

**Activities of the Prosecution Service in 2011**

(extract from the parliamentary report)

## *1. The structure of the Prosecution Service*

In 2011 apart from the 5 chief prosecution offices of appeal, 21 chief prosecution offices fell under the direction of the Office of the Prosecutor General; in Budapest and in the counties the number of the local prosecution offices was 137.

Until December 31<sup>st</sup> 2011, the Military Prosecution Service was an inherent part of the unified structure of the Prosecution Service; it consisted of the Military Chief Prosecution Office and the Military Chief Prosecution Office of Appeal functioning under the subordination of the former, as well as the 5 regional military prosecution offices (having their seats in Budapest, Debrecen, Győr, Kaposvár, and Szeged). Within its territorial jurisdiction encompassing more than one county, each regional military prosecution office exercised powers that chief prosecution offices are entitled to have.

On 28<sup>th</sup> of November, 2011 Parliament adopted two cardinal Acts: Act CLXIII of 2011 on the Prosecution Service of Hungary and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and other Prosecution Employees and the Prosecution Career. Both of these Acts were promulgated in Issue No. 143. of the Hungarian Official Gazette (Magyar Közlöny).

In harmony with Act CXIII of 2011 on the National Defence, the Hungarian Army, and Special Measures Applicable for Special Legal Orders, the new Act on the Prosecution Service does not regulate the ceasing Military Prosecution Service. Retaining their legal status, the military prosecutors have been integrated into the structure of the Prosecution Service from 1<sup>st</sup> of January, 2012, and in addition to cases falling into the scope of military criminal procedure, they participate in detecting other criminal cases, supervising their investigation and prosecuting them.

## *2. Prosecutorial activities within the field of criminal law*

The more significant part of the prosecutorial activities includes activities and duties related to the field of criminal law. As a contributor to the administration of justice, the Prosecution Service enforces the state's demand for punishment under conditions specified by Act XIX of 1998 on the Hungarian Criminal Procedure. The Prosecution Service directs, supervises, and concludes the pre-indictment investigative procedure, acts as public accuser in criminal court proceedings, and supervises the legality of penal enforcement. In 2011 the number of registered cases falling into the scope of criminal law that required settlement and completion totalled to 987,846.

Last year 451,371 criminal offences were registered. In comparison to the figures of previous years, the declining trend in the number of criminal offences has stopped. The number of the registered perpetrators has decreased: 112,895 perpetrators were registered in 2011.

The number of crimes against the person has declined; last year their total number was 27,204. However, the number of the most severe crime against the person, namely homicide, and within homicide the so called completed homicide, increased in 2011: 142 completed homicides were committed.

The most characteristic category of the registered criminal offences is crimes against property, which thus determine the total number of criminal cases. In 2011, 256,175 crimes against property were registered, and their ratio within the total number of criminal cases reached 56,8%. The most frequently committed crimes against property remain still theft, fraud, and the violation of copyright and that of neighbouring rights.

Compared to previous years, less traffic criminal offences were committed in 2011; their number amounted to 14,001, and intoxicated driving represented a significant proportion among them with a number of 7,623 intoxicated driving cases. Last year, 15,827 accidents causing physical injury took place, and 563 of them led to death. Almost a third of the accidents were caused by speeding.

The number of criminal offences of corruption in the public administration and law enforcement sectors and other segments of society was 6,707, from which number violence against public officials, persons performing public duties, and persons aiding a public official were committed in 1,197 cases. The number of crimes against the judicial system slightly increased in 2011; such crimes were committed in 3,054 cases. Compared to previous years' statistics, the number of crimes of corruption in other segments of society has risen: in 2011 740 cases were registered where criminal offences of corruption were committed, but presumably only a fraction of this crime-category is indicated by statistics. The range of criminal cases of corruption is not reflected by statistics.

The number of registered offences against public order also serves as a factor in determining the total number of criminal cases. This crime category comprises several violent criminal offences and crimes that impose enhanced threat on society, but it also encompasses criminal acts committed in relation to documents or instruments, which cases actually constitute the larger proportion of this crime category. Last year 107,676 crimes against public order were registered.

The number of reported economic criminal offences (32,490) has exceeded the number of economic crimes registered in 2010 by 54 %, and both in their ratio to the total number of criminal cases (7.2%) and in their number of frequency they display the highest number within the past twenty years. Within the total number of criminal cases registered in the first decade of the 21st century, the number of which reaches roughly the same amount between 420,000–460,000 cases annually, the total number of cases of economic criminal offences indicated a continuously rising tendency from 2001.

In connection with these crimes it must be highlighted that prosecuting money laundering cases has proven to be hardly more successful than it was in the previous years. Criminal conducts of money laundering ensuring the economic background and financial security of criminal lifestyle as well as the conspiracy for their unveiling incited organized crimes of the previous decades. Concealing illegal incomes derived from crimes by using financial systems in a way that would pretend legality could hinder the future detection and evidencing of the initial criminal conduct. In 2011 money laundering was detected in 10 cases. In order to combat money laundering, the omission of reporting money laundering cases also constitutes a misdemeanour and is punishable. In 2011 no procedures were instituted on suspicion of this misdemeanour, although doubts remain whether financial transactions raising the suspicion of money laundering were all reported by those who were obliged to do so.

The sum affected by economic crimes was 33.4 billion HUF.

The aim of the investigation stage during the course of the criminal procedure is to serve and facilitate accusations. The Hungarian Criminal Procedure Code entitles the prosecutor to investigate any case, and there are special cases that only the prosecutor has the exclusive competence to investigate. In addition, in cases where the prosecutor (exceptionally) refers the proceedings from the investigating authority in his own competence, the prosecutor investigates himself. The investigations referred to the prosecutor's exclusive competence are conducted by the central offices of the Prosecution Service assigned for such investigations (Central Chief Prosecution Office of Investigation) or the regional offices of the Prosecution Service (investigating offices located in Budapest and in cities designated as county seats). In 2011 8,888 crime reports were filed to the investigating offices of the Prosecution Service. The number of prosecutorial investigations ordered to be conducted was 3,964, whereas the number of the concluded prosecutorial investigations was 5,207. In concluded prosecutorial investigations 4,386 crimes and 2,779 perpetrators were registered.

In order to prosecute crimes of corruption more effectively, the Prosecutor General significantly widened the competence of the Central Chief Prosecution Office of Investigation starting with 2<sup>nd</sup> of April, 2011. Commencing from this date the Central Chief Prosecution Office of Investigation shall be competent to investigate crimes of corruption which a city or county local government member, an employee of a city, county, regional or national body of public administration in leading positions is suspected to have committed, which any of the above-mentioned persons as perpetrators may be suspected of, or which were committed in relation to any of the above-mentioned persons. For the investigation of crimes falling within the above-mentioned widened competence, a separate structural division was established at the chief prosecution office under the name Anti-Corruption Division. Upon the authorization of law, the Prosecutor General, the Deputy Prosecutor General responsible for criminal law cases, and the head of the Department for Serious Cases at the Office of the Prosecutor General are also entitled to assign the Central Chief Prosecution Office of Investigation for the investigation of cases which they lack competence for.

The investigating authorities shall order the investigation if crime reports are filed to them in cases falling into their competence or if they themselves perceive the suspected criminal act. In the year of the present report the investigating authorities notified the Prosecution Service of 276,390 decisions passed about investigations having been ordered by them, 21,956 decisions refusing crime reports, 121,034 decisions suspending investigations. With regard to the latter ones, it was primarily the unknown identity of the perpetrator that led to the suspension of the investigation. Last year the investigation was terminated on 66,916 occasions.

Including the cases initiated in the previous year, the Prosecution Service examined 489,834 decisions in 2011. The Prosecution Service acknowledged the majority of the decisions, namely on 477,785 decisions, while in 5,686 cases it requested the submission of documents serving as grounds for the decisions but found no reason for taking any measures. Upon examining the documents, the Prosecution Service altered the decisions in 2,825 cases, and took other measures without altering the decisions in 3,538 cases.

The prosecutor exercises direct supervision over the investigation conducted by the investigating authority independently and by itself, when it is complicated to decide about the facts or the law of the case, when a considerable period of time has elapsed after measures depriving the offender's personal freedom were ordered or after the offender was interrogated,

when the investigation of a severe criminal offence is conducted (punishable with more than ten years of imprisonment), or when the case has been declared to be a serious one.

In case of the direct prosecutorial supervision, the prosecutor shall be obliged to examine the documents of the investigation entirely every month and shall take the necessary measures in order to secure the entirety and legality of the investigation. Written form is also a requirement. The investigating authority is obliged to comply with the prosecutor's instructions even if his legal standpoint concerning any details of the given case differs from the prosecutor's instruction in its content.

In 2011 direct prosecutorial supervision was reported in 5,801 cases by the Prosecution Service, and the reports were followed by 11,740 in merito measures.

In 2011 submissions for the suspect's pre-trial detention were filed to the offices of the Prosecution Service in 7,417 cases. Out of these cases prosecutors motioned the ordering of the coercive measure in 5,980 cases, and there were 265 other cases where they proposed the coercive measure without the investigative authority's submission. Pre-trial detention was ordered by the court in 5,712 cases, house arrest in 168 cases, and confinement in other 104 cases. On the first day of the target year, 2,244 suspects, while on its last day 2,331 suspects were put under pre-trial detention.

It is also the prosecutor's legal obligation to ensure that pre-trial detentions are limited to the shortest period of time necessarily required. The duration of pre-trial detentions was maximum one month in 1,090 cases, between one and three months in 1,352 cases, between three and six months in 2,052 cases, and more than a year in 274 cases. In 2011 3,242 suspects were indicted simultaneously with their pre-trial detention, and there were 1,420 suspects whose pre-trial detention was terminated by the prosecutor, while the court terminated the pre-trial detention of 296 suspects.

The most significant act following the investigation is indictment. By means of the indictment the state's demand for punishment is enforced, and it is the indictment that triggers the commencement of the trial stage in the criminal procedure determining the limits of the procedure at the same time.

In 2011 the total number of the concluded investigations received from the investigating authorities with an indictment proposal where indictments were expected together with 6,519 unsettled cases initiated in the previous year amounted to 129,341. In 38,754 cases the prosecutor filed and indictment, in 8,189 cases he arraigned the defendant, in 19,997 cases he motioned that the procedure should be concluded without holding any trial (the omission of trial), and in 79 waiver of trial cases the charges against the defendant were decided by the court in a public session.

In 2011 indictments were postponed in cases of 8,666 defendants. The effectiveness of this legal institution is indicated by the fact that the criminal procedure was terminated in the case of 4,664 defendants, and only in the minority of the cases, namely in the case of 1,437 defendants were indictments well-founded. Last year legal institutions facilitating the simplification and the acceleration of trials were more frequently applied, the number of cases referred to mediation increased, and indictments were postponed in the case of several defendants.

The simplification and acceleration of the procedure, as well as the reduction of court's workload are aimed at when, upon the prosecutor's motion, the court inflicts a punishment or takes measures without holding a trial, hearing the accused, examining or looking at the evidence obtained. With regard to 29.8% of the indictments (in 19,997 cases), the prosecutor filed a motion for the omission of trial.

Arraignment also serves the speedy conclusion of procedures where circumstances of the case allow for the application of provisions regulating arraignment. Arraignment applies to cases which can easily be decided, do not involve complex evidence-taking, provided the defendant pleads guilty or is caught in the act. In 2011 defendants were arraigned in 12,2% of those cases (8,189 cases) where indictments were filed.

In 2011 courts passed final judgements in 69,363 cases in relation to 93,751 defendants. The number of appeal cases tried by third-level courts shows a continuous increase: within five years their number has doubled.

In 2011 first-instance trials were held in 52,037 cases where the number of defendants reached 68,271.

In second-instance procedures the number of cases concluded by trial was 12,128, and the proportion of cases with prosecutors representing their positions in public sessions where their attendance was not compulsory is significant as well (17.7%). To ensure prosecutors' attendance at trials imposed extra workload on prosecutors of the chief prosecution offices in leading positions, as well as on the prosecutors involved. The Metropolitan Chief Prosecution Office could secure prosecutors' attendance at trials mainly by involving prosecutors who were assigned or designated to this task by higher-level prosecutorial offices. Consequently, the workload of prosecutors working for the prosecution offices affected by said assignments and designations also increased.

Despite the restructured system of punishments, the ratio of punishments and measures inflicted by the courts has remained essentially unchanged for years now. In 2011 the most serious punishment, which is life-long imprisonment, was imposed on 10 defendants by the court.

Imprisonment was inflicted on 36.3% of the defendants by the court; enforceable imprisonment was imposed on 32.2% of the defendants, while the execution of imprisonment was suspended with regard to 67.8% of the defendants. The proportion of those defendants whom the courts sentenced to community work is still not considerable (13.7%).

The increase in the number of cases sent for judicial review continued. Documents of 325 cases were sent by the Supreme Court to the Office of the Prosecutor General in order to obtain the latter's statement. The Office of the Prosecutor General supported 6.4% of the motions submitted by the defendants and their defence counsels, and found 73.9% of the motions filed by the chief prosecution offices well-founded. In 89.5% of the cases, the judgements passed by the Supreme Court corresponded to the decisions of the Office of the Prosecutor General.

The indices regarding the prosecutorial supervision of legality exercised over penal enforcement and prisoners' rights protection activity in 2011 truly reflect the continuous growth in workload resulting from EU obligations and the further strengthening of these

prosecutorial activities. The number of motions requiring measures to be taken was 12,599, and the number of prosecutorial measures taken on the basis of them was 12,343.

The penitentiary institutions are sized for 12,604 inmates. The annual increase in the total number of detainees by 837 persons amounted to 17,210 persons on the last day of the year further adding up to overcrowded conditions of prisons (on 31<sup>st</sup> of December, 2011, and the level of over-crowdedness in prisons reached 136.5%). In 2011 due to stricter regulations introduced, it was especially the number of persons serving their confinement and of those serving their imprisonment terms that increased (in the former case the increase was 20%, in the latter 7%).

From the 17,210 persons who were still detained on the last day of the year 4,875 were put under pre-trial detention, and from the latter 2,552 persons had been serving their pre-trial detention for more than 6 months.

On 31<sup>st</sup> of December 2011, altogether 23,519 persons were placed under the supervision of probation officers. From them 3,122 persons were released on parole, 5,039 were put on probation, 9,647 sentenced to suspended prison sentence, and 5,711 were such persons who were placed under the supervision of a probation officer after the indictment had been postponed. Among them there were 669 persons who had committed another criminal offence and 713 persons who have violated the rules of conduct, which served as reasons for the withdrawal of their supervision by a probation officer.

Compared to previous years, the adult and juvenile perpetrator-structure displays similar rates: some 12% of the perpetrators are juveniles (11,034) and children (2,714), and the rate of juveniles shows a slighter, but gradual increase, while the rate of children stagnates at around 2%.

Both juvenile and minor perpetrators (in 61% and 54% of the cases) typically commit crimes against property, 7.8% and 6.1% of which constitute robbery. With regard to drug abuse, the number of juvenile perpetrators has unfortunately further increased by 10% compared to statistics of previous years.

The number of minor and juvenile injured parties again indicates a significant increase in their tendency, and more particularly, the number of children who have become victims (8,683) has risen to a distressing rate (33%).

In 2011 prosecutors filed indictments against 6,470 juvenile delinquents. Looking at the duration of the procedures, the criminal procedure was concluded within one year with regard to 36.9% of the accused considering the time period from the ordering of the investigation to the passing of the final court decision, whereas the same occurred with regard to 65.6% of the accused during the period from the indictment to the passing of the first-instance decision.

### *3. Prosecutorial activities in the field of civil law and administrative law*

In 2011 for the prosecutorial work in the field of civil law and administrative law the provisions of Act V of 1972 were still applicable. In 2011 19,662 civil law cases were registered by the prosecution offices.

The total number of prosecutorial measures taken in relation to foundations and non-governmental organizations was 15,906. The predominant majority of the 1,560 suits (1,280) filed against foundations and non-governmental organizations aimed at restoring the legality of their operation or terminating legal persons. The efficiency rate of prosecutorial measures (suits, motion for the issue of payment order, etc.) was 99.1%.

In these sectors of law prosecutors participated in 2,656 trials last year, which, suggests a 9% decrease compared to the preceding year. Within the legal remedies filed by prosecutors, the number of appeals declined compared to the preceding year: there were 443 appeals. 97.2% of the appeals (cross-appeals) were found to be well-founded by the court of appeal.

Since the political changes, prosecutorial bodies have been watching and paying special attention to cases of real estate fraud, and based on the Prosecutor General's circular letter imposing the obligation of reporting, the chief prosecution offices annually report about the prosecutorial measures taken in so called real estate mafia cases. By means of the complex prosecutorial action, measures were also taken to establish civil law consequences in addition to sanctions imposed by criminal law for the illegal acquisition of real estate.

In 2011 prosecution offices took measures in a great number of cases involving companies, thus they initiated the legality supervision of companies' registry court in 993 cases, and in 71 cases they filed a statement of claim to have rulings ordering the registration procedures of companies reversed.

Prosecutorial bodies have recently filed claims against financial service providers, insurance companies, and commercial real estate organizations regarding the unfairness of the general contract terms and conditions. In 2011 a statement of claim was filed in 22 cases only, which number is less than before.

By exercising legality control over 4,626 decisions passed and sent by the inspectorate for environment, nature and water, we also received information whether further prosecutorial actions were needed in the given cases, and the voluntary performance of the user of environment could be controlled. Based on the decisions, the chief prosecution offices initiated civil, criminal and company legality supervision procedures proving the complexity of the activity, as well.

Besides the reports filed by non-governmental organizations and citizens, the government commissioner responsible for rendering accountability and anti-corruption has submitted to the Prosecution Service several requests in the scope of environmental protection. By controlling documents of cases where high-volume investments, the rebuilding of national monuments or the over-utilization of natural reserves were authorized, prosecutorial bodies took versatile measures if violation of law was observed. The number of procedures aiming at animal protection is continuously increasing. Because of unauthorized wood cutting we also pressed for stricter authority control in our measures. The Chief Prosecution Office of Fejér County, for example, protested against the notary's decision which permitted the cutting of approximately one hundred trees on the investment area of the so called "Gate to Lake Velencei" and in which case insufficient measures were taken for the re-planting of trees.

It is a new phenomenon that in 2011 several claims aimed at protecting the public interest were filed by the Prosecution Service against business entities managing and organizing groups of consumers which provided deceptive, incomplete, false information about specific products or services in their advertisements and other means of communications. Behaviours boosting consumerism are typical nowadays especially with business enterprises that are also present on the internet. Prosecutorial action is especially justified by the fact that the competence of other authorities which are entitled to take actions in consumer protection matters does not entirely encompass eventual violations of law. Prosecutors' scope of authority secures adequate flexibility in this respect. We will continue paying attention to those areas where consumers are likely to be influenced to the greatest extent.

The number of decisions on terminating administrative offences procedures received by prosecution offices has grown by 4.5%, while the number of prosecutorial measures to the merits of the cases has significantly increased by 29.8%. Prosecutorial bodies conducted 340 examinations (almost the same number as the year before) at administrative authorities.

The number of prosecutorial protests filed in administrative cases rose to 1,981, which indicates a 11.7% growth compared to the previous year. The number of complaints which could be lodged pursuant to provisions of the Act on Misdemeanours received by the prosecution offices dropped by 6,1% during the reporting period. The number of apprehensions ordered in administrative cases was similar to the numbers measured in the previous year.

20% of the petitions filed at the prosecution offices last year was related to traffic offences. The number of petitions related to administrative offences shows some decline, but the number of petitions submitted in administrative cases of traffic offences has increased notably by 32%.

While controlling integrity examinations the prosecutorial bodies rejected the approval of 39 decisions out of the 388 decisions sent for approval and ordering examinations, and after controlling 282 decisions concluding examinations, they filed 5 protests, 2 warnings and 3 signalizations.

In 2011 the legality control still served as the method of prosecutorial duties and activities relating to administrative law. There were several county chief prosecution offices that examined the decisions passed by authorities (notaries of local governments and specialized, sectoral bodies responsible for health insurance) with regard to eligibility and the process of establishing eligibility for social medical care, the procedures of administrative authorities connected to medical attendance benefit, financial support for house maintenance, transport aid for severely handicapped persons. They also examined the legality of establishing the eligibility for supplementary allowances given to workers below the retirement age and for regular social aids, the decisions passed by administrative authorities about temporary social aids and funeral payment, as well as the legality of actions in property protection procedures falling into the competence of notaries.

In 2011 arrests in administrative cases were approved on 1,437 occasions, whereas arrests to be carried out in such cases were refused on 102 occasions.

#### *4. Activity of the military Prosecution Service*

In 2011 1,884 new crime reports were filed to the military Prosecution Services. The total number of persons whom crime reports were filed against was 1,756; 1,040 among these were unknown perpetrators reported. Including the 15 ongoing cases from last year the territorial military Prosecution Services proceeded in 1,899 cases of criminal charges.

In the military criminal proceedings 1,192 criminal offences were registered; among the 883 registered military offences 803 were crimes committed in the line of duty, most of them breach of discipline in the line of duty.

In the year in question 25.9% (309 cases) of all military offences were of non-military nature.

Of the 716 known persons whom crime reports were filed against 176 (24.6% of the denounced persons) were actually soldiers in the complement of the Hungarian Defence Forces. The number of denounced policemen was 339. 179 crime reports were filed against permanent staff members of penal institutions and 10 against permanent staff members of civil national security services.

Military Prosecution Services closed 1,410 cases; in 165 cases they dismissed the complaint, in 1,345 cases they carried out the investigation and in 24.4% of the investigated cases they presented indictment against 465 defendants.

Compared to the previous year the number of arraignments decreased. This procedural form was used against 52 suspects in 49 criminal cases. In cases of 63 defendants the criminal procedure was conducted without holding a trial (omission of trial).

Imprisonment as the most serious punishment type was imposed upon 117 defendants. The enforcement of imprisonment was suspended in 87.2 % of the cases; the sentence for 15 defendants was imprisonment to be enforced.

The majority of the punishments compared to imprisonment was pecuniary penalty; principal punishment of this kind was imposed on 218 defendants.

#### *5. The relationship between the Parliament and the Prosecution Service*

Pursuant to the effective legal regulations the Prosecutor General may participate in the sessions of the Parliament in advisory capacity, where – according to the general regulations – the MPs may address prompt, verbal or written questions to the Prosecutor General. In 2011 the Members of the Parliament did not have the possibility to interpellate the Prosecutor General as Act CXIII of 2010 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary abrogated the possibility of interpellating the Prosecutor General as of 24<sup>th</sup> November 2010.

In 2011 the Prosecutor General answered 9 prompt questions and 2 verbal questions in the Parliament and in 13 cases he gave a written reply to the questions of the MPs.

In 2011 Parliament suspended the immunity of 5 MPs at the motion of the Prosecutor General. One MP was indicted during the period of his public office.

In the year in question the Central Chief Prosecution Office of Investigation initiated the suspension of the immunity of seven judges and one public prosecutor, which was later realized.

Regarding contravention cases the Prosecutor General decided on suspending the immunity of one public prosecutor, and he also initiated the suspension of the immunity of one Member of the Parliament and three judges.

#### *6. The international activity of the Prosecution Service*

The most important period in the activity of the Prosecution Service in 2011 was the first semester, when Hungary held the rotating presidency of the Council of the European Union. During the presidency there were seven events listed among the official events of the presidency that the Hungarian Prosecution Service took active part in:

- Conference of the European Judicial Training Network (EJTN) on the Future of the Training of judges and public prosecutors (Budapest, 8-9 March, 2012);
- 10<sup>th</sup> Session of the Contact point Network for tasks concerning genocide, crimes against humanity and other war crimes (The Hague, 28-29 April, 2011);
- The Conference of the Anti-Fraud Office of the European Union (OLAF) and the European Judicial Academy (ERA) with the title “Fight against fraud and corruption” (Budapest, 5-6 May, 2012);
- Joint strategic seminar of Eurojust and the Office of the Prosecutor General of Hungary on “New Perspectives of Judicial Cooperation” (Budapest, 15-16 May, 2011);
- 36<sup>th</sup> Plenary Session of the European Judicial Network (EJN) (Budapest, 20-21 June, 2011);
- 14<sup>th</sup> General Assembly of the European Judicial Training Network (EJTN) (Budapest, 20-22 June, 2011)
- Meeting of the Consultative Forum of the Prosecutors General and Directors of Public Prosecutions of the Member States, assembled upon the initiative of the Prosecutor General of Hungary (The Hague, 23 June, 2011)

This latter meeting should be dwelled upon in more detail. The Consultative Forum of the Prosecutors General and Directors of Public Prosecutions of the Member States was established in May 2010. The aim of the Forum is to strengthen the aspects of the internal security strategy of the European Union. The task of the Hungarian presidency was to prepare and conduct the first meeting of the Consultative Forum dealing with professional issues, contributing therewith to the shaping of the working methods of the Forum.

25 Member States were represented at the June session of the Consultative Forum, more than half of which at the highest possible level, i.e. represented by the Prosecutor General. The session was chaired by the Hungarian Prosecutor General in English language. The Consultative Forum adopted two separate conclusions in the discussed topics, namely the draft directives on corruption and the European Investigation Order (EIO). The conclusion on corruption was given special topicality by the fact that the Communication from the Commission on Fighting Corruption had been published only 17 days prior to the meeting, so the Forum was among the first to comment on it. The conclusion on the European Investigation Order summed up opinions on the results of the Hungarian presidency and also highlighted issues still controversial regarding the practical aspects.

Due to his active participation in the events of the Hungarian presidency, bilateral meetings with Prosecutors General took place in the second semester of 2011.

Upon the invitation of his Russian partner the Prosecutor General headed a three-membered delegation visiting Moscow between 24<sup>th</sup> and 26<sup>th</sup> of October, while a high-ranking delegation led by Ranka Carapic, Prosecutor General of Montenegro visited Budapest between 12<sup>th</sup> and 14<sup>th</sup> of December, 2011. Apart from the above mentioned events, there were seven occasions when the Prosecutor General travelled abroad on official visits in 2011. On four occasions he attended highly prestigious international conferences where he delivered presentations and lectures: the meeting of the Network of Public Prosecutors and Equivalent Institutions at the Supreme Judicial Courts of the Member States of the European Union held in Rome between 26<sup>th</sup> and 28 of May, where he was elected as the next president of the Network; the conference of the European Association of Judges and Public Prosecutors, organized in Paris between 23<sup>rd</sup> and 26<sup>th</sup> of September, the academic meeting on the constitutional status of the Greek and Russian Public Prosecutors' Offices held on the Island of Kos between 30<sup>th</sup> of September and 4<sup>th</sup> of October, and the meeting of the Consultative Council of European Prosecutors organized by the Polish Presidency in The Hague between 15<sup>th</sup> and 16<sup>th</sup> of December.

The judicial authorities of the member states apply the direct request for legal assistance specified by the Convention on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union dated 29<sup>th</sup> May, 2000 (Act CXVI of 2005) to an ever wider range of cases; in 2011 1,800 such requests were sent to the local prosecution offices.

The number of direct requests for legal assistance sent abroad totalled 1,378 in 2011.

In cases where a Hungarian citizen committed a criminal offence abroad, the criminal procedure was taken over from the judicial authorities of foreign countries on 149 occasions, whereas there were 30 cases where the perpetrator, who was a foreign citizen, committed a criminal offence in Hungary and the cases were handed over to foreign judicial authorities.

In 2011 there were 4,857 foreign citizens who committed criminal offences in Hungary. From this number 1,587 perpetrators were Romanian, 645 Ukrainian, 456 Serbian and 306 Slovak citizens. From the total number of criminal offences committed by foreign citizens, which amounted to 7,117 criminal offences, 3,064 were crimes against public order, 1,550 crimes against property, 874 crimes of corruption in the administrative and law enforcement sectors and other segments of society.

In the year of the report, the courts ordered the pre-trial detention of 314 foreign citizens (105 of whom were Romanian, 44 were Serbian, and 20 were Slovak).

In Hungary there were 7,623 foreign citizens against whom criminal offences were committed. The majority of these criminal offences (82.4%) were crimes against property.

In 51 cases the Prosecution Service filed crime reports to foreign countries, and in 1,105 cases decisions were serviced abroad. Pursuant to Act XXXVI of 2007 on Legal Assistance in Administrative Matters the Office of the Prosecutor General took actions in 4,058 cases in 2011.

## *7. The Status of the personnel in the Prosecution Service*

Pursuant to Act LXXII of 2011, which specifies the amendment of the various Acts regulating the legal status of public officials, public servants, judges, and prosecutors in compliance with the Basic Law of Hungary, Act LXXX of 1994 (*ASPPDM*.) on the Status of Public Prosecutors and their Data Management, still in force in 2011, was amended commencing from 1st of January, 2012, and Act CLXIV of 2011 (hereinafter referred to as *ASPGPOEPC*) on the Status of the Prosecutor General, Prosecutors and Other Prosecution Employees and the Prosecution Career in Hungary was adopted together with the same Act.

Based on the Basic Law of Hungary, prosecutors' legal relation to the Prosecution Service terminates when they reach the age of retirement specified for them, the Prosecutor General, however, forms an exception to this rule. At the same time, the Interim Provisions of the Basic Law of Hungary and the interim provisions set forth by the *ASPGPOEPC* secure that prosecutors who reached the upper age limit until the Act's entry into force or have done and will do so in 2012 shall be gradually exempted with a six-month-long exemption period ensured. According to this, if the prosecutor reached the age of retirement prior to 1<sup>st</sup> of January 2012, his/her legal relation to the Prosecution Service shall be terminated by exempting them without any severance pay, a ban on exemption and any restriction. The commencing date of the exemptions is 1<sup>st</sup> of January 2012, the closing date is 30<sup>th</sup> of June 2012, and the prosecutors' legal relation to the Prosecution Service shall terminate on 30<sup>th</sup> of June 2012.

As a result of the amendments, by reaching the age of retirement, 78 prosecutors will finish their service in the first half of 2012. Measures aimed at the termination of their service had to be taken already in 2011. Moreover, it had to be taken care of beforehand that prosecutors exempted from their service during the entire exemption period should be replaced.

Together with the newly granted 55 prosecutor positions and 32 other positions for employees who are not prosecutors, which positions are to perform duties of combating corruption and integrity examination, the permitted number of the personnel in the Prosecution Service was 1,983 on 1<sup>st</sup> of January 2011. Until 31<sup>st</sup> of December 2011 this number declined to 1.947. The reason for the decline is that due to the increasing amount of workload and in order to secure the continuity of the prosecutorial work by the new-generation of prosecutors taking over from their predecessors, 36 positions vacant for prosecutors had to be converted into 130 positions available for trainee prosecutors.

At the end of 2011, the number of prosecutor positions filled was 1,786, whereas the number of vacancies changed to 128 from 165, the number registered in the previous year. This indicates an 8.6% shortage in the number of the prosecutors, which shortage was 9.6% in 2010. Beside the above-mentioned, the high shortage can be connected to the newly vacant prosecutor positions available from December 2010 as a result of the compulsory attendance at trials and to the time consuming training of the new generation of prosecutors.

In 2011 the number of the permitted positions for junior prosecutors was 140, 91 of them were filled. In 2011 the number of appointments to junior prosecutor positions was 57, whereas 3 junior prosecutors' service was terminated (in 2010 the number of appointments was 38, while 2 junior prosecutors' service terminated in the same year). In 2011 the number of trainee prosecutors reached 310 compared to the 322 positions permitted. In 2011 beside the 170 appointments to trainee prosecutor positions, there were 2 trainee prosecutors whose service terminated (in 2010 there were 94 appointments and 2 cases where prosecutorial service terminated).

Within the military Prosecution Service 67 prosecutors, 32 military officers and deputy military officers in non-prosecutor positions, 72 civilian prosecution employees (officers, clerks, and blue-collar workers) served and were employed. 4 military prosecutors above the age of 62, who had served in higher positions previously, retired from service commencing from 31<sup>st</sup> of December 2011 due to the already mentioned, recently introduced regulations of retirement.

The training programs within the Prosecution Service were realized and implemented in accordance with the annual training and educational scheme planned. In 2011 almost 50% of the personnel of the Prosecution Service (and within this number 89% of the trainee prosecutors) participated in some kind of training program.

The Hungarian Prosecutors' Training Centre (Hungarian abbreviation: *MÜK*), providing an institutional basis for the training of trainee and junior prosecutors, has reached the sixth year of its operation. Based on a uniform syllabus and educational program, the trainee prosecutors are successfully trained for their bar exam and are provided with the theoretical knowledge needed for this exam for four semesters. This well complements the practical experience acquired by the trainee prosecutors at the local offices of the Prosecution Service under the guidance of their instructors.

As international criminal co-ordination has become institutionalized and the opportunities of trainings abroad have become wider, the knowledge of foreign languages has also become more important. By the end of the year 60.2% of the prosecutors possessed excellent command of foreign languages. This rate was 61% with regard to the prosecutors of the Office of the Prosecutor General, 60.3% among the prosecutors of the regional prosecution offices, 100% among the junior prosecutors, and 96.5% among the trainee prosecutors. In 2011 the ratio of the employees of the Prosecution Service who possessed a certificate about passing a language exam at either B or C level was the following: 786 persons had language exams in English, 543 in German, 78 in French, and 266 in other foreign languages.

Supporting prosecutors' postgraduate studies forms an essential part of prosecutors' professional training. Some 30% of the employees of the Prosecution Service, altogether 544 prosecutors have obtained a certificate mainly in economic criminal law, criminalistics, environmental and EU law at the legal faculties of various universities so far by completing postgraduate studies.

#### *8. Information technology within the Prosecution Service*

The Prosecution Service operates a national, remote data transport network (Praetor Net) connected to every workplace. Its services include internet access, e-mail services ensuring fast information exchange, data bases and downloading registers which facilitate work within the Prosecution Service and which have been developed either by the Prosecution Service or by external sources.

In relation to the widening scope of tasks, structural changes and the integration of the military Prosecution Service, we expanded our IT equipment stocks by some 15% in 2011. As a result, more than 4,000 employees of the Prosecution Service can access this network via

their own workstation and authorization code, which network is able to secure continuous on-line access to applications and data.

At every structural unit of the Prosecution Service, it is possible to obtain data from the systems of the Ministry of Public Administration and Justice, of the Ministry of Interior, of the National Police Headquarters, from the data management system of the Central Office of Administrative and Electronic Public Services, from the system of detainees managed by the Hungarian Prison Service Headquarters. In 2011 the Prosecution Service created the conditions for accessing the e-Service Ticket System of the National Security Services.

#### *9. The financial conditions of the operation of the Prosecution Service*

Last year 32, 091.4 million HUF original expenditure targets were made available for the professional duties of the Prosecution Service within its budgetary chapter. Compared to the target of the previous year, this has meant an increase by 3,559.1 million HUF, an increase of 12.5%. The increase in the expenditure target has been caused by a 3,552.1 million HUF rise in the subsidy target and a 7.0 million HUF rise in own incomes.

Similarly to the previous years, 84.2% of the used targets were made up by personnel-related expenses and related contributions, only 3.8% of them could be spent on developments and 12% could be used on operational costs. For personnel allowances, 20,417.9 million HUF were used, from which sum the regularly granted personnel allowance was 14,031.1 million HUF, and the external personnel allowance was 324.1 million HUF. For personal allowances not granted regularly 6,056.7 million HUF were spent, which sum was primarily accounted for under the following legal titles: rewards in the sum of 1,964.2 million HUF, jubilee rewards in the sum of 430.8 million HUF, and for allowances specified by the cafeteria plan regulations of the Prosecution Service 200 thousand HUF gross per capita.

For non-personnel expenses 3,664.8 million HUF were used: 9.5% of such expenses was spent on purchasing stationeries, printed forms required for the performance of professional duties, handbooks, official bulletins and other information carrier equipment, 8.2% on operating the country-wide PC network of the Prosecution Service, 6.5% on the expert fees, defence attorney fees, translation and interpretation expenses, fees related to public procurement procedures.

By the end of the reporting period the gross value of the invested assets was 16,006.0 million HUF, which exceeded the closing value of the preceding period by 191.8 million HUF.

In 2011 the Ministry of Defence ensured a budgetary target limit of 1,162.5 million HUF for the military Prosecution Service constituting a separate budgetary title within the budgetary chapter of the Ministry of Defence at the beginning of 2011 so that personnel allowances could be paid, contributions payable by the employers could be settled, and the non-personnel (logistic and financial) expenses necessary for the daily operation could be covered. The Ministry of Defence ensured 57.8 million HUF as additional target sums modifying budgetary targets during the year.

#### *10. Prosecutors' research activity and the National Institute of Criminology*

Prosecutors are respected participants in academic legal research. Their essays and studies are regularly published in *Jogtudományi Közlöny (Legal Jurisprudence Review)*,

*Magyar Jogban (Hungarian Legal Review)*, *Ügyészek Lapjában (Prosecutors' Bulletin)*, *Belügyi Szemlében (Internal Affairs Journal)* and in other professional-scholarly journals. In 2011 the *Ügyészek Lapja (Prosecutors' Bulletin)* issued its special edition, which contained the edited version of the 15 best lectures presented at the Professional Academic Conference. Several prosecutors are authors of handbooks, university textbooks, and other publications used for educational purposes in the higher education. There are 17 prosecutors who possess academic titles. One prosecutor has been awarded the academic title D.Sc (Doctor of Science) after he successfully argued for his doctor for science dissertation in a public dispute held at the Hungarian Academy of Sciences, and 33 prosecutors, junior prosecutors (presently called deputy prosecutors), trainee prosecutors are PhD students at various universities on their own effort. Close to 70 prosecutors are university professors and lecturers at the legal faculties of Hungarian universities, at other institutions of higher-education, or they teach subjects in postgraduate programs.

As a scientific and research institute, the National Institute of Criminology (hereinafter referred to as *Institute*) carries out comprehensive researches on the causes of criminality, the possibilities of crime prevention, the current theoretical and practical issues of criminality and criminal law enforcement. The Hungarian Academy of Sciences, the legal faculties of the universities, and the agencies of criminal law enforcement delegate members of high position to the Academic Council, which assists and controls the *Institute's* work. The results and outcomes of the researches carried out by the *Institute* as well as its proposals are regularly used by the bodies showing interest in the *Institute's* work and projects.

There are 13 researchers working for the Institute who possess academic titles. Among the researchers one has been awarded the title of D.Sc, 12 the C.Sc. or PhD titles, while two researchers are habilitated associate professors.

The outcomes of the researches carried out by the *Institute*, especially within the scope of the researches started upon its own initiative, are used and benefited by the Office of the Prosecutor General' in its activities of legal codification and legal interpretation; moreover, they enrich the theoretical achievements of criminal law sciences in the field of crime prevention and criminal policy, and they are also used in the educational curricula of university and college education as well as in postgraduate programs.

In the target year, the number of publications by the researchers totalled 78, 17 of which were written in foreign languages (and 9 of the latter were published abroad). Among the publications there were one monograph and 6 book chapters, 26 essays published in scientific journals, 11 papers in OKRI Review (*note: OKRI is the Hungarian abbreviation of the Institute's name*), 7 scientific articles in various conference volumes.

In 2011 the researchers of the *Institute* delivered altogether 169 lectures and presentations at various conferences and professional forums, out of which 52 were held in foreign languages, at 27 conferences abroad.

