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Book Review - Fair Trial and Judicial Independence: Hungarian Perspectives (Ius Gentium: Comparative Perspectives on Law and Justice Book 27) by Attila Badó (ed.), Springer International Publishing

The 27th book in the series "Ius Gentium - Comparative Perspectives on Law and Justice" is titled "Fair Trial and Judicial Independence - Hungarian Perspectives" and is edited by Professor Atilla Badó, a renowned law professor and the director of the Institute of Comparative Law at the University of Szeged in Hungary. In an insightful preface, Professor Badó describes the origins of the book, noting that developments in Hungary forced the writers to do a comparative study of judicial independence and fair trial. The goal of the study was to provide an unbiased evaluation of Hungary's legal system in light of global norms and developments.

Professor Badó emphasizes key turning points and highlights Hungary's significant judicial reforms since the country's first free elections in 1990. The 2010 elections, marking a revolutionary moment, empowered the prime minister's party "Fidesz – Hungarian Civic Alliance" to reshape both the country's Constitution and judicial system. The National Office for the Judiciary (NOJ) overseen by the National Judicial Council (NJC), gained significant influence over the central government. The 2011 reform diminished the NJC's supervisory role, granting extensive powers to the NOJ and its president. This raised global apprehensions about Hungary's perceived erosion of judicial independence.

The wide powers of the NOJ president have alarmed the Venice Commission, an advising body to the Council of Europe, which has denounced the transfer of cases as a breach of the right to a legitimate judge. International concerns remained even after changes were made in response to suggestions made by the Venice Commission.

In response to unfolding developments, "Fair Trial and Judicial Independence – Hungarian Perspectives" employs a comparative methodology to address current professional and political concerns, offering insights and solutions from a Hungarian standpoint. The book delves into the intricacies of issues surrounding judicial reforms and their impact in Hungary and around the world. It critically evaluates these reforms by presenting comparative perspectives, shedding light on the unique challenges faced by the Hungarian judiciary.

The book, as a comprehensive exploration of these dynamics, provides valuable insights into the broader discourse on judicial independence and fair trial standards.

Three sections make up the book "Fair Trial and Judicial Independence – Hungarian Perspectives," which has ten chapters written by ten different authors. The first section, "Fair Trial and Judicial Independence in a Comparative Perspective," includes three enlightening essays about issues related to organizational structure of the judiciaries, judge selection, and case distribution. The editor's contribution to chapter two and three explores the processes used by different nations to pick judges, providing a thorough summary of the variety that now exists among these systems. The author draws attention to the peculiarities of the Hungarian judicial reform, demonstrating how the country's politically driven selection procedure is very different from the contemporary, merit-based methods

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used by other jurisdictions. In terms of Chapter 3, it is a continuation of the preceding one, exploring in great detail the intricate technical aspects of the distribution of cases among many judges in a comparative analysis.

The book's second part, titled "A Comparative Approach to Analyzing the Right to a Fair Trial in Light of Modern Political Challenges," features two contributions. The first addresses fair trial standards, while the second explores trial systems beyond Europe.

The 1st chapter, written by Professor Samantha Joy Cheesman, is worth mentioning. In fact, it critically analyzes competing theories of due process and fair trial by comparing European and American perspectives, with a focus on balancing fair trial rights and national security concerns, especially in the context of counterterrorism. It looks at actual difficulties in terrorism, document disclosure, and legal representation instances to show how due process guarantees respect for individual legal rights. Comparing case law from the US and the UK reveals different strategies for defending the right to a fair trial. The chapter also offers a thorough analysis of the criminal justice systems and constitutions of EU member states, highlighting the disparities in how they define a "fair" trial. Hungary's constitutional revisions are receiving particular attention and are being closely monitored by the EU and media.

The final section of the book, titled "A Comparative Analysis of Some Basic Fair Trial Elements," comprises five chapters exploring topics like the delay of justice, evidence evaluation, publicity in the administration of justice, double jeopardy, and the right to defense. Notably, Professor Péter Mezei's contribution is highlighted for substantiating a connection between international instruments, emphasizing the substantive law of the Council of Europe and the European Union, along with national constitutional documents and criminal procedure codes, including Hungary, the United States, and the United Kingdom. The focus is on the principle of *ne bis in idem* (double jeopardy), exploring its historical and philosophical evolution from ancient times to modern international legal instruments. The research integrates an analytical analysis of case law from many jurisdictions with a philosophical approach that emphasizes the logic behind the maxim based on Rudstein's work. The introductory conclusion emphasizes the *ne bis in idem* principle's universal applicability as a standard procedural rule.

Upon reviewing the book holistically, several key observations emerge. "Fair Trial and Judicial Independence – Hungarian Perspectives" encompasses a diverse array of engaging articles, showcasing the authors' well-informed perspectives. The contributors have adeptly presented their insights in a manner accessible to readers with varying levels of familiarity with the subject matter providing valuable insights into the legal systems of Russia, China, USA, UK and multiple African and European countries.

Certain chapters could benefit from a more pronounced 'Hungarian Perspective,' delving deeper into specific challenges within pretrial proceedings. Addressing critical aspects like the investigative phase and detention conditions would amplify the discourse on ensuring a fair trial and judicial independence. Moreover, exploration of the independence of the Legal Profession and its role in upholding broader judicial independence merits more extensive coverage, providing insights into how different legal systems safeguard this crucial aspect. Strengthening these areas would enrich the overall narrative and offer a more comprehensive understanding of the topics under discussion.

Nevertheless, the book offers a wealth of valuable insights into various aspects of the Hungarian judicial system, covering topics such as fair trial, judicial independence, and

legal reforms. While some chapters may lack a distinct 'Hungarian Perspective,' the overall content is informative and accessible, making it a valuable reference for readers seeking a comprehensive understanding of Hungary's legal landscape. Each chapter contributes to a broader discussion on topics like the selection of judges, fair trial standards, and the challenges faced by legal systems in a variety of countries. Whether exploring the intricacies of the Hungarian judicial reforms or delving into comparative analyses, this book serves as a valuable work of reference for anyone interested in gaining in-depth knowledge of legal developments in Hungary and beyond.