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**The operation and administration of the Supreme Court's  
People's Tribunal Council  
(1957–1963)**

**Ph. D. theses**

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## **I. Main topic and findings of the essay**

Detailed analysis and overviews were published in the scientific literature about the Communist takeover after 1945. They describe the inescapable path that the defeated Hungary was forced to take as it became part of the Russian interest zone. The methods, the main characters and the steps of Sovietization are well known. However there is no professional consensus about how conscious and methodical it was.

In this paper I study the setup of jurisdictional structure and legislation procedure ensuring total control and my findings indicate that the Communists had no ready-made 'action plan' in this area. Their way of setting up the system appears to be a trial and error process and in terms of methods Communist leaders learned from experience which solutions are plausible and which are not. The establishment of the legal mechanism meant to serve the Communist Party could not happen immediately, for in the beginning they even lacked the necessary 'cadres' (professional revolutionaries in a communist movement). In 1945 the entire Panel of Judges was still completely unaffected by the Communist ideology and was considered totally 'unreliable' by the Communist leaders. Only under total control was it trusted to rule on legal proceedings.

The main purpose of the new criminal law and the new type of jurisdictional organization was to eliminate the political opponents. For the sake of both national and international legitimacy the Hungarian Communist power put emphasis on keeping up the appearance of legality. While in Russia where masses of political opponents, who were considered enemies, disappeared in prisons without trials, in Hungary the appropriate legal steps were followed through in most cases. The operation of the newly established police, prosecution and judicial organization cannot be analyzed without looking into the idiosyncrasy of their proceedings. Justice system was not organized in line with the generally accepted European legal principles but everything was subordinated to have a successful outcome in the criminal prosecution. So it is essential to analyze those legal proceedings that were labeled show trials. Show trials were not only a special model of Hungarian criminal prosecution, they presented in nearly every field of criminal prosecution in three decades following the Second World War i.e. between 1945 and 1970.

The totalitarian transformation supported by the legal apparatus left deep scars on the Hungarian society. The unlawful sentence and the ensuing punishment caused public uproar even in 1989 when the Communist regime ended. The issue is still debated, as voices are becoming louder contemplating whether without legal justice there was an actual change of regime or there is a need for a new change of regime.

With the help of Archives sources the main purpose of my work is to document the tools and methods of political pressuring in the jurisdictional organization. In the literature individual

cases have been revived several times, their proceedings, testimonies, counts and facts stated in the judicial documents were shown. My intent was to thoroughly process the case files as well as the party directives that served as basis for court and prosecution decisions of principle and their appearance in judgment. In my opinion the revealed data had great importance which helped me tracking the complete change of court and prosecution staff, which consequently result in party leaders being more satisfied with accountability.

In terms of the operation of jurisdiction and the establishment of criminal law the period between 1945 and 1963 is to be regarded as a single period. It is crucial to have an all-round knowledge of every component of the system such as the authority for investigation, the prosecution and the court to be able to draw the right conclusion. The uniformity of the system is reflected in the way legal regulations concerning People's Tribunal and People's Prosecution appeared within the same regulation or law, that is the allocation of tasks expected by the classic principles of law did not apply in this period of time. Beside the legal uncertainty which was intensified by the fact that both procedural and substantive law regulations were published within the framework of the same law so in case of political crimes not only the facts but the procedural law was highly politicized.

## **II. Parts of the essay**

In the first part of my essay the system of the People's Tribunal operating between 1945 and 1949 as a self contained court will be described. The process of establishing the court structure and the measures supporting its operation will be investigated. I will follow the process in which the legal organization established for war- and anti-popular crime is used by the Communist Party to reckon with its political opponents. I will analyze the practice of People's Tribunal and examine the political pressuring by describing the composition of its personnel.

In the second part of my essay the operation of the Councils of People's Tribunal, which were set up after the 1956 revolution, will be inspected. The methods of political pressuring and the system of direct party directives will be described.

The operation of judicial organization will be amended with a brief overview of police, prosecution and penal systems. In order to demonstrate the entire system of retaliation it is paramount that the revealed data is taken into account.

In the third part of my essay I will examine typical legal proceedings of the People's Tribunal operating between 1945-1949 and the Council of People's Tribunal set up after 1956. My aim is to provide a better understanding of how the system actually operates by looking into the example proceedings.

As a conclusion of my paper the post-1989 discovery and interpretation of the era's

jurisdictional system will be described.

In the appendix data retrieved from the documentations of People's Tribunal operating between 1945-1949 is attached concerning People's Tribunal judges. I will also publish documentations from the Ministry of Justice on post-1956 judgment figures.

### **III. Sources and methods**

Sources found in Budapest City Archives, National Archives of Hungary and the Archives of Political History and Trade Unions were used in my paper. Source materials kept in these Archives made it possible to analyze them from different aspects. Ministry of Justice and Supreme Court materials found in the National Archives of Hungary provide data about how legislation concerning People's Tribunal was made, about the government's expectations of People's Tribunal. From materials found in the Archives of Political History and Trade Unions the strategy the Communist Party and Social Democrat Party employed on People's Tribunals can be discerned. Moreover it is easily traceable how the Social Democrat Party was losing its leading role and what means the Communist Party used in taking control of the judicial apparatus. Budapest City Archives and the National Archives of Hungary store documents about People's Tribunal and the President of Court which describe how written law became living law and what factors influenced the application of law in the People's Tribunal.

It is also crucial to study documents from the leading organizations of the Hungarian Socialist Workers' Party (Hungarian abbreviation: MSZMP).

The Political Bureau and the Central Committee of MSZMP made theoretical decisions about the direction of legal proceedings and how to act on certain social groups. In many cases directions were given about the degree of the punishment. Reports by the Minister of Justice and the Public Prosecutor served as basis for decisions.

For courts the theoretical directions about prosecution were set by the Supreme Court's Criminal Division. The proposals coming from the Division of Court of Budapest which processed priority criminal cases and the resolutions arisen during the sessions of Criminal Divisions were of high importance. Court operations were evaluated not only by the hierarchy governed personnel but also by local party organizations. On several occasions the Budapest Committee of MSZMP included the evaluation of the Court of Budapest operations in its agenda.

Unlike courts, prosecutions were not subjected to any formal inspection-accountability control. It is obviously due to the strict hierarchy within the organization. The relevant documents have survived among the documents of the Budapest City Chief Prosecution's TÜK Administration. The prosecution's supervisory reports dealt with the analysis of court operations. It serves as a great source to detect the conflicts between the two organizations.

When evaluating case files the analysis of the prosecutors' and judges' personal career who were working at prosecutions and courts cannot be left out of consideration. According to the sources party leaders had to perform a thorough political cleanup to find prosecutors and judges who when carrying out proceedings were willing to submit to political directives.

When describing the judicial organization and its competence a complex analysis of judicial presidential materials and party files were applied.

The following aspects were taken into account while processing case files of certain proceedings kept in the archives.

1. Date when proceedings were ordered

The date when a proceeding was called in order was of high importance with regard to proceedings between 1946-1955 and those associated with the 1956 revolution. The first period, with proceedings carried out in 1947 and 1948, saw the most severe sentences. In terms of post revolution retaliation proceedings starting in the first half of 1957 were more likely to receive a more lenient sentence, than the proceedings beginning in the second half of 1957 and in 1958. After 1959 the situation began to consolidate, and with time party directives gained an important role in the outcome of proceedings.

2. Time span of proceedings, namely how much time passed between being charged and getting a sentence, and an explanation (as to why the proceeding was prolonged, whether because they wanted the accuser's confession by all means, or because evidence needed to be produced). It is an important aspect to what degree the performing court required the accuser's cooperation, i.e. how many times the accused was demanded to make a self-confession. If it occurred several times, how different these self-confessions were. Is there any evidence, that the accused lodged a complaint about violence suffered during proceedings or whether it was mentioned in court hearings. According to my findings, there was rare occurrence that the accused complained about being punished, however the interrogation was mentioned to be mentally exhausting that they had no choice but to make a confession.

3. Means of evidence used. Were only personal means of evidence (the accuser's confession, testimony) deployed by the authorities? When looking at case files caution should be exercised if the sentence is solely based on testimony, especially if it is based on a single person. Whether physical evidence was used and in what ways? How many times were house searches conducted in the accuser's home and what minutes were approved? Which of the confiscated physical evidence were used at court hearings and which were not? Were there any expert inspections and how were they evaluated by the court?

4. Did the court accept the indictment certification, or did it deem the criminal act more severe than the prosecutor's proposal?

5. The analysis of the sentence and indictment justifications. Does it contain legal reasoning or solely political philosophical consideration? It is important to compare certain sentences and indictments, because my searches show that in several instances the same sentences and political phrases were used verbatim in different court sentences.
6. Which council acted against the accused? There were court presidents-in-office who wished to meet political expectations at all costs, so they gave harsher sentences in almost every case than what was stated in the prosecution's indictment. I have also encountered case files in which the president-in-office was almost excusing the accused, and imposed a more lenient sentence than in the prosecution's indictment.
7. Did the proceeding of the second-instance court worsen the sentence of the first-instance court? The analysis of sentence justification by the second-instance court.
8. Consideration of petitions for reprieve. It has to be examined to what degree the proceeding court took into account the facts featured in the accused submission, the reasons listed, and how much did police information weigh in the decision making. When were the accused who already had a criminal record acquitted of their disadvantages?

#### IV. Publications in the topic of the essay

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Mikó, Zs. (2011) Perújítás vagy megbékélési törvény? Politikai vita a rehabilitációról 1989-ben. in: *Levéltári Közlemények* 82, Vol 1, pp. 5–16.