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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4 and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding allegations of a physical attack, intimidation and official harassment of Mr. **Gabor Szollosi**.

Mr. Gabor Szollosi is a staff member of the Hungarian Civil Liberties Union (HCLU) and a resident of the village of Érpatak in Szabolcs-Szatmár-Bereg county. He reportedly works mainly for the promotion of the non-discrimination of Roma people in the region and transmits cases of alleged violations to the HCLU.

It has been reported that a context of increasing political polarization has arisen in the Érpatak area partly due to the local government's promotion of the so-called 'Érpatak-model', which allegedly employs an extremely strict interpretation of the law as a basis for zero-tolerance policies.

According to the information received:

Mr Szollosi has been targeted by a large number of lawsuits initiated by a local high-ranking public official as a result of his work on these issues. It is reported that the accusations typically include libel, defamation and/or abuse of personal data.

It is further reported that on two occasions in the past year, namely on 27 July 2012 and 1 January 2013, Mr Szollosi's house was vandalised by unknown persons who threw large rocks through the windows. Sources inform that on both occasions, Mr Szollosi filed a complaint with local police the same day; nonetheless, police reportedly discontinued the investigations on 19 August 2012 and 18 February 2013 respectively, without identifying the perpetrators.

It is alleged that following an incident where Mr Szollosi was reportedly removed from a public event commemorating a battle from World War 2 held in a local school, a defamatory article about him was placed on the website kuruc.info, an online portal with alleged far-right and anti-Roma sympathies.

Sources further inform that on 14 March 2013, Mr Szollosi received an anonymous phone call from someone claiming to be from a news agency who invited him to come to the centre of the village for an interview. Once Mr Szollosi arrived at the agreed place, he was allegedly attacked by an unknown man reportedly armed with a knife. The attack reportedly left Mr Szollosi with a broken jawbone for which he is currently undergoing dental treatment. It is reported that the attack has been registered with local police, who are currently in the process of investigating the matter.

Concern is expressed at the allegations that Mr Szollosi may be the target of a campaign of intimidation against him including a physical attack, giving rise to concern for his physical and psychological integrity, as well as that of his family. Particular concern is expressed in the light of allegations that these actions may be motivated by his legitimate and peaceful activities in defence of the human rights of others, especially the Roma community.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international standards that are applicable to the issues brought forth by the situation described above.

Regarding allegations received indicating that the situation of Mr Szollosi is related to his human rights work, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.
- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.
- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Szollosi in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of Mr Szollosi?

3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please explain what measures have been taken to guarantee the physical and psychological integrity of Mr. Gabor Szollosi and his family.

6. Please explain what measures have been taken to ensure that human rights defenders in Hungary, particularly those who are working on issues related to the non-discrimination of ethnic and other minority groups, can carry out their legitimate and peaceful activities without fear of violence or other restrictions.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr Szollosi are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders
Independent Expert on minority issues