

Zentai must face trial in Hungarian court

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Arguments against extradition are not justified, says Efraim Zuroff

On the afternoon of November 8, 1944, an 18-year-old lad named Peter Balazs was hauled off a tram in Budapest and taken to a nearby military barracks for "interrogation". Several alleged witnesses have provided statements about what happened to him next.

They say that at the barracks, Mr Balazs was brutally beaten, kicked and tortured for more than four hours by a group of three soldiers serving under Hungary's fascist regime, essentially because he was Jewish.

In terrible agony, and choking on his own blood for a prolonged period, Mr Balazs died that same evening. His body was then weighted and dumped into the Danube river.

They also say that one of the soldiers who beat the boy to death, and who hauled him off the tram, was his former scout master, Karoly (Charles) Zentai, now a resident of Perth.

Unless and until Mr Zentai is given a fair trial in a court of law, these allegations can remain nothing more than that. Allegations.

When I first claimed Mr Zentai was one of the boy's murderers more than five years ago, he said that he wanted to go to Hungary to answer the accusations against him.

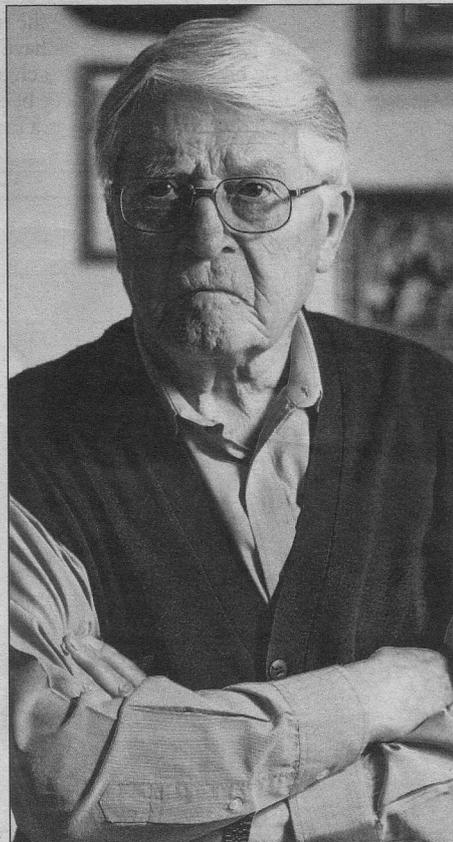
But since 2005, when the Hungarian Government sought Mr Zentai's extradition from Australia under the extradition treaty between the two countries, he has done everything possible to avoid going to Hungary.

The extradition request gave rise to numerous legal battles in Perth Magistrate's Court and the Federal Court of Australia.

These cases were not about Mr Zentai's guilt or innocence but concerned technical questions about whether he can lawfully be extradited.

After the courts decided that he was extraditable, Minister for Home Affairs Brendan O'Connor last year ordered Mr Zentai to be surrendered to the Hungarian Government.

But Mr O'Connor's decision was overturned by the Federal Court on July 2.



Legal battle: Charles Zentai

One of the reasons given for setting aside the minister's decision was based on the fact that Mr Zentai has not been formally charged in Hungary.

The extradition request seeks Mr Zentai for questioning. Yet lawyers in Hungary have advised me that under Hungarian law a suspect cannot be indicted unless he is physically present in Hungary.

The court also found that the "war crime" of which Mr Zentai is accused was not known to the law of Hungary in 1944 and is therefore not a "qualifying extradition offence" under Australia's extradition laws.

Yet war crimes have been a part of customary international law, binding on all

nations, for more than a century. Many of these crimes were codified in the Hague Regulations in 1907.

This was the basis upon which Japanese war criminals involved in crimes against Australians were tried under Australia's War Crimes Act after 1945.

If the court's latest decision is right, then the Japanese who were convicted, hanged or jailed by Australian war crimes tribunals were wrongfully treated and Australia acted illegally.

This alone is sufficient reason for the Government to appeal against the court's decision — to set the legal and historical record straight.

The court also determined that "inadequate inquiries" had been made by the Australian Government to satisfy itself that Mr Zentai would receive humane treatment if he were to be tried, convicted and imprisoned in Hungary.

Yet Hungary is a fully-fledged democracy and would not have been admitted as a member in good standing of the European Union unless it met the EU's stringent democratic and human rights requirements for admission.

Decisions of the Hungarian Government and courts can be challenged on human rights grounds in the European Court of Human Rights.

Australians are fortunate in never having known the daily horror of living under a totalitarian government.

The very idea of killing a teenage boy because of his religious or ethnic background is well beyond the range of experiences of most of us.

But there is something we can understand.

The surviving relatives of Peter Balazs are not looking for vengeance. They want the whole truth about what happened to him, a matter of elementary justice, no matter how long it takes.

The loved ones of any victim of an alleged murder would demand no less.

Efraim Zuroff is the chief war crimes investigator of the Simon Wiesenthal Centre