

CONFIDENTIAL

28 May 1957

CHAPTER XVI

OTHER VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Preliminary remarks

- A. Hostilities
- B. Repression
- C. The spectre of the AVH
- D. Human rights ?

CHAPTER XVI

OTHER VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Preliminary remarks

1. Entrusted with the task of studying "the situation created by the intervention of the Union of Soviet Socialist Republics in the internal affairs of Hungary", the Special Committee, as an organ of the United Nations, has directed its attention during its investigations to the effect which the Soviet intervention has had on the rights of the individual. It could not have adopted any other attitude since its examination of the decisive role played by the Soviet armed forces in Hungary in the overthrow of a régime which intended to re-establish political rights and fundamental freedoms has ineluctably led the Committee to consider the effects of that foreign intervention on human rights.

2. It will be recalled in this connection that so far as Hungary is concerned an uncontested contractual obligation arising from the Treaty of Peace imposes on that country, without any time limit and without any conditions, the duty to take "all measures necessary to secure to all persons under Hungarian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting." The General Assembly has already had occasion to be concerned with the application of these provisions. It has, by resolutions adopted in 1949 and 1950 (resolutions 272 (III), 294 (IV) and 385 (V)), noted the accusations made against Hungary by certain countries parties to the

will Peace Treaty and has, in particular, expressed the hope that measures be diligently applied, in accordance with the Treaties in order to ensure respect (both in Hungary and in Bulgaria) for human rights and fundamental freedoms (resolution 272 (III)).

3. In most of the evidence it has collected, and in a large number of official documents, both legislative and other, which it has examined, the Committee has learned of individual cases and situations which can only be regarded as contrary to that obligation and to the meaning, even in a narrow sense, of what can be understood by "the enjoyment of human rights and fundamental freedoms." The Committee cannot, however, relate all the violations of rights and freedoms which came to its attention during its investigation. Even the mere description of them would increase the volume of the report out of all proportion. Some of these violations have already been mentioned in the recital of incidents given in other chapters. These were, in particular, the absence before the October incidents, and the suppression after 4 November, of political rights. The Committee will therefore deal in the following paragraphs with some of the problems affecting individual rights which could not be examined earlier or which seem to it to be especially serious and significant.

A. Hostilities

4. The war waged by the Soviet army in Hungary was a war carried on in the towns. During October the fighting was in the form of street battles between garrison troops, using tanks and artillery almost exclusively, and the unprepared revolutionaries, armed with whatever light weapons they could find. Roving through Budapest, or guarding strategic points, the Soviet tank crews had little respite and appeared to be running out of food. On 4 November, on the contrary, there swarmed into Budapest and other Hungarian towns a force which came almost entirely from outside the country better prepared, and it attempted by following carefully prepared plans and by using the massive superiority of its numbers and weapons to suppress, quickly and absolutely, all resistance to its aims. It is true that during the first intervention the Soviet army had shown a certain hesitation and uneasiness and some of its units had not concealed their sympathy for the rebels, and that in the second intervention the units were better disciplined and were composed of less developed elements who were unaware of the aspirations, and sometimes even of the identity of their enemies. In both cases, however, the evidence collected by the Committee points to many instances of unnecessary brutality and of base cruelty inconsistent with the ~~proclamation of~~ ^{proclamation of} friendship of the Soviet Union for the Hungarian people.

5. It would be difficult for the Committee to undertake a detailed analysis of the hostilities in Hungary from the point of view of the limitations ^{with} which combatants ^{have to comply} must respect in virtue of internationally ^{recognized} norms of conduct and, in particular, of conventions such as those con-

cluded at Geneva on 12 April 1949 under the auspices of the International Committee of the Red Cross. Regardless of the character attributed to the Soviet military intervention in Hungary, these Conventions, to which both the Soviet Union and Hungary are parties, contain numerous humanitarian provisions for improving the lot of the wounded and sick of land and sea forces and for the protection of prisoners of war and civilians. Each of the four Geneva Conventions contains many provisions relating to declared war and to other armed conflicts between the signatory States and also certain provisions applicable to "armed conflicts not of an international character." Even with regard to the latter type of conflict, the Conventions specifically provide as a ~~sort~~ of minimum that:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrage upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

6. The accounts and information collected by the Committee concur in the fact that for the purpose of crushing the revolution, Soviet tanks went through the streets of Hungarian towns shooting indiscriminately at armed ^{groups} ~~bands~~ or individuals and at every building from which they believed they were being attacked. In addition to operations of this kind, which could be described as military, there were numerous instances of mortar fire across the Danube from Pest to Buda on inhabited quarters, artillery fire on buildings from which there was no return fire, haphazard shooting at defenceless passers-by. By way of example, it was reported to the Committee that twenty to thirty tanks went up and down a Budapest street for about one hour shooting at the buildings until they were completely destroyed. Another incident as told to the Committee was as follows: "On 4 November ten armoured cars came towards our positions at Szena-Ter by way of the Margit Bridge over the Danube. Their guns were pointed at each side of the street in turn. For one and a half kilometres they fired at each house, destroying a large number and killing many people, including women and children. When they arrived at Szena-Ter they fired at everything within a radius of one kilometre for several hours although their fire was not returned."

7. Many witnesses have reported cases where Soviet soldiers shot at queues of Hungarians waiting outside bakeries or other food shops. These incidents, in most of which the victims were women and children, contributed in a special way to arouse public indignation, as did the many cases of shooting at ambulances, Red Cross vehicles and the doctors and nurses in those vehicles. Hospitals and nursing homes, and in particular several children's homes, were not spared. A Hungarian nurse

reported that a Soviet soldier whom she had attended had told her that his orders had been to "consider everyone against whom he was fighting as an enemy, including Red Cross personnel."

8. It therefore appears obvious to the Committee that especially after 4 November the Soviet orders were to crush all resistance by every means that would prove effective. Thus, even at Csepel the number of "civilian" victims was said to be definitely higher than that of "military" victims. In December the authorities of the city of Budapest estimated that in the course of the revolt, 40,000 buildings were damaged, 23,000 seriously and 4,000 completely. The damage at Budapest was estimated at 700 million forints and business losses at 200 million forints.

9. Doctors, Nurses and hospital staff questioned by the Committee complained bitterly of having been prevented by Soviet gun-fire from going out to assist the wounded in the streets of Budapest. They did not conceal their indignation in recalling several cases where Soviet soldiers had entered hospitals and carried off wounded persons whom they suspected of being "Freedom Fighters".

10. The "Freedom Fighters" also complained of the improper use of the Red Cross emblem by the AVH and the Soviet army, the lack of all respect for the white flag and hands raised as a sign of surrender. One incident reported related to young boys of thirteen or fourteen years of age who, meeting Soviet tanks, tore up their shirts to make white flags - a gesture which did not have any effect on the soldiers determined to massacre them. During the first days of the revolution many cases were reported where weapons were transported by the AVH in ambulances and other vehicles marked with the Red Cross.

11. With regard to the dispatch of medical supplies and assistance from other countries, the information which the Committee was able to collect does not enable it to arrive at any definite conclusions. Some of the supplies reached their destination and were welcomed with the greatest satisfaction by the medical corps. Later, when the airports were surrounded by Soviet troops and the frontiers closed, the delivery of these medical supplies was delayed.

PART B (3)

B. The repression

12. In his broadcast of 4 November 1956, Mr. Kádár stated that "The Government will not tolerate that workers should be persecuted, under any pretext whatsoever, for having taken part in the most recent events". Other indications were also given by Mr. Kádár and his associates of their intention to follow a policy of leniency towards those who had taken part in what was then still called the "popular uprising". But as related elsewhere in this report, in those days, the Kádár Government had neither effective power nor organization and the Soviet army was in full control. Shortly after armed resistance had ended, house to house searches were conducted for those suspected of having borne arms, by parties consisting of Russian soldiers accompanied by members of the Hungarian police or by former AVH members; many of those suspected were seized; some shot, some deported, some detained in prisons. At the end of November, Mr. Geza Senaszy, who had become Chief Public Prosecutor on 16 November, announced that the transfer of persons detained by the Soviet armed forces to the Hungarian authorities had begun. A number of protests were formulated during that period by Workers' Councils, the Hungarian Writers' Union, Students Associations, and other organizations, against the detention of civilians in complete disregard of Hungarian laws.

13. It appears from the information gathered by the Committee, that in the course of the month of November, strong pressure was exercised by the Soviet army on the Hungarian authorities for nation-wide arrests of those who had participated in the revolutionary events and for the elimination of all potential opposition to the régime. Resistance against undue severity, by Hungarian judicial authorities - members of the Courts as well as officials of the Public Prosecutor's Office - was overcome and the Kádár Government quickly enacted strict legislation, to recruit and organize new police forces and to purge all elements which opposed a repressive policy.

14. A series of decrees were enacted by the Presidential Council and the Government, in November and December, to "simplify the criminal procedure" and to establish a new régime of "summary jurisdiction" directed against "counter-revolutionary elements, professional criminals, irresponsible trouble-makers and other persons not entitled to possess arms." The offences subject to "summary jurisdiction" were, at first, "murder, wilful homicide, arson, robbery, looting and any kind of crime committed by the unlawful use of firearms, including the attempt to commit the aforesaid crimes". Then other offences, such as "intentional damage to public utility enterprises or to public enterprises serving the population's vital requirements" and the "unlicensed possession of firearms, ammunitions, explosives or explosive material", were added. The failure to report to the authorities the unlicensed possession of firearms by other persons except

next of kin was also declared to be a crime to be tried summarily. With the enactment of the decree of 13 January, this list was enlarged to include such vaguely defined offences as "organization against the People's Republic or against the People's democratic order and assisting for this purpose", as well as "revolt" and "treason". The sentence for all such crimes is death, although under the 13 January decree the Court, in lieu of the death sentence, may, "having regard to all circumstances of the case", impose a sentence of life imprisonment or imprisonment for 5 to 15 years. The decrees authorize summary trial before military courts and before "Special Councils" attached to the ordinary courts; "the "Special Councils" are composed of a president appointed by the president of the court to which the Council is attached, and a majority of "people's assessors" elected for one year by the Presidential Council of the People's Republic.

15. Under the summary procedures for trying offenders, the Public Prosecutor has the power to bring the accused before the Special Council without presenting the charge in writing or in advance. *and without a date of the trial having been notified to the accused* The charge may be made by the Prosecutor orally at the hearing. The rights of the accused to prepare an adequate *beforehand* defence are therefore very greatly jeopardized.

16. Summary procedures can also be employed in the Supreme Court and in the other ordinary courts at the request of the Public Prosecutor. Appeals against the decisions of Special Councils are decided by a Special Council of the Supreme Court

composed of two professional judges and three people's assessors. It is provided in the decree of 13 January 1957 that its provisions will apply retro-actively to crimes committed prior to the date of its coming into force, although the death penalty cannot be imposed with respect to crimes committed before that date.

17. It should be reported at this point that indications can be found of the reluctance of Hungarian judges and local prosecutors to apply these decrees with the desired severity. Newspapers have complained that in many cases, judges have acquitted offenders who should have been punished. In January 1957, Mr. Odon Szakacs, the newly appointed President of the Budapest Court ordered all State Prosecutors to appeal against sentences which did not meet the requirements of "communist justice". A conference of law courts' presidents was called in Budapest on 15 February 1957 in the course of which Mr. Ferenc Münnich, Minister of Armed Forces and Public Security Forces admitted: "Some judges and courts have been very reluctant to resume work. They are evidently under the influence of the principle of the independence of judges, which arises out of the traditions of the legal profession and which was misinterpreted by many people ...". He threatened: "In the field of jurisdiction I have seen symptoms which in the circumstances have been neither extraordinary nor surprising but which I want to be changed as soon as possible. Where we see good will we shall give enlightenment and assistance. But where we encounter an enemy, we shall resort to administrative means". Mr. Ferenc

Nezval, Government Commissioner to the Ministry of Justice defined the official position: "The most important task of the court is to defend and strengthen the People's democratic State order, to pass sentence in the spirit of the class struggle - both in summary and accelerated proceedings as well as in ordinary criminal jurisdiction - against subversive counter-revolutionary elements. The courts must take particular care that cases concerning counter-revolutionary crimes are heard before all others". He added: "Correct political orientation is a basic condition of good ^{justice} ~~jurisdiction~~... In dealing with counter-revolutionary offences, our ^{justice} ~~jurisdiction~~ must be tough, quick and merciless". Dr. Geza Senaszy, the Chief Public Prosecutor, said, "Legality must fully correspond to the interest of the dictatorship of the proletariat".

18. Other decrees enacted in December and January instituted "public security detention". Under these decrees, "any person whose activities or behaviour endanger public order, or public security, and in particular the undisturbed continuity of productive work and transport, may be placed in public security detention", for a period not exceeding six months. Detention is ordered by the chief policy authority of the county concerned or of the city of Budapest and is subject to the approval of the Public Prosecutor. A "complaint" may be made to the Chief Prosecutor against a decision ordering detention. Article 6 of the decree of 13 January 1957 of the Ministry of Armed Forces and Public Security Affairs states that "A person placed under public

security detention may be given permission for conversation, he may receive parcels and letters, and may write letters, at least once in every month" subject to supervision by police authority. Article 7 states that "A person under public security detention may^(*) be employed for work"; he is to receive, in such a case, adequate remuneration but "the cost of public security detention shall be deducted from his remuneration".

19. A decree published on 19 March 1957 provides that certain "harmful persons dangerous to the State and public security or to socialist co-existence, or causing concern from the point of view of other important State interests" may, by order of the head of the county or the Budapest police, be placed under police supervision or removed from their place of residence to another location, while being placed under police supervision or without such supervision having been ordered. Persons under police supervision may not change their residence without police permission, they must report to the police as prescribed and abide by other restrictions. They may be precluded from (a) leaving their domicile at certain periods of the day; (b) visiting certain public places; (c) using a telephone. These administrative measures may be taken for periods not exceeding two years and are subject to review every six months. Appeals exist to the National Police Headquarters of the Ministry of the Interior.

(*) Underlining of the word "may" by the Committee.

20. Efforts were made, ~~however~~, in the official press and radio to justify these measures, to explain their necessity for the protection of the "people's democracy", public order, economic life, against the hidden action of the "counter-revolutionaries", to indicate that they were temporary and would be applied with moderation. Some stress was laid on the exceptions contained in some of the decrees, in cases where minors, sick persons and pregnant women were involved, and on the role of the public prosecutors in their fair application. Appeals were also made on the radio by several personalities to those who had fled the country. A decree of 29 November provided that criminal proceedings on the charge of illegality ~~crossing~~ crossing the frontier between 23 October and the date of the decree, would not be instituted provided the refugees returned to Hungary not later than 31 March. Nevertheless, newspapers carried regularly reports of trials, death sentences and of some executions, the most notorious being that of Josef Dudas, the former Chairman of the Hungarian National Revolutionary Committee and of Janos Szabo, the former Commander of the armed revolutionary group of Szona place. Official statistics of arrests, convictions and executions tended to show an attitude of relative mildness. It was announced that by 21 December only six death sentences had been carried out. On 28 January, Dr. Senaszi, the Supreme Public Prosecutor, declared that up to then there had been only 138 cases of summary trial involving 193 accused

of whom 29 were sentenced to death, 9 executed immediately and 5 executed after their appeal for mercy had been rejected. On 15 February, Mr. Nezval, Government Commissioner to the Ministry of Justice, stated that since the introduction of summary proceedings, 254 persons had been tried and 208 sentenced, of whom 37 were sentenced to death. The death sentences had been carried out in only 21 cases.

21. This official picture of relative leniency and the official data of arrests and executions since 4 November however, are entirely at odds with the accounts given the Committee by several witnesses of whom some had left Hungary only recently and others had maintained regular and apparently reliable contacts in Hungary. It was reported to the Committee as late as April, that Soviet army and security organs were still conducting their investigations and arrests independently of the Hungarian authorities, although in some cases, with the assistance of Hungarians. It was related that a great number of persons continued to be arrested throughout Hungary. Workers Council members and other leaders of the revolution had been seized. Students were constantly being "taken away" because they had expressed opinions unfavourable to the Kadar Government or because they were suspected of distributing leaflets protesting against governmental action. Executions were reported throughout the country and many pre-printed notices that persons "had been sentenced to death for counter-revolutionary activities and that the sentence was duly carried out" were being sent to relatives

of executed persons whose names were inserted in the printed forms by hand.

22. A few days after the Soviet occupation of Budapest, measures were taken to reconstitute the police and create new security organs. On 8 November, the Commander of the national police issued an order that all regular policemen were to report for duty, and a decree was issued for the creation of special armed groups, the "R" police and others to assist in the restoration of order. District police headquarters were given instructions to organize armed guards composed of workers to restore law and order in factories and in the districts in which those factories were located. Later, the object of the workers' armed guards was declared to be "to support armed forces which may have to guarantee uninterrupted production and prevent attempts by counter-revolutionaries to regain power". Reports appeared in the press, however, indicating that there were very few volunteers, and testimony was received of the reluctance shown by the workers to co-operate with the Kadar Government in this area.

23. A permanent security police was organized under the leadership of Colonel László Matyas, a former cellmate of Mr. Kadar in AVH prisons, and stress was laid officially on the significance of this change of leadership. But, as confirmed by several witnesses, many of the other members of the new secret

*

police were recruited among former AVH personnel. The secret police was estimated to number 12,000 and observers have acknowledged its great "efficiency".

24. By a decree enacted early in February, branches of the police responsible for defending "public order and security" as well as "State security" were unified. As stated on the radio, "the new unified police has to deal not only with common criminal cases but also with subversive activities directed from abroad and all criminal deeds directed against Peoples' Democracies". Efforts were made officially to stress the differences between the new

* No formal revocation was made of the decision of 29 October abolishing "all special police organs invested with special rights", i.e., the AVH. On the contrary, in various declarations to the public, it was stated that the AVH would be disbanded and that political investigations would be handled henceforth by a special department set up within the regular police. It was even stated by Mr. Muennich that past activities of the members of the AVH would be investigated by the public prosecutor's offices and special committees were said to have started functioning for this purpose throughout the country in the beginning of December. The results of these investigations have, however, never been made public. There are indications that many of the former AVH personnel have been rehabilitated for lack of evidence. On 25 April 1957, the announcement was made of the sentencing of Mihaly Farkas, former head of the AVH, to 16 years of imprisonment "for grave violation of law during his term of office".

secret police and the AVH. It was stated that "the new police had broken with the methods used by the notorious State security police investigations having a political character." The new guarantees, in this respect, were said to be the powers of the public prosecutors who "regularly supervise the activities of all police bodies, including all investigations. It was recalled that the independence of the Chief Public Prosecutor was stipulated by the Constitution and that he had the power to examine complaints directed against the work of the investigating authorities, re-examine all cases and take legal measures against police officers suspected of violating the law. It was pointed out that detentions which in common criminal cases could not exceed 30 days and in political cases 60 days could be prolonged only in very special cases with the consent of the public prosecutors.

25. On 21 April, the Nepszabadsag announced that the Presidium of the People's Republic had expressed its appreciation and thanks to all members and officers of the police for "defeating the counter-revolution, for the liquidation of the counter-revolutionary bands and for the heroic and devoted stand in the defence of socialism". A new medal was struck "for the power of the workers and peasants" and awarded to those members of the police who had "served with distinction".

26. There is no indication, however, in the possession of the Committee, which would show that these explanations and

assurances have found belief among the Hungarian people or that the Kadar Government's efforts to present itself as different in its methods from its predecessors before 23 October, have met with any degree of success.

Prevented from expressing publicly an opinion which may be construed as opposed to the regime or to the Soviet occupation, conscious of the efforts made by the authorities to trace and punish severely all those who had played an active role in the revolutionary events, witnessing constant searches and arrests, realizing that the speeded up trials leave no possibility for the accused of any adequate presentation of their defence, distrustful of judges elected upon the sole nomination of the Communist Party, aware of the re-establishment of camps for public security prisoners threatened by administrative measures of eviction from normal place of residence and of ^{police} surveillance, horrified by the reports of the constant stream of executions, the Hungarian people have retained a profound fear as well as a deep repulsion for the secret police which they completely identify with the abhorred AVH. Many of the witnesses before the Committee have appealed to the United Nations to exert efforts to have the repression stopped.

C. The spectre of the AVH

28. The Committee was deeply shocked by what it learned from witnesses who told of the sufferings inflicted on the Hungarian people by the AVH. It was struck by the extent of the abuses that could be perpetrated by a police force without control and thus all-powerful, pitiless and unabashed by any shameful act. It realized that the existence of such a body, whose secret power affected every phase of public and private life, prevented the enjoyment of all human rights and perverted the functioning of every independent institution.

29. Some information on the origins of the Allam Védelmi Hatóság has been given in chapter IX of this report. Its links with the Communist party, its recruiting methods and some of the ways in which it operated have been mentioned. Nominally entrusted with the investigation of offences against the security of the State, the AVH devoted itself to the defence of the régime and more particularly of those who were in power. Granted unlimited freedom of action by the régime, it increased the number of its officers and planted its spies and informers everywhere. Through them it penetrated into offices and factories, into apartment houses and schools, into diplomatic posts and into the courts. Its uniformed police guarded important public buildings, and its plain clothes police mingled with the crowds. Acting without any outside supervision of any kind, its members became a privileged group with important material advantages. Separated from the rest of the population by a wall of hate, they became a state within the State and a group apart dedicated to terrorism and oppression. During the days of October and November, the

horrified revolutionaries discovered in the AVH headquarters files containing "blacklists" with information and reports on almost every inhabitant of the country, countless recordings of telephone and private conversations, and also an ^{perfected} "improved" type of torture chamber.

30. Almost every witness who appeared before the Committee had at one time or the other been a victim of the AVH. A good number of the Communist leaders themselves were, as is well known, the victims of AVH brutality at times when doctrinal disputes or personal rivalries cut them off from those in power. What was the meaning of the word "torture", which runs throughout the evidence? The verbatim records of the Committee's meetings contain appalling descriptions which the Committee would have hesitated to publish in their entirety even if the necessity of protecting the families of the witnesses had not been an obstacle.

31. Besides the examples of brutality and sadism, and degrading forms of treatment causing unspeakable physical suffering, numerous "psychological" methods were used, such as mock executions, threats to families, interminable waiting by prisoners in inhuman conditions aimed at crushing their spirit and drawing a confession from them. The following extracts of testimony given to the Committee will throw some light on this subject.

32. The chairman of one of the Workers' Councils gave the following testimony:

He did not influence her and he did not want to be on building used only for furniture 1 meter square end of more

"...they took me to a prison, chained my right hand to my left foot, and left me in a dark cell about three metres square. There was no heating, and this was in the middle of the winter of 1950. For clothing I had nothing but a shirt, an undershirt, a pair of shorts and a pair of shoes, and I was left in chains in that hole. I was there for twenty-four hours when I was given a little piece of bread, about twenty dekas. It was so dark I did not know what the time was and I could not move because if I did so my wrists and ankles bled. I had to freeze and starve. Then they took me up to a solitary cell on an upper floor where I got the regular prison fare and it was not dark and I was not in chains. After twenty-four hours of that they took me down again and the whole performance was repeated..."

*55
page 32
Reflection
did you both have
enough*

33. A mechanic reported as follows:

"When I was interrogated in the AVII prison and during the hearings I was subjected to two kinds of torture. One was physical and consisted of knocking out all my teeth. I was also starved. For six and a half months I was in an asbestos cell where I had no opportunity to wash myself or keep myself clean. I had one thin coverlet. While the accusations against me were being prepared, I was left there and their psychological weapon was the continual threatening of my family. They tried to use hypnosis on me and they staged a mock execution in the courtyard using blank shot. This was done in an attempt to break down my resistance and make me sign a false confession. Under this treatment I lost weight and in the middle of December weighed only forty-six kilos."

34. A former university professor, an official member of the Communist Party declared:

"... I was arrested in August 1949. From August 1949 until October of the next year, for almost eighteen months I was completely alone in a cell one and a half or two storeys below the ground and about 1.50 to 2 metres in size. Sometimes there was water up to my ankles in the cell. When my health became very bad they put me in a somewhat better cell and they gave me a little more to eat, but with one exception I was continuously in solitary confinement. They did put someone in with me for a few days, I think to make a report on me. Meanwhile hearings proceeded, especially in the first months. This meant that I was in this cell day and night. There was a light burning in it and I could not tell when it was day and when it was night except when they gave me food to eat. . . . During the first three days I was left completely alone. Everything was taken away from me and I was put in a cellar. For three days I was banging at the door and was shouting "What is this? What do they want of me?" A Colonel whom I had known called me out (he had just returned from Moscow in 1946). He told me to confess that I was a traitor. He did not at that time detail the accusation.

It was sometimes at night that the hearings took place - that is to say when I thought it might be night as they were not giving me anything to eat, but later it turned out I was mistaken. These hearings from the first moment had a direction. They tried to force me to confess that I had been the agent of the English. The second Accusation was that I was an agent of the Yugoslavs... The third accusation was that I was an agent of the French Intelligence.. The fourth point of accusation was that the American Intelligence had given me instructions to blow up the Hungarian Foreign Ministry.

It was not physically but morally that they were trying to force me to confess to these things. I was not willing to sign such statements. I went through tortures which were milder than the usual physical tortures; this was after the period of great physical tortures. Rajk was arrested in June or July, and by the time they got to my case they had already got no confessions out of most of the people, so as far as physical force went they did not insist too much on it. I would also say -- and others of my comrades

Legal
Pv 11/1/53

X36,34

p.4 x 20

20-12-77

who were also accused would agree with me - that it was not the physical torture which was the most terrible thing at these times, but the solitary confinement, being alone. It sounds somewhat paradoxical, I do not want to say I was glad, but it seemed better for them to take me up and slap me around, because then I could see people, I had some contact with people and I tried to hit back. I could live; down below it was a crypt in which I was entombed; there was no life. It is very interesting; several years later I met other people who had gone through the same thing and who said the same. The beatings were not too important, they did not bother us too much, in a way we could be amused, it was a recreation. I must say they did not achieve any real results with physical beatings. They admitted later at the hearing of several so-called criminals that this was not a correct way of proceeding.... If I were ~~am~~ a really a Communist, they said, I must accept this sacrifice for the future. ~~They told me I had joined the Party as an illegal movement, as a resistance movement at the time of the German occupation, to sacrifice even my life in order to achieve the freedom of my country. This freedom, they said, could only be ensured by the Communist Party and here was the opportunity. At the same time they declared naturally there was no question of sacrificing my life. They said we would talk this over amongst ourselves; they would decide what the judge would say, and after the sentence they would put me in a villa somewhere without any publicity, and there I could live with my family. It was not a serious matter, apart from freedom of movement I would have everything.~~

If I was not willing to sign this confession I would thereby have admitted that I was not willing to do the orders of the Party, to execute what the Party wished me to do, and that was my first duty. ~~They said there were worse things -- in a week I could be a corpse if I did not sign, but if I did nothing bad would happen to me. So that briefly it came to this: after a year and a half I signed these things, not thinking it was true or not true. It was enough for me to wake up after this experience. I finally signed it. I was quite cynical; I thought I could not bear this any more. I did not think I would be put in any very good circumstances or that I could live with my family, but maybe they would let me write a letter -- they even promised me that. It did not make any difference, either I perished, they hanged me or sentenced me, but maybe it would be better. I would see people other than just at the hearing. So I declared, as I say, with some cynicism at that time, that if the Party wished I would be glad to sign.~~

So it happened I was put in much better confinement, I got very good food. There were two weeks to the hearing and they started to fatten me up. They gave me books to read; they promised me that after the hearing I could write to my family. We did discuss

The party demands
it is a party matter
He said he did not
have been
with the Party but
and following these

Communist

Legal
I was
cynical
defence
and
agreed
those
all
are
legitimate

even if
only at

they gave up
the Popalok
showing what
questions
people
would

what kind of sentence the judge was going to give me and what kind of questions the judge would ask, also what I should answer. They warned me that the judge, whom I probably would know personally (because in the last six months before my arrest I had worked in the Ministry of Justice) was a man of poor quality, a weak man. He would probably mix up the questions, but they told me not to bother about that but just to answer the questions in the way I had been told, that we had agreed upon in the proper order, and I should not pay attention to what the judge asked me. It became a burlesque, the whole trial and hearing. The judge really asked other things, and it was quite embarrassing to me sometimes to have to suppress my laughter. He asked one thing, and I answered another. For example he asked how old I was and I replied that I lived in Budapest. This was what had been agreed upon beforehand and this was the way the whole thing happened."

rest was an English agent I did not believe

35. Of what value are confessions obtained under these circumstances?

The Party doubtless thought it useful to obtain these confessions by any means available. Just as at other times it had been necessary to obtain confessions from peasants that they had acted as kulaks, or from students that they had conspired with foreign nations, or from workers saying that they had sabotaged production in their factories.

36. The AVH's methods were the most brutal between 1948 and 1953.

This policy was somewhat relaxed under Prime Minister Nagy between 1953 and 1955. From that time on, it had been difficult to go back entirely to the past. The régime itself had appeared to understand the damage it was sustaining from the uncurbed activities of the AVH. The families of victims and certain prisoners released as a result of political changes, demanded safeguards and wanted revenge. In the summer of 1956, Mr. Hegedüs himself recognized the need to "put the police and security agencies of the State under close surveillance". Mr. Gyeorgy Non, the Attorney General, pointed out at that time that the responsibilities of his post, which was that of "supreme guardian of socialist law and order" included the security of the State. He had publicly admitted that "several directors of State agencies had

misused their powers and had had recourse to moral and physical pressures by means of which they had extorted false confessions of guilt". He referred to their "illegal methods" and to "large-scale squandering of communal property to satisfy their boundless greed".

37. But despite these statements and declared intentions of reforms, the Hungarian people continued to be afraid and to foster hatred. At the beginning of the October revolution, it was the members of the AVH who first tried to put down the insurrection with machine-guns and their usual methods of terror and torture. The people's vengeance was turned against them, and it knew no bounds. Their former victims and the children of their victims committed atrocities in their turn. Their were lynchings, hangings and shootings, and the pleas of the provisional leaders who were trying to restore law and order were often ignored. Many members of the AVH found sanctuary in refuges offered them by the revolutionary organizations pending trial according to regular judicial procedure.

D. Human Rights ?

38. The Hungarian people's need for liberty manifested itself with an extraordinary burst of fervour during the brief revolution in October and November. Witnesses noted the joy shown by students on the afternoon of 23 October when they could march in a procession, undoubtedly for the first time in their lives, without their demonstration being compulsory and without having slogans imposed upon them. Their joyous shouts proclaimed their sixteen-point programme, which called for general elections by secret ballot, recognition of the right to strike, and complete freedom of opinion, expression, press and radio. During the days which followed, this long-suppressed desire to throw off restrictions spread to all ranks of society. Budapest and the rest of Hungary gave expression to this through spontaneous demonstrations, through the newspapers, the tone of which had changed completely, and through the radio stations, which promised henceforward to report "the truth and nothing but the truth". The revolutionary organizations included in their programme the establishing of human rights, and several of them referred to the Charter of the United Nations and ^{some to} the Universal Declaration of Human Rights.

39. The Government quickly responded to these expectations. Mr. Nagy stated that his goal was to "carry out the systematic democratization of the country in all aspects, both political and economic, of the life of the Party and the State. Amnesties were proclaimed on 24 and 26 October. On 29 October, the AVH was abolished. On 30 October the one-party system came to an end. On the same day Cardinal Mindszenty was released from prison, and on the next day he was once more granted full freedom to discharge his

ecclesiastical duties without any restriction. On 31 October, the new organization of free trade unions proclaimed its independence from the Government and all political parties and demanded free elections and the recognition of the right to strike. Political parties began to organize and requested free elections as a condition for their participation in the Government. On 2 November, the Ministry of Education ordered that the history books in use in the schools should be withdrawn, abolished compulsory study of the Russian language and authorized the re-instatement of religious teaching. There was no doubt that the success of the popular revolution could have restored to the Hungarians the enjoyment of the political rights and fundamental freedoms which the Peace Treaty had been intended to guarantee them.

40. The Soviet Army's suppression of the Revolution by force of arms put a cruel end to these hopes. Although Mr. Kádár's initial statements still showed some traces of a revolutionary programme, the positions adopted subsequently bore witness to the régime's determination to make no concessions to the demands of the "counter-revolutionaries", for, to use the words of Mr. Gyulas Kallai, a member of the Central Committee of the Hungarian Socialist Workers' Party, "small concessions would inevitably lead to larger ones". This brings to mind the official attitude with regard to free elections and the multi-party system, as well as Mr. Kádár's statement on 11 November that "the workers' power can be destroyed not only by bullets but also by ballots".

41. The legislative and police measures that were adopted will be recalled. A decree dated 11 December abolished the revolutionary committees and councils. A decree dated 14 December prohibited public meetings and parades unless authorized by the police. On 20 December the Government

40. L'absence
de la révolution
communiste
a été maintenue
par la violence
et la terreur

announced the establishment of a State Information Office which was to exercise supervision over the press and information services. The arrests of members of the executive committee of the Students' Association, of several young university professors and of a large number of journalists and writers were followed by suspension of the activities of the Writers' Association on 17 January and of the activities of the Journalists' Association on 19 January. At the end of January, the Trade Union Council met and revoked the decision taken by the Hungarian unions during the revolutionary period to withdraw from the World Federation of Trade Unions. On 29 January Mr. Kádár declared that in the people's democracies workers did not have the right to strike. At about the same time students were deprived of freedom to choose the language which they wished to study, and the right to receive religious instruction was limited to those students whose parents had already entered them in such courses at the beginning of the school year. A decree of 24 March provided that all appointments, transfers or dismissals affecting posts of any importance in the Roman Catholic Church and the Presbyterian and Lutheran Churches, as well as with regard to all dignitaries of the Jewish faith, would be subject to approval by the Presidential Council. That decree was made retroactive to 1 October 1956. On 6 February a decree was issued which increased the penalties for encouraging or assisting persons attempting to cross the frontier illegally. Persons failing to inform the authorities of such offences were themselves made liable to imprisonment for terms of as much as two years.

X
42. The state of affairs which existed before the events of October is thus being reimposed on the Hungarian people step by step: impossibility of expressing opinions differing from those of the régime; a controlled press and radio which are forced to carry official propaganda justifying the actions of the Government; denial of the right of assembly and association and of choosing candidates for political, administrative or economic posts other than those proposed by the single party; control of all artistic expression by injunction and by economic pressure; prevention of any personal scientific contact with the West; prohibition of free organization for the defence of economic and social interests; education steeped in an imposed doctrine and oriented towards adulation of a foreign country; administrative and physical interference with the work of representatives of religious faiths; and measures to prevent Hungarians from seeking asylum abroad. All infractions of these restrictions and prohibitions are again being punished by a police force which resorts to inhuman procedures, by a penal system which recognizes no standards, by the threat of the concentration camp, forced residence or police surveillance, and by loss of the means of earning a living. To the Hungarians whom the Committee has heard, this is the situation in which their compatriots once more find themselves. X

43. A survey of the situation which prevailed in Hungary before the popular uprising of October 1956 and of conditions in that country since the Soviet intervention makes clear the futility of trying to draw a valid comparison or establish an applicable criterion on the basis of the Universal Declaration of Human Rights. The "common standard of achievement

for all peoples and all nations" which the Universal Declaration proposes to hold up before the contemporary world is too far removed from the situation in Hungary today. It is rather in the following paragraphs of the Preamble that the Declaration reveals ~~itself in its profound truth to all free men who bow their heads before the drama of Hungary:~~

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

"Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, . . .".