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HUMAN RIGHTS COMMITTEE
Forty-seventh session

DECISIONS

Communication No. 496/1992

Submitted by : T. P.

Alleged victim : The author

State party : Hungary

Date of communication : 19 September 1990 (initial submission)

Documentation references : none

Date of present decision : 30 March 1993

Decision on admissibility

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* All persons handling this document are requested to respect and observe its confidential nature.

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Annex**

Decision of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights forty-seventh session

concerning

Communication No. 496/1992

Submitted by: T. P. [name deleted]

Alleged victim: The author

State party: Hungary

Date of communication: 19 September 1990 (initial submission)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 30 March 1993,

Adopts the following:

Decision on admissibility

1. The author of the communication (dated 19 September 1990) is T. P., a Hungarian citizen, born on 11 August 1924, currently residing in Budapest, Hungary. He claims to be a victim of a violation by Hungary of articles 6, 7, 9, 12, 14, 17, 18, 19 and 25 of the Covenant. Hungary is a party to the Optional Protocol to the International Covenant on Civil and Political Rights since 7 December 1988.

Facts as submitted by the author:

2.1 The author states that he served as a soldier towards the end of the Second World War. After the war he was deported to the Soviet Union to work in labour camps. Upon his return to Hungary, he inherited half of his late mother's real estate and was consequently considered to be a "kulak". Although he had obtained a doctor juris degree, he was not allowed to exercise his profession. His real estate was nationalized. Although the author is entitled to compensation under a recently enacted compensation law, he claims that the compensation under this law is wholly insufficient.

2.2 The author states that he was wounded during the political uprising in 1956. In 1960 he was allegedly kidnapped by the secret police; in 1961 he was

** Made public by decision of the Human Rights Committee.

sentenced to 15 years' imprisonment. In 1966 he started a hunger strike to protest against his continued detention and the allegedly inhuman prison conditions. After six weeks he was transferred to the prison's mental hospital, and subjected to "electro- and insulin-shocks". The author submits that he was held there until 1971, all the time being kept in isolation. In April 1971 he was transferred to a civilian mental hospital; he was discharged in November 1971. He was again detained in a psychiatric hospital for short periods of time in 1981 and 1982.

2.3 The author contends that the secret police prevented him from finding employment. He claims that, if he had been employed for a period longer than six months, his legal status as a mentally ill person would have been reversed. He submits that, because of the involvement of the secret police, he was able to obtain only freelance work as a translator. He alleges that this discrimination against him still continues, and mentions in this connection the refusal of the Ministry of International Economic Relations, on 12 November 1991, to hire him as a lawyer, although he fulfilled all the requirements.

2.4 The author alleges that he was kidnapped eight times by secret police officers. Each time he complained to the Chief Public Prosecutor, but only once, in June 1988, were disciplinary measures taken against the officers involved.

2.5 The author further states that on 24 September 1986 his passport was withdrawn and he was henceforth prevented from leaving the country, on the grounds that he had not behaved as a good Hungarian citizen during a visit to Western Europe in 1986. The author's appeals against this decision were dismissed, but in September 1990 the decision was reversed, following the author's complaint to the Minister of Internal Affairs.

2.6 The author claims that on several occasions (he specifically mentions events on 15 March 1990 and 1 June 1991) speeches and addresses delivered by him were not transmitted on television, although speeches delivered by others on the same occasions were. He further alleges that publication of his articles and speeches in newspapers has been prevented by the Hungarian authorities. In connection with an address, delivered by the author to an international peace conference during November 1988, the author started a libel suit against the editor of a newspaper that had reported on the event, however, without success.

Complaint :

3.1 The author seeks a rehabilitation of his "human dignity". He contends that, on several occasions, the authorities have referred to him as "mentally ill".

3.2 The author claims to be a victim of a violation of the following articles of the Covenant:

- article 6: because, although he survived "Leninism's attempt to liquidate the upper social classes", he has been deprived of all his properties and prevented from exercising his profession;

- article 7: because he was held in solitary confinement for more than eight years, and was subjected to electro-shocks and other inhuman and degrading treatment from 1966 to 1971;

- article 9: because he was arbitrarily deprived of his liberty during many years;

- article 12: because he was not allowed to leave the country from September 1986 to September 1990;

- article 14: because he was not given the opportunity to prove in a fair trial that the measures which the authorities had taken against him were abusive;

- article 17: because the secret services interfered with his private life on many occasions; in this connection he refers to registered letters that never arrived;

- articles 18 and 19: because his writings are still not being published;

- article 25: because active participation in political life is only allowed to those who are prepared to make compromises with the authorities.

3.3 The author claims that said violations have continuing effects that in themselves constitute violations of the Covenant, in that the authorities refuse to rehabilitate him and continue to suppress his freedom of opinion.

3.4 With regard to exhaustion of domestic remedies, the author states that he has been demanding a fair hearing since 1964. In 1981 the City Court of Budapest decided that the author's treatment in the Psychiatric Department was legal and permissible. In 1982 the author complained to the Chief Public Prosecutor, demanding the abolition of KGB methods. He also complained to the International Academy of Legal and Social Medicine, during a congress held in Budapest in September 1985, to no avail.

Issues and proceedings before the Committee :

4.1 Before considering any claim contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

4.2 The Committee recalls that the Optional Protocol entered into force for Hungary on 7 December 1988. It observes that the Optional Protocol cannot be applied retroactively and concludes that the Committee is precluded ratione temporis from examining events that occurred prior to 7 December 1988,

unless the alleged violations continue after the entry into force of the Optional Protocol for the country concerned or have effects that constitute in themselves a violation of the Covenant. Accordingly, the Committee finds that it is precluded from examining the author's allegations regarding violations of his rights under articles 6, 7, 9, 14 and 17 of the Covenant.

4.3 As to the author's claim that he is a victim of a violation by the State party of article 12 of the Covenant, the Committee observes that, in September 1990, the State party reversed its decision to withdraw the author's passport, thereby remedying the situation. In this respect, therefore, the author has no claim under article 2 of the Optional Protocol.

4.4 With regard to the author's remaining allegations, the Committee considers that they have not been substantiated for purposes of admissibility and are therefore inadmissible under article 2 of the Optional Protocol.

5. The Human Rights Committee therefore decides:

(a) That the communication is inadmissible;

(b) That this decision shall be communication to the author and, for information, to the State party.

[Done in English, French and Spanish, the English text being the original version.]
