

No. 482

"B-3" FACESHEET AND RATING

SG

p.1

Vienna

July 1957

1. V-58
2. not volunteered
3. Vienna
4. 60
5. Male
6. Hungarian
7. not volunteered
8. " "
9. married
10. -
11. Attorney at law, Counsel to the City of Budapest
12. same
13. -
14. intellectual
15. Lieutenant in World War I
16. -
17. no
18. no
19. doctor of Laws, 1923, University of Budapest
20. Budapest
21. -
22. -
23. Hungarian
24. December 1956
25. Vienna
26. no
27. no
28. no
29. -
31. 8
32. 6
33. 7
34. 5

1. Respondent's Background.

Before the Second World War, I worked for the city of Budapest as a counsel. My practice was mainly in the field of taxation. After the war I continued my association with the city in the same capacity, representing the city mostly in connection with crimes committed by the employees of the city, ~~who were~~^{or} against the city by other people. Between 1950 and 1952 I did legal work in the industrial department of the city. From 1952 to 1955 I was legal counsel to three city enterprises, namely those of heating techniques, heating instalment and building demolishment.

2. The plight of the lawyers.

According to the Communist conception, there is no need for exploitation in a democratic country. Therefore, the purpose of the regime was to do away with the independent legal profession, which they regarded a form of exploitation. The lawyers were compelled by various pressures (high taxes, threats etc.) to join the Work Communities. For instance, you could not be a defence lawyer in a political case if you weren't a member of the Works Committee.

3. The training of the lawyers.

As a result of the Communists' policies, you could hardly find any candidate for the Law Academies during the years from 1950 to 1952. The Communists had established four such Academies for the training of prosecutors. One was in Budapest and three were in the country (EGER, VESZPRÉM, KE^ESKEME^T~~Z~~). They took only good

the candidates spend one year in the country and another year in Budapest. The regime had to give scholarships and other incentives to induce the youngsters to go into the legal profession. In 1953, the shortage of the lawyers was somewhat relieved and the Red Academies for the training of prosecutors were abolished in 1953.

As far as the regular law schools were concerned, there were only two left in operation out of the prewar five law schools of the country. The two operating schools were the one in Budapest and the one in Pécs. It took four years for a regular law student to graduate from school. At the end of the four years, the students had to take a law exam. After graduation, three years of practice was required, one year of which was to be spent in Court or in the prosecutor's office as clerk and two years in a Work Community or a State enterprise. The former bar exam was abolished and in lieu of it you had a comprehensive legal discussion, mostly on Marxism and Leninism and the Party Line.

4. Work Communities.

Originally, the Work Communities for the lawyers were established under the auspices of the Bar Association (Ügyvédi kamara). Each lawyer, joining the cooperative, had to contribute his work, his contacts ("clientele"), office furniture and equipment. Each Work Community employed about 8 to 20 lawyers, one or two candidates for lawyers (Ügyvédjelölt). Theoretically, the leader of the Work Community and the members had to agree on the admission of new members. In practice, however, the leader determined this —————→

question after clearing the matter with the Bar Association (a ~~free~~^{three-} member committee was organized in the Bar Association to rule on questions of admission of new members to the Work Communities). I was over sixty years of age, and, therefore, I could not join.

5. Lawyers' Fees in the Work Communities.

Usually one of the lawyers in the Community and a ~~Secretary~~^{ial} ~~or~~^{help} ~~man~~ were in charge of the book-keeping. 30% of the total monthly income had to be paid into the Bar Association, ~~10%~~^{in Fund,} was used for current expenses (upkeep, rent etc.) and 60% of the income was divided among members of the Community according to a scale and the degree of their participation and work in connection with the case.

6. Clients and Cases.

A client, wishing to hire a lawyer in the Community first of all had to talk to the leader of the Community. The leader would then decide whether the Community would take the case or not. Being usually a trusted member of the Party, the leader refused to take any political cases unless it was ~~agreed~~^{cleared} with the Party and the Bar Association which was the mouth-piece of the Party. If the leader refused ~~the client~~^a to take ~~his~~^{his} case, of course, there was nothing that the client could do about it. He could not hire any other lawyer, because only lawyers in the Work Communities could represent political cases.

65 to 70% of the cases before the Courts were criminal cases, whereas 25 to 30% were civil cases. Out of the criminal cases

50% were political ^{cases} ~~cases~~ and 50% concerned regular criminals. Most of the civil cases, on the other hand, dealt with divorce, alimony, maternity and the support of illegitimate children. Probate cases were rare, the Orphans' Office (ÁRVASZÉK) was abolished. Instead, in each district of Budapest, an official was in charge of placing the orphans into State-run Kindergartens or other institutions.

7. Types of Punishment.

The new criminal code and criminal procedure, which were the creation of: Erik Molnár, Sándor Feri, József Domonkos, István Fris^z~~z~~ and János Beér, had done away with the old types of punishment, only prison punishment (from one day to life) and capital punishment remained.

The new class law did completely away with the freedom of defence, it abolished the independence of Courts and from that time on the individual fell prey to the whims of the State, both in the fields of criminal and civil laws.

Under the new Communist system, it was a duty of the defence lawyer to emphasize the aggravating circumstances in connection with political trials. Also, it was his duty to stress the class position of the individual, ^{and} ~~also~~ the judgment had to deal at great length with the class origin of the individual criminal.

It was immaterial whether the accused committed the crime as a simple, unskilled labourer or as a night-watchman, the ^{judgment} ~~judgment~~ and sentence were given and adapted to his class origin, ^{occupation} ~~and not to his~~. In every sentence, the property of a class alien as well as that

of his members of family were ordered to be confiscated. The class alien was also deprived by the sentence of the exercise of his political ^{rights} ~~rights~~. He was ordered ^{to} leave his residence (deportation) and as a result of the latter, he also lost his apartment. If the accused happened to be a lawyer, a doctor or an engineer, the sentence usually also deprived him of his licence (sometimes for a definite period, other times for good).

The accused was not allowed to contact the members of his family. If he received a sentence of five years or more, he could only see a member of his family once every half year and he could write one letter every three months.

Theoretically, it was possible to be released after you spent a certain time in prison, however, this was rarely applied to political criminals. Political criminals were tried and sentenced behind closed doors and the judgment and sentence were only communicated with the convicted people.

A separate kind of punishment was the so-called internment.

If they could not bring a charge against you, for instance if you went to see a movie ~~which showed~~ at the British or American Legation, ^(or Information Center) or you read a paper there, you would be arrested by the AV0 and then interned for an indefinite period of time. Such concentration camps for internment purposes were in Kistarcsa, Jászperény, Rémsek and in the Coal Mines of Dorog and Tata.

8. Organization of Courts.

The old Courts of Justice, the ^Kuria (the highest Tribunal) and the Itélőpálya (Courts of Appeal) were abolished. In their place

the (^LLegfelsőbb Biróság) and the County Courts (^MMegyei Biróság) were organized. The presidents and presiding judges of these Courts were all Party members who met every Saturday and gave ^{each other} a mutual account of the trials or cases in progress. The president of the Legfelsőbb Biróság was Sándor Feri^{and}, the Attorney-General was József Domonkos, who, incidentally, was the former defence counsel ^{of} ~~to~~ Rákosi^{si}. The Fővárosi Biróság, which had ^{jurisdiction} a special ~~jurisdiction~~ in political cases, had many notorious presiding judges on its bench. Among the most notorious were: Vilmos Olti, Béla Jonás, Jenő Tutsek, Tibor ^{Rácz} ~~Rácz~~, Béla Sarlós and Ferenc Kiss. All of these presiding judges were Party members. They were wearing the badges and insignia of the Communist Party and they were trying to overb^{id}~~ow~~ each other in their inhuman and cruel penalties they imposed. Each sentence which was handed down by the presiding judges and the lay assessors could be appealed by the public prosecutors if he was a Party representative found the sentence too mild. Thus it frequently happened, ^{as a result} on the basis of the public prosecutor's action, ^{that} a re-trial was ordered and the accused was sentenced to life imprisonment in lieu of the former four or five years imprisonment. Courts are no longer separated into Civil and Criminal Courts. Both the civil and the criminal cases are handled by the same Courts. The Court of the lowest instance is the Kerületi Biróság in Budapest and the Járásbiróság in the country. The former Törvényszék became the Fővárosi Biróság in Budapest and

the Megyei Biróság in the country. From the Kerületi Biróság in Budapest you could appeal to the Fővárosi Biróság and from the Járásbiróság in the country, you could appeal to the Megyei Biróság. From the latter there was no appeal except in cases where the judgment was ^{rendered} ~~handed~~ in violation of the law or, where the public prosecutor appealed the case. Upon appeal, the highest Tribunal could either alter the judgment and the sentence or order a new trial.

The Fővárosi Biróság and the Megyei Biróság also acted as *courts* "in the first instance" in connection with cases affecting the defence of the State and the social order, in cases where damages amounted to more than 50.000 forints; in Patent and Copyright matters and in cases of lawsuits against cooperatives or State enterprises. Such cases could be appealed to the highest Tribunal.

In each Court there was an A.C.S. (Állami Vállalati Csoport, State enterprise Section) organized. The task of this section was to examine from the legal point of view the contracts concluded between State enterprises. In questions, affecting the "fulfilment on time" of contracts for shipments, there was a Döntőbizottság (Arbitration Committee) organized both in the Counties and in Budapest at the City Council.

In military cases, the Honvéd Büntető Törvényszék, was the Court of the first instance and the Legfőbb Honvéd Törvényszék was the Court of the last instance.

9.

Parsonne.

The attorney general was ^{hand} ~~appointed~~ by the Communist Party and

his appointment was rubber-stamped by the Parliament. Under his jurisdiction there was a hierarchy of public prosecutors, both political and regular. Those old-time prosecutors, who were retained by the regime, were only allowed to do office work, but could not try ^{cases.} ~~these~~.

At the Courts, the political observer from the Party was usually in charge of the personnel. In the trials, in addition to the presiding judge, there were two lay assessors in the Courts of the lowest instance, ~~and~~ ^{at} At the Megyei Biróság and the Fővárosi Biróság you had three judges, when the Court acted as a Court of the first instance, and you had three judges and two lay assessors in cases where the Court acted as a Court of appeal. The lay assessors were assigned by the Minister of Justice on the basis of ^a ~~the~~ list submitted to the Ministry by ~~the~~ various State enterprises.

10. Respondent's remarks concerning Nationalization.

All cooperative apartments and houses, consisting of more than four rooms, were nationalized in February 1952. Since 1953, in all nationalized houses and apartments, you had to pay your rent to the K.I.K. (Közületi Ingatlankezelő Vállalat). The Ministry could make exceptions ~~in connection with the nationalization~~ in cases of actors, actresses and acrobats. In regard to the non-nationalized cooperative apartments, you had to pay no rent, but you had to pay maintenance fees to the K.I.K. irrespective of whether there were any repairs to be done or not.

In general, small holdings of land were not nationalized, but you couldn't buy land, you could only lease from ^a private person

or the State .

Inheritance of money was permissible, but there were only a very few probate cases. The proceedings were free of tax if there was no real property involved. If there was a dispute in regard to the will, the case had to be brought before the "Közjegyző" ^(Notary public) where the settlement was made. The settlement then had to be approved by the Court.

No death certificate could be issued until the personal identity card was returned to the State authorities.

Ratings.

Respondent seemed to be very helpful and seemed to have a great deal of information. However, it appeared to this interviewer, that the information given wasn't always correct.