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Date: 22/10/2021

DH-DD(2021)1097

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1419th meeting (December 2021) (DH)

Communication from the authorities (20/10/2021) concerning the case of Tonello v. Hungary (Application No. 46524/14) (Shaw group).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication des autorités (20/10/2021) relative à l'affaire Tonello c. Hongrie (requête n° 46524/14) (groupe Shaw) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

INFORMATION NOTE

on individual measures taken and/or envisaged in the case of

[Tonello v. Hungary](#) (no. 46524/14, judgment of 24 April 2018, final on 24 April 2018)

Referring to the request for supplementary information at the 1390nd meeting of the Committee of Ministers, 1-3 December 2020 concerning the case of Tonello v. Hungary, I hereby give you the following information:

1. *The Hungarian authorities are requested to provide further explanations on their proceedings against K.S., in particular with regard to the accusation from which K. S. was acquitted in April 2017 at the Mezőtúr Court.*

The Government have no new information on the matter.

2. *In which procedures/cases were the arrest warrants issued against K.S. withdrawn in August 2016 and July 2018?*

In the criminal procedure concerning Changing of the Custody of a Minor (Section 211 of Criminal Code). According to the provision „Any person who takes away a minor from the person who has been granted custody by final decision of the competent authority, without the consent of the custodian, with the purpose of changing custody permanently, or keeps the minor hidden or in secret, is guilty of a misdemeanor punishable by imprisonment not exceeding one year.”

3. *Are there any ongoing proceedings against K.S.?*
There are still no criminal proceedings pending against K.S. at the Police.
4. *Did she exercise her right of appeal against the second instance judgment brought by the Szolnok Court of Appeal?*

The Government still have no information as to whether the accused or his defence counsel has lodged an appeal against the judgment of the Szolnok Court of Appeal.

5. *The call was firmly repeated for the authorities that they should continue revealing all possible investigation possibilities, with special emphasis on those which carry more chances of success, thus the fact that the child has been treated by the same doctor in Mezőtúr for years, and even most recently in September 2018; or that in the first place the child was registered in 2016 in a nursery school of Mezőtúr, although ultimately she did not go there.*

Concerning the disappearance of the minor – Besides the search process by the Mezőtúr Police Department of the Jász-Nagykún-Szolnok County Police Headquarters, the Jász-Nagykún-Szolnok County Police Headquarters continue to collect information.

In the course of these proceedings, they are continuously investigating, among other things, new infringements suspected of having committed, but so far no such offence has been established.

In any event, it is worth mentioning that in the course of her most recent hearing of 8 March 2017, as part of the search process conducted under ref. no. "16050/2186/2016. ált", dr. Á.M. paediatrician, gave a witness testimony which was contrary to her testimony given by her in October, 2016 before the Local Court of Mezőtúr. Taking this into account, the investigation authority showed the documentation of the court proceedings to the paediatrist, upon which the witness stated that the contents of those documents do not reflect what she stated earlier. Thereafter, on 19 June 2019, dr. Á. M. was also heard at the Local Court of Szolnok, who repeatedly stated that she treated the child in 2018, however she could neither support this with documents no any other way. In the context of the above, it was found that on the basis of the documents obtained during the judicial and investigative proceedings the credibility of the paediatrician is questionable.

6. *Information is expected on whether the child is attending school, given that she already is of school age.*

There is still no information that the child T.C.I. is attending school in Hungary.

7. *They noted the ministerial level treaty between Hungary and Italy to set up a joint investigation task force, but expressed their sorrow that no progress has been reached in the actual organisation of this task force; therefore they urged the Italian authorities to take all necessary measures to put the investigation task force into operation and make it more efficient, considering that the only valid measure is the European warrant of arrest issued by the Italian authorities.*

Given that there is still no criminal proceedings pending against K.S., there is still no legal possibility to set up a joint investigation team.

8. *The authorities were called to provide information on the request by K.S. submitted to the Italian authorities regarding parental custody over the child, and its outcome.*

The Government still have no information on the request submitted to the Italian authorities.

9. *The Hungarian authorities were also asked to provide information on the alleged agreement, which would be concluded between the legal representative of K.S. and the Interpol.*

The Police are not aware of any further developments in this matter.

10. *They request information on whether Hungarian legislation provides for the possibility of mediation or agreement between the parties in this respect.*

The legal conditions for mediation between the parties continue to be available under the legal provisions.

11. The authorities were called to inform the Committee on measures taken or planned to be taken in order to secure that the authorities, having found the children, can carefully plan the possible steps necessary to reinstate the relationship between the father and daughter, in order to safeguard the child's interests.

No further information has occurred on this issue.

12. Inform the Committee of any developments in the case and refer the matter to the attention of the highest level Police authority if this has not already been done.

The Police still do not have data on the basis of which the whereabouts of the mother and child could be established.

Budapest, 20 October 2021.

Zoltán Tallódi

Agent of the Government of Hungary