

**Act III of 1951
on the Code of Criminal Procedure
(excerpt)**

**CHAPTER I
General principles
The aim of the Act**

Section 1 The purpose of this Act is to ensure, through the regulation of criminal procedure, the prosecution of criminal offences, the punishment of the enemies of the working people and the education of workers in the rules of socialist social coexistence, to protect the state, social and economic order and institutions of the People's Republic of Hungary and the rights of workers.

[keywords: prosecution of criminal offences, punishment of the enemies of the working people, protection of state]

Ensuring personal freedom

Section 2 par. 1 Criminal proceedings shall only be brought under the law and only against someone who is reasonably suspected of a criminal offence.

Par. 2 No one shall be deprived of personal liberty except in the cases provided for by law and otherwise than as permitted by law.

Par. 3 The public prosecutor, the courts and, in general, the authorities empowered by law to deprive or restrict personal liberty shall ensure that, in the course of proceedings within their jurisdiction, no person is subjected to any measure affecting his or her personal liberty which is contrary to the law, and in the event of such a violation they shall take immediate steps to put an end to it.

Par. 4 A criminal offence shall not be punishable by a penalty other than a penalty imposed in a lawful proceeding conducted under a lawful authority.

[keywords: principle of legality, personal liberty]

Considering aggravating and mitigating circumstances

Section 3 The incriminating and exculpatory circumstances, as well as aggravating and mitigating circumstances, shall be considered and investigated by the authorities at all stages of the procedure.

[keywords: principle of investigability]

Proofs

Section 4 par. 1 The authority acting in criminal proceedings is not bound by formal rules of evidence, a particular method of proof or the use of particular means of proof and is free to use any evidence that may be relevant to the facts of the case.

Par. 2 The confession of the defendant alone does not render the use of other means of evidence superfluous.

[keywords: free evidentiary assessment]

Exclusion of criminal procedure

Section 5 par. 1 Criminal proceedings may not be launched, and criminal proceedings that have already been launched shall be terminated at any stage of the case or shall be concluded with an acquittal:

1. if the act of the defendant is not a criminal offence;
2. if there is a circumstance under the criminal law that makes the defendant fully or partially exempted from criminal responsibility.

Par. 2 The exceptions are determined by this Act (Section 90 par. 3, Section 133 par. 2, Section 145 par. 3, Section 214. par. 3, Section 229, Section 230 par. 2).

[keywords: exclusion of criminal procedure]

The principle of ne bis in idem

Section 6 No new criminal proceedings may be brought against the same person for an offence which has already been finally disposed of, except in the case of a retrial and appeal in the interests of justice.

[keywords: retrial, appeal]

Publicity

Section 7 par. 1 The hearings of the court are open to the public.

Par. 2 The public may be excluded from a court hearing only by a court order and only if it is absolutely necessary for the protection of state secrets, military or official secrets or for moral reasons.

[keywords: transparency of court proceedings]

Ensuring the use of the mother tongue

Section 8 The language of the procedure is Hungarian. No one may be disadvantaged for not knowing Hungarian. A person who does not speak Hungarian may use his or her mother tongue throughout the proceedings, both orally and in writing.

[keywords: language of court proceedings]

Relationship between civil and criminal judgments

Section 9 par. 1 If a civil action is brought to decide on the civil consequences of an offence that has already been decided by a criminal court by a final judgment, the criminal court's judgment also binds the civil court on the question of whether a criminal offence has been committed and whether the accused is the perpetrator.

Par. 2 Whether the accused should be found guilty, and of what offence, is a matter for the criminal court to decide independently, even if the court has already issued a final decision in the civil proceedings.

[keywords: civil court sentence, criminal court sentence]