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Judicial and Legal Interpretation

Conflict between the Principle of Popular Sovereignty and the Power Institutions of the European Union

Introduction

In May 2019, the citizens of the European Union nation states will decide on the national representatives of political parties to be delegated to the European Parliament. Candidates in the electoral competition are nominated by the political parties of the individual states, and, under this particular system, the politically committed persons will win the EP-mandates to represent them.

In the democratic rule of law of the European Union, the unified principle of *popular sovereignty* is brought into action in the operation of state powers, as those eligible to vote will then cast their votes directly resulting in a majority decision, on the program of competing parties in a free and secret process.

The former election victories and defeats of major political parties showcase the fact that the "people" exercising supreme power cast their votes based on party preferences, unwavering political commitments, election campaigns that often contain unscrupulous promises, but basically *emotional motivation*. These factors, individually or collectively, explain the most important reasons influencing election victory.

From the realised or unrealised election pledges, it can be concluded that the votes are least based on the voter's *conscious* political decision. The voter's vulnerability is demonstrated by the fact that the non-fulfilment of promised political and cultural goals and material prosperity, and so on, does not result in the loss of mandate within the given election cycle.

The solution to weaken the gamble of unscrupulous political power is to encourage the civil masses to make more conscious electoral decisions.

An informed decision regarding the election of representatives should be made by placing the past, and in particular, recent activities, credibility and vision of the delegating party in a socio-economic context, and, last but not least, by taking the political weight and influence of the delegating party into consideration. Since the majority of voters are civilians not involved in daily

politics, it is essential for voters to learn all this information in order to elect an authentic, fully-suited MP from the competing candidates.

Offering voters the opportunity to prepare for the election by providing them with information not only about the ideological activity of the parties, but scientific substantiation is imperative for helping them assess the realism of the promises of the parties competing for power and consciously evaluate the candidates.

The conscious shaping of civic decision-making responsibility is designed to promote intellectual efforts to enforce the science-based practice of *civilitics*.

Due to the different level of awareness and economic development of nation states, these constructive thoughts on "civilians" justify the need for a sufficiently conscious, well-considered election of parliamentary representatives to the European Union, who are not chosen based on emotionally motivated decisions in given situations but on thorough preparation aimed at truly serving the interests of the nation.

These motivations and thoughts led the intellectual leaders of the *Hungarian Civil Association (CÖF)* to launch the *European Civil Cooperation Council (EUCET)*. This strategic goal would provide an effective way of defending the European Union against ambitions to gradually soften up and then dissolve the system of nation states constituting the European Union to create a sort of United States of Europe, resulting in a substantially reduced level of national sovereignty and identity.

The realisation of these efforts can be seen nowadays, when the liberal-minded European Union institutions question the democratic functioning of Hungary and Poland, and now even Romania, through their barely disguised *inquisitorial* proceedings.

In order to achieve this goal, Judith Sargentini wrote a report on the rule of law in Hungary, under the pretext of severely condemning of the violations of the rules of law by the Hungarian government.

This report was written with the ulterior motive of breaking Hungary's resistance to uncontrolled migration; the dilution of the Hungarian population with unidentifiable persons illegally entering the country with undetectable goals, whose integration into European societies is proving an almost impossible task according to experience so far, partly due to their different cultural traditions – an agenda with very serious consequences.

Minister Dr. Gergely Gulyás, head of the Prime Minister's Office of the Hungarian Government, stated at a press conference that the Hungarian state would bring an action before the *European Court of Justice* in Luxembourg *(EUB)* for

the annulment of the procedural decision on the approval of the document. The most important element of the legal argument is that the 2/3 majority for approving the report was not achieved, in violation of procedural law.

Judicial review for legal remedy is a possible recourse against the European Parliament document that raises political and legal objections.

However, it involves a high risk for the outcome of the action if the legal argument focuses only on the unlawfulness of the evaluation of the votes cast on the report.

There is no doubt that the most appropriate way of rejecting the entire report would be annul the results of the votes of the MEPs, if the petition was accepted in substance, thus avoiding a full discussion of all grievances.

This reasoning is supported by the fact that the European Court of Justice is basically the supreme judicial body of the European Union, which judges on the interpretation of European law. It is aptly also referred to as the "Court of Treaties".

However, in the last four-year cycle, the Court of Justice exercised liberal political considerations in many of its decisions, overstepping its powers and changing the essence of overridden rights in its legal interpretation.

The legal justification for the rule against the "quota" action brought jointly by Hungary and Slovakia to the Court of the European Union is very telling. In its action, the Hungarian Government sought annulment of the contested legal document based on ten factual (!) and procedural arguments. However, in agreement with the proposal by the EUB, the "Attorney General" rejected the actions by dismissing the European Council, composed of heads of states and governments, as a non-EU decision-making body, which only draws "final conclusions", and has therefore no power to contest decisions from a procedural point of view. The Sargentini Report is not a basic document for the proceedings to be implemented directly, it only initiates the process under Article 7 against Hungary. Therefore, it should be taken into account that the EUB, as the "guardian of the Treaty", does not have legal power to rate the *votes cast* by Members of the European Parliament. This also means that the Report as a whole will not be subject to criticism.

In the substantive debate of the European Parliament, the political argument that the preparation of the report was justified by protecting *Hungarian people from the Hungarian government* was repeatedly made in a number of MEP's speeches.

However, this argument fundamentally casts doubt on the intellectual standards required by the people of Hungary to *practice popular sovereignty* in

a democratic state, and questions their fitness for exercising their inalienable disposition rights over the state and the form of government, and, in particular, violates the human dignity, honour, and human rights of those casting votes responsibly in parliamentary elections.

In my view, these offences, which involve a hidden agenda and degrading value judgment, would justify the Hungarian government uniformly applying for a judicial review of the entire Report on the basis of the person of the individual selected for preparing the Report, her one-sided way of obtaining the information, the seriously objectionable content of her findings, and, the unacceptability of the value judgments derived therefrom. However, there is no court with adequate competence and jurisdiction because the *European Court of Justice in Luxembourg (EUB)* is the court of Treaties – the body responsible for passing decisions in legal matters – and the possibility of recourse from the *European Court of Human Rights (ECHR)* in Strasbourg is precluded by the fact that the European Union does not have a declaration of subordination to this judicial organization.

Due to legal pitfalls in remediation, it is important to draw the attention of the electorate of the Hungarian and European nation states to the governance tendencies that have already arisen and are increasingly transforming the exercise of the *principle of popular sovereignty* in a dangerous manner. Since the future of the European Union, and Hungary, in particular, will be decided by a deliberate, conscious vote by voters who directly practice *popular sovereignty*, it is worth presenting the entire story of the Sargentini Report to the public at large, as a lesson.

The pursuit of this endeavour is supported by the science of *civilitics*, which prefers not only civil cooperation in domestic public life, but also strives for closer cooperation with other national electoral communities that are receptive to it. This is why the *European Civil Cooperation Council (EUCET)* was called to life.

Critical review of the Sargentini Report questioning the rule of law in Hungary

I.

Based on the mandate of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee of 120 Members), Ju-

dith Sargentini, a Dutch EPP member, was appointed to conduct a "Rule of Law Proceedings against Hungary".[36]

The complete draft report was presented to the Commission on 25 April 2018 by Judith Sargentini, and was approved and forwarded to the European Parliament by 37:19 votes on 25 June 2018.

The European Parliament adopted Judith Sargentini's Report on Hungary on 12 September 2018 by manipulating the votes cast by MEPs exercising their voting rights at the session into a 2/3 majority. The reporter, in her topics, set out her objections on the basis of which she formulated her opinion that there is a clear risk that Hungary will seriously violate the values in Article 2 of the TEU. Therefore, she initiated the proceedings according to Article 7 of the Treaty in order to "restore inclusive democracy, the rule of law and respect for fundamental rights in Hungary."

Ms Sargentini named the exercise of dictatorial government power and in a close causal relationship, restriction of the powers of the judiciary constituting an independent branch of government, especially that of the Hungarian Constitutional Court, as well as the issues of operating the independent judiciary and exercising governmental administrative pressure to influence the independence of the judiciary in decisions made by the Hungarian courts as the most serious offence of all objections listed in her report.

In addition to allegations of worsening antisemitism in Hungary, the Hungarian rule of law also includes cases of disputes with the European Union already resolved by international court judgments or by mutual agreement. In these cases, the intention is to reopen the disputes that have already been closed. Hungary's Prime Minister referred to the intent of serious legal dogmatic offence when he denounced the reopening of *de jure* officially and finally closed cases, the undermining of the legal certainty of judgements. This endeavour is in contrast to the *"pacta sunt servanda"* (the principle of "agreements must be kept") which has been drafted in Roman law, and which has so far been present in the jurisprudence of civilized states.

36 Press Information: The "green party" delegating the MEP was created by the Central Committee of the Dutch Communist Party. The Communist Party of the Netherlands was in support of Soviet military intervention during the 1956 Hungarian Revolution and fight for independence. Public outrage coupled with physical violence against it resulted in its transformation into the "green party".

I would like to point out, for the record, that in light of the facts and events known at the time of this study, the legality of the 2/3 majority decision on the adoption of the report of the European Parliament on Hungary and its government is unacceptable because of a serious breach of its own rules of procedure. According to the rules of procedure set out in the Treaty of Lisbon, a majority of 2/3 of the 693, hence 462 MEPs who voted *yes* in the European Parliament in favour of the proposal would have been required to approval the report.

However, of the MPs present at the session, only 448 voted *yes* in favour of the approval of the report, with 197 „no" votes, while another 48 abstained.

Moreover, the European Parliament decided in a point of order two days before the decision was made that the votes of the MEPs who have abstained from expressing their opinion should not be counted and should be disregarded for the purpose of calculating the 2/3 majority. The *reasoning behind this decision* of the EP Legal Service is not known because it was simultaneously classified. This inconsistent legal step was unquestionably motivated by the realisation that the 2/3 majority could not have come about if, considering the existing power relations, the *abstaining* votes had been taken into account.

This decision on the evaluation of votes, however, is in complete conflict with Article 178 (3) of the European Parliament's Rules of Procedure, and in particular with the requirement of double qualified majority provided for by the Treaties of the European Union.

This dual condition is required by Article 354 (4) of the Treaty on the Functioning of the European Union (TFEU): "*For the purposes of Article 7 of the Treaty on European Union, the European Parliament shall act by a … majority of the votes cast, representing the majority of its component Members.*"

Due to the document of the European Parliament's Legal Affairs Committee being classified, it is not known what position was taken on the issue of a double qualified majority. For this reason, it is not known either, whether the Committee had merely formulated an opinion or had the power to interpret the conclusive procedural law differently.

Thus, the TFEU requires a qualified majority reaching two specific valid thresholds for the initiation of the procedure in Article 7.

According to the qualified double majority requirement, the majority of the members of the European Parliament must have a majority of *yes* votes. There are 751 MEPs. The number of *yes* votes cast was 448, exceeding 376 (half of the total number of MEPs), meaning this validity requirement has been met.

In a matter falling under Article 2 TEU, restricting the rights of a Member State and threatening with sanctions, the requirement for a special majority vote cannot be disputed. It can therefore be established with legal certainty that the MEPs present at the European Parliament meeting did not *de facto* approve the Sargentini Report by a two-thirds majority.

Based on the above, the interpretation and decision on the approval is unlawful. This peculiar assessment of the MEPs' vote also constitutes a serious violation in that the votes of MEPs exercising their voting rights and *voting in abstention to express their legal value judgment*, have nevertheless lumped together the *uncast* votes of absent MEPs.

At the initiative of a two-thirds majority of the MPs, the Hungarian government decided to initiate an appeal procedure for an unprecedented evaluation and classification of the voting arrangements of European Parliament resolutions.

The Government of Hungary has also enlisted strong arguments in criticism of the reporters' investigative activity. The factual allegations of the conclusions regarding the alleged infringements lack any basis for objective reality. The Hungarian government regards the findings of the report as a pack of lies. The findings that distort factual reality are the result of violations of the principle of *fair* trial procedure which is mandatory in a country governed by the rule of law.

The reporter herself admitted that she came to Hungary unofficially, without the consent of her superior, the LIBE, for only one day, and she only met with Hungarian government officials for one hour, as a private person. With this one-person private initiative, the reporter contributed to preventing a fact-finding delegation of MEPs from coming to Hungary.[37]

In the legal system of the civilised European states, Ms Sargentini has already acted in violation of the fundamental moral-public law principal of "*audiatur et altera pars*" ("listen to the other side too") according to the theoretical dogma of the 2000-year-old Roman legal order, without contacting any other civil organizations in Hungary. Thus, she ignored, among others, the opinion of the Civil Cooperation Forum, a non-governmental organization with extraordinary mass influence, thereby dismissing the opinion of the organiser of peace marches designed to express support for the government and its politics and the representatives of hundreds of thousands of participants.

37 See the explanatory statement on page 32/68 of the Sargentini Report, which mentions conversations (?) with non-governmental organizations. The Civil Cooperation Forum has not been listed among them.

In her politically selected contacts, Judith Sargentini only learned the claims of liberal organisations that hold the political ideals of an "open society", and therefore only formulated the "historical facts" based on them. She is now making attempts to reinforce the "credibility" of her report by arguing that she has only used sources that seemed credible to her. She does not make a reference to how much weight they pull in society.

However, the pivotal thesis of the international legal norms followed by European nation states is the principle of *"equality of arms"*, which applies to all those involved in the discovery of historical facts. This procedural method required by the practice of international and national application of law makes it possible for the principles of guarantee to be enforced in an impartial, fair process, and, through a rational evaluation of the data thus obtained, a historical factual description of objective reality to be made.

Thus, as a result of Judith Sargentini's peculiar one-day "investigative tour" of Hungary, it can be confirmed that no official hearing with the Hungarian government or its authorized representatives took place. This happened despite the fact that the responsible statesmen, who came into power by a two-thirds majority in three consecutive parliamentary elections could not present their position and could not respond to the largely unfounded claims made by "civil organizations" supporting the politics of the opposition that suffered a series of massive defeats in the elections.

There is no doubt that the reporter had no procedural rules for her investigative activities. The absence of this in itself indicates that the procedural laws guaranteeing the objective exploration of truth did not prevail.

Judith Sargentini's report must be properly challenged before the European Court of Justice in the appeal procedure initiated by the Hungarian government.

In my opinion, the questions whether in the course of the investigation underlying the report each party involved was subject to an examination of its merits under the "principle of equivalence of arms" and an impartial, fair procedure, and whether the historical facts of the report were based on a fair investigation cannot be ignored when assessing the credibility of the report.

By describing the *procedural practices* of the guaranteed principles of acceptance and subordination uniformly followed by nation states and based on the acceptance of subordination in the Nation states and adopted from international law, I would like to point out that

the main rule according to the rule of law of the *European Court of Human Rights* is that the court should base its decision on the facts established by the decision of the national courts.

It can only object if a comparison is not possible with the current legal norm applicable to the case due to the lack of historical facts.

In such an instance, there is a possibility to apply for additional evidence to the judicial body of the nation state concerned, in order to find additional evidence for the missing historical facts, while maintaining the procedural principles of guarantee. The *investigation of the case* to find the missing *facts has its own rules of procedure*. In such a case, the competent court will send an officially authorised delegation or delegate to the relevant nation state, to carry out its necessary investigative activity in cooperation with the competent national authorities.

The general acceptance of this procedural solution in international law is demonstrated by the fact that Judith Sargentini, in the explanation of the report on the state of the rule of law in Hungary, makes reference to the objection that no officially authorized delegation in her case has been sent to Hungary.

During her unique one-woman procedure, Judith Sargentini did not provide an opportunity to enlist and explain the Hungarian government's counter-arguments to the attack, nor did she make any efforts to learn the opinion of the representatives of national non-governmental organizations (NGOs), which had contributed to the overwhelming two-thirds majority of the current government also in the third parliamentary term and turned up in masses of *hundreds of thousands* at public events, in particular the Civil Cooperation Forum.

Judith Sargentini's *one-sided political motivation* is clearly demonstrated by her most prominent lie in the line of "fact finding", namely that the ruling state authority restricts the decisions of the Hungarian Constitutional Court by limiting its powers and influencing constitutional judges by means of their power.

The Reporter also comments on subjecting judges in the ordinary court system to pressure, in violation of their independence. [38]

These crude distortions prompted the President of the Hungarian Constitutional Court, Dr. Tamás Sulyok, to review the Sargentini Report on 21 September 2018 at the reception given at the Constitutional Court headquarters for the diplomats accredited to the 50 embassies, and firmly reject the false statements of the Report.

President Tamás Sulyok emphatically pointed out that Ms Sargentini did not contact the Hungarian Constitutional Court, despite the fact that Europe is facing more complex challenges today, and constitutional courts needs to deal with difficult legal issues in this constantly changing global political,

38 See the Explanatory Memorandum on pages 7 / 68-10 / 68

economic and social environment. Therefore, a regular exchange of experience, opinions and information is essential for their activities. The objective of the Constitutional Court is to ensure that the *international public has first-hand access to credible information* on the role of this democratic institution and authorisations to protect fundamental rights in Hungary. The President informed the embassies about the introduction of a genuine constitutional complaint allowing citizens seeking justice to seek direct redress before the Constitutional Court in the event of violation of their fundamental rights. He highlighted the judicial initiatives requesting the interpretation of the law, which are the priority activities of the court dialogue. He pointed out the effective fundamental rights protection afforded by the constitutional judgments in the areas of freedom of the press, freedom of public debate, the legal status of churches, and gender equality. He also emphasized the importance of maintaining a special focus on abstract concepts, such as equality, freedom and legal certainty in everyday life when teaching constitutional law.

Ms. Sargentini did not respond in any way to the official statement of the President of the Hungarian Constitutional Court.

Dr. Tamás Sulyok's comments and findings presented to the accredited ambassadors and the general public completely destroy the accusations made in the Sargentini Report.

The "credibility" of the Report is also vehemently refuted by the communications by the heads of *Eötvös Lóránd University* and the University of Pécs stating that Judith Sargentini formed her opinion about them without contacting them.

Köves Slomó, founder and leader the Unified Jewish Community of Hungary (EMIH), and Rabbi of the Óbuda Synagogue, also responded with serious counter-arguments to her comments in the Report in relation to antisemitism in Hungary. A similar public statement was also made by János Turai, president of the Jewish Community of Vác.

The reactions of official public and ecclesiastical personalities questioning the objectivity of the report fundamentally rule out the integrity and impartiality of Judith Sargentini's investigative activities and suggest that they do nothing to explore the true facts of the case.

When making her relevant statements, the reporter did not stop and reflect on the fact that the *Maccabi Europe Games* will be held in Hungary in the summer of 2019 in Budapest. Clearly, in the case of the situation outlined in the Report it would not have been possible for Budapest to be chosen as a venue for this event.

In earlier meetings of the European Parliament, Foreign Minister Dr. Péter Szíjjártó's remarks were completely disregarded by the "majority", which had already reached a consensus.

At the meeting on 17 September 2018, Prime Minister Viktor Orbán, as the representative of Hungary attacked by the Report, had only a 7-minute opportunity to speak and later, in a "debate" in response to personal attacks that offended and insulted his dignity both as a statesman and a private person, he was only given a 2-minute speaking opportunity.

István Ujhelyi (MSZP), delegated by the Hungarian political opposition, who compared the Prime Minister to Goebbels, MEPs Tibor Szányi (MSZP), Csaba Molnár (DK), Péter Niedermüller (DK), Tamás Meszerics (LMP), and Benedict Jávor (Dialogue) drew attention with their speeches and press statements justifying the approval of the Report using unspeakable language. It is important to note that Mr. Zoltán Balczó (JOBBIK) who abstained from voting, has also become a deliberately active participant in the fraudulent approval of the report.

In view of the resolutions of the majority of the speakers at the session of the European Parliament it can be stated that:

The *"conceptual majority"* who voted in favour simply ignored the 102-page document sent by the Hungarian government to all MEPs, which contained substantive refutation of all "accusations", supported by legal arguments and a list of credible documents. Against this background, it is a fact that Ms. Sargentini's procedure was not only unfair and anti-democratic, but in particular did not comply with the accepted norms and practices of procedural law in the broadest sense of international law.

Summing up all these facts and circumstances it can be concluded that:

This *inquisitorial* process of EP Judith Sargentini and her report, which was conceptually prepared and presented as a majority opinion through a fraudulent trick, is not suitable to give an impartial and objective picture on the state of the rule of law in Hungary in the absence of moral, ethical and legal considerations.

According to *Dr. József Szájer MEP (FIDESZ-KDNP)*, the law no longer has any value in the European Parliament!

Politically motivated extreme expressions of emotion are also suggestive of serious bias. In flagrant cases, serious verbal attacks against the targeted political opponent's honour and human dignity are unacceptable. First Cohn Bendit's and then Guy Verhofstadt's uncontrolled public outbursts have been proof of the escalation of these attacks.

These overwhelming emotions and bias displayed by the currently voting relative "majority" was apparent in the expressions of utmost joy, almost to the point of tears, following the presidential announcement of the "approval of the Sargentini Report by a two-third majority". This scene reasonably raises the question of whether the report on the rule of law in Hungary was created in a fair legal process without impartiality and emotions.

The aspirations of the European Union for the creation of a United States of Europe, as well as its efforts to allow massive uncontrolled immigration to dilute the population constituting the nation, thus weakening the nation states, have been recognized by the Central and Eastern European countries freed from the rule of Soviet power. With good reason, they concluded that the "rule of law procedures" launched against Poland, Hungary and the recently targeted Romania, solidarity and the development of human rights into political voting rights over time were aimed, in the long run, at obtaining massive number of political voting rights for the election of state power. A cornerstone of this effort is to deprive European nation states of their national autonomy and to turn them into a European United States.

The consequence of recognizing this imminent threat is that, on 2 October 2018, out of 153 Czech parliamentarians, 97 voted in favour of a decree stating that Judith Sargentini's report on the rule of law in Hungary and its erroneous adoption were "unfortunate". It widens the gap between the old Member States founding the European Union, and the newer Member States that acceded later.

On 16 October 2018, the Hungarian Parliament passed a resolution *defending Hungary's sovereignty and rejecting slander against Hungary*, and at the same time calling on the Hungarian government to take legal action against the fraudulently approved, politically motivated document containing the false accusations listed in the Sargentini Report.

II.

The mandating of Judith Sargentini, a MEP of the Green Party by the European Parliament's LIBE Committee to conduct a "Rule of Law Procedure against Hungary", is an astonishing development in itself.

To receive such authority, the selected person is reasonable assumed to possess the skills, knowledge and intellect necessary to perform the task.

According to published information, she holds no degree. It stands to reason that such a high-level authorisation to investigative the rule of law and the operation of the state of Hungary, a Member state of the European Un-

ion, should require a degree in the broadest sense of the law, but especially in constitutional law, as well as in administrative subjects and professional experience.

Her activities reviewed so far prove to what extent the lack of professional competence and qualities has contributed to the questionable execution of her mandate.

Judge Sargentini has been immunised (in popular vernacular) against morality, law-abiding conduct and decent human behaviour recognised for centuries.

Regarding the legal qualifications expected from an investigator of the rule of law procedure in one of the Member States of the European Union, I'd like to note that legal training in civilized European nation states begins with the study of *ancient Roman law*, which provides the basic foundation for law students' education, as well as the study of international and universal legal history. Proficiency in the study of Roman law is the filter, a prerequisite for proceeding with the studies.

Since, according to published information, the Miss Sargentini did not even come close to having such tertiary education, it can be unequivocally stated that she has no idea of Hungary's more than a thousand-year-old history of the rule of law, its institutional development through different eras, its current legal order, nor of the incumbent government's state administration practices that comply with the principles enshrined in its current Fundamental Law.

Mrs Sargentini, despite her total ignorance of the Hungarian language, felt confident enough to formulate her seriously detrimental objections. In the absence of relevant training and experience, she relied on her informers, whom she considered trustworthy. With reference to this base of linguistic assistance, it is suggested that she also gains an understanding of Hungary's over a thousand-year-old of constitutional history and its developmental stages, from the large amount of literature available on the subject. In order to make the literature search easier, I recommend my colleague *Dr. Zsolt Zétényi*'s book on the history of law, published under the title "*Historical Constitution – Hungary's Ancient Constitution*", which I myself have used as a source on many occasions.

To help this tedious research, I would like to draw her attention to the fact that around 896 BC, the 7 leaders of the Hungarian tribes arriving in the Carpathian Basin (Álmos, Előd, Ond, Kond, Tas, Huba and Töhötöm) recognized that they couldn't complete their journey of conquering the Carpathian Basin unless they a leader commanding all of them. These 7 men,

of their own free will and unanimously, chose Álmos as their main leader, a descendant of King Attila, and his sons, down to the last generation. To seal their pact – according to pagan custom – the leaders put some of their blood in one vessel, sanctifying their oaths. This moment in Hungarian history creating the concept of centralized leadership power is called *blood treaty*. This was the starting point for the process of becoming a country governed by the rule of law.

A later descendant of Álmos chosen by the leaders to rule them, was the pagan-born Vajk, who, in order to convert of the Hungarian pagan tribes to Christianity and create a European Christian royal power, requested and received a crown from Pope Sylvester II and German-Roman Emperor Otto III.

The pagan Vajk was crowned on 25 December 1000 as King Stephen, who was later canonised, and who refused to be a vassal to German Roman Emperor Otto III. In the process of establishing a sovereign state power, he established 45 royal counties, and – because of the importance and topicality of his actions – it should be noted that he built fortresses and stewardships to protect the borders of its sovereign country.

An important moment of the integration of the tribes living their lives according to the moral and common law order of a pagan religion into the religious and legal community of the Christian world, King Stephen held a "court days" every year in Székesfehérvár. Our legal history has documentary evidence of the survival of King St Stephen's 56 articles. His theoretical theses of his European Christian way of thinking, which remain genuine and authoritative to this day are contained in his *admonitions* addressed to his son, Emeric.

The dogmatic equivalent to today's concept of the state of law was embodied by the Holy Crown Doctrine as an ancient European value (a more detailed description is omitted for lack of space).

The most significant document of Hungarian constitutional law history, classified as the basic law of the Hungarian state, is the Golden Bull, issued on 29 May 1222, by King Andrew II, featuring a gold seal (the Bull) and consisting of 31 articles. The issue of the Golden Bull was necessitated by the former rulers' abuse of power and actions threatening the sustainability of the system.

The introductory part of this cornerstone of the historical constitution reads: *"As they sought to encroach on the liberties granted by King St Stephen to our country's aristocrats and others, and at times listened to the false counsel of evil people or those who sought to serve their own interests, these liberties were often diminished, and our aristocrats turned to me and my predecessors, the previous kings, urging us to reform the country."*

The Golden Bull reiterates its re-affirmation of the liberties ordered by King St. Stephen, "*we grant them, as well as other people of our country, the freedom granted by the Holy King*. It is important to emphasise that the articles of the Golden Bull recognise the rights "ius resistendi" (to resist), as well as "ius murmurandi" (to complain)".

The significance of the Golden Bull in establishing the fundamental freedoms in legal systems of European states is supported by the fact that its release was preceded only by the *Magna Carta* issued by King John I (The Landless) in 1215.

When comparing the two documents, our Golden Bull can hold its own. The Golden Bull does not only belong to the nobility, but to each member of a nation – as a requirement for civil society.[39]

In contrast to the Golden Bull, the Magna Carta reflects a different socio-political situation in England, where the landed gentry and their allied or dependent social groups wanted to defend and strengthen their existing feudal position from what they perceived as a threat to their feudal privileges. Thus, *"compared to the Hungarian Golden Bull, the Magna Carta only deals with the rights of those who are financially able to exert power as a contracting party."* [40]

The elements of the Blood Treaty, the laws of St. Stephen and the Golden Bull precede everything else comparable in terms of the freedoms and ownership structures in the states existing, developing or later created in Europe. These ancient elements are also present in the spirit and itemised requirements of our present Fundamental Law at the height of the evolution of our legal history. (Excluding legislation that was created during the periods of our country's loss of independence and was contrary to the principle of legal continuity of the historical constitution.)

The Basic Fundamental Law of Hungary, legally established, taken over from the previous Soviet/Stalinist constitution, and which underwent countless amendments after the regime, but always keeping the name of Act XX of 1949, the Constitution of the Hungarian (People's) Republic, was promulgated by Act CCII of 2011 and entered into force on 25 April 2011. It declares, as a fundamental principle that: The state of Hungary has an independent, democratic rule of law, whose source of popular power is the *people's rule*, who exercise power directly through the people's elected representatives.[41]

39 According to József Hajnóczy's constitutional law study of Hungary's National Assembly.

40 Tóth, Zoltán József: *Megmaradásunk alkotmánya* [The Constitution of our Survival], Budapest, 2007, p. 73.]

41 Magyarország Alaptörvénye, Alapvetés B)Cikk (1)-(4) bekezdés [Fundamental Law of

The *rule of law* defined in the Fundamental Law is the basis of Hungary's legal system. The Fundamental Law and legislation are binding on everyone. The provisions of the Fundamental Law must be interpreted in conjunction with the aims of the National Avowal contained therein and the achievements of our historical constitution.[42]

Our Fundamental Law is made up of separate sections that bear upon freedoms, freedom of thought, conscience and religion, freedom of expression and freedom of the press. But the exercise of freedom of expression should not be directed at violating the human dignity of others.

Since Judith Sargentini's task was to examine the existing rule of law prevalent in Hungary, her obligation should have been to carry out a true study of the ancient constitution of Hungary through the historical constitution, and based on them, to examine at length the process of the legal development of the current Hungarian Fundamental Law. Due to the total lack of this knowledge, her statements made about the status of the Hungarian rule of law – in addition to being untruthful and distorted – should be rejected as an abominable collection of lies.

In addition to its examination of Hungary, LIBE is making a similar review of the rule of law in Poland, as well as in Romania, following the mass demonstrations demanding the resignation of the latter's government. As a result of these developments, this has become an issue to be solved by legal experts, since there is no standard "rule of law" for each nation state in the EU, and this could be an opportunity to eliminate this deficiency. To determine how "European values" can be incorporated into a more precise system that replaces arbitrary interpretations would also be a prerequisite for a uniform assessment.

The current review of the European Union of the operation of the rule of law in Hungary has created an awkward, ambivalent feeling in the Hungarian population. *In fact, the European Union did not show any constitutional sensitivity*, when, in the months of September and October 2006, continuous but peaceful mass demonstrations in Hungary, but mainly in the public areas of Budapest, which demanded the departure of the Hungarian prime minister of the time, Ferenc Gyurcsány, and of his government (which he recognised as being deceitful). From the beginning of these demonstrations up until the commemoration of the 50th anniversary of the 1956 Hungarian Revolution and War of

Hungary, Article B, paras (1) - (4).]

42 Magyarország Alaptörvénye, Alapvetés R)Cikk (1)-(3) bekezdés [Fundamental Law of Hungary, Article B, paras (1) - (3).]

Independence, demonstration participants were subjected to bloody and brutal interventions by law enforcement officials. The incessant and increasingly escalating popular *civil uprising* seriously endangered the position of Prime Minister Ferenc Gyurcsány. As a result of the increasingly threatening escalation of *verbal attacks* on his person, Ferenc Gyurcsány, (ab)using his constitutional powers as prime minister, dispersed the crowds using the bloody and brutal force of the REBISZ (Law Enforcement Security Service) policing units. Police officers dressed in police training suits, but not wearing their badges identifying them as persons acting in an official capacity, as required by a pivotal statute, chased down people in public areas, catching people who were wearing national flags and symbols, and bringing them (according to the ruling of the Constitutional Court, at least 472 people) before investigative judges. In the proceedings of the investigative judges, these people were jailed (with a few exceptions) for 30 days, based on inaccurate police reports – most of which did not even mention a specific offence. In these decisions, *there were no special reasons justifying an order of pre-trial detention*, as required by the Code of Civil Procedure. When these cases were reviewed at second instance, this coercive measure was repealed for all suspects and their release was ordered.

The crowd dispersal measures (also cynically referred to as *crowd-handling*), carried out by police squads, were not only in gross violation of the proportionate actions and necessary measures required by the Police Corps Act, the Police Service Regulations, and the Team Service Order, but also used prohibited coercive measures by firing unlawful guns, gas grenades, rubber bullets fired from explosive firearms, as well as heavy swords and cavalry charges against the crowd, all of which caused serious injuries and, in many cases, permanent health issues.

The excessive brutality of the crowd dispersal can be seen from the report by REBISZ (who was in charge of implementing the measures), which states that on 23 October 2006, police used up an entire stock of tear grenades and rubber bullets which they shot at the crowd that had gathered to celebrate that afternoon. According to the official announcement, 1164 tear gas grenades, 1902 7.62 cartridges, 1195 rubber bullets of two kinds, 581 pelleted hunting cartridges, and 10 combined sound and light grenades were fired.

According to the constitutional order of the operation of the government, the police for procedure, in order to ensure the responsibility of the police force for the protection of public order, the prime minister should have instructed the national police chief to act in cooperation with the government's law enforcement chief justice minister or parliamentary secretary.

However, with regards to the issue of police measures against the attack on the Freedom Square headquarters of the Hungarian Television Corporation (MTV), Prime Minister Ferenc Gyurcsány did not involve Minister of Justice Dr. József Petrétei, nor Parliamentary State Secretary Dr. Ferenc Kondorosi in the formal procedure required by the Constitution.

They did not take part in forwarding the expectations of the Head of State to the National Chief of Police, and did not carry out such administrative activities. Their failure to do so was considered a violation of the law, and József Petrétei announced his resignation from his ministerial post on 19 October 2006, but this was rejected by the Prime Minister.

During the siege of the MTV Headquarters, the National Police Chief was in Brazil at an *Interpol Conference*. Taking advantage of his absence, the Prime Minister directly instructed Péter Gergényi, the Budapest Chief of Police, on what actions he expected from the Police units deployed to the public areas. Upon his return, the National Police Chief was offended when he found that the Prime Minister had bypassed him, by giving instructions to the Budapest Chief of Police directly, thus violating his status as the Chief Commander. He offered to retire from his position as a commander for his breach of service, but his offer was rejected by the Prime Minister.

Both events are a clear proof of the Prime Minister's direct instructions to ensure that the bloody and brutal "law enforcement" activities would meet his expectations. Ferenc Gyurcsány took part in a lunch at the Thököly street base with the deployed staff, and used this occasion to thank them for the execution of his orders. The Prime Minister's aim with his unconstitutional direct orders to the Budapest Chief of Police was to break up a peaceful demonstration demanding his resignation that had been going on for weeks. The intent was to use the police intervention as a means of intimidation, to force the celebrating crowd to disperse and compel people to return to their homes. Given the combination of the aim, the means and the result, this constitutes one of the types of conduct punishable under the Criminal Code in force at the time as a terrorist offence, one which carries sanctions up to imprisonment for life. However, no charges were filed in connection with this offence.

Even the unprecedented statements of *Dr László Sólyom, President of the Republic*, failed to prompt the representatives of the European Union to speak out in defence of the rule of law as a European value.

First, on November 25, 2006, the government declared, in a leading statement published in the semi-official *Népszabadság* newspaper, and on Septem-

ber 11, 2007, a statement was made by Parliament on the opening day of its autumn session, as follows:

"The Constitution does not tolerate violence. From an institutional point of view, this is an important issue, as well as what kind of coercive measures are used by the police. These rules are guaranteed. To transgress them is to commit a grave violation of the rule of law."

"The test of the rule of law will be shown in what the justice system does with regards to the events of last September, and especially the demonstrations of October 23 (…) this must be punished."

He stated, as a fact, that: *"The police have committed shockingly serious violations of the law." "But the question is, who will stand before the judge?"*

Expressing his concern, he said: *"It is feared that the responsibility of many well-known leaders will remain unclear at the level of professional and political responsibilities."*

As we already know today, the concern expressed by the President of the Republic has proven to have been "prophetic". Due to events that were unprecedented in a state governed by the rule of law, three retired justices of the Constitutional Court, *Dr Géza Herczegh* (Judge at the International Criminal Court in The Hague), *Dr Éva Vasadi* and *D. János Zlinszky*, addressed a personal letter to Franco Frattini, who was Vice-President of the European Commission at the time, about Ferenc Gyurcsány's first violation of the Constitution for having illegally acceded to the post of Prime Minister, for having continued his term in a semi-illegitimate manner due to fraud in the 2006 elections, and for having been personally responsible for the illegal bloody and brutal implementation of his demands to the police to disperse crowds demanding his resignation and peacefully gathering in public areas. Mr. Frattini did even deign to reply to the three legal scholars and emeritus constitutional judges embodying the dignity of public law. During his later visit to Budapest, Vice-President Frattini had a discussion with Katalin Gönczöl, the Chief Government Officer, who had, on the basis of a government decree, prepared a report on the necessity and the legitimacy of the official measures taken during the events of Autumn 2006.[43]

43 Based on Government Decree 1105/2006 (XI.6.), an expert working group analysing events related to demonstrations, street disturbances and policing in the capital in September and October 2006 was established under the chairmanship of Dr. Katalin Gönczöl. The Government Decree appointed the investigative tasks. Since the hearing of the persons subjected to the official procedure was not set as a task, it did not take place. Ferenc Gyurcsány, Prime Minister, was relieved of any legal responsibility and the police procedure was judged to be legitimate and necessary.

At the request of the *Committee on Civil Law Matters*, the first group to draw up an independent civilian investigation report, Commissioner Franco Frattini granted them one hour to hear their factual and legal information. However, at the end of the set time, he left without giving a meaningful response. *Neither the Vice-President nor the many committees of the European Parliament saw any reason to react to the events that violated the law, or to evaluate the actions of the current government in power in terms of the rule of law.*

The EU Commissioner who was responsible for this type of issues, later wrote to Dr József Petrétei, Minister of Justice of Ferenc Gyurcsány's Government, to make a formal statement to explain the government's position on the necessity, legality and proportionality of the impugned police measures. Contrary to usual practice, he did not set a deadline for the answer. In a reply letter sent three months later, the requested Minister said that he considered the police action to have been lawful and necessary. Upon the receipt of this letter, Mr Franco Frattini concluded his official procedure as a commissioner.

The inaction of the European Union against the historical events of autumn 2006 is also striking, because the Hungarian Parliament is in compliance with the provisions of Government Decree 33/2010 (VI.11.) on compensation for victims of violations committed by the leaders of the state and infringements committed on behalf of the state, which states:

"The situation was further aggravated by the fact that the prosecutor and the judiciary were not able to fulfil their constitutional purpose in the first instance when initiating and ordering pre-trial detention, and in the majority of cases, in the absence of adequate professional reasons for restricting personal freedom, the measures were carried out without the proper criminal process... However, the most serious violation of the democratic state was that the events were allowed to happen without consequences, which systematically undermines the trust in the rule of law and public order..."

In the light of all this, does the European Union have a moral basis for calling into question the rule of law in Hungary, in particular in an *inquisitional conceptual procedure*, motivated by an explicit grudge, whose prime target is the current Prime Minister, Viktor Orbán?

III.

The Sargentini Report, in its rebuking statements, deals in detail with the independence of the Hungarian judiciary, its institutions and with the rights of presiding judges.[44]

44 See pp. 8/68-10/68 of the Report, ss. 12 - 19.

Sections (12) and (13) of the report deal with shortcomings in the past operational balance between the collective body of the *National Office of the Judiciary* (NOJ) and in particular its President, and the *National Council of Judges* (NCJ), elected by Hungarian judges. Judith Sargentini herself stated that, following international recommendations, corrections had been made by legislative means, by means of which the litigation at issue was closed. The *Gazsó v. Hungary* case discussed here, in section (16), is also in the same category.

To "reheat" the events outlined in the above paragraphs is a total legal impossibility, since they were closed via changes in the Hungarian government that were made to achieve a compromise.

However, it is worth pointing out that Dr. Tünde Handó, elected by the National Assembly as President of the NOJ, did not come from the political sphere. She was the President of the Budapest Labour Court and therefore held an important management position in the judicial profession, after which she assumed leadership in the organisation for judicial administration. Attacks on her person come from opposition factors, the real reason being that her spouse, Dr. József Szájer MEP, is an influential politician and one of the founders of FIDESZ.

Similarly, the subject matter in section (15) of the same chapter is also a case closed by the decision of the European Court of Justice, i.e. in the case of the *Commission v. Hungary*. The National Assembly and the Hungarian Government fulfilled their obligations arising from the execution of the judgment, and the judges in question were reinstated in their legal status in accordance with the decision of the CJEU, or compensated with 12 months' pay (with a 12-month lump sum) in the absence of an intention to return. The real latent "outcome" of this truly flawed power decision severely affecting the judges who planned their career to their 70th year of age, in part gave rise to ill feelings against the ruling power, resulting in open, or hidden but well-known political opposition in the conclusion of politically sensitive issues.

As an aftermath, unmistakable manifestations of political commitment by some judges have emerged in the media, which have been aligned with the ideals of the political opposition.

In addition to the closure of the *Bóra v. Hungary* in section (17), and *András Jóri v. Hungary* discussed in section (18), I consider it necessary to emphasise that both named individuals were victims, as they were removed from their senior, high-ranking positions as a result of the reorganisation of their institutions and whose authority in the renewed structure was not supported by state power.

The reference of the Sargentini Report to the organisational functioning of the Hungarian Courts, the judges' independence and the government's "threatening" of the judges of the judiciary was determined by the political conviction of the reporting informants that intend to change the government.

Due to her ignorance, Sargentini is unaware of the fact that in Hungary's traditional legal system, the administration of the courts, the career appointments of its staff, as well as the provision of material technical prerequisites were carried out by the permanent Judicial Department of the Ministry of Justice at the time. Following the occupation of Hungary in 1945, at the time of the Communist regime, political power directly incorporated its own trusted people into the judicial system of power. The senior positions at the Ministry of Justice, the courts, (including the prosecutors) were filled by members of the top political elite. In the judicial organisations, the positions of presidents and deputies, heads of colleges and even the position of the president of the chambers were filled by loyal party members, who were reassigned from the administrative department of Central Commission of the Hungarian Socialist Workers' Party. Moreover, the secretary of the state party was a member of each local judicial organisation with defining powers.

To ensure that the substantive decisions of the judges dealing with the cases met the requirements of the political power, the Presidential Council of the Hungarian People's Republic (in the absence of the head of state) issues the "*Legal Policy Guidelines of the Application of Law*", which contained directives for the rigorous application of the law against so-called "class-alien and hostile elements" and for more lenient judgements while in the cases of "errant workers". The Presidential Council, perceiving that this procedure was a gross interference in the principle of court judgments and a violation of the principle of equality before the law, ordered the directive to be treated as a secret document and only made it available to the judges by reading it out loud to them.[45]

After the FIDESZ-KDNP came to power in 2010, the organisation for the judiciary, as part of the implementation of a branch power, independent from the state power, the government, and their policies, abolished the Judicial and Prosecution Departments of the Ministry of Justice, partially by organising them into new institutions at the same time.

45 This "encryption" created the possibility that if the judges "did not remember" the oral instruction, they did not apply its directives in their decisions.

According to the new structure, the National Office of the Judiciary was established by the Courts for the management of administrative matters and a professional judge was appointed as its President. Among the most important rights and obligations of the NOJ's activities is to ensure the personal and material conditions of operation. In terms of the most important basic requirements for the operation of the courts of justice, this included the selection of court clerks, secretaries, judges, and the candidates for a variety of managerial positions via tenders. The task of the NOJ is to assess the work of judges at regular intervals, as required by law, and to provide training for those concerned. Judges can turn to the Constitutional Court directly with their interpretation questions, which will be decided in priority procedures.

The most important body of justice is the *Curia*, (Supreme Court) headed by a President, a Deputy Head, the College heads, and the judges of the court councils chaired by their presidents. In order to ensure the legality of the courts' judgments, the Curia carries out its management responsibility by means of conceptual decisions, as well as legal remedies and substantive rulings in ordinary and extraordinary proceedings.

The Sargentini Report raised concerns about the reigning political power's efforts to influence the judges' independence, the potential risks inherent in the decision-making power of the President of the NCJ, and the anomalies of personal and legal authority that hinder the cooperation between the judiciary and the NOJ and its President, Dr. Tünde Handó.

The reporting person is only correct insofar as there are indeed operational failures in the justice system.

However, contrary to the statements made by the MEP, these errors are in fact the result of the political manifestations of certain personalities in the existing judiciary in support of the government's political opposition. Nevertheless, this activity violates the provisions of both the Fundamental Law and the cardinal law on the legal status of judges.

The Article on courts in the Fundamental Law of Hungary declares that *"Judges shall be independent and only subordinated to Acts; they shall not be instructed in relation to their judicial activities. Judges may only be removed from office for the reasons and in a procedure specified in a cardinal Act. Judges may not be members of political parties or engage in political activities."*[46]

46 Article 26 (1) of the Fundamental Law of Hungary

In accordance with our most important dogmas nowadays, Cardinal Act CLXII of 2011 on the Legal Status and Remuneration of Judges states *"Judges shall be independent in their administration of justice."* (Section 1(1)) and *"entitled to […] immunity"* (Section 2(1)).

The part detailing the judges' rights and obligations states that *"judges shall act impartially in all cases and not be influenced in any way"* (Section 36 (2)), and *"judges shall deflect any attempts aimed at influencing them, and inform the president of the court of any such attempts"* (Section 36(3)).

The chapter on the Conflict of Interests states that *"judges may not be members of a political party or engage in any political activity"* (Section 39(1)), and *"judges shall immediately report any conflicts of interest"* (Section 42 (1)).

The provisions explicitly cited in the Fundamental Law and in the Cardinal Act on the Legal Status and Remuneration of Judges make the rules for conflicts of interest quite clear.

For judges, any form of engaging in political activity is a serious violation of a prohibition, rendering the de facto and de jure holding of such an office impossible. As a result, a judge would be impeached by a sui generis procedure for reasons determined by law.

The National Council of Justice, elected by members of the judiciary - despite the prohibitions of the highest level of law - still engages in political activity, so far without consequences.[47]

Of the 15 members of the NCJ elected in January 2018 and 14 of their alternates, 17 have resigned in recent months. The reasons for their resignation are the manifestations of their political interests unequivocally in opposition with the current government.

Judith Sargentini presented the confrontation between the President of the NOJ and the NCJ board in a context as if the judiciary's advocacy organisation were to conduct a defensive struggle against state power, the government's attempts to influence the functioning of the independent organisation, and measures restricting the independence of judges.

This statement is completely unfounded for factual and legal reasons.

According to the aforementioned provisions of the Fundamental Law and the Cardinal Act on the Legal Status and Remuneration of Judges, judges cannot be influenced in judging their cases; they are independent and untouchable in their judgment and are only subject to the law. Even mere at-

47 The activity of the Hungarian Judicial Association and the Association of Judges also raises the feeling of politicization.

tempts to influence them must be immediately reported to the President of the Court. They are fully secure in their position, removing them or changing their position happens exclusively under a regulated procedure.

In view of these statutory provisions providing a guarantee at the highest level of legislation, the allegations that (certain) judges protect their existence by making judgements with their independence being compromised due to pressure from a political power are without foundation.

In my opinion, if there were judges who, despite the aforementioned protected legal environment, still perceive their independence to be compromised, and do not respond with their statutory protection, they would be unfit to serve as a judge.

Among the 3,000 judges currently in the community, there are some who show noticeable political interests in their decisions, where one can trace facts that some judges - in their rejected applications for self-appointed but higher-ranking positions - have made their political advocacy attempts really effective in organisations representing the interests of their profession. These aspirations were directed against the decisions of the President of the NOJ, in particular against the refusal of appointing judges and heads of the judiciary, or the decisions resulting in appointments.

The escalation of illegitimately engaging in political activities contributed to the fact that during the General Assembly of Judges, held on 10 October 2018 with the participation of the representatives of the judges who have not yet resigned, the NCJ (which by now, in essence, functions as an opposition party) refused to call for a vote to fill the seats of resigned members and alternates. The majority of the representatives participating called for the resignation of all NCJ members. One day later, the presidents of the courts and courts of appeal issued a joint statement calling for the re-election of the advocacy organisation's members and alternate members in order to restore the legitimacy of the spirit of the Fundamental Law of Hungary that the current members irreversibly diverted from.

One of the most striking examples of the political attack on the National Office for the Judiciary and its President is citing the lack of training in the workplace. The training of judges is defined in Article 45(1) of the Act CLXII of 2011. According to this provision, the judge is *obligated* to participate in regular, free-of-charge training necessary to exercise the activities of a judge and to certify such participation to his or her employer. According to paragraph (4), the training system and the requirements for the training obligation are defined in the Regulations of the President of the NOJ. The presidents

and chairs of the courts of justice, the courts of appeal and even the President of the Curia are responsible for the fulfilment of this obligation. In view of this regulation, the reporting person's objection is unfounded.

However, there is a suspicion that the objections raised are aimed at the formal institutionalisation of the legally dubious attempt to train judges to be more sensitive to persons arriving in Hungary as "immigrants", and to apply a more favourable treatment to them *deviating from principle of equality before the law.*

It is known from court reports that, in recent times, judges have been participating in so-called sensitising training, with the permission and involvement of some court directors. The influencing attempt carried out with these "trainings" is illegal.

Judith Sargentini has drafted her statements based on the GRECO Group's resolutions of the "shortcomings" in the operations of the Prosecutor General and the Prosecution Service. Her allegations were examined by means of a professional investigation by the Prosecution Service. As a result, a statement was made about them being unfounded, pointing out that Hungary had already responded to the recommendations of the Council of Europe's anti-corruption body years ago. In those cases, the concern related to the re-electability of the Prosecutor General, the disciplinary proceedings and the reassignment of cases within the organisation during proceedings was refuted, and the procedure did not determine the lack of the rule of law. As a result of the professional investigation, the Prosecution Service found that, despite the allegations against the judiciary defined in the Sargentini report, the rule of law was not violated.

From my point of view, I think it is important to mention that the European Union's plans to set up an international prosecutor's office threatens to replace one of the major institutions that guarantee the sovereignty of the nation-states, and therefore is an effort to be rejected.

The report by Judith Sargentini, illegally "approved" by the European Parliament by a 2/3 majority, can be criticised beyond that for many other reasons. In my personal opinion, by describing the most significant parts in their full detail herein, the reader will also become aware of the unreliability and political bias of the Report.