

***Crime and Punishment:
People's Courts, Revolutionary Legality, and the Hungarian Holocaust***

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Since 1994, I have been heading a small team of historians commissioned by the Yad Vashem Archives in Jerusalem to microfilm Hungarian documents produced after 1938 concerning the Holocaust. So far, we have surveyed the papers of more than 20,000 trials in the Capital Archives of Budapest, and those of approximately 3,000 others in archives all over Hungary. Thus, what I will present here is not based on my own archival research alone. I also wish to make clear that I am not going to discuss the great political trials in this paper -- I have done that in a lengthy essay, which is also available in English.¹

I first wish to analyze the Act on People's Courts from a legal point of view, followed by a presentation of the history of the post-World War II retributions in Hungary in an international perspective. I shall conclude by illustrating the way in which these special courts operated, through a number of characteristic trials.

The decrees previously issued by the Council of Ministers concerning the punishment of war criminals became law in Hungary through Act VII, 1945.² Contrary to the principle that the norms defining the fundamental conditions of life should be laid down in laws, those accused of war crimes and genocide [*népellenes bűnök*] were indicted and arraigned by government decrees up to September 1945, rather than according to acts of parliament. In accordance with the government decrees on People's Courts, the sentences in such cases could be imprisonment and even capital punishment.

The Hungarian creators of the decrees had deliberately ignored the principles of *nullum crimen sine lege* and *nulla poena sine lege*. In doing so, they were adhering to general international practice, the legal-philosophical grounds of which were laid by Gustav Radbruch in his article "Gesetzliches Unrecht und übergesetzliches Recht," published in 1946. With regard to the conflict between legal security and injustice, the two pillars of the rule of law, Radbruch came to the conclusion that unjust and inexpedient law is usually preferred, unless its conflict with justice is intolerably great. Radbruch also admits that legal injustice exists, but there may be a point at which justice is avoided, either by the legislative or by the executive.³ At that stage,

¹ László Karsai, "The People's Courts and Revolutionary Justice in Hungary," in István Deák, Jan Gross, and Tony Judt, eds. *The Politics of Retribution in Europe: World War II and Its Aftermath, 1939-1948* (Princeton: Princeton University Press, in press).

² Miniszterelnöki rendelet [Premier's decree — henceforth M.E.r.] Nr. 81/1945. On people's judiciary (January 25, 1945.); and the decrees modifying the basic decree: M.E.r. Nr. 1.440/1945. (April 27, 1945.); M.E.r. Nr. 5.900/1945 (August 1, 1945.); M.E.r. Nr. 6.750/1945. (August 16, 1945.)

³ Quoted in Imre A. Wiener, ed. *Bünterendőség, büntethetőség. Büntetőjogi tanulmányok* [The necessity and/or possibility of punishment. Essays on penal law] (Budapest: Közgazdasági és Jogi K.- MTA Állam és Jogtudományi K., 1997), 18. See, for example, the "laws" of Nazi Germany, or the decrees

positive law cannot actually be regarded as law, since the fundamental purpose of law should be the creation of order and justice.

The members of the People's Court were nominated by each of the parties of the Hungarian National Independence Front [*Magyar Nemzeti Függetlenségi Front*], originally an alliance of openly antifascist and mostly left-wing parties. The People's Courts made their decisions on the majority principle, thus appeals were possible only if the majority of the people's judges found the defendant worthy of mercy. If the appeal was turned down, the prisoner was executed within two hours.⁴ If the accused was sentenced to imprisonment of less than five years, neither the condemned person nor his/her council had the right of appeal – only the prosecutor. As a court of appeal, the National Council of People's Courts [*Népbíróóságok Országos Tanácsa, NOT*], featured a similarly partisan composition, with professional lawyers and judges as members. A court of justice should, however, be required to be impartial. The People's Courts were special in this respect, because they were party courts; indeed, the decree in question stipulated that in case the five parties were unable to designate a people's judge, the missing member or candidate member should be nominated "from among politically reliable persons." The composition of the People's Courts did not change even after the parliamentary elections in 1945, when the Smallholders' Party [*Kisgazdapárt*] gained an absolute majority, and the left-wing parties continued to dominate them.

Ákos Major, the first people's judge and first chairman of the Budapest People's Court, proudly says in his memoirs that the parents of the newborn creation of legal history were the Budapest committee of the Hungarian Communist Party and the Budapest National Committee, while he himself [Major] acted as midwife, and did not regard the "baby" either as a monster or as non-viable.⁵

The People's Court Decree applied the principle of collective accountability on many points, as in the case of someone having voluntarily joined the Arrow-Cross or other right-wing parties, or someone having been a member of the *Volksbund*, the organization of ethnic Germans in Hungary. The individual actions of minor Arrow-Cross members or *Volksbundists* were never investigated. Section eight of the People's Court Decree violates the principle that the norms of criminal law must be precisely defined. The passage in question ordered the punishment of

concerning Jews issued by the Sztójay and Szálasi governments after the German occupation of Hungary.

⁴ According to my research to date, the following Arrow-Cross mass murderers were hanged in 1945 within a couple of hours after the sentences had been passed: Dénes Bokor (Budapest Főváros Levéltára [Capital Archives of Budapest — henceforth: BFL] — Népbíróósági iratok [Papers of people's courts — henceforth: Nb] 313/1945) on June 14; Károly Toronyi (BFL–Nb. 477/1945) on July 7; András Kun (BFL–Nb. 2.583/1945) on September 19; Lipót Tóth (BFL–Nb. 1.287/1945) on October 4; Mrs. Vilmos Saltzer (BFL–Nb. 2.288/1945) on October 11; József Fodor (BFL–Nb. 1.129/1945) on October 15; József Mónos (BFL–Nb. 2.788/1945) on November 13. We know of similar cases in other countries. On February 6, 1946, the people's court in Riga sentenced to death SS General Franz Jaeckeln, who had directed the final solution of the Jewish question in the Baltic states in the autumn of 1941. The sentence was carried out on the same day. Randolph L. Braham, *A népirtás politikája* [The Politics of Genocide] (Budapest, 1997), 218. n. 45.

⁵ Ákos Major, *Népbíráskodás, forradalmi törvényesség* [People's justice, revolutionary legality] (Budapest: Minerva K., 1988), 127. [henceforth: Major, *Népbíráskodás*].

everyone who had been involved in any activity that would impede postwar peace and cooperation of peoples during the world war.

The Red Army crossed the present borders of Hungary in August 1944, but it took them eight months to finally remove the Nazi and Arrow-Cross troops who persevered in Hungary till the end. In the liberated eastern half of Hungary, and from February, 1945 in Budapest as well, persecutions started immediately against the Arrow-Cross, the *Volksdeutsche*, and all who were rightly or wrongly accused of having been the adherents and/or lackeys of the previous regime. The Ministry of Interior and the political police were taken under the control of the Communist Party with the help of the Soviet authorities. Under the previous anti-Semitic regime, Jews could not be employed as police officers, gendarmes or even clerks. They were now allowed to join, and indeed did join, various repressive organizations. This situation helped to fuel old anti-Semitic apprehensions, and the dread of Jewish revenge could be felt all over the country.

As early as March 1945, the well-known populist writer József Darvas accused the Jews of wishing "to be idle under the false disguise of their martyrdom" and of cherishing a certain "military forced laborer attitude." The Jews, Darvas said, had grown accustomed to the existence of guards and military forced laborers. "Now, that the tables have turned, they want to be the guards," Darvas wrote in the daily paper of the Communist Party.⁶ Since 1943, extensive groups of populist intellectuals had harbored serious fears of Jewish revenge after the war. In 1943, László Németh, the leader of the populist writers, talked about Shylock sharpening his knife.⁷ According to Gyula Gombos, one of his colleagues, both the bourgeois democratic and socialist left-wing camps contained "forces alien from Magyars," and the only thing to be expected after the war was the revenge of the Jews.⁸ The populist writers saw and understood very well that Hungarian Jews had been deeply hurt and literally bled by the Jewish Acts and the institution of military forced labor. In the fall of 1944, Zionist leader Ottó Komoly learned that after the deportation to Auschwitz of over 430,000 Hungarian Jews, there was a meeting in the Ministry of Interior, with the agenda of deciding what the authorities should do if the "understandable and justified distress" of the Jewish masses were to explode.⁹

The thirst for revenge of the Jews in Hungary never erupted in lynchings in 1945 and 1946. As Ákos Major later noted in an interview, when on February 4, 1945, two persons responsible for the deaths of 124 military forced laborers were publicly hanged after a short trial, the chief message of the procedure was that there must be no lynchings since the democratic state itself

⁶ József Darvas, "Őszinte szót a zsidókérdésben" [Let's be frank about the Jewish question] *Szabad Nép*, March 25, 1945, 5.

⁷ For Németh's text, see: *Szárszó 1943. Előzményei, jegyzőkönyve és utóélete. Dokumentumok* [Szárszó 1943. Its preliminaries, minutes and afterlife] Györfly Sándor, Pintér István, Sebestyén László, and Sipos Attila, eds., (Budapest: Kossuth K., 1983), 214-26, especially 221.

⁸ Quoted in: Gyula Juhász Gyula, *Uralkodó eszmék Magyarországon, 1939-1944* [Dominant ideas in Hungary, 1939-1944] (Budapest: Kossuth K., 1983), 293-94.

⁹ Ottó Komoly was informed by Miklós Mester, undersecretary of state in the Ministry of Religion and Education on September 9, 1944. Parts of his diary were published in Maria Schmidt, *Kollaboráció vagy kooperáció. A Budapesti Zsidó Tanács* [Collaboration or Cooperation: the Jewish Council of Budapest] (Budapest: Minerva K., 1990), 193.

would be the culprits to account.¹⁰ However, it was a foreboding omen that although the People's Court Decree was only published in *Magyar Közlöny* on February 5, 1945 only, military judge Ákos Major, who had no qualification as a judge and a barrister, (i.e. he had no right to pass sentences even in civil cases), was already hanging people. Moreover, he was doing so in response to instructions from the Food Commissar, and later the communist mayor of Budapest, Zoltán Vas. In his memoirs, Major calls the body he presided over "the people's law-court" [*néptörvényszék*], forgetting to mention that Hungarian law had never known nor recognized such a court.¹¹

It was sometimes reported in the daily papers that former military forced labor guards were recognized and brutalized in the street or attacked in the law courts.¹² The most famous almost-victims of popular Jewish wrath were Andor Jaross, Interior Minister in the cabinet of Sztójay (the Hungarian Quisling), and his two undersecretaries of state, László Endre and László Baky, whose guards had a hard time protecting them after their third day at the people's court, December 19, 1945.¹³

The "sentences" of partisan courts of law and the spontaneous and/or organized eruptions of popular wrath took 8,000 to 9,000 victims in France and at least 8,000 to 10,000 victims in Italy during 1944 and 1945.¹⁴ Tito's partisans killed tens of thousands of people in Yugoslavia, and the victims of the "savage purging" in Bulgaria numbered between 30,000 and 40,000.

¹⁰ Major said this in a documentary film entitled *A magyar nép nevében* [In the name of the Hungarian people] (1984). In his memoirs he says that at this trial he "allowed the whirl of passions, the bereavement, despair, and hate to mix freely in front of the people's court — that is why we were the people's court." Major, *Népbíráskodás*, 123.

¹¹ Major, *Népbíráskodás*, 121-31. My attention was called to this by László Varga. I am also indebted to him for allowing me to use his manuscript essay on the subject, *Politikai jogszolgáltatás az 1945 utáni Magyarországon* [Political jurisdiction in Hungary after 1945], MS, 1998.

¹² On June 7, 1945, Detective Zoltán Preisz reported taking József Török to the VIIth District Police Headquarters after saving him from the crowd. Török had not only been beaten up, but his watch and bicycle were "missing" as well. (BFL-Nb., Török József, 2399/1945). Former guard Éliás Mendelovits from Sub-Carpathia was recognized by former deportees at Dózsa György street was attacked and knifed. (*Világ*, 18 October, 1945, p. 8.) After the people's court had sentenced former guard László Géza Szungyi to 8 years of imprisonment, the outraged public wanted to lynch him, and the prison officers were compelled to restrain the crowd with warning shots. (*Szabad Nép*, October 21, 1945). When former guard Géza Huver was sentenced to life, his wife and son, who had served as witnesses, were beaten by the audience with sticks and umbrellas. (*Világ*, November 17, 1945). Former forced laborer staff captain Gusztáv Schmidt, originally a witness for the defense, was rushed by 20 young former forced laborers, severely battered, then denounced at the people's court trial, and ended up arrested by the people's prosecutor. (*Világ*, November 21, 1945).

¹³ László Karsai and Judit Molnár Judit, eds. *Az Endre-Baky-Jaross per* [The Trial of Endre, Baky, and Jaross], (Budapest: Cserépfalvi K., 1994), 129.

¹⁴ Marcello Flores, *Political Justice in Italy in the Post-War Era* (MS, 1995, 5). Flores puts the number of victims around ten thousand, adding that most of them were killed in the Emilia province. According to the estimation of Henri Rousso, some 8-9,000 people were executed during the "*épuration sommaire*," in France, 20-30 percent of them before June 6, 1944. H. Rousso, *Syndrome de Vichy, 1944–1987* (Paris: Seuil, 1996.) For the retributions in France, see also Peter Nowick, *The Resistance versus Vichy: The Purge of Collaborators in Liberated France* (New York, 1968).

There are two myths in the public mind in connection with the People's Court trials in Hungary. According to the extreme right, which has again become vociferous since the political changes in 1989, the Communist-Jewish murderers paid off old scores in a genuine bloodbath in Hungary.¹⁵ At the same time, there are rumors among Jews that save a few major wartime criminals and some Arrow-Cross mass-murderers, all the criminals escaped justice.¹⁶ Neither claim is supported by comparative statistics.

After World War II, approximately 27,000 people were convicted for war crimes and genocide in Hungary. The People's Courts passed 322 death sentences before March 1, 1948, and 146 people were executed. Regarding the number of those executed under final sentences, Hungary lies in the middle of the European list of countries.

Not one of the 1,246 people arrested in Greece were convicted -- they escaped trial for collaboration with the occupying Nazis as "anti-communist warriors."¹⁷

In France, 350,000 people were investigated, 45,000 were convicted, and 1,500 were executed.

In Italy, 36 death sentences were passed before the end of 1947, and two persons were executed.

In Holland, 120,000 to 150,000 people were arrested, and tens of thousands were fired from their jobs. The courts sentenced 50,000 people, 152 of them to death. 40 of these were executed (five were Germans).¹⁸

In Belgium, investigations were initiated against 405,000 persons (seven percent of the adult population) on charges of unpatriotic behavior. 60,000 were accused of economic collaboration

¹⁵ "The holocaust put many people, very many Jews into lucrative leading jobs... at the ÁVH [the Communist Bureau of State Security] even the torturers were Jews," wrote Gyula Bujdosó P. in *Megbékélés! [Reconciliation!]* (*Szent Korona*, April 10, 1991.) István Benedek talks about no less than "two deaths of the nation" caused by Jews after 1919 and 1945. I. Benedek, "Válasz egy Izraelbe költözött barátnőmnek" [Reply to a lady friend who has moved to Israel] (*Hunnia*, February 25, 1992, 5.) András Sándor is also of the opinion that the Jews started to lose, and then only gradually, the Ministry of the Interior, the secret police and the special police only after 1956. A. Sandor, "Kirekesztés vagy önkirekesztés" [Exclusion or self-exclusion] (*Új Magyarország*, July 31, 1991, 10.) Criticising the retroactive jurisdiction at Nuremburg, István Csurka asked, "And aren't we having the end of a long war on our hands now [in 1989-90 L.K.]? And was the regime that has just lost and been destroyed less inhumane, less destructive than the one condemned at Nuremberg?" István Csurka "Az Alkotmánybíróság döntéséhez" [On the decision of the Constitutional Court] (*Magyar Fórum*, March 12, 1992, 15.)

¹⁶ "Although the top war criminals were convicted, many of the smaller ones were allowed to go free," claimed Miklós Hernádi recently, in "Unlearning the Holocaust. Recollections and Reactions," in Randolph L. Braham and Attila Pók, eds.: *The Holocaust in Hungary. Fifty Years Later* (New York: Columbia University Press, 1997), 666.

¹⁷ Mark Mazower, "Three Forms of Political Justice: Greece, 1944-45" in Deák, Gross, and Judt.

¹⁸ Luc Huyse, "Belgian and Dutch War Trials after World War II Compared," Mellon Seminar on Transitional Justice, Columbia University, New York, November 3, 1998, 15.

for working in Germany after they had been forcibly recruited. The cases of the blue-collar "collaborators" were closed without indictments.¹⁹

In Austria, 30 of the 43 people sentenced to death were executed. As the Italian Communist Party wished to generously pardon minor fascists, so the Austrian Communist Party left minor Nazis alone, carefully distinguishing between simple NSDAP members and active Nazis.²⁰

In Germany, approximately 5,000 Nazis were convicted and 800 of them sentenced to death by the occupying authorities of the USA, Great Britain and France; 500 of the culprits were actually executed. We do not have reliable data concerning the number of German and Austrian war criminals tried by the Soviet Union, but the number of Nazis convicted after the war was about 50,000. There is no way to know how many non-German and non-Austrian war criminals were convicted by Soviet authorities.²¹

The People's Courts in Bulgaria passed 2,138 death sentences between September 1944 and March 1945, effectively decapitating the pre-war political elite.²²

I have no data about the purges in Czechoslovakia and Romania. According to one source, those executed in Romania for war crimes and genocide numbered four, including Marshal Antonescu. We have information about Romanian People's Court trials in which dozens of Hungarian gendarmes were sentenced to death *in absentia*. They, like hundreds of thousands of Hungarian right-wing adherents and Arrow-Cross members, escaped trial by fleeing to the West in time.²³

In Hungary, some 40,000 people were interned by 1949. People were often taken from the internment camps to the People's Courts, some more than once. Approximately 180,000-200,000 Hungarian Germans were deported,²⁴ and 103,000 people were placed on the so-called "B" list. The latter were state employees, who thus lost their jobs. A similar number of those employed in the private sector lost their jobs. Since the overwhelming majority of those tried were men, we can say that in Hungary, a country of 10 million, an average of one out of five or six men was penalized in some way.²⁵

¹⁹ Luc Huyse, "The Criminal Justice System as a Political Actor in Regime Transitions: The Case of Belgium (1944–1950)," in Deák, Gross, Judt.

²⁰ Oliver Rathkolb, "Austrian and Allied Perceptions of Political Trials 1944/1945," in Deák, Gross, Judt.

²¹ Henry Friedlander, "The Judiciary and Nazi Crimes in Postwar Germany" (Simon Wiesenthal Center Annual, Vol. XXIX. (1984.), 27-44.), published in Michael M. Marrus, ed., *The Nazi Holocaust: Historical Articles on the Destruction of European Jews., Vol. IX. The End of the Holocaust*, 665-81. Reference to 668.

²² *Le livre noir du communisme. Crimes, terreur et répression* (Paris: Robert Laffont, 1997), 430-31.

²³ Verbal communication courtesy of Dr. Radu Ioanid, United States Holocaust Memorial Museum, Washington, D.C.

²⁴ For the deportation of the Germans in detail, see Ágnes Tóth, *Telepítések Magyarországon 1945-1948 között* [Settlements in Hungary, 1945-1948], Kecskemét, 1993 (candidate's dissertation).

²⁵ Tibor Zinner, "Háborús bűnösök perei. Internálások, kitelepítések és igazoló eljárások 1945-1949" [Trials of war criminals. Internments, deportations and denazification procedures] *Történelmi Szemle*, 1985. No.1, 133-40. See also: Tibor Lukács, *A magyar népbírósi jog és a népbírósi jogok (1945-1950)* [The Hungarian People's Court Law and the People's Courts] Budapest, 1979.

Moreover, Judge Major's claim that nearly all those brought to justice had committed crimes against the Jews cannot be shown to be true in the case of the People's Court of Budapest. We have been able to select for microfilming only thirty of the more than 1,300 cases tried before the People's Court in Győr during 1945; in Pécs, the number of the cases was 875, but we could use only 45. During the year 1945, 5,109 trials were held before the divisions of the Budapest People's Court. In 1,800 cases, either the registration numbers of the cases is all that is known, or we only have the name(s) of the accused with the sentence(s), without explanation. Of the remaining approximately four thousand cases, we have selected 1,786 as being connected to the Holocaust. If we assume that one-third of the "lost" cases were also connected with the Holocaust, then we can conclude that Jewish cases came primarily before the Budapest People's Court. We have so far surveyed 5,126 of the Budapest trials in 1946 and have found 1,401 were connected with the Holocaust. For 1947, the respective numbers are: 3,958 trials, of which we have selected 268, and in 1948 we selected 205 trials out of 4,971. As of March 31, 1999, we have surveyed 2,690 trials and selected 48 for microfilming as Holocaust-related. The reasons for the sharp decline in the "Jewish" trials need more research. In most of the trials, the charge was merely membership in the Arrow-Cross or other right-wing parties.

The various People's Courts passed sentences in rather dissimilar ways. In some courts, heavy prison sentences were meted out to minor officials who had merely executed the anti-Jewish decrees of the Sztójay government. However, Lajos Argalás, counselor of the Ministry of Interior, who had played a major role in formulating the anti-Jewish decrees in 1944, was only sentenced to three years' imprisonment only.²⁶ László Radocsai, Minister of Justice between November 9, 1939 and March 22, 1944, was not even taken to court. Gendarme Lieutenant-Colonel László Ferenczy, who had played a major role in organizing the deportation of the Jews in the country, was sentenced to death, while gendarme colonels whose role had been no less crucial than that of Ferenczy were nearly without exception sentenced to imprisonment.²⁷ Gábor Faragho, Inspector General of the Gendarmerie, who had assigned Ferenczy to Adolf Eichmann's staff, was a witness in a number of great political trials after the war, and was then allowed to live in peace on his country estate in light custody.

Already by the summer of 1945, a daily paper reported that 200 people had demonstrated in the streets of Pécs, shouting slogans like "Hang the Jews! Down with the People's Courts, stooges of Jews!"²⁸ The anti-Semitic, anti-people's-court atmosphere has often been attributed to the

²⁶ Dr. Lajos Argalás, BFL-Nb. 1.391/1945. His sentence was reduced to two years by the National Council of People's Courts on May 29, 1946 (NOT 575/1946).

²⁷ Having served his 15 years of imprisonment, Gendarme Colonel János Árbocz was released in 1960. The people's court (BFL-Nb. 1.267/1946) had sentenced him to forced labor for life, but his punishment was reduced to 15 years by the National Council of People's Courts (5125/1946). Gendarme Colonel József Czigány, commander of the central detective department of the Gendarmerie between February 1, 1943 to October 16, 1944, and one of the addressees of Ferenczy's well-known daily reports in 1944, continued to live in peace at Hódmezővásárhely until 1947. That year he was arrested and indicted, and was then sentenced to ten years in 1950. Gendarme Colonel Gyula Balázs-Piri was one of the chief organizers of the deportations in the country in 1944; Ferenczy reported to him and to László Endre that the preparations had been made for the deportations to commence on May 15. We know that he made a deposition at the police station at Balatonalmádi in 1960 when the Hungarian authorities were collecting material for the Jerusalem trial of Eichmann.

²⁸ *Szabad Nép*, July 27, 1945, 3.

participation of Jews in People's Court procedures. On the other hand, we should remember that until October 1945 only minor Arrow-Cross mass-murderers were sentenced to death for having murdered Jews.²⁹

Professional judges who had not been compromised in the pre-war regime were unwilling to take part in the work of the People's Courts. As Sándor Molnár, head of the People's Prosecutor's Office, said bitterly in February, 1946, "We went to democratically minded lawyers of integrity, asking them to undertake the job of prosecutors, but we were turned down. Thus we were obliged to take nearly without any selection people who would then regard their offices as profitable opportunities for private gain. They used their power and influence for petty ends. The hindmost of this set are just now being taken by the devil."³⁰ What Molnár meant was that two well-known people's prosecutors had just been arrested on charges of blackmail, accepting bribes, and other crimes. As it turned out, one of them, originally called Freund, had been a roisterer, a member of the smart set, then a military forced laborer. After the liberation "he joined one of the left-wing parties, where all they knew of him was that he was a trained lawyer and could not have been a fascist since he had been a military forced laborer."³¹

We do not have exact numbers about the Jews who took part in the post-war retributions. According to a contemporary report of the secretariat of the Social Democratic Party, about 80 percent of the people's judges of this party were Jews, and 90 percent of them were independent merchants or tradesmen who attended the trials out of revenge or for entertainment.³² Only in one of the 500 trials surveyed by my colleague Ferenc Gáspár concerning military forced laborers could it be shown that the role of a Jew in the judicial apparatus was "fiercely militant."³³ Neither are the occupations of the witnesses in these trials telling, designations like "policeman," "political detective," or "army officer" being few and far between. However, it is not only the absolute numbers that can be of interest. In the political police headed by Gábor Péter (the sadistic organizer of the subsequent sham political trials, Beria's best Hungarian disciple, a communist and, incidentally, a Jew), majors or colonels of Jewish descent could wield significant power. The historico-statistical analysis of all the cases could yield more precise data on the number of Jewish policemen or soldiers who were witnesses in the Holocaust-related trials.

In most cases, the political detectives were convinced of the truth of the charges in the letters sent by the hundreds to various authorities. It was not only their being prejudiced, something

²⁹ Ákos Major claims that "on account of the forced agenda of the praxis of the people's courts, during the previous six months [i.e. before the fall of 1945] the small murderers came up before the courts and to the gallows. Thus the 9 million Hungarians could have the impression that the functioning of the People's Courts was offering satisfaction, indeed, retribution for the hundreds of thousands of Jewish victims." Major, *Népbíráskodás*, 186. Major here is referring to the fact that the chief war criminals were brought to Hungary in October 1945 only.

³⁰ Sándor Mátrai, "A férgese most hullik el" [The devil is taking the hindmost now] *Kis Újság*, February 10, 1946, 4. The daily *Világ* published the arrest of István Matiszfalvy on January 22, 1946. He was, among others, the people's prosecutor in the trial of Endre-Baky-Jaross.

³¹ Béla Zsolt, "Tolvajt kiált a gyilkos; Kicsoda Fontány" [The murderer crying thief: who is F.] *Haladás*, February 14, 1946.

³² Loránt Tilkovszky, "Vád, védelem, valóság. Basch Ferenc a népbíróság előtt" [Prosecution, defense, reality (B.F. before the people's court)] *Századok*, 1996. Vol. 130. No. 6, 1405.

³³ Ferenc Gáspár, "A kiskunhalasi tragédia. (1944. okt. 11)" [The tragedy at Kiskunhalas (October 11, 1944)] *Századok*, *ibid.* 1473–1505.

much too obvious at certain times, that posed a problem, but also the fact that in many cases the detectives and people's prosecutors were unable to support the charges with data and documents. Let us examine a few examples.

Regardless of the facts of chronology, Lajos Bordás was accused of persuading László Endre to banish Jewish merchants from markets. He was sentenced to three years' imprisonment by the People's Court, although it was proved that Endre, the sub-prefect of Pest County, had issued the decree in question before receiving the petition of the accused.³⁴ So far I have found only three files where the police officers in charge of the investigation had doubts about the truth of the incriminating reports and depositions.³⁵ As detective Endre Rádai said, the charge that the accused had stolen the possessions of the plaintiff was not very convincing in the depositions, since "two military occupations and a fire can doubtlessly cause things to disappear."³⁶

In accordance with the practice of political trials since the Jacobian Terror, the defendants in many cases were found guilty and punished not for what they had done but because of the positions they had held.

The People's Court found that Ferenc Gertai, not wishing to emigrate to the West under the orders from the local Arrow-Cross town-leader, had reported at the National Court of Account [*Nemzeti Számonkérő Szék*], where he was given the job of carrying food parcels to the front on a military truck. At Christmas, 1944, under orders from his superiors, he and his comrades disarmed the guard of the Arrow-Cross Centre, taking the leaders to the Arrow-Cross Headquarters at 14 Városház Street, and the members to the building of the Ludovika Academy. A series of witnesses testified that Gertai had provided Jews with Swedish safe conducts, made out certificates to hide deserters, and saved the Jewish inhabitants of a yellow-star house when the Germans wanted to deport them. The People's Court sentenced him to four and a half years, finding him not guilty on one of the charges of the people's prosecution, and stating that that carrying off Arrow-Cross guards at Christmas 1944 could no longer be regarded as a criminal act. The fact that he had been a Social Democrat for a long time before joining the Arrow-Cross was an aggravating circumstance. With regard to Gertai having saved Jews and deserters and persecuted the Arrow-Cross, the National Council of People's Courts sentenced him to two years and six months.³⁷

Zoltán Bagossy, *Chef de Cabinet* of Arrow-Cross Foreign Minister Gábor Kemény, had risked his life on a number of occasions in trying to save inhabitants of the international ghetto in Budapest. Although this was attested to by a series of documents and depositions (among others by Papal Nuncio Angelo Rotta, by the representative of the International Red Cross in Budapest Friedrich Born, and by Swiss diplomat Carl Lutz), Bagossy was sentenced to forced labor for life.³⁸

³⁴ Lajos Bordás, BFL-Nb. 2.294/1945. A series of witnesses testified that Bordás had actually been saving Jews.

³⁵ István Pivarcsi, BFL-Nb. 2.532/1945; Ferencné Novotta, BFL-Nb. 2.588/1945., Sándor Obetkó, BFL- Nb. 2.274/1945.

³⁶ Ferencné Novotta, BFL-Nb. 2.588/1945. Report of March 15, 1945 by Endre Rádai.

³⁷ Ferenc Gertai, BFL-Nb. 839/1945.

³⁸ Zoltán Bagossy, BFL-Nb. 147/1946.

Police Inspector Zoltán Tarpataky was the organizer of the Budapest international ghetto. One can say with little exaggeration that neither Raoul Wallenberg, nor Lutz nor any other diplomat could have done anything without him in Budapest. He was sentenced to eight years' imprisonment, despite a great number of witnesses who testified that he had tried, against the Arrow-Cross, to help Jews wherever he could. After the National Council of People's Courts acquitted and released him on October 14, 1946, the political police arrested him. He was interned, then relocated. After 1954 he found employment as an unskilled laborer.³⁹

In West Germany, by the early 1950s many former Nazi officials, judges, policemen, soldiers, teachers, and so on that had not been convicted were allowed to return to public service. In Hungary, left-wing, class-struggle based purging began as early as 1945, and the People's Courts were only one of its numerous instruments.

We know that after 1948, even the Jew-saving military, police or gendarme officers who had not been convicted between 1945 and 1948, lost their jobs and/or pensions; they would later be honored with the *Righteous Gentiles* memorial medal.

It was an established practice to use physical torture to make the arrested person confess to whatever was contained in the incriminating reports. When the American authorities extradited the chief war criminals to Hungary in the autumn of 1945, it was also strictly stipulated that the arrested should not be, and were not, subjected to physical or psychological coercion. Gábor Péter and his colleagues probably regarded such coercion as unnecessary, since they were convinced that the people's judges would easily condemn these war criminals.⁴⁰ In the case of minor criminals, however, they used sheer physical violence in trying to make up for the lack of evidence. Sándor Linzer, one of the victims of Detective Dr. Bauer, deposited in writing that he upheld the confession he had made at the police station in its entirety, "...because they beat me when they took my deposition, and if I withdrew it now, they would beat me again."⁴¹

Mrs. Károly Göllner (who was 58 in 1945) said before the People's Court that she had been seriously beaten and kicked by the police. Although the People's Court sentenced her to twelve years' forced labor, the National Council of People's Courts reduced the sentence to one and a half years, saying that the defendant had been an Arrow-Cross member for only a year and had made but a few speeches.⁴²

Károly Sümegi was beaten until he signed a statement saying that that he had been an SS soldier and had killed 233 persons, 32 in Zólyom, 78 in Gyöngyös, and 76 at Kispest. Even the people's prosecutor noticed that something was wrong with the calculation (47 "dead" were

³⁹ Zoltán Tarpataky, Belügyminisztérium Történelmi Hivatal [Historical Office of the Ministry of Interior — henceforth: BMTH]- Vizsgálati iratok [Investigation papers — henceforth: V.] 102.343.

⁴⁰ Tilkovszky: Vád, védelem..., 1996, 1398.

⁴¹ Sándor Linzer, BFL–Nb. 2430/1945.

⁴² Károlyné Göllner, BFL–Nb. 1974/1945. Gusztáv Schwalm was told that if he did not confess, his wife, who was then not pregnant, would be brought in and not released until she *was* pregnant. BFL–Nb. 2408/1945.

missing), thus the charges were reduced to *Volksbund* membership and having voluntarily joined the SS.⁴³

Using the summary reports on the basis of the confessions extracted at the political police, the people's prosecution prepared the indictments, which in most cases were not more than a few lines. The indictments were often written in primitive, confused language, full of spelling mistakes. A five-line indictment accused András Újlaki of taking "part in the murder of innumerable people" in Budapest, in the winter of 1944. The people's prosecution returned the case for re-investigation, saying, "the opinion of the witnesses, in the lack of objective evidence, cannot serve as the basis for indictment."⁴⁴ As in many other cases, the witnesses of the prosecution had only heard what the defendant had allegedly done.

Since the most important Arrow-Cross person, Ferenc Szálasi, was not extradited to Hungary by the Western powers until October 1945, his wife and even his very old mother-in-law were arrested instead. Gizella Lutz was arrested and interned on July 3, 1945. She had been imprisoned for eight years already when on October 27, 1953 an order was issued for her arrest. The Budapest Court sentenced her to 12 years imprisonment on December 3, 1953. Szálasi had expressly prohibited his fiancée from becoming involved in political activities, and the widow of the "Leader of the Nation" was innocently imprisoned until 1956, when the revolutionaries set her free.⁴⁵

Mrs. József Trenkula was indicted on charges that she had been involved in the distribution of clothes taken from Jews, and she had seen people shot dead in the streets, and "thus, by her activity, which was not of a leading character, she aided the Arrow-Cross movement in gaining and remaining in power." The people's court sentenced her to three years.⁴⁶

Detective Chief Inspector József Ökrös, when testifying as a witness in the case of József Honfi, happened to say he had indeed heard that Honfi had been an Arrow-Cross member, but he did not deem it important, "because now everybody is said to have been an Arrow-Cross." Political Detective Mrs. Zoltán Alpár demanded in her report that Ökrös be removed from the police, with success. József Ökrös was subsequently indicted as second defendant in the trial of Honfi.⁴⁷

It was general practice that the People's Courts did not hear the witnesses of the defense. During the past few years, we have found more than fifty persons deserving to be presented with Yad Vashem's award to *Righteous Gentiles* for saving Jews, often in the face of mortal danger. Since these people were taken to court, it was of vital importance for them to prove with

⁴³ Mihály Sümegi, BFL-Nb. 1975/1945. The accused was 17 years old in 1944.

⁴⁴ Antal Domonkos, BFL-Nb. 2273/1945.

⁴⁵ BMTH-V.82.522. Gizella Lutz was acquitted of charges of spreading Arrow-cross propaganda first by the people's court on November 22, 1945, then, on June 19, 1946, by the National Council of People's Courts as well. According to the people's prosecutor, the fact that her apartment had been full of Arrow-Cross symbols meant the service of propaganda against the people and democracy. BFL-Nb. 2.464/1945.

⁴⁶ Józsefné Trenkula, BFL-Nb. 2.450/1945. The National Council of People's Courts changed the sentence to one year, and she was also released because she had been imprisoned precisely for a year.

⁴⁷ József Honfi, BFL-Nb. 2313/1945. Ökrös was acquitted.

witnesses and documents that they had saved rather than mistreated Jews. Even though my colleagues and I have been applying very strict criteria when analyzing contemporary depositions and vindictory letters, we have found dozens of shockingly tragic cases. These were without exception people who were denounced by their neighbors or enemies, mostly on completely fictitious charges. The other reason why the more than fifty *Righteous Gentiles* is a considerable number (and it is continuously growing as a result of our research) is that Yad Vashem has so far honored less than 400 Hungarians (including 12 foreign diplomats stationed in Hungary, like Raoul Wallenberg) with that award.

The people's prosecution returned a relatively high number of cases to the political police as insufficient for indictment. In addition, the People's Courts, often found the defendants not guilty in the first instance -- or handed out a few months' imprisonment, usually equal to the time the prisoner had already spent in custody. The professional judges of the National Council of People's Courts acquitted or significantly reduced the sentences of many of those condemned by the People's Courts. There was no "reactionary conspiracy," however; the charges were, as I have tried to show above, simply unsubstantiated in many cases.

Pál Dajkovics managed to prove before the National Council of People's Courts that he was not identical to the mass-murderer Arrow-Cross he was thought to be. The People's Court sentenced him to death, and the National Council of People's Courts acquitted him.⁴⁸ Gyula Kiss and Mrs. János Fülöp, also sentenced to death in the first instance, were able to clear themselves from the most serious charges only before the National Council of People's Courts.⁴⁹

János Korcz, who was sentenced to ten years by the People's Court, was later acquitted by the National Council of People's Courts when medical specialists found that he was criminally insane.⁵⁰

János Hesz, sentenced to lifelong forced labor by the People's Court, had his sentence reduced to five years' imprisonment by the National Council of People's Courts. The explanation for this change was that while the defendant had boasted of killing partisans in Greece during World War II, the People's Court had not proven that he had indeed done so.⁵¹ In August 1945, Gábor Péter demanded that the people's judges enforce the criteria of "revolutionary lawfulness," "against the legalistic entangledness" of the People's Courts. Minister of Justice István Ries (who would also perish in communist prisons within a few years) used suspensions and removals of people's judges and members of the National Council of People's Courts in trying to stimulate the judges to pass tougher sentences.⁵²

⁴⁸ Pál Dajkovics, BFL-Nb. 68/45.

⁴⁹ Gyula Kiss, BFL-Nb. 934/1945. When it had turned out that the accused had been involved in significant Jew saving activities, the National Council of People's Courts instructed the people's court to start a new procedure — at the end of which he was sentenced to four years penal servitude. Mrs. János Fülöp (BFL-NB. 1.032/1945.) was sentenced to four years by the National Council of People's Courts.

⁵⁰ János Korcz, BFL-Nb. 10/1945.

⁵¹ János Hesz, BFL-Nb. 2.481/1945.

⁵² *Szabad Nép*, January 9, 1946, 1.

Epilogue

The decrees that served as the foundation for the activities of the Hungarian People's Courts were based upon criminalized political acts, such as the joining of legal political parties and organizations before the war. However, we cannot say that all these trials, without exception, were faked, showcase trials. Most of the defendants condemned to death before the autumn of 1945 were indeed Arrow-Cross mass-murderers. It must be admitted, on the other hand, that a great number of minor Arrow-Cross members and minor *Volksbundists* fell victim to prejudiced investigations and showcase trials. A great many political detectives, people's prosecutors, and people's judges behaved like the Jacobins of old, who had regarded the country as divided in three parts: policemen, denouncers, and suspects. It would of course be unrealistic and unhistorical to expect to find unprejudiced judicial procedures in 1945 in a country destroyed by war, with one million of its people dead. Nowhere in Europe was this the case. It is too early to draw the final historical balance of the functioning of the People's Courts in Hungary -- further careful research remains to be done.

The history of Hungarian People's Courts has yet to be written, without suppressions, taboos, and distortions. I can regard this easy as only a small step in the direction of that monumental undertaking.