



Summary of HCLU's Shadow Report about the Events at Gyöngyöspata

The Hungarian Parliament, which operates with a two-third government majority, established an ad hoc committee on June 7 to examine the events that had happened at Gyöngyöspata. Even though, based on the title and the preamble of the establishing resolution, the objective of the Committee is to explore the background of uniformed criminality and to advance its elimination; five (!) out of nine objectives of the Committee is to investigate the “trip”, organised by the Red Cross for the Roma, and the role of the American business man, Richard Field. The Resolution prejudicates in the style of the show trials of the 1950s when it states, amongst other things, that: “The Committee’s objective is to find out who and why stated it untruthfully that the trip, that had been organised by the Red Cross since long, was an evacuation of the Roma of Gyöngyöspata from the scene, what the motive and purpose of this scaremongering was”.

Members of the HCLU were regularly present at Gyöngyöspata, thus they were there when, on the Tuesday before Easter, Richard Field arrived there and, seeing how serious the situation was and listening to the requests of the Roma, he asked for the help of the Red Cross. The facts in this Shadow Report were collected during our fieldwork and from the news. These facts and information unequivocally confirm the valid sense of fear that led to the transportation of the Roma women and children on Easter weekend.

Our Shadow Report concentrates on the events and the facts since our legal stance on the activities of uniformed and other fear-inducing groups had already been expounded.

In the 1st chapter of the Shadow Report we sketch up the events in chronological order from 1 March 2011 when the Szebb jövőért Polgárőr Egyesület (Better Future Vigilante Group) marched into Gyöngyöspata to the brawl that broke out on April 26. We give a detailed survey of the Jobbik demonstration on March 6. The whole written version of all the speeches that were given there can be found in appendix 2. To illustrate the events between March 1 and 16, we disclose some of the complaints of the Roma, recorded by our colleagues on 17 March 2011. We also describe the reasons and circumstances that led to the transportation of the Roma women and children by the Red Cross from the settlement; and the antecedents of the brawl on April 26.

In the 2nd chapter, we sum up the past of the extremist organisations that patrolled at Gyöngyöspata, their leaders and the connections between these organisations and their relationship to Jobbik in order to make it clear that the Szebb Jövőért Polgárőr Egyesület (SzJPE), the Véderő (Defence Force) and also the Betyársereg (Rascal Army) are radical rightwing extremist groups; and their ideological background is made up of racism towards the Roma and the protection of Hungarians “against alien/foreign elements”.

Furthermore, in their rhetoric, the very poor state of public order, caused by “Gypsy criminality”, has a pivotal role.

According to HCLU’s position, beyond the aforementioned extremist organisations accountability, the responsibility for the events that happened at Gyöngyöspata and for the wrongs done to the Roma falls on the government, especially on the leaders of the Ministry of Interior and the police. These authorities did not prevent this series of violation of the law; therefore, we present and assess the reactions of the government and the police in chapter 3.

Linked to this, the following conclusions are made in the Shadow Report:

According to HCLU’s position, government representatives did not react to the situation at Gyöngyöspata in time. First of all, it would have been the government’s political and moral responsibility to denounce the infringement of the state’s monopoly to use force on a high and very public level in the beginning of March, when the “patrolling” started. Second of all, the government should have supervised the work of the local police force more thoroughly and they should have also made sure that the appropriate legal procedures were set in motion.

Based on the factually presented government reactions, we argue that there was a clear contradiction in the communication of both the Minister of Interior and Péter Szijjártó spokesman of the Prime Minister. This contradiction is also evident in the contents of the government’s resolution that established the ad hoc committee. On the one hand, they emphasised that order reigned in Gyöngyöspata and the Roma had nothing to fear, consequently they only went on a “holiday”; on the other hand, they declared to the extremists that the right to maintain public order was exclusive to the state and the government would not let anybody threaten others under the pretence of maintaining public order.

This begs the question: if the government admits that certain people questioned the exclusivity of the state’s right to use force and they threatened people, then on what ground can the government argue that the police was maintaining order in Gyöngyöspata and the Roma minority had nothing to fear?

Furthermore, the comments, cited in the Shadow Report, made by the Prime Minister on TV2’s show called Frizbi on May 1 make it completely clear that the government’s lack of intervention was due to deliberate, political considerations and not the lack of applicable laws.

Since the legal standpoint of HCLU, which was published on May 10, contained a detailed analysis of the events from a legal point of view and the omissions of the police, the Shadow Report gives only a brief summary of these.

In this summary we conclude that, instead of concentrating on minor traffic violations, the police should use their resources to start due legal procedures and prevent and investigate activities committed by hate groups that pose a much bigger threat to society and that are often punishable by Criminal Law.

During these two months only two police actions appeared in the news that had to do with the activities of the people in uniform, none of which had any linkage to the “patrolling” at Gyöngyöspata in March. The legal procedures for minor offences against members of the SzJPE at Hajdúhadháza and against the members of the Véderő on April 22 at Gyöngyöspata were started because of the specific orders of the

Minister of Interior; however, these procedures bear witness to the deficiencies in the application of laws by the police.

Both the faulty police actions and the ones the police failed to launch bore the public message for the extremists that their actions were lawful. For the fact that the defendants were acquitted in both aforementioned cases did not mean that the whole of the “patrolling” was legal, but this did not become clear to the majority of the public.

As of the cogency of the judges’ decisions, we cannot formulate a standpoint, neither in the Hajdúhadháza, nor in the Gyöngyöspata cases, because we do not know the exact perpetrating demeanours or the exact orders of the judges. Therefore, erroneous sentencing, in other words the application of the law without the complete assessment of antecedents and circumstances, cannot be ruled out.

The widely publicised two prosecutions were started by the police under the orders of the Minister of Interior which is also a clear sign that the Ministry of Interior did not act in time. For if the Ministry argues that patrolling at Hajdúhadháza constituted hooliganism, then the same behaviour in Gyöngyöspata should have constituted hooliganism doubly.

The fieldworkers of HCLU recorded the complaints of the local Roma on March 17. Based on these complaints we notified the police in the three most serious cases under the suspicion of felonies, such as violence against the member of an ethnic group and other felonious acts.

We give a detailed analysis about how the police handled these cases which exemplifies perfectly the serious deficiencies of the application of laws by the police and the problem of underrating offences when it comes to hate crimes. HCLU has been trying to turn the attention of the proper authorities towards these problems for years.

At the end of the Shadow Report we expound our standpoint on the tasks and objectives of the “Gyöngyöspata-Committee”, set forth in the resolution of the Parliament.

Since it is provable that the Red Cross transported the Roma away because fear reigned amongst them, we have to say that from the tasks of the Committee we only find the ones which are concerned with the responsibility of the political parties and the ones that are aimed at the examination of the background of uniformed criminality and its elimination legitimate.

It is a huge deficiency of the Resolution that it does not give the mandate to the Committee to investigate the responsibility of the government and to draw the appropriate consequences.

In order to help to bring forth the lawful elimination of illicit groups we put the following recommendations forward:

- According to HCLU, because of the very high degree of prejudice and discrimination against the Roma in our country, and to reduce the number of violent acts against citizens because of their ethnic background, the government must denounce any kind of discrimination unanimously and without any hesitation.

- The government must draw up an action plan to prevent and handle a situation, like the one at Gyöngyöspata, in the future.
- According to HCLU's judgement, there are serious deficiencies in the application of laws in Hungary when it comes to hate crimes (systematic under-classification, high degree of latency due to mistrustfulness towards the investigating authorities, lack of relevant data). Therefore, once again, we ask the protocol to classify and investigate hate crimes to be drawn up in concordance with our international obligations.
- However, the procedural protocol, mentioned in point 3, is not enough in itself to abolish the severe deficiencies in the application of laws. It is paramount to hold trainings where the contents of this protocol can be introduced to the appropriate members of the police force. It is also vital to put the application of laws by the police under proper professional scrutiny.
- It is worth considering establishing a special task force within the police solely to investigate hate crimes.
- Adequate training must be provided to the police about how to judge the lawfulness or illegality of an assembly.
- The prevailing legal environment must be examined. If the Criminal Codex must be amended, based on international comparison amongst other things, because of the activities of hate-groups, this should only be done after an extensive consultation with experts.
- Non-governmental organisations that are experienced in this topic should be included in the debate regarding the problems of legislation and the application of laws.

Budapest, 28 September 2011