibility, of establishing also the attenuating and extenuating circumstances in favour of the persons against whom legal proceedings have been instituted, besides the aggravating circumstances.

Certain local organs still manifest a certain lack of understanding and opposition in connexion with the tasks and activity of the public prosecutor's office. To some extent it is a natural consequence of the latter's activity inasmuch as its duty to control legality is not confined to the activity and conduct of citizens, but extends also to the activity of state organs, authorities, etc. The control activity of the public prosecutor's office extends, namely, to ascertaining whether the citizens comply with their duties prescribed by legal regulations. (E.g., payment of taxes, work discipline, payment of fines imposed by means of administrative measures, notification of change of address, etc.). The public prosecutor's office, however, carries out also this kind of control activity in the form of the supervision of the state organs concerned. That means, it examines first and foremost how much the state organs can make the citizens comply with their obligations. Simultaneously, it sees to it that the state organs, authorities, etc., do not violate the legal rights of the citizens.

In the defence of local interests it is often argued – and in some

cases this viewpoint serves for the justification of the violation of the law – that in the given case the observance of the legal provisions would not have been in keeping with the requirements set up by class-warfare, it would have meant favouring class-alien, hostile, etc. persons. Obviously, this is an incorrect and harmful attitude. The greater part of our laws and legal provisions ensures the consideration of local circumstances, possibilities and peculiarities just by providing the organs concerned with a sphere of authority of weighing up matters when deciding a number of questions, within certain frames of a general compulsory character. The consideration of local conditions and circumstances within such frames is correct and necessary. Their assertion, however, by exceeding the scope of law, that is the consideration whether the provisions of law binding upon everyone should be applied or not, is obviously inadmissible. The weighing up, the deliberation of national, general state (economic, social) and civic interests is the task of the legislator and when the law is published and comes into force it is to be taken for granted that the weighing up of such general interests and requirements – and that includes also the requirements of the class-warfare – has already been done. We are always to set out from the point that the provision of law in question – so long as it is in force – is correct, to the purpose and safeguards the interests of the people's democracy. Action is to be taken against those who, in an arbitrary way, "flexibly" narrow down or widen recently published and carefully thought out legal provisions, voicing, pharisaically, public interest, while, in reality, they are out for biased personal success and not infrequently for the assertion of individual interests.

This implies that the law must not be violated for any local or opined interests. As Lenin said: "There is no Kazan and no Kaluga legality". On the other hand, the interests of class-warfare must not be "exploited for petty ends" at the expense of the violation of the law. The observance of laws is a fundamental issue of state centralism.

For the aforesaid reasons it is incorrect, and it is most harmful to state discipline, if some of our local administrative organs, undertakings, etc. adopt an attitude whereby they look upon the prosecutor's office and the public prosecutor as an organ and a state functionary that, by exercising their task of control and by taking measures, hinder "practical", successful work and, as is said, "do not help them" in the best possible solution of their tasks. They attack the public prosecutor for the honest fulfilment of his legal duties. This attitude manifested by some of our organs had a pernicious effect upon many public prosecutors, particularly in the past years. They had the feeling that "they were being ground between two stones". On the one hand, the Supreme Public Prosecutor's Office or their own legal, moral and political conviction demand that they should take action against the violations of the law and simultaneously against the offenders, while the local organs concerned are against it and for that reason make their work more difficult. Yet the position is that the control activity of the public prosecutor's office, this special organ of the state power, is to be looked

upon as help rendered, even if this activity means the calling to account of state functionaries who use their arguments to evade the laws. Our public prosecutors must by all means discard the illusion of "two stones". There is but one "stone", that of socialist legality, and that is the foundation stone of our state system and our state life.

We must not lose sight of the experiences gained in the past years. We cannot tolerate any violations of the law either to the right or to the left, that is to say, we cannot tolerate either liberalism or excesses.

The 20th Congress of the CPSU has, among others, indicated the further cementing of legality as an important task. This is vindicated also by our conditions as a general principle. Nor should we forget that there is a grave and bloody counter-revolutionary attempt, which though failed, behind us. In this situation we must liquidate the bases, remnants and consequences of the counter-revolutionary forces so as to create the best possible conditions for our socialist development and to promote, also in a direct manner, the socialist achievements of our economic, social and state life.

From the point of view of our state life, the protection and strengthening of socialist legality is of primary importance. In essentials this means the firm assertion of state centralism. In this difficult but noble work our public prosecutor's offices must take the lead. By availing themselves of their independence from the local state administrative organs, they should consistently assert the interests of the socialist state and the general interests of the workers that correspond with the former.

Appendix XIV

Laszlo Szabo

*Article in "Nepszabadsag", No. 278, November 24, 1957 (Summary)
In the Chamber of Lawyers things are easily forgotten . . .*

Several months ago, in an article entitled: "The revolution of the pettifoggers" we described what happened in the chamber of lawyers in October and November of last year. I believe it is superfluous to quote from the article. The present leadership of the chamber knows well what happened in the days of the counter-revolution and they also know that power in the chamber was taken over, even if only for a few days, by supporters of the old regime, by legal protectors of the old capitalist and feudal system. After the defeat of the counter-revolution a new leadership took over, which has at its disposal the list of the persons who were rehabilitated by the fascist leadership. What has been done against them? A few very conspicuous and prominent bourgeois lawyers were "ticked off" but on the whole the anti-state measures of the general staff of lawyers of the counter-revolution have been left untouched. These gentlemen walk about also today with their lawyers' certificate and "represent" the laws of the people's democratic state in the service of their clients.

There was a time when we thought that the chamber, after having put its ranks in order, would throw out these figures. We were mistaken . . . Now that some months have passed does the chamber not remember any more the days of the counter-revolution? It seems it has forgotten all the horrible deeds of the Horthyite "lawyers" and how they prepared for the murder of all communists, for their imprisonment, for the removal of sympathisers, also there, in the chamber of lawyers. These are facts which very many honest lawyers have not forgotten and will not forget. We may add that this is also done by millions of the working people.

We might, perhaps, introduce some of them to the new leadership of the chamber.

Let us begin, perhaps, with the former richest lawyer of Budapest, Dr. Mihaly Pal Simon, who had 27 lawyer-candidates in his office. He began his political career in the first world war, that is he was a spy. After the defeat of the Soviet Republic he must have done great legal and other services for Horthy because he was straight away appointed chief government counsellor (a title instituted by the Horthy regime). He naturally continued his practice. After collecting a few millions he began, after 1945 – in keeping with his activity in the first world war – to work for the Americans. He often handed informations to the American Colonel Kopcsak, who was expelled from the country for espionage. Mr. Simon, however, who was deprived of his practice in 1948 by the people's state, became again a lawyer, which was approved by the chamber.

Article then describes the "careers" of Kornel Kelemen, Miklos Baksay, Antal Eperjessy Stöhl, Kalman Nemesszeghy, Sandor Mazgon, and Gyula Rusthy, lawyers.

They are all known, by everyone, as the most loyal supporters of the old system.

A few days ago a new leadership began its work in the National Federation of the Chambers of Lawyers. It is too early as yet to express an opinion on its activity, but it is a fact that the persons enumerated and many others like them are still lawyers today.

Appendix XV

Ferenc Nezval, Minister of Justice

Article in "Nepszabadsag", No. 295, December 14, 1957. The legal dispute in connexion with Hungary has been clarified also in the circles of international lawyers

A meeting was held by the International Association of Democratic Lawyers in Moscow between November 16 and 20, 1957. It was preceded by widespread interest since it was the first plenary session of the Federation after the events in Hungary in the autumn of last year which deals with the so-called "Hungarian question".

The session was attended by 90 delegates from 25 countries. The discussions were held in the most beautiful hotel of Moscow, in the luxuriously furnished marble hall of the hotel Sovjetskaja . . .

The report of the Hungarian delegation which had been drawn up in several languages was eagerly seized by the delegates at the very first meeting. Great interest was also shown for the "White Book" of the government. It was undoubtedly due to the effect of the "White Book" and the report that already on the second day of the session it was declared by a number of Asian, Middle Eastern, South American, and, let us add, also European delegates that our information had made a good impression because so far our enlightening works and propaganda material had not reached them and because they had not known so far the actual situation in connexion with the counter-revolution. They had not been aware of the horrible crimes committed by the counter-revolutionaries, and had not heard about the immeasurable moral damage the counter-revolution had caused in the ranks of the youth, nor had they had any idea about the gigantic material damage caused by the counter-revolution. They were not aware either of the actual situation concerning the fact that our statutory provisions concerning the liquidation of the counter-revolution and the restoration of law and order in the country were fully in accordance with the legal view accepted on an international basis. On the basis of the reports of the delegates it was established with astonishment that western propaganda by its invented "information" on the statutory provisions published in Hungary had misled all the lawyers of the world.

The first tangible result of our enlightening work was that at the plenary session questions as to whether our statutory provisions were in accordance with human rights, whether the revolutionary worker-peasant government could be regarded as a legal government, and whether in Hungary guarantees concerning the law of procedure, in particular the right of defence, were asserted, – which western radios had been trying to dispute for many months – were not raised at all any longer.

Appendix XVI

Geza Szenasi, Supreme Public Prosecutor

*Report before Hungarian National Assembly
December 21, 1957¹*

The first item on the third day was the report of Geza Szenasi, the Supreme Public Prosecutor. According to Budapest radio's edited recording of his report, he said that this was the second occasion when the Supreme Prosecutor of the People's Republic reported to the Assembly in accordance with Article 43 (2), of the Constitution. On this occasion, he wished to report on the manner in which he had discharged his duty after the counter-revolution. His experience of the counter-revolution disproved the lies of those who saw in that event a workers' rising against the regime, and who feted terrorist murderers and common criminals as heroes of freedom. In fact, there was hundredfold evidence to prove that in the organisation and execution of the counter-revolution the class enemy had been the inciter, perpetrator and often the leader.

No sooner had the outbreak of the counter-revolution in Budapest been reported than the most active elements of reaction had gone into action, mobilised former gendarmes, capitalists and kulaks and, by establishing first the so-called provisional national committees and later the so-called revolutionary committees, had launched a frontal attack on the Party, the prosecuting authorities and the local councils. Throughout the country over 3,000 Communists had been arrested, and many other parties and organisations had been set up with the object of restoring capitalism or fascism.

Writers' and Fascists' Share in Counter-Revolution

"Investigations have thrown light on the hostile activity of certain writers' groups. It is an established fact that some reactionary groups of Hungarian writers undertook to play an active part in the preparation of an armed attack, in the support of the advance of the counter-revolutionary forces and the realisation of bourgeois endeavours to bring about a restoration. The Western intelligence centre called Free Europe Committee quickly recognised the hostile attitude of some writers' groups. Some weeks before October 1956, this intelligence centre sent an inciting appeal to these groups in the form of a circular evidently because it regarded these writers as allies. These writers played a leading part in the organisation and execution of the attack on the policy of the State leadership, and after 4th November obstructed

¹ Radio Budapest, December 21, 1957, 16.30 hours; "*Nepszabadsag*", December 22, 1957; "*Magyar Nemzet*" December 22, 1957; English translation: BBC Summary, Part IIB, No. 892, December 31, 1957, pp. 15-19 (Headings supplied).

the implementation of the Revolutionary Worker-Peasant Government's objective - to establish political and economic consolidation."

An important part had also been played by Horthy fascists, the clerical reaction, the Right-wing leaders of the former coalition Parties and the group of traitors led by Imre Nagy. They had paved the way for the most reactionary forces, and later openly committed treason by leading the counter-revolution to overthrow the people's democratic order. The revolutionary committees had been responsible for the arrest of the Communists and their supporters, for the dismissal of leaders of the State administration and Councils, and for the organisation of armed groups. The revolutionary councils of Szolnok County were typical; they had included 322 kulaks, 112 gendarmes, 128 Horthyite army officers, 100 former Arrow Cross members and 123 former capitalists. The provisional workers' council of MAVAG had included 23 "hostile elements" and that of the Ganz factory 10. Several champions of freedom praised in the West were in fact fascists and class enemies and others escaped convicts and murderers with long criminal records. During the counter-revolution 16,518 convicts had escaped, including 13,000 common criminals. The National Guards were being recruited at the time of the release of those criminals, and most of the weapons had thus got into the hands of hostile, criminal and hooligan elements.

Obstacles to Restoration of Order

The liquidation of the counter-revolution had begun under extremely difficult conditions. Although the proletariat had been victorious, the forces of the counter-revolution had remained active. Fascists, criminals and other hooligans had still been armed. Production had been hampered by strike calls, and thousands had crossed the Western frontiers. Finally, most of the prosecuting authorities and courts had been disorganised, and people's minds confused.

In view of all that the public order forces and the police had had no easy task. But they had strengthened wavering courts and prosecutors. They deserved the highest praise, not least because they had had to fight on two fronts - defending the proletariat and arresting those suspected of counter-revolutionary crimes. Nevertheless, a great many active class enemies, capitalists, aristocrats, hooligans, common criminals and other counter-revolutionary terrorists had made good their escape to the West, together with over 2,000 common criminals released from prison by the counter-revolutionaries.

The introduction of summary jurisdiction had demonstrated the strength of the Revolutionary Worker-Peasant Government, and that initial success had made it possible to start the large-scale liquidation of the counter-revolution by legal action. Steps in that direction had been the introduction of the accelerated criminal procedure and the setting up of People's Court Benches with the Supreme Court and later also the County Courts. People's Court Benches had also helped to

remove counter-revolutionaries from the law courts, and the appointment of people's judges had further strengthened the judiciary. Legality had thus been enforced, but procedure had throughout been in accordance with Article 1 of the Penal Code.

Trials and Detention to Continue

Trials of counter-revolutionary criminals had not yet ended. "Should a counter-revolutionary murderer or bandit be discovered, even after many years, he must be severely dealt with, as he deserves. The task remains. Against criminal elements belonging to the hostile classes maximum severity, based on the law, must be exercised; workers who committed minor offences must receive more lenient treatment as consolidation proceeds, and finally criminal proceedings may even be dropped. These two considerations will enable the judiciary to avoid excesses in either direction and also erratic actions.

"Workers engaged in the criminal courts should not heed the siren song of 'let's be friends'. Such voices come from the circle of those who, professing a degree of loyalty and displaying good will, try to strike roots again, but who, in the autumn of 1956, incited, mostly from behind the scenes, and drove to their death or to catastrophe simple people who were confused and trusted them. A lukewarm atmosphere would favour the enemy, because it would allow him a respite and thus open up fresh possibilities for action. We shall not give the enemy this advantage."

To ensure fair criminal proceedings, investigating authorities had been instructed to gather evidence carefully, and to take decisions collectively. In this way bias had been avoided and mistakes reduced to a minimum.

Another institution that had helped to restore order had been "custody for the safety of the public" (*koezbiztonsagi oerizet*). The Government still held that this was merely a transitory emergency measure. Only one public safety camp existed, in which 1,869 persons had been detained on 20th December – a quarter of them habitual slackers and similar elements. The Assembly should know that he – Szenasi, would also use custody in the public interest against economic parasites. It was intolerable that déclassé elements, middlemen with a doubtful history and income, should make a living by loitering.

"At the same time, both as regards criminal cases and cases involving public safety, I must state with the greatest emphasis that those who prefer false accusations or utter slanders will be called to account. I want to guarantee unconditionally that the citizen shall be spared vexatious proceedings, and that any harmful employment of police and judicial authorities should be stopped as quickly as possible. We have instructed prosecutors' offices that once the innocence of an accused

has been proved, criminal proceedings are to be started against any accuser or witness who acted maliciously or carelessly. If a court acquits a person it must initiate proceedings *ex officio* in accordance with Article 87 of the Penal Code."

Protecting Social Property

The counter-revolution had also launched a serious attack on the economy of the Republic, on its social property. Its appropriate protection was, however, far from complete. Action remained to be taken by prosecutors and courts, and also by State, economic and social organs. "I have given orders to prosecutors' offices and the police to make a monthly analysis . . . of the mistakes of supervision or organisation which have made or still make possible offences against social property. I have drawn the attention of the Ministries concerned to the established causes, and we are also checking what they have done to eliminate the causes. Prosecutors have also been instructed to check whether, following a conviction, the enterprise or organ concerned has taken action to prevent similar crimes from being committed in the future. Against all those who are found criminally negligent, I shall take more rigorous steps than hitherto to institute criminal proceedings."

At the end of this year, the balance sheets and stocktaking reports should help to account for the materials taken away and the sums illegally received. Ministries had been instructed to prepare and check reports carefully. Prosecutors and the auditing departments of the Ministry of Finance and other finance organs would share in this work. The enemy and elements incorrigibly infected by him must gradually be removed from public and economic life. The parasite section of citizens regarded the "*après moi le déluge*" attitude as a virtue, hooliganism as smartness, and cynicism as philosophy. The result was uninhibited pilfering.

"The laxity of public morals on this scale is one of the results of counter-revolution. The cause of its prevalence is the indifference and criminal lack of firmness of managers and of those whose duty it is to exercise control. Experience shows that a considerable proportion of thefts from factories, of corruption and bribery, is detected by the police – apart from offences committed in one or two countries – whereas if the directors, chief accountants, and superior organs paid any attention to this, as is their duty, most of the irregularities would be detected by them. Moreover, a substantial proportion of stolen property remains unrecovered. Even where cases come to light, the prosecuting authorities hardly bother about recovering the stolen property. Often they do not even seize the property of the perpetrators, accomplices or those responsible."

Factory Courts and "Speculation"

Pilfering from factories, enterprises and State farms was a class

question, not only because social property was the foundation of a socialist society, but also because the counter-revolution, driven from streets and forced underground, was trying to disorganise production. One need no longer regard every thief as an enemy, but only a blind man could fail to discover the enemy behind some ordinary crimes. To protect social property it was necessary to revive the special lay courts in factories to deal with petty offences; they had proved effective before the counter-revolution, and they were suitable for offenders against social property and for workers who had erred, and who would be branded by workers of their own factory.

Some small artisans and retailers were engaging in transactions which could not be allowed. They were using material stolen from factories or engaging in wholesale trade. Such men were not performing the tasks assigned to them by the Government. Even some co-operatives were not averse to speculation. The number of persons indicted for speculation in the third quarter was three times that of the first quarter.

Generally speaking, however, public security in Hungary was shaping favourably, and further improvement could be expected. The police itself had asked for supervision by the prosecutors' offices, so that, to guarantee both sides of socialist legality, prosecutors and police were able to advance together.

Prosecutors and the Rule of Law

One of the pet slogans of counter-revolutionary demagogy had been that of violations of law, but it had been found that in the overwhelming majority of cases the procedure had been lawful. Over and above the figures given in last year's report, the Supreme Prosecutor's Office had reviewed, up to last November, the cases of 3,012 persons convicted for political crimes who had been arrested since last October and who had asked for a review. Full rehabilitation had been recommended in only 399 cases. Reviews had now ended. One of the gravest mistakes had been removed; it had been proved that while there had been violations of law, they had not been on anything like the scale as alleged by the enemy.

One of the most important fields of the work of prosecutors was that concerning minors. Prosecutors had also tried to induce those concerned to return property taken from producer co-operatives. Instructions had been issued to disband or restrict the activities of co-operatives which, contrary to the law, were based not on collective production but solely on collective marketing.

Housing, Labour, Agriculture

Prosecutors also had the duty to investigate complaints made by members of the public. This was important work conducive to ensuring uniform legality. On the whole, however, prosecutors should not deal

with complaints referring to measures dating from more than a year before the complaint. Prosecutors were dealing mainly with two categories of complaints – those concerning dwellings and others concerning labour affairs. Even now squatting in flats and the breaking of official seals seemed to be regarded as lawful. Such “bandits” deserved neither patience nor indulgence. The police had power to evict and arrest such persons.

During 1957, there had been two kinds of complaints concerning labour affairs. As a result of the counter-revolution, persons loyal to the Party had been unlawfully declared redundant. Abuses committed against the Labour Code must no longer be dealt with by a mere caution. In each case the prosecutor had to intervene where it was necessary to invalidate or annul the unlawful instructions of the counter-revolution.

The other category of labour complaints was related to the period of recovery. When the re-employment of persons dismissed on political grounds had become necessary, some had held the extreme view that persons so dismissed could not be re-employed anywhere. “To put an end to this erroneous view, which is also contrary to the Constitution, I applied to the Minister of Labour, explaining that dismissal for political reasons makes the persons dismissed unsuitable for the specific post they held, but does not exclude the provision of other employment which takes the political circumstances into consideration. The Minister of Labour accepted my view and took the necessary action within his Ministry.”

The abolition of the produce collection system called for the restoration of discipline, and he – Szenasi – had recommended to the College of the Supreme Court to establish a precedent, laying down that all conditions in the production contract must be brought to the notice of producers so that they should know their rights and duties. To halt the deterioration of contract discipline, however, it must be stated that the producer, if he failed to complete for reasons for which he was not to blame, should be bound over – contrary to present legal practice – so that he could perform his obligations under the contract in addition to returning the advance payment received. This was very important to ensure adequate supplies for the population. It followed that the Prosecutor’s Office was not only a prosecuting authority but also the supporter of the lawful rights of every stratum of the population. So as to enhance this social role of the Prosecutor’s Office and to broaden direct contacts with the people, instructions, to take effect on the 1st January 1958, had been issued on prosecutor’s consulting hours, to be held regularly in factories.

The Prosecutor’s Office also settled ownership of land and questions of agricultural work. Cases of unauthorised tree felling and of timber thefts had occurred. Punishment was slight in comparison with the harm done. Prosecutors would therefore work for the full rigour of the law to be brought to bear and for full compensation to be paid to the national economy.

Irrelevance and Danger of Western Propaganda

Whenever a leader in a people's democracy uttered a word the Western bourgeois political sentinels and Press were immediately ready with an answer. "His very cough leads to the birth of a commentary, and we have enough internal enemies to pick it up, spread it and further distort it, and we also have a good many not hostile but stupid people who will believe it. They want to foretell whether we are becoming softer or sterner . . . We have work to do and can rarely spare the time to be amused by bourgeois daydreams. We follow the road defined by the Party". In the year following the counter-revolution, Party and State leadership had displayed level-headedness and moderation throughout. The liquidation of the counter-revolution in Hungary was Hungary's internal affair, and the protection of State and social order was the constitutional duty of the Government in power.

The preservation and further development of socialist achievements imposed important obligations on the Government. The measures of the Revolutionary Worker-Peasant Government corresponded in every respect to the interests of the country and the people and also to human rights in general. The Government had not introduced a single measure that could be criticised on objective grounds. The imperialist gangsters, the murders of the people of Cyprus, Algiers, Egypt, and Oman, were yelling about a bloodbath. The multi-millionaires were ordering their legal experts to defend the interests of the Hungarian proletariat. Preventive education, the prosecution of crimes and the administration of justice were confronted with greater tasks than hitherto. In a revolutionary situation and in the interests of the class certain matters could be excused. The issue was one of human lives, not of methods. Since any mistake by the prosecution affected not a clay pigeon but a human being, not even the smallest fault could be allowed. Naturally, the fact that in prosecuting hostile categories merely the surface appearance and not the substance was being prosecuted was also a fault.

"Our endeavour remains the same as before, namely, to observe to the maximum the provisions of the penal code and to institute criminal proceedings against the uncomprehending, where enlightenment remains fruitless. I believe that I have left no doubt about my intentions, that I am not trying to liberalise the prosecution of crimes and general supervision, but to make them more civilised. For this reason, too, let no one tell us that a year has passed since the counter-revolution and that we ought accordingly to be more lenient. No; we will not relent when judging active enemies. We say that so far only a year has elapsed since the counter-revolution. The final disinfection of the focal points of the counter-revolution requires an intelligent prosecution, partisan Party representation and class courts of justice. An intelligent class hatred, free from daily impulses, is stronger and more lasting and therefore entails a greater social success than the blind hatred appropriate at certain times".

The report was adopted.

Appendix XVII

Interview with Muennich¹

THE US JOURNALISTS' VISIT

*A delegation of some thirteen US journalists led by Marcel Duriaux, Administrative Secretary of the American Editors' and Commentators' Association spent three days in Hungary. Before their departure from Hungary they were received by First Vice-Premier Ferenc Muennich, who answered a series of questions. The interview was widely published in the Press, on the radio and by the agencies.*¹

EXCERPTS CONCERNING

Trials of Counter-revolutionaries: Nagy and Maleter

The US journalists asked what changes had taken place in Hungary since October 1956 and were told: "Vast changes have occurred in the life of the people. While during the counter-revolution foreign and domestic bandits let loose on the people were free to indulge in murder in the streets, we have restored law and order. We prosecute the murderers on a constitutional and legal basis. Today every honest citizen in the country can sleep undisturbed.

Asked about Pal Maleter, Muennich said that Maleter was "guilty of graves crimes which come under the competence of a court."

In reply to questions about Imre Nagy, Muennich said: "Imre Nagy committed grave acts against the Hungarian People's Republic, for which he is responsible. For this reason, he is at this time hardly in a position to grant the interviews you have been asking for."

¹ Radio Budapest in English, January 16, 1958, 20.00 hours.

Appendix XVIII

Government Decree¹

The Government published a decree giving effect to the People's Supervision Law as from 18th January, and regulating procedure. The Central Committee has jurisdiction throughout the country. People's supervision extend to all organs of State administration, except the Council of Ministers, to factories, enterprises, associations, co-operatives, co-operative centres etc. No one shall take part in supervision if he holds the rank of head of department or a higher rank in the body being investigated or is a relative or spouse of such a person. Where reports received by a committee refer to matters of public importance the committee has power either itself to investigate the complaint or to pass it on to some other competent authority.

Members of the central, County, borough, rural district or county district shall be elected for an indefinite period. Members of committees and people's supervisors shall perform their tasks after working hours. They shall not receive salaries but have expenses refunded according to a prescribed scale. The decree was also said to contain regulations concerning methods of supervision and action that may be taken as a result of the investigation.

*The Social Courts*²

The staff of the Lenin metallurgical works at Miskolc called for the immediate setting-up of social courts in the factories, and suggested that thieves should be pilloried at hearings to be held following their apprehension. It was also stressed that the detection of thefts called for more effective work on the part of the police and the Prosecutor's Offices. The main effort would, however, have to be concentrated on forestalling crimes by supervision and enlightenment.

*Crimes against Social Property*³

The papers publicised a statement by Geza Szenasi, the Supreme Prosecutor, in reply to a letter to 'Nepszabadsag' from a group of Ganz workers, demanding that crimes against social property, "which have become extraordinarily frequent", should be dealt with under

¹ Radio Budapest, January 17, 1958, 21.00 hours; Hungarian information service, January 18, 1958. English translation, BBC Summary, Part IIB, No. 899, January 23, 1958, p. 5.

² Radio Budapest, January 1, 1958, 09.00 hours; English translation, BBC Summary, Part IIB, No. 899, January 23, 1958, p. 5.

³ Hungarian information service January 16, 1958; English translation, BBC Summary, Part IIB, No. 898, January 21, 1958, p. 5.

the "accelerated procedure". The Courts, they ended, should pass sentences of exemplary severity. In reply to this letter, Szenasi stated: "I am instructing the Chief Prosecutor's office to recommend that major cases of speculation and racketeering in social property should be dealt with at People's Court level."

*Prosecutors' Consulting Hours in Factories*⁴

Prosecutors' consulting hours (*uegyeszi fogadoorak*) will be started in some 20 or 30 factories in Budapest this month. Most of the reports the Prosecutors expect to receive will probably be "of public interest", but Prosecutors will listen to individual complaints and will advise workers on personal problems. The system of consulting hours will greatly assist the implementation of the People's Supervision Act.

⁴ Radio Budapest 09.00 hours, 13.1.58; English translation, BBC Summary, Part IIB, No. 898, January 21, 1958, p. 5.

Appendix XIX

Report by Janos Kadar

*President of the Revolutionary Worker-Peasant Government, submitted to the National Assembly at its opening session on January 27, 1958.*¹

"Honourable National Assembly,

Eight months ago I reported to the National Assembly on the work of the government. The essence of my report then was that we had succeeded in protecting in our country the people's power and the state and independence of the Hungarian People's Republic against the forces of the counter-revolutionary uprising. Now, when I report on the activity of the government for the period of another 8 months, I may say that, as compared to the situation in May of last year, there has been a further consolidation in the state and social order of the Hungarian People's Republic.

This consolidation has been attained as the result of a consistent fight against the stubborn enemies of the people's democratic order. At its last session the National Assembly listened to the reports of the Supreme Public Prosecutor and the President of the Supreme Court and took cognisance of the reports. This relieves me of the duty to deal in my report with these questions in detail. The government believes that the police, the public prosecutor's offices, and the courts, by overcoming initial difficulties, complied and continue to comply on the whole with the obligations which devolve on them in the protection of the interests of the Hungarian people and which are assigned to them by the Constitution and by the laws of the Hungarian People's Republic.

*In the past period it was the task of the police and judicial organs of our state to take proceedings against violators of the law, and to carry on at the same time the work of disclosing the crimes and of unmasking their perpetrators that in the period of the counter-revolutionary uprising attacked the Hungarian people and the Hungarian People's Republic.*²

It can be established that the organs of the administration of justice of our state have followed the principle and main line confirmed by the National Assembly which determined clearly that those who have erred must be pardoned, but that, at the same time, they must weigh down on the criminals with the full rigour of the law.

In accordance with this principle no proceedings were started by our organs of the administration of justice against simple participants in the several events of the counter-revolutionary uprising, but

¹ Nepszabadsag, No. 23 of January 28, 1958.

² Italics supplied.

they called to account those who had been instigators, initiators, leaders, and organisers, and also those who in the course of events had committed murders or other grave crimes.

As a result of the work of our police and judicial organs — which was to considerable extent due to the direct support given by broad strata of the population — the government were able to cease summary jurisdiction at the beginning of November of last year.”

We ensure both sides of legality.

“Honourable National Assembly,

The government may report that law and order and legality are fully ensured in our country. Legality — as it is known — has two sides. One side is that the citizens should abide by the laws of the country, and therefore a citizen who does not observe the law will be called to account; the other side is that the organs and officers of the law who execute the law should also abide by the law.”

“The Hungarian police, public prosecutor’s offices, and courts have nowadays a sufficient number of illdisposed critics, the smaller part of whom is here in this country, and the major part of them is in the West. These illdisposed critics make invectives from time to time when guilty Hungarian citizens are arrested by the police, charged by public prosecutor’s offices, and sentenced by courts. However, even the most illdisposed critic could not point out last year a single case against the Hungarian authorities in which anyone was called to account for a deed he had not done. In the cases they criticised it is in fact a question of classifying actions in different ways. They proclaim as “heroes” those who attack the Hungarian people’s state and its order and talk about “glorious deeds”, while, according to Hungarian laws, the persons concerned have committed crimes and are guilty. It may be regrettable in their eyes but it is beneficial to the Hungarian people that the Hungarian judicial organs in judging the deeds of the counter-revolutionaries do not proceed on the basis of the opinion of some western instigator of the counter-revolutionary in question but on the basis of the law of the Hungarian People’s Republic.

The observance of legality in our country — apart from the fact that no one is sentenced for something he has not done — is also ensured by the fact that depending on the decision of the defendant concerned it recognises or denies the action which he has been accused of and his guilt. It constitutes a legal principle in the practice of our courts that a confession made by the defendant is in itself not sufficient to sentence him. *The government consider it an important task and will vigilantly watch over it in future that law and order and legality continue to be ensured by our appropriate state organs with all the means at their disposal.”*³

³ Italics supplied.

On the western circles which demand pardon for counter-revolutionaries and on the people who ask for amnesty in our country.

"Honourable National Assembly,

In recent months — from the West — the amnesty to be given to counter-revolutionaries has become the central militant question in the attacks against the Hungarian People's Republic. Attempts are being made to influence public opinion with the help of this question, and even to exercise pressure on our government. We know these western circles that demand amnesty very well. Several people from these circles had close, or to be more precise decisive relations with the organisers and leaders of the counter-revolutionary uprising in our country during the bloody days of the counter-revolution and — it is interesting to note — they did not represent at all a humane attitude at the time, on the contrary, they encouraged the people to slaughter progressive Hungarian citizens by hundreds and thousands. These people became humanists only — and then all of a sudden — when we had crushed the counter-revolutionary uprising and when for the murderers the time had come to account for their deeds. The attitude of such people is quite clear to us: they want to save their own people. We consider it unfortunate, however, that these imperialist circles have succeeded, by playing a dirty trick on them, in mobilising quite a number of humane and honest people to raise their voice in the interest of an amnesty to be given to guilty counter-revolutionaries. In connexion with the persons who, not knowing the facts, asked for pardon for counter-revolutionaries charged with grave crimes in good faith, I should like to refer to three things.

These well-meaning persons should first of all bear in mind that, before asking pardon for Hungarian counter-revolutionaries who, exceeding in barbarism even the Hitlerite Fascists, hanged by their feet progressive people who were faithful to their oath and to their people — they should, in the name of humaneness, stand up first in the interest of the true patriots in Algeria, in Cyprus, in Oman, Kenya, and that can be found in many other places, who are being tortured and murdered in large numbers even today because they fight against imperialism for the independence of their countries."

"Secondly, I should like to ask these well-meaning humanists whether they would have been able to propose an amnesty in the spring of last year in the dome hall of the buildings of the Hungarian National Assembly when decorations were handed by the president of the Presidential Council to the relatives of the murdered people who had protected their country until their death. What could they have said, in the name of humaneness, about forgiveness of sins and pardon to be given to murderers and their instigators, to the 280 weeping mothers of workers and peasants, to their fathers, widows, and orphans? I believe that there and then not even they could have

asked for forgiveness for people like Maleter or even for people like Tibor Dery.

The third question which I have to deal with in connexion with the question of amnesty, is not a question of the past but a question of the future. We stand indeed on the basis of humaneness, but its sense, in our opinion, lies in something else. It is our prime duty and the prime duty of the government in power to watch over the peace and quiet life of the people, of more than 9½ million Hungarian citizens, it is our duty to protect their life and blood which is a million times more precious to us than that of murderous counter-revolutionaries, or slaps on the shoulders and approval promised by the West in case we grant amnesty to the criminals who committed capital crimes at the time of the counter-revolutionary uprising.

We know very well that there live in western countries many people who are indeed guided in their way of thinking and in their actions by a deep feeling of humaneness, but when it is a question of amnesty we must also consider that beside them there still live also the inhuman foreign instigators of the counter-revolutionary uprising in Hungary, with no small power in their hands and who have – even today not given up the idea of initiating again some similar crime against Hungary or some other people's democratic country."

"The law concerning "The general rules of state administration procedure" regulates the rights and obligations of the acting organs of administration and of the citizens, improving thereby greatly procedure itself and creating full legality in the line of state administration. It is the task of the government decree concerning the establishment of the Council of Sciences and Higher Education and of the new Council to ensure the healthy direction of scientific research work and training carried on in various places. By a government decree we also established the National Council for the Protection of Children and Juveniles which serves the purpose of co-ordinating the state and social measures serving this objective, and which will try to settle a particularly painful question, that of abandoned children.

The law on popular control serves the purpose of promoting the further consolidation of our state order and of overcoming economic abuses. The law decree regulating the filling of important and confidential positions serves the same purposes. The law on popular control was discussed by the National Assembly a month ago. Therefore I wish to say in connexion with it only that, provided it functions well as a result of the combined work of the government and the masses, it will realise not only effective control but will also increase the political strength of our system and our society. In connexion with the filling of important and confidential positions we have ordained that the filling of these positions will be subject to certificates of good conduct. We believe it is the right and at the same time also the duty of the people's state to see to it that in our

country only citizens with a clean record should be able to work in important and confidential spheres of work. Let us keep away from them also the anti-democratic elements and the persons who have committed economic and other crimes.

Of great importance is also the law decree on the establishment of factory councils. As a result of the bad experiences gained in connexion with the workers' councils we have had to struggle in this question with various difficulties also so far, and we shall have to do so to a certain extent also in future.

The social and economic functionaries who also today shrink from the establishment of any new organ reminding them somehow of the workers' councils are wrong. The factory councils, which are from an organisational point of view and also directly under the supervision of the trade unions, and ideologically and politically under that of the party organisations, will further develop the democratism of factory life, but will also be suited to develop trade union work in the right direction and, last but not least, will increase the social activities of the factory workers.

Finally, in the series of legislation I wish to mention the law decree introducing obligatory pension insurance for the members of agricultural cooperative farms. We believe that the settling of this question was our human duty in connexion with the peasants who have become disabled and old in agricultural work, and at the same time it will also be useful from the point of view of the development of the cooperative farms movement".

Appendix XX

Article in "Nepszabadsag" No. 25, January 30, 1958

Law Practice withdrawn from former Horthyist State Counsellor, Dr. Mihaly Simon.

About 2 months ago this paper wrote about some faults having been found with a few lawyers, among them Simon too, who were taken back as members of the Chamber of Advocates by the counter-revolution in 1956, and they are practicing lawyers to this very day. Now 2 months after the article about them was published, they have been removed, for all of them had a lot on their conscience. So did Simon.

But they don't want to understand why they were removed. Why should they? Unfortunately there are plenty of other lawyers in the Chamber of Advocates who are sorry for Dr. Simon. But let's go back into history a little, and stop in December of 1919.

Before us is a questionnaire that was filled out after the defeat of the Hungarian Soviet Republic – by lawyers. This questionnaire is just the one signed by Pal Mihaly Simon. At the time Dr. Simon, the aristocrat lawyer, decorated state counsellor, was called upon to fill, out and sign the following questionnaire:

"The Budapest Chamber of Advocates calls upon all lawyers, without exception, to give a written report on their activities in the period of the proletarian dictatorship between March 21 and August 1, 1919, particularly as to whether they accepted any kind of a position, work or office from the Hungarian soviet republic, whether political or administrative work".

There were over 20 questions that had to be answered in full. Of Dr. Simon they even asked whether he was a "red soldier" or not, or any trade union functionary, whether he was a member of any confidential organ of the Hungarian soviet republic...

Why do you suppose they asked so many questions, and so carefully? One can make guesses... And then there are still some lawyers who are sorry for him for being thrown out of the Chamber of Advocates of the People's Republic, sorry for a Horthyist state counsellor. And to be frank, we're not making the big fuss they did!

Foreign Ministry Spokesman's Press Conference

Laszlo Gyaros, Head of the Press Department of the Hungarian Foreign Ministry, gave a Press conference attended by Hungarian and foreign journalists on 25th January. He answered more than 20 questions two of which appearing below concerned alleged deportations and expulsions.¹

Deportations and Expulsions

Question: Has every Hungarian deported been brought home from Russia, and if so, have they all been set free in Hungary?

Gyaros: "No one was deported after the suppression of the counter-revolution in October 1956. Reports of deportations are malicious calumny, an invention of Western journalists who were in Hungary without visas during the counter-revolution. We did not allow those journalists to come back in 1957, and, if they try again, we shall tell them there is more room outside."

Question: There have been reports of people being deported from Budapest to the provinces. Is it true that people have been asked to leave Budapest?

Gyaros: "It is not true. It is, at times, very funny to note how Western journalists sweat in their attempts to invent hair-raising sensations. On this occasion they have been unlucky, it seems to me, because on the very day on which the 'Neue Zuercher Zeitung', quoting UP, spoke of 500 deportations, 'Le Soir' of Brussels, quoting AFP, reported 5,000 such deportations. It is easy to work out that, had more Western news agencies taken part in the mathematical operation, the third would have spoken of 50,000 deportations, the fourth of 500,000, and the fifth of 5,000,000. There is a proverb which says 'Tell one more lie; but if no one believes you, stop lying'. Well, the position is that nobody believes their lies any more. Why, then, do they go on lying?"

Asked about the whereabouts of a number of individuals, Gyaros replied that Gyoergy Lukacs was at present working on a book on aesthetics, and "living where he had lived since 1946"; in the case of Imre Nagy, he had nothing to add to what he had already said at previous Press conferences; tendentious reports about Attila Szigeti and some of his friends had not been officially confirmed; Racz and Bali, the leaders of the former Budapest workers' council, were, to the best of his knowledge, being held for questioning; Matyas Rakosi, Ernoe Geroe and Andras Hegedues were, it was

¹ Radio Budapest, January 25, 1958, 15.00 hours and Hungarian Information Service, January 25, 1958, English translation, BBC Summary, Part IIB, No. 901, January 30, 1958.

common knowledge, in the Soviet Union; he had no knowledge of the whereabouts of Bibo.

TRIED TO PREVENT DEPORTATIONS

*Death for Hungarian*²

A Court at Vac, north of Budapest, has sentenced a railway worker to death for blowing up railway lines to prevent Hungarian citizens being deported to Russia after the 1956 uprising.

Usually reliable sources said today that two other railwaymen were sentenced to life imprisonment and a fourth to fifteen years on similar charges, and eleven others were given lesser terms.

² Reuter-Budapest, February 20, 1958, cf. Manchester Guardian, February 21, 1958.