

INTERNATIONAL COMMISSION OF JURISTS

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HUNGARIAN SITUATION (I): BACKGROUND MATERIAL TO THE LEGAL SITUATION IN AND CONCERNING HUNGARY.

1. The following comments and news items would appear relevant to the Hungarian legal situation in the first part of 1956.

The Promises

The discussion of changes in the legal system of the Soviet satellites in Eastern Europe after Stalin's death belongs to the later stage of political developments in that area.

Only most recently was the program of reform outlined in Hungary.

Rakosi, speaking at the session of the activists of the Budapest Committee of the Hungarian Workers Party, stated that since June 1953 the Party had adopted a program which included: abolition of internment camps and police courts, strengthening of the position of government attorney, as his function is to assure the observance of law in the activities of government agencies. At the same time the Hungarian Party boss announced that the legal definition of the kulak, who is now the most important representative of the class enemy shall be changed (Szabad Fold, May 27, 1956).

The Yardstick

The judicial process in the Soviet orbit is conditioned by several factors. Some of these, such as the position of the Communist Party, escape legal determination and may be gauged only in terms of political science. Some others, although also political in character, have assumed the form of legal institutions and may be the object of legal analysis. The yardstick for the analysis and appraisal of legal institutions of Soviet satellites in Eastern Europe is to be found in certain traditional

legal forms and arrangements which represent the pattern from which Soviet law diverged, in order, it is claimed, to achieve a higher and more perfect type of law and administration of justice.

Legal reforms as discussed and promised in various countries of Eastern Europe have been focused on the problem of abuses in the administration of justice with the aim of preventing the repetition of abuse which led to the mass miscarriage of justice over a prolonged period of time. In a great number of cases, changes in the mutual relationship of courts, prosecution and police were introduced or are contemplated. In this field European law provides a well-defined pattern of cooperation between these agencies in the administration of justice to achieve the efficient prosecution of crimes and a fair trial. The achievement of these two objectives is assured by the dominant position of the courts. In its traditional form European law provides that a case concerning a more important crime comes under judicial control almost immediately when a suspect appears on the scene. Most European legislation provides that in more serious crimes a pre-trial judicial investigation by a judge investigator, enjoying all the prerogatives of his judicial position, conducting his proceedings in a truly judicial manner, with the presence (according to some legislation) of the defense attorney for the suspect, is essential. In less important cases the court has full control over police action whenever the rights of an individual are in jeopardy. Arrest and search require a court warrant. Although it is the duty of the police to investigate crimes, their investigation is always supervised either by the prosecution or by the court. At the moment a person appears in the court as a party to the trial, the government attorney acting for the prosecution ceases to be a controlling agent of the proceedings, and, instead, becomes a party to a case before a court.

Police and State Security

In the process of sovietization of government in the Soviet orbit the status of the police has been greatly changed. It became one of the most important tools of the regime, and controls of its activities, particularly those

exercised by the courts, have been removed. It has been recognized that the absences of those controls led to the abuses which necessitate correction.

In Hungary, police and Security forces were subordinated to different authorities. The Edict of July 27, 1955, which replaced and consolidated earlier enactments into one piece of legislation, confirmed the previous arrangement by virtue of which the regular police is under the administration of the Ministry of Interior. Since 1949, State Security police and military border guards have been placed under the State Security Authority directly under the Council of Ministers. This law is still in effect.

Administration of Justice by Non-Judicial Bodies, and Forced Labor Camps

According to the normal pattern, administrative authorities, and in certain European countries also the police, had the right to impose penalties for minor violations of the law, fines, or (in some countries) short terms of detention. However, from this decision an appeal lay to the courts.

After World War II in all countries of people's democracy, police and special government agencies were given important judicial functions with no appeal to the court, and for the most part with no appeal at all. In recent times these powers were either seriously abridged or even totally abolished.

In Hungary, internment camps, in which police authorities, beginning with the regional police chiefs, could place persons under police custody for various reasons, sometimes on demand of other authorities, were formed on the basis of pre-war legislation. The supreme authority authorized to issue a confinement order was the Minister of Interior. No maximum period of custody was established, no recourse to regular courts, and no specific rules of procedure. Confinement in internment camps was applied to two categories of persons. Regarding the first of these, several decrees prescribed taking under police custody all those who for one reason or another came under suspicion as violators of the regulations issued by the regime. The second category consisted of those who were punished for such a violation, and in this case confinement in internment

camps represented an additional punitive measure.

In accordance with a communique issued by the Council of Ministers internment camps were abolished. The curious feature of the situation in Hungary is that apparently the legislation authorizing the police authorities to apply confinement without trial was not formally repealed. The measure is no longer in use, but it could be revived under changed conditions, particularly since the state security police continues to exist as a separate organization.

Military Courts

One of the aspects of the Sovietization of the administration of justice behind the Iron Curtain is the new role assigned to military courts in dealing with the enemies of the regime. Five other satellites (Bulgaria excepted), Poland, Hungary, Czechoslovakia, Romania and Albania have given their military courts vast powers of punishment over the civilian population. The extent of those powers varies. It seems that as regards the formal wording of the law the punitive powers were widest in Poland, where military courts tried all sorts of crimes including all forms of political and economic crimes, all crimes under the State and Official Secrets Act, espionage and crimes against the national defense. The extent of the powers depend upon the reliability of the regular courts. In Bulgaria, where the purge of the government departments, administration of justice, army and police was perhaps the most energetic, there was no need for this extraordinary measure.

Only in Poland has the post-Stalinist reform affected the jurisdiction of the military courts as regards the trial of crimes by non-military persons. The Law of April 5, 1955 (D.U. 15/83) transferred the jurisdiction of military courts over the civilian population, employees of the public security, militia and prison guards to regular courts, leaving under the jurisdiction of the military courts only crimes under Art. 7 of the Small Criminal Code (Espionage) even when committed by civilians.

In Hungary, no changes in the jurisdiction of military courts have occurred since 1948, when the military courts received exclusive jurisdiction to try crimes against the national defense even when committed by civilians. The recent Decree No. 3/1955 (I. 11.) M.T. on the Organization of Military Courts brought

the organization of Hungarian military justice into line with the Soviet pattern and, among other changes, incorporated the Supreme Military Tribunal into the Supreme Court of Hungary as a separate Military Collegium of that Court. In other countries the situation is practically identical.

Reform of Criminal Procedure, Pre-trial Proceedings

Since 1953, legislation dealing with certain aspects of criminal procedure has been enacted in Poland, Hungary and Bulgaria. Only in Poland has legislation had a direct connection with the program of liberalization of the regime.

After 1945 the Communist Government of Poland found it necessary to free security agencies from judicial control. The Decree of June 13, 1946 on Criminal Acts Particularly Dangerous during the Period of National Reconstruction (Small Criminal Code) provided (Articles 55-57) that in matters subject to the jurisdiction of military courts, pre-trial proceedings were to be conducted by the agencies of public security. Later, the Code of Criminal Procedure was amended and security agencies were given the power to start and conduct all investigations not already commenced by the government attorney (Art. 242). In such cases, security officers conducting the investigation had all the powers and rights of investigating judges. Supervision of courts over the pre-trial proceedings was abolished. The Code of Criminal Procedure permitted arrests without a judicial warrant, and the power to issue a warrant for arrest was given to the government attorney. There was no procedure for challenging the validity of the warrant.

On December 21, 1955 (Dz.U., No. 46) three decrees, on the Amendments to the Code of Criminal Procedure (Law No. 309), on the Amendments to the Code of Criminal Procedure for Military Courts (Law No. 310), and on the Organization and the Powers of the Police (Law No. 311), were enacted by the Council of State. Amendments to the Criminal Procedure established a definite class of crimes which required a formal pre-trial investigation. It is conducted either by the security police, or agents of the government attorney, and there is no appeal to the courts from their decisions made in the course of pre-trial investigation. Control of the legality of proceedings in that stage is entirely in the hands

of the government attorney. He must be informed immediately by his agents, or by the agencies of the security police, of their decision to initiate a formal pre-trial investigation. He also has the right to take over a case in this stage and conduct the investigation himself or through his agents.

The comparison of the amendments to the Code of Criminal Procedure, with those to the Code of Criminal Procedure for Military Courts, discloses serious handicaps under which the government attorney is placed as compared with his military colleague. The new amendments to the Military Procedure state that the military prosecutor is under obligation to supervise the entire course of the pre-trial investigation, to inspect periodically the files of the case, to be abreast of the plans of the investigating officers, to issue directives as to the course of the investigations and to participate actively in the investigations. He has the right to issue proper decisions and instructions, to alter the decisions of the officer in charge of the investigation, and eventually to assume the personal conduct of the investigation or appoint a new investigator. Consequently, the military prosecutor's control over the pre-trial investigations within his jurisdiction is far more effective and comprehensive than the analogous powers of the government attorney.

In Hungary the situation is very similar. Under the most recent legislation which defined the organization and the duties of the Government Attorney's Office (Edict of July 30, 1953; 1953: tvr.) the government attorney as a public prosecutor is in charge of the investigation of crimes and of bringing the criminal to justice. But his control of the course of the investigation is another matter. Most important crimes are investigated by the agents of the State Security Office subordinated directly to the Minister of the Interior. The State Security Office has jurisdiction of treason, espionage and other crimes particularly dangerous to the state.

Government attorneys investigate directly all crimes within the jurisdiction of the district courts, cases of juvenile delinquency, industrial accidents, crimes committed by officials, and crimes against the planned economy or socialist property of substantial value. In these cases investigation is placed in the hands of special investigating officers attached to the

offices of the government attorneys. In all minor cases investigation is in the hands of the regular police.

The Meaning of the Reform

The overall results of the legal reforms in the Soviet satellite countries in Eastern Europe are very meager indeed. The most important aspect is considerable restriction of the punitive powers of the police and special administrative bodies, and considerable reduction in the numbers of inmates in forced labor camps. Otherwise, the mechanism of repression has remained, on the whole, intact. In some countries, steps have been taken to prevent the use of the security police in interparty strife (abolition of the special ministers of state security and control of the state security by a collective body) but no effective barrier has been created to protect the private citizen from the abuses of the administration and of the police.

Especially modest are the efforts of the communist regimes in Eastern Europe to strengthen the guarantees of the rights of the accused, and assure a fair trial. Broader powers of control of the pre-trial proceedings given to the government attorney, without proper judicial supervision, can hardly cure the lack of balance between the police, courts and the prosecution. Government attorneys whose duties throughout the Soviet sphere of influence in Eastern Europe are almost identical with those of their Soviet counterparts are not impartial judicial officers. Their duty is not only to enforce the law but also to implement party policies. In a criminal case the government attorney's interests are those of a party to a trial. In this order of things the rights of the accused are in constant jeopardy, and if a government attorney violates his procedural rights there is no appeal from his decision.

In general, legislation enacted in Eastern Europe since the Stalinist methods of government were repudiated have in many respects brought the legal systems of the satellite countries closer to the Soviet pattern. It is also difficult to discover any mollification of the provisions of the Substantive Criminal Law in the recent legislation in various satellite countries. For instance, a recent enactment in Hungary on the Protection of

Socialist Property has substantially increased the penalties for certain offenses (May 20, 1956, Edict No. 1956: 11 tvr.). The new Bulgarian Criminal Code (February 10, 1956; IPNS No. 12, 1956) also fails to provide us with evidence that a milder course has been adopted in that country. On the contrary, the new Code introduced a number of new crimes and provided more severe penalties for the others, e.g. stiffer prison sentences have been provided for crimes against socialist property.

The Polish draft of the Criminal Code represents a fundamental retreat from the modern and humane provisions of the 1932 Criminal Code which permitted full individualization of individual offenses and the meting out of penalties according to the degree of guilt which could be attributed to each individual offender. The proposed Code describes the elements determining the penalty in terms of the socially dangerous character of the crime and the extent of damage resulting from the crime. In addition, the Code proposed considerably higher maximum prison sentences, stepping the upper limit from 15 to 25 years and provided for a much larger number of crimes punishable by death.

2. The following extracts are from the speech of the then Prime-Minister Hegedues to the Hungarian National Assembly in a session beginning on July 30, 1956:

Socialist Democracy: Consulting Parliament

"To strengthen the people's democratic State and regime, the main task is to develop socialist democracy - a democracy which will encourage greater activity and initiative on the part of the workers in State affairs and will thus strengthen the people's democratic regime. In the development of socialist democracy, the improvement of the work of the National Assembly is of outstanding importance. In the past, the Council of Ministers submitted several important problems, affecting the broad masses of the population, to the Presidential Council to get them approved as soon as possible. These problems should have been submitted to the National Assembly and dealt with in Acts. This was a mistake we shall have to eliminate finally. Henceforth, the Council of Ministers will submit all problems which require an Act to the full National Assembly. In the initial stages of the preparation of Bills, the Council of

Ministers will consult the various Parliamentary Committees and sub-committees."

Proposed Legislation: Citizens' Rights and Electoral Reform

(Hegedues spoke of the harm done by the excessive centralisation and of the proposed decentralisation measures. The planned territorial reorganisation of the administration would be completed by the end of the year, he said. Turning to socialist legality, Hegedues said that the most important pillars of Hungary's socialist legal system would be completed by 1960. A Bill would be prepared by this autumn, defining precisely the rights of the citizen and the obligations of State administrative bodies.)

"By next spring, we shall submit to the National Assembly a Bill on the conduct of Parliamentary elections, which will contain recommendations on the introduction of an electoral system under which the electorate will vote for individual candidates by constituencies instead of voting for lists. We intend to submit the draft of this Bill to large-scale discussion and shall table the Bill only after it has been so discussed.....

Penal Reforms

"We must bear in mind that previous unlawful acts were due largely to the violation of existing laws. For that reason we intend to ensure the universal observance of our laws. We have consequently made arrangements to subject our Police and State Security organs to more intensive supervision. The Council of Ministers has issued a Decree abolishing the various supervisory organs of the special courts and entrusting the Minister of Justice with the supervision of the professional conduct of the Courts.

"Measures are now being prepared to transfer the enforcement of sentences - i.e. the running of prisons - from the Ministry of the Interior to the Ministry of Justice. This is intended to ensure that the Ministry whose organs carry out investigations should not also control the prisons. Our Courts must take care that their sentences are always commensurated with the crime and that workers guilty

of petty offences who may genuinely benefit from efforts to reform and re-educate them or from other educative measures should not land in prisons. At the same time, we must make sure that enemies assailing the security of the State and habitual criminals receive exemplary punishment. Some results have already been attained in this direction. But further measures are required... In accordance with the Central Committee resolution, we are preparing a measure to extend the competence of ordinary Courts to cases formerly dealt with by organs of the State administration. Thus the arbitration in certain labour and housing disputes will be transferred to the ordinary Courts this year.

Role of the Defence: Minor Offences Committee

"To ensure socialist legality, we intend to give the defence a greater part to play in the administration of justice. Consequently, we are preparing measures guaranteeing the work of defence counsel and intended to raise the level of their activities. The consolidation of socialist legality will also be promoted by the committees to be set up in the near future to deal with minor offences (szabalyisertési bizottságok), provided the National Assembly approves the relevant proposals.

"Adherence to legality does not, however, depend on the activities of the judiciary organs only, nor on the prosecution authorities or on the work of the minor offences committees. It depends on all organs of State power and State administration, on the Councils, on their executive committees, on the administrative authorities...on the organs of economic direction, on factory managers and on the leaders of the industrial directorates.

Fighting Abuses

"The Government considers it a fundamental task to assert socialist legality without fail and to assure the free exercise of citizens' legal rights. The Council of Ministers will take comprehensive measures to prevent State organs from

committing unlawful acts. At the same time, however, it appeals to the workers to help the attainment of the above-mentioned objectives by their conduct, by observing the law and by fulfilling their citizens' obligations.

"Apart from all this, it is equally necessary to fight against the burdensome legacy - bequeathed to us by the old gentry Hungary - of go-betweens, wangling, favouritism and bias. Cases in which State functionaries abuse their power to take decisions biased by personal acquaintance, friendship or family contacts on matters brought before them, must be denounced with the greatest severity. The same attitude of condemnation must be displayed towards those who abuse their personal position to intervene in private affairs. The widening of socialist democracy and the granting of more authority to lower organs will further promote popular and national unity.

Abolition of Residence Permits

"This tendency will be reinforced by the Council of Ministers' decision - accordance with the resolution passed by the Central Committee at its session from 18th to 22nd July - to re-examine measures taken in an acuter phase of the class struggle and to take certain new measures accordingly. In the course of this work, the Council of Ministers has decided to rescind the measure under which special permits were required to reside in Budapest, Miskolc, Sztalinvaros, Varpalota and Komlo and to abolish the special permits to which registration as a permanent resident in these towns has been subject. This does not of course mean that it is advisable to increase the population in these towns. However, we do not intend to prevent this by administrative measures...

Church-State Relations

"The creation of popular national unity is being promoted by the fact that relations between the State and the Churches have developed favourably in the past seven months. An important contribution to this improvement has been the

the fact that the overwhelming majority of responsible leaders of the Catholic Church has become convinced of the need to establish good relations between State and Church. We realize of course that there are still people in the Church who try to find fault with everything and will not understand the conflicting issues which emerge between State and Church from time to time can be settled by discussion based on mutual good will, as had indeed been done. The Central Committee of the World Council of Churches is now meeting in Hungary". (See under Hungary, Summary Part IIB, No. 748). "It is being attended by nearly 200 foreign Church leaders - the outstanding representatives of the Protestant Churches - and by many journalists. This, too, proves that there is religious freedom in Hungary. This has been confirmed in the latest statement made by Jožsef Groesz, Archbishop of Kalocsa, and in several statements by the leaders of the Protestant Churches.

The Mass Organisations

"The domestic political situation of our country today offers favourable opportunities for the further consolidation of our people's democratic system, and for the inclusion of every honest worker in the building of socialism according to his ability and knowledge. The Government's measures, which are imbued with the spirit of the Central Committee's important July resolution, are designed to facilitate the realization of this aim in every way. To create popular national unity, the Government and every State body must most closely co-operate with the workers' mass movement - the Patriotic People's Front - and with the mass organisations, above all with the trade unions and the Union of Working Youth. We must ask for their help more often than in the past, and greater weight must be given to their proposals and initiative in the performance of certain tasks."

3. At the same session of the Hungarian National Assembly a report was made by the Supreme Prosecutor, Gyeorgy Non, of which the following is a summary:

Supreme Prosecutor's Report

In the afternoon, the Assembly heard the report of Gyeorgy Non, the Supreme

Prosecutor. Extensive recorded excerpts from Non's speech were broadcast on the home service at 18.00 on 31st July, but only relatively short fragments of this version could be heard here. The following report is based on summaries of the speech put out by MTI and the programme for Hungarians in Western Europe, occasionally amplified with the audible fragments of the recordings broadcast on the home service.

Back to Legality: Releases since 1953

Non stressed the difference between the tasks of prosecutors today and in the past. According to Leninist principles the prosecutor was the supreme guardian of socialist legality. It was his duty to ensure that not only citizens but also Ministries and State organs respected the law. Under the Constitution, the Supreme Prosecutor was subordinated to the National Assembly. In this way, this Assembly, through the Supreme Prosecutor, exercised effective control over legality.

Discussing the work accomplished in the last three years, Non recalled that concentration camps had been abolished in 1953. Prosecutors had taken part in the examination of the cases of internees. These measures had affected 4,184 persons altogether. Under the general amnesty proclaimed in 1953, over 23,000 people had been freed. Since July 1953, many new laws had contributed to the democratisation of the State machine and the development of socialist legality. Among other things, the law now allowed every citizen to lodge a complaint against anyone, prescribed that complaints must be thoroughly examined, and provided for the punishment of those who stifled criticism. The Assembly's present "legislative work" should include "an analysis of the resolutions of the 20th Congress" and of the Workers' Party's Central Committee session, from which more extensive and substantial legislative work should then flow. At the same time a number of principles governing jurisdiction should be clarified.

Correcting Abuses Arising from Centralisation

By decentralising the administration, matters should be dealt with as

often as possible on the spot by representatives of local organs, who were naturally best qualified to reach decisions about them. Turning to the question of the many abuses committed in the past as a result of excessive centralisation, Non said that in the last three years the courts had received 77,088 complaints in this connection - many no doubt baseless. After outlining the nature of these complaints and the means by which justice was being done, Non added that the protection of agricultural producer cooperatives was among the duties of prosecutors, especially since the enemy had been resuming his attacks against this means of the evolution of the Hungarian peasantry. Prosecutors should also ensure respect for the principle of voluntary co-operative membership.

Equality Before the Law

The equality of citizens before the Law was guaranteed by the fact that the decisive means of production were the property of the people and that the exploiting classes had ceased to enjoy privileges. The equality of women was now all but completely assured. Religious freedom was genuinely guaranteed. So were the rights of national minorities, although the South Slav minorities had been victims of illegality until quite recently. However, most of them had now received compensation and reparations continued to be made for the wrong things done in this field.

State Security Authority's Excesses

Under the Constitution, it was the task of the Supreme Prosecutor consistently to prosecute the perpetrators of any acts likely to endanger the order, security and independence of the Hungarian People's Republic. The way of life which had given birth to the social order of the people's democratic State had provoked resolute and constant attacks by hostile forces. After the liberation, the political security organs, the people's prosecutors' offices and the People's Courts had unmasked and punished criminals and assassins guilty of war crimes. The People's Courts had taken suitable retaliatory measures against those guilty of counter-revolutionary acts.

But after 1948 the mistaken view that the class-struggle was constantly sharpening in every sphere - which had arisen in a tense international situation - had had its harmful effect in Hungary too. The adverse effect of this view had been even further enhanced by the State Security Authority's special position. In this atmosphere, many leaders of the State defence authorities had abused their power and had resorted to "moral and physical pressure", by which means they had extorted untrue confessions of guilt. They had thus violated socialist legality in the most callous manner. A contributory cause to this situation had been that neither the Prosecutor's office nor any other State organisation had subjected the State Security Authority to any form of supervision. The Prosecutor's Office had not been entrusted with this task until 1953.

Crimes of Gabor Peter Group

The resolution adopted by the Central Committee in July 1953 demanded that Socialist legality be strengthened and that violations of the Law be examined and remedied. After this resolution, the work of the State Security Authority had been examined. The investigations had shed light on the criminal activities of the former leaders of the State Security Authority. In a verdict promulgated in December 1953, the Ministry Tribunal had stated that Gabor Peter and his associates had abused the power with which they had been invested, that they had introduced unlawful methods, and that they had plundered and wasted social property on a vast scale for years to satisfy their own unbridled personal cupidity. The investigations which had resulted in the disclosure of these gravely unlawful acts and crimes had taken a long time. They had begun slowly and had proceeded sluggishly. But their pace had been speeded up in the past year and the whole process was now nearing conclusion.

Rehabilitation of Innocent Communists.

On the basis of these investigations, it had been found that Comrades who had been convicted after unlawful trials had not been traitors, spies or criminals. At the same time, the grave harm the violation of socialist legality could do had also been confirmed. The prosecuting authorities had been given a great role in

the re-examination of the causes of those who had been convicted on baseless charges. This had been done on the Party's suggestion. Many people sentenced without good cause had been released even before the investigations were over. So far, the Supreme Court had announced decisions in the cases of 149 sentenced people altogether. In the course of this process, 124 people had been acquitted on all charges; in the case of 15 people, culpability had been established. In a further 10 cases, those concerned had been found guilty of lesser crimes.

The Cases of Rajk, Palffy, etc.

The Supreme Court had also pronounced verdicts of acquittal in the cases of people sentenced to death and executed on the basis of fabricated charges. The Court had thus acquitted of all charges Laszlo Rajk, Tibor Szoenyi, Andras Szalai, Endre Szebenyi, Gyoergy Palffy and Laszlo Solyom. These people were "no longer alive and have irreparably become the victims of the violation of legality". This did not mean that the regim had no further obligations to them. "In addition to the rehabilitation of our executed Comrades, we have made, and are making, arrangements to give moral and material support to their next-of-kin."

In the course of this re-examination process, some 300 baselessly convicted people had been released from prison. Most of them had been arrested and sentenced on the basis of fabricated charges against Rajk, Kadar, and Solyom, and against former Social Democrats and former Yugoslav enigres. Most of these people had been members of the Workers' Party - individuals who had occupied leading positions in the Party. Many of them could look back on several decades of activity in the labour movement. The necessary arrangements must be made to enable these wrongly convicted people to re-occupy their deserved place in society after their long years of suffering. They must be given moral and material assistance. The Minister of Justice had taken the measures necessary to this end.

In many cases, however, rehabilitation was due not only to those who had been wrongly sentenced by the courts. "Simultaneously with the unlawful trials, in the unhealthy atmosphere of distrust, many Comrades and honest workers were

unnecessarily dismissed from their jobs"; without replacing local leaders and officials who were good at their work, those who had been dismissed without good reason must be given jobs corresponding to their qualifications. This was only right.

Release of Political Enemies

In addition, Non continued, the regime was also strong enough to release people who had committed crimes but had been too severely punished, and to acquit those who had committed political crimes or crimes against the people immediately after the war. Their cases were being examined individually. But "we shall not acquit those whose release would be dangerous to our people and State". More than 1,400 persons in this category had already been released. The cases of 250 people condemned by Soviet tribunals for war crimes and since returned to the Hungarian authorities had also been re-examined.

Reorganisation of State Security Authority

The re-examination of the cases of the innocently convicted proved that the regime had the strength to uncover abuses and violations of the law and to assert socialist legality. The Central Committee's July 1953 resolution called for stronger Party supervision and improved State supervision over the State Security Authority. The State Security Authority had been reinforced with hundreds of reliable workers from prosecutors' offices, the judiciary, and the Party.

The work performed by the reorganised and strengthened State Security Authority was of the greatest importance and involved immense responsibility. The entire people assisted and supported the workers of the State Security in this work. Socialist legality had been reinforced within the Authority. Any infringement of legality was now punished. The Prosecutor's office had summoned 54 State Security Authority Inspectors to appear before a disciplinary tribunal

and 13 to appear before military tribunals.

Need to Guard against Party Enemy Activity

On the other hand, Non said, it was clear that in spite of their failures, the warmongers had not abandoned their plans. The US Act of Congress of 10th October 1953 was still in force. It allocated an annual sum of 100 million dollars for subversive and espionage work against the peace-loving States. Although fewer and fewer people were coming forward to volunteer for such filthy work, there were still base creatures to be found who had not learnt their lesson. The recent outrage against a Hungarian aircraft was a warning that increased vigilance was necessary. The State Security Authority and all genuine patriots must **play** their part in this work. "We must fight with increased vigilance and determination to put out of harm's way those who turn against our country, our peace and our laws."

Fully observing socialist legality, the State Security Authority and the judiciary were today "dealing blows at the enemy alone". Their work was more and more successful. "The confidence our Party and Government, and the increasing support we receive from our workers, is enabling them to thwart the vile calculations of our enemies and to foil their criminal attempts to hinder the raising of our people's standard of living and the consolidation of our regime by sowing discord and committing sabotage".

Administration of Civil and Criminal Law

Non reported that the number of proceedings on charges of incitement had fallen. Prostitution had been largely liquidated, although some vestiges still remained in the major cities. The number of complaints about brutality by the police had fallen. Prosecutors must punish acts of this sort severely. The number of preventive arrests had dropped by 50 per cent this year; Juvenile delinquency had fallen by 30 per cent and the crime rate had also fallen considerably. In 1932, there had been 310,482 civil law suits; in

1955 the figure had been only 172,749. Socialist tribunals were people's tribunals. They did not condemn people solely on the ground of their class position. The class enemy would not be condemned if he respected the law.

Reduction of Prison Population

On the basis of a Politburo resolution of November 1955, sentences passed on criminals had also been revised. Sentences had been quashed in 390 cases; 8,500 people had been conditionally released; 12,000 prison sentences had been commuted to "punishments of an educational character". All who did not deserve severe punishment were being freed. It was hoped that this would make them mend their ways.

The rights of defendants and of the defence had now been safeguarded. The number of prisoners, over 37,000 on 1st November 1955, had been only 27,836 on 1st March 1956, and 22,088 on 10th July 1956. The majority of these had been sentenced under common law. Nobody must be condemned without proof, or solely on the basis of his own confession, Non declared.

The circumvention of the law and the exploitation of workers followed from the nature of the bourgeois State. It did not follow from the nature of the people's democratic system. On the contrary: this system tolerated no violation of the law and no arbitrariness. The unmasking of infringements of the law had been "a process by force of necessity". The same applied to the correction of mistakes. The guarantees that violations of the law would never recur were the unshakable firmness of the people's democracy and the firm resolve of the Workers' Party and of the Government to lead the people and the country unswervingly on the road of socialist legality.

4. Some statistics on amnesties, etc., were given in Szabad Nep of July 8, 1956:

"The Ministry of Justice on the basis of the decision of the Party and the Government has reviewed sentences given in recent years. On the suggestion of the Ministry of Justice the Council of Ministers has amnestied 11,398 persons who

have been given prison sentences. In the case of 17.1% the amnesty was extended to the entire prison sentence, in 18% the punishment was reduced and in 24% the prison sentence was changed to a fine. In 36.2% completion of the prison sentence was changed to release under supervision. 12.6% of those amnestied were excused the fine imposed, and 8.3% had their prison's sentence changed to one of correctional labour which can be carried out at a lower rate of pay at their place of work. Apart from this 8,546 people who had already begun their punishment were provisionally free. The possibility of the conditional release of a further 368 persons at present undergoing imprisonment is being investigated. These measures are concerned with persons for whom the laws envisaged no other possibility of punishment than imprisonment which does not as a matter of fact correspond with the spirit and the principles of socialist criminal policy. The party and the government have in their decisions drawn attention to the necessity of making a distinction between criminal acts of hostile elements and habitual criminals on the one hand and the punishment of minor misdemeanors committed by working people on the other hand. In regard to such working people the courts must adopt a more educative role. In the future for minor misdemeanours, fines, correctional labour or prison sentences with the possibility of release for good conduct should be employed; or they should be regarded from the beginning as technical breaches of the law or infringements of discipline. We have made this spirit of the above-mentioned party and government decision retrospective in operation.

"The Ministry of Justice is investigating also cases where the police or the judicial organs have violated socialist legality. On the basis of this investigation 33 persons were amnestied between June and December 1953, 1260 in 1954, 1438 persons in 1955 and 875 persons between January and June 1956. Excessive severity in sentences will soon be abolished."