

OBT presses immediate and effective action in order to safeguard the independence of the judiciary

02-02-2022

DECLARATION OF THE NATIONAL JUDICIAL COUNCIL

(2nd February 2022)

Effective, immediate and legally stipulated intervention is needed against all phenomenon threatening the independence of the jurisdiction!

Besides an administrative inquiry into the Budapest-Capital Regional Court ordered by the President of the National Judicial Office, the National Judicial Council thinks that the consideration of initiating disciplinary proceedings would also be necessary at such a time, which would not lead to contingent disciplinary action becoming impossible.

The pressure, which the Hungarian judiciary is under, has been increasing in the past few years. Although the independence of judges is also guaranteed by the Fundamental Law, they are subjected to such attempts to influence more and more often which, if refused, may cause the failure of their professional development.

According to information that has recently become public knowledge by media assistance, the President of the National Order of Judicial Officers (the successor of the Hungarian Court Bailiff Chamber) tried to mediate with the President of the Budapest-Capital Regional Court in order to remove a Hungarian judge from her position. The President of the National Order of Judicial Officers requested and received a face-to-face private meeting with Dr. Péter Tatár-Kis, President of the Budapest-Capital Regional Court. According to certain pieces of information, Dr. Péter Tatár-Kis promised to professionally „render impossible” a judge at the Central District Court of Pest, as he could make her feel uncomfortable at work.

On 28th January 2022, the President of the National Judicial Office (OBH) ordered an administrative inquiry into the Budapest-Capital Regional Court and all district courts (within its jurisdiction) for the whole year of 2021 in order to examine the handling of various applications and complaints and the process, as well the process following a notice against a particular judge. The deadline for concluding the inspection report is 15th April 2022.

Following the experience regarding the sabotaging cases from the previous years (<https://orszagosbiroitanacs.hu/eszrevetelek-a-greco-jelentesek-kapcsan/>), the judiciary is particularly concerned about the information presented by the media. The National Judicial Council (OBT), which supervises the President of the National Judicial Office – apart from the fact whether retaliation has subsequently occurred to that judge – considers that if a court leader has indeed negotiated to professionally “render impossible” a judge, had a meeting with anyone in that relation, and in particular acted according to such kind of agreement is unacceptable.

Documented information regarding the subject may in itself justify the initiation of disciplinary proceedings before the disciplinary court, and it cannot be replaced by a thorough and comprehensive administrative inquiry. Therefore, the National Judicial Council does not consider ordering the inquiry in itself sufficient – especially regarding its unreasonably long

duration. If in this case, which has now come to light, a legally regulated procedure - which concentrates on and examines the question of liability - is not initiated as well, besides the administrative inquiry, then the lack of consequences of this kind of discretionary leadership might have an unfavourable, chilling effect on the Hungarian judiciary and may result in fear of professional and existential despair. And so this would pose a direct and real threat to the work of an independent judge, which should be free from all influence.

The National Judicial Council considers it necessary therefore, that in the case that has now come to light, the President of the National Judicial Office take the necessary legal measures to help clarify personal liability, in close connection with information that shocked the entire judiciary, assuring by gesture also the conditions for the continued independent functioning of the judiciary.

Budapest, 2nd February 2022