

**The Transitional Acts of Hungary's Basic Law
(December 2011...)
The transition from the communist dictatorship to democracy**

We, members of the Parliament – conscious of the discovery of the past and the emerging conclusions: the crimes committed against people, groups and the general society during communism and the naming of the perpetrators of these crimes; the condemnation and prosecution of the perpetrators of these crimes; at the same time the compensation of the victims of these crimes; the emphasis on the responsibility of the leaders of the communist regime; the constitutional order's secure functioning cannot stand on a solid foundation without differentiating between democracy and dictatorship, right and wrong, and good and evil – state the following in order to validate Hungary's first constitution adopted according to the requirements of a rule of law state:

1. The communist dictatorship is incompatible with the state based on the rule of law and created from the will of the people through the first free elections in 1990. The current Hungarian rule of law state cannot be built on the crimes of the communist system.
2. The Hungarian Socialist Worker's Party and its legal predecessor (the state party) are responsible:
 - a. For the elimination, with the help of the Soviet Army, of the democratic, multi-party effort of the post WWII years
 - b. For a legal system based on illegality and the exclusive use of power
 - c. For the elimination of an economy based on the freedom of property, indebting and for permanently destroying the competitiveness of the economy
 - d. For subjecting to foreign rule Hungary's economy, military, foreign policy and human resources
 - e. For the systematic destruction of the traditions of European values and the undermining of the national self-identity
 - f. For depriving or seriously limiting the fundamental rights of individual citizens or groups, specifically
 1. For the murdering, subjecting to foreign rule, unlawfully imprisoning, forcing into labor camps, torturing, and inhumanly treating people
 2. For confiscating property from citizens and limiting their rights attached to property
 3. For entirely confiscating people's right to freedom, and subjecting political opinion and expression of will to state coercion
 4. For the negatively discriminating against people based on origin, view of the world or political conviction, and for obstructing their progress and self-fulfillment based on

knowledge, diligence, and talent

6. For the self-serving intrusion based on political and ideological grounds into education, cultural education, scientific life and culture
 7. For creating and operating a secret police to illegally observe and influence people's personal lives
 - g. For strangling in blood the October 1956 revolution in collaboration with soviet troops, for the subsequent rule based on fear and retribution and forced migration of 200,000 Hungarians.
 - h. For reducing Hungary's place in the ranking of European and global nations
 - i. For those public crimes which were carried out for political reasons and which the justice system failed to prosecute for political reasons.
3. MSzMP [the Hungarian Socialist Worker's Party], its predecessors and the political organizations created in the communist ideology for their service were all criminal organizations, and their leaders are responsible without statute of limitations for maintaining a repressive system, violating fundamental rights, and betraying the nation.
 4. The Hungarian Socialist Party shares the responsibility of the State Party – through the continuity in party leadership that bridged the old and the new party - as the legal successor to the Hungarian Socialist Worker's Party, as the inheritor of the illegally amassed wealth, or as the benefactor of the illegitimate advantages acquired during the transition.
 5. Under the communist dictatorship, it was impossible to prosecute crimes involving the construction and maintenance of the system, nor was it possible to do so - in the absence of constitutional turn that broke legal continuity – after the first free elections. The leaders of the dictatorship were never held responsible in a legal or moral manner. The Basic Law will allow for delivering justice.
 6. Every citizen who showed resistance to the communist dictatorship, who was unjustly prosecuted or who was injured in his rights and human dignity by the servants of the communist dictatorship, deserves recognition and moral compensation.
 7. The communist dictatorship systematically prompted the violation of the law, but the acts were perpetrated by individuals. For the living and future generations, the memory of the punished need to be preserved and the perpetrators need to be named.

The Parliament and other Hungarian agencies will base their actions on the above constitutional acts.

Article 1.

- (1) The remuneration of communist leaders, granted by the state based on statute, may be reduced according to degrees set by law.

- (2) The revenues from the reductions carried out in accordance with paragraph (1) must be used for reducing the injuries caused by the communist dictatorship and the preserving the memory of its victims.

Article 2.

- (1) The statute of limitations cannot be viewed to have passed on crimes committed against Hungary or individuals during the communist dictatorship in the name or interest of the state party or with its consent which were not prosecuted for political reasons through the negligence of the penal code.
- (2) The statute of limitations for crimes defined in paragraph (1) will be defined according to the laws in effect at the time of the crime and will commence January 1st, 2012 if the crime's statute of limitations passed before May 1st 1990.
- (3) The statute of limitations for crimes defined in paragraph (1) will be defined according to the laws in effect at the time of the crime and will commence January 1st, 2012 if the crime's statute of limitations passed between May 2nd 1990 and December 31st, 2011 and the perpetrator of the crime has not been prosecuted.

Article 3.

- (1) In order to preserve the memory of crimes committed in relation to communist crimes, a National Memorial Commission will be established.
- (2) The National Memorial Commission will investigate the functioning of the communist dictatorship and the role of individuals and organizations holding the powers of the communist regime. The Commission will also report on its activities and publish the results.

Article 4.

The true discovery of the functioning of the communist dictatorship and society's sense of justice are public interests. The holders of the powers of communist power constitute public actors. For this public interest, the holders of the power of the communist dictatorship need to tolerate statements regarding their role in relation to the communist dictatorship and their acts – with the exception of deliberate and untrue statements. Personal information in relation to these roles and acts maybe revealed to the public.