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**STATEMENT BY MR. ANDREY KELIN,
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AT THE MEETING OF THE OSCE PERMANENT COUNCIL**

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Regarding the situation in Hungary

Mr. Chairperson,

There is serious concern in Moscow as well regarding the legislative acts recently adopted in Hungary. For our part, we should like to draw attention to the following points.

What is particularly worrying is that with the reform of Hungarian legislation there are visible attempts to revise history and reconsider the outcomes of the Second World War and there is also the possibility of the political persecution of an entire section of the country's population.

Generally speaking, we share the conclusions of the Venice Commission of the Council of Europe, which, guided exclusively by legal instruments, has analysed the new Constitution of Hungary and prepared a detailed 30-page report outlining its criticisms of that document.

In particular, the Commission draws attention to the ambiguous nature of the inclusion in the preamble of the new Constitution of a passage on the "loss by the country of its independence between 1944 and 1990".

We also fundamentally disagree with an interpretation of this kind. It *de facto* equates the occupation of the country by the Nazis with Hungary's liberation by Soviet troops. An approach of this kind runs counter to the realities of twentieth century international law. Hungary always remained a sovereign State, in which a legally elected parliament and other legitimate organs of power operated. The country's international legal personality during that period of history was generally recognized: Hungary was and continues to be a member of the United Nations, the OSCE and other international organizations. During that period the country concluded a host of international treaties, many of which remain in force to this day.

The law on the non-applicability of a statute of limitations for crimes against humanity recently adopted by the Hungarian Parliament is also a cause for concern. In its current version it establishes conditions for the criminal prosecution of Hungary's former leaders.

As you know, the waiving of the statute of limitations is an established norm of international law only with respect to war crimes, crimes against humanity and acts of genocide. Accordingly, efforts to extend this provision to any actions by the Hungarian Socialist Workers' Party, which has been placed on an equal footing with the Nazis in the law in question, fall outside generally recognized judicial norms. What we have here is a law in effect being granted retroactive force.

The constitutional "transitional provisions" approved by the Parliament of Hungary refer to the Hungarian Socialist Workers' Party as a criminal organization. Accordingly, it is charged with the destruction of multi-party democracy, repression and murder, with all the consequences that this would entail for former party members, many of whom are alive and well.

The new principles of constitutional law have been reflected in amendments made to the Criminal Code and to the law on pensions, something that in turn provides an opportunity to revise and reduce to a minimum the pensions paid to a whole section of Hungary's population that was socially active in the past, and to begin criminal proceedings against these now elderly persons and to institute a range of lawsuits.

It is becoming increasingly evident that the aforementioned legislative innovations are intended not so much to "conclude the process of replacing the social and political order" as officially declared, but rather to exact retribution from the former authorities. What this means is the persecution of dissidents and, at the same time, the defamation of political opponents.

This can scarcely be in keeping with the benchmark values with which modern-day Hungary, Europe and the OSCE are associated. If these processes are not seen for what they are and properly amended, they may well lead to a division in society and the degradation of democratic institutions. The consequences could pose a danger not only to Hungary. We call on the Hungarian Government to pay careful attention to these assessments and to make the necessary corrections.

Thank you for your attention.