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@Ill-treatment and violation of the right to freedom of expression

Amnesty International is concerned about reports that Pálincás József and Hermán Péter were ill-treated by police officers in Szarvasgede on 19 January 1994. Amnesty International is also concerned that Hermán Péter was subsequently held in detention until 28 January, apparently for exercising non-violently his right to freedom of expression.

Hermán Péter, an activist of the Green Alternative, campaigned against the decision of the Szarvasgede Council to approve the construction of a medical waste incinerator on the outskirts of the village, about 65 kilometres northeast of Budapest. He initiated on 3 January 1994 a petition for a referendum on this issue and three days later he submitted the petition to Nagy Gábor, the Mayor of Szarvasgede. On 14 January a village meeting attended by about 100 residents was held and the proposal to approve the building of the incinerator was rejected. However, at the end of the meeting the village clerk reportedly threatened anyone who still opposed the construction of the incinerator with police action.

In the morning of 18 January Hermán Péter gave an interview to Hungarian Television. He took the TV crew to the outskirts of the village from where one could see the whole settlement as well as the proposed construction site. While an interview with a villager was being recorded a police car arrived. Officer R.N. interrupted the filming saying that they did not have an official permission and then fined two Hungarian Television vehicles for obstructing traffic. Later, a previously arranged interview with the Mayor of Szarvasgede was cancelled.

On 19 January Hermán Péter was informed by the wife of his friend Pálincás József that her husband had been taken to Szirák, a nearby village, for questioning at the police station. They went together to seek his release and engaged a lawyer to act on Pálincás' behalf. The lawyer was told by the district police at Pásztó that Pálincás would arrive there by 5.45pm and be released. When at this time Pálincás had still not arrived Hermán returned to Szarvasgede, thinking that his friend might have been released from one of the smaller police stations in the district, but did not find him at his home either. One of Pálincás' relatives told him that the police, in the meantime, had also taken away for interrogation Pálincás' mother, sister and his sister's 17-year-old son. Later, at Palotás police station, Hermán Péter found out that everyone except Pálincás had been released.

At around 6.30pm Hermán Péter together with Agócs Sándor, Hermán Péterné and Pálincás Józsefné drove back to Szarvasgede. Just before reaching Hermán Péter's home they were stopped by two police officers and a civilian. While a uniformed policeman

asked Agócs Sándor, the driver, for his documents, officer R.N., who was in plain clothes, tugged at the righthand door and shouted at Hermán Péter to get out. This officer then sprayed Hermán Péter with teargas and together with the civilian tried to force him out of the car. Officer R.N. and the civilian then allegedly manhandled Hermán Péter, handcuffed one of his hands and pushed him into the gutter by the road. There the other hand was handcuffed. When Hermán Péter refused to get into the police car because no explanation had been given about the reasons for the arrest the officer told him that he had been instructed to shoot him if necessary.

Another police car arrived shortly with two more officers. Hermán was then taken to the Pásztó police station in this other vehicle. There, in the reception, he saw Pálincás József with a bloody eye looking as if he had been badly beaten.

As previously mentioned, earlier on 19 January, two police officers in plain clothes had come to the home of Pálincás József in Szarvasgede and had taken him to the police station in Szirák for questioning. Officer R.N. conducted the interrogation of Pálincás József in the presence of two other police officers and the Station Commander. Officer R.N. questioned Pálincás József about an alleged assault by him and Hermán Péter on a man in a bar on 12 January. When Pálincás József did not respond officer R.N. reportedly punched him in the face and his head hit the wall. The interrogation was then suspended for about half an hour.

Later, another plainclothes officer continued the questioning and gave Pálincás József a written statement which implicated Hermán Péter in an assault. Feeling intimidated and frightened after the beating Pálincás József signed this statement. He was released at around 4.30pm and officer R.N. took him to a local doctor for treatment of the eye injury which he sustained during the interrogation. The officer warned Pálincás József not to tell the doctor how he had sustained the injury. The doctor examined Pálincás and gave the officer a referral for hospital admittance. Officer R.N. threw it away and drove him back first to the police station in Szirák, then to the police station at Pásztó. Pálincás was finally released at around 8pm. The following morning a doctor who examined Pálincás József issued a medical certificate describing the injuries to the retina of the right eye and contusions and swelling above the left eye.

During his first interrogation at the Pásztó police station Hermán Péter was presented with a report accusing him of assaulting a man in a bar on 12 January and "taking the law into his own hands". In spite of his protests against these charges he was detained in the holding cells of the Salgótarján police station. The same evening he was taken to Nógrád County Hospital for treatment and received a medical certificate describing bruising and lesions on both wrists and contusions on the tibia below both knees.

On 21 January police interrogation of Hermán Péter and Pálincás József continued. Pálincás József asked to change the statement which he had made two days earlier and was told by an officer that if he filed a complaint against the police for ill-treatment he would have to leave Szarvasgede together with his family. Then Hermán Péter was confronted with Pálincás József, his mother, sister and her son. All four retracted the statements made to the police on 19 January with the explanation that they had been extracted under duress. A sergeant, who was in charge of the proceedings, allowed for the official records to show that the witnesses had retracted their statements only after the repeated insistence of their lawyer. Hermán Péter, however, was still not released from detention.

On 23 of January the Balassagyarmat Court extended the period of his detention from 72 hours to one month. Acting on Hermán Péter's appeal the Nógrád County Court overturned that decision and ordered that Hermán Péter be released immediately.

Amnesty International is concerned that the charges against Hermán Péter appear to have been fabricated because of his non-violent political activity and that his detention might have been a violation of his right to freedom of expression guaranteed by Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which have been ratified by Hungary. Should Hermán Péter be reimprisoned solely for exercising his right to freedom of expression Amnesty International would consider him a prisoner of conscience.

Amnesty International is also concerned that the alleged ill-treatment of Hermán Péter and Pálincás József would represent a flagrant violation of Article 7 of the ICCPR and Article 3 of the ECHR, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. As a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Hungary is bound to initiate a prompt and impartial investigation wherever there is evidence that torture or other ill-treatment has occurred.

In March Amnesty International urged Hungarian authorities to initiate an independent and impartial inquiry into the alleged ill-treatment of Hermán Péter and Pálincás József, to make public its findings and to bring to justice all those found responsible for human rights violations.