



**President of the National Judicial Council
of the Hungarian Judiciary
(OBT)**

**To: European Association of Judges (EAJ)
Regional group of International Association of Judges (IAJ)**
secretariat@iaj-uim.org

Budapest, 12/11/2018

Dear Honourable Members of Presidency Committee,

We have received your invitation letter after the IAJ meeting in Marrakech on 14 October 2018 to inform you about our standpoint regarding the failures or anomalies in the functioning of the relationship between the President of National Office for the Judiciary (OBH) and the supervisory body, the National Judicial Council (OBT).

We can affirm to you that your information about the critical situation in the Hungarian Judiciary was correct. According to our interpretation we face a **“constitutional crisis”** since May due to the activity of Ms. Tünde Handó, President of OBH. **In the past 9 months the following events took place:**

- After the previous OBT members' 6-years mandate expired, new OBT members were elected in January 2018. Unlike the previous members of OBT the majority of the newly elected judges were not holding high administrative positions in the judiciary. The new composition of the Council projected more efficient control over the central judicial administration, the President of OBH.
- At the beginning of this year two judicial assemblies (Metropolitan Court of Budapest and Győr Regional Court of Appeal) requested from the OBT to investigate decisions of the OBH President on judicial applications and appointment of court presidents. OBT settled a Committee in February to prepare an inquiry report.
- In April 2018 – when OBH President was already familiar with the content of the mentioned report – several members and substitute members of OBT has resigned. In the background unlawful interference was foreshadowed that came from OBH President or regional court presidents selected and appointed by her. OBT was officially reported that some members were even threatened by court presidents.

- As headcount of the OBT declined from 15 to 11 OBH President declared the Council illegitimate, and since May she refuses to cooperate and provide data on request; nevertheless, President of the Kúria (Hungarian Supreme Court) and OBT confirmed that the Council operates in a legitimate way, and her interpretation of law is simply false. The OBH President doesn't participate at meetings of OBT since May and refuses to cooperate.
- On 02/05/2018, based on the inquiry of the OBT Committee, the OBT stated that the OBH President unlawfully declared several judicial applications and several proceedings to appoint court leaders "unsuccessful" and nullified these without proper justification (or with no justification at all).
- A mid-term electoral assembly was summoned to elect additional council members, however regional court presidents, vice-presidents and collegium leaders (directly appointed and ordered by Ms. Handó) along with lower court presidents and vice-president directed by them – as electors – obstructed the electoral assembly to elect the new members on 09/10/2018. The nominated court executives refused to accept candidature; meanwhile, the majority prevented ordinary-judge electors to apply for membership. The electoral assembly were held without a secret ballot, and several other breaches of procedural rules were reported afterwards.
- The mid-term electoral assembly and (one day later) regional court presidents appointed by Ms. Handó published a statement in which they ask OBT members to resign. According to the Act on structures and administration of courts elected members of the OBT cannot be dismissed or recalled. Moreover, presidents used the phrase "in the name of the Hungarian Judiciary", which caused a storm of indignation among judges. The Hungarian Association of Judges (MABIE) and several judges from all over the country made open statements and wrote petitions objecting the appeal of the assembly and court presidents. These were published on <http://www.mabie.hu>.
- The remaining OBT members are subjects of continuous persecution, annoyance and retaliatory actions from court presidents and personally from OBH President (e.g. disciplinary proceedings, ban from certain professional activities).

In this critical situation, the **Minister of Justice** abstains from interference on any side; however, a representative of the Minister of Justice participates continuously on the meetings of OBT. Neither the Ministry of Justice, nor the Government questioned the legitimate operation of the OBT.

The OBH President and court presidents failed to indicate any misconduct or breach of law regarding the operation of the OBT so far. Despite this tense situation the OBT is committed to fulfil its constitutional duties. A new committee has started to examine whether OBH President made any changes in the practice of appointing judges and court presidents since the last report.

Meanwhile, the OBT finds it worrisome that (up to this time) **there are several courts where presidents, vice-presidents or collegium leaders are not appointed** for six years, but the OBH president commissions acting presidents for only one year after nullifying application procedures. According to our knowledge the following positions are vacant with acting presidents (vice-presidents, collegium leaders), some of them for more than one year:

- President of Pécs Regional Court of Appeal
- Vice-president of Pécs Regional Court of Appeal
- President of Szeged Regional Court of Appeal
- Vice-president of Szeged Regional Court of Appeal
- Vice-president of Győr Regional Court of Appeal
- Leader of Civil Collegium at Győr Regional Court of Appeal
- Leader of Civil Collegium at Metropolitan Court of Appeal
- President of Metropolitan Court
- Leader of Criminal Collegium at Metropolitan Court
- Vice-president of Budapest Environs Court
- Leader of Criminal Collegium at Budapest Environs Court
- Leader of Civil Collegium at Budapest Environs Court
- Leader of Economic Law Collegium at Budapest Environs Court
- President of Balassagyarmat Regional Court
- Vice-president of Pécs Regional Court
- Vice-president of Zalaegerszeg Regional Court

The OBT welcomes and offers full support for the IAJ delegation during the monitoring procedure.

I also need to mention, that OBH and OBT operates in the same seat (16 Szalay utca, Budapest 1055). To avoid any interference, please contact and communicate with council member Viktor Vadász (vadaszviktor@gmail.com; +36 30 487 5141). He is responsible for the international correspondence and also holds the position of the secretary of OBT Office.

With best regards,

Sándor Szabó Dr.