

HUNGARY



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NATIONAL POLICY

Hungary condemns terrorism in all its forms and shares the view that international terrorism is one of the most important security threats. Aware of the great concern caused by the increase in terrorist offences and the growing terrorist threat, Hungary underlines the importance of effective multilateral co-operation to combat international terrorism and participates keenly in the action against terrorism within the framework of the UN, the EU and the Council of Europe as well as of other international organizations, such as the NATO or the OSCE.

Hungary is of the opinion that multilateral cooperation to combat international terrorism plays an important part in the protection of human rights and the strengthening of democracy. Terrorism attacks democracy's supreme values, therefore Hungary's anti-terrorist measures prevent the destruction of the main democratic achievements. It is very important to underline that any measures against terrorism must be compatible with fundamental freedoms and rights, international humanitarian law and refugee law.

According to the latest information, as a central European country, Hungary is not a country that is threatened or targeted by international terrorism and no international terrorist networks exist within its borders. At the present time Hungary is only affected in the Foreign Terrorist Fighter phenomenon by virtue of geography and its position as a transit route. We are therefore in the strong position of focussing on maintaining the current security situation and proactively preventing the risk of violent extremism in Hungary. The main element of this approach is to build a long-term partnership

with the small but well integrated Muslim community.

LEGAL FRAMEWORK

Introduction

The Hungarian legislation, available on the governmental portal (<http://www.njt.hu>) contains the updated text of all of the relevant legal provisions, with the exception of local government regulations. An on-line edition of the National Gazette is also available on the Internet (www.magyarkozlony.hu).

Following the terrorist attacks in Madrid on 11 March 2004, the Hungarian Government reconfirmed the need for a National Action Plan to Combat Terrorism, which was first approved in May 2004. (Government Decision 2112/2004 on the current tasks related to CT activities of 7 May 2004). A Counter Terrorism Committee was established. In 2005 the national terror threat levels were introduced for the first time, with a grading from A-D. (Government Decision 2151/2005 on the revision of the National Action Plan to Combat Terrorism of 27 July 2005). The main goals of the National Action Plan included improving the exchange of intelligence and cooperation among international police forces, adopting domestic legislation to allow freezing of assets of suspected terrorists, and amending the existing provisions pertaining to the freezing of financial assets. The National Action Plan to Combat Terrorism was evaluated and updated in 2007 (Government Decision 2046/2007 on the revision of the Government Decision 2112/2004 on the current tasks related to CT activities of 19 March 2007).

Hungary's National Security Strategy of 2012 contains concrete elements and measures on countering terrorism, extremism, radicalization (29/b.), and also extremist groups (38).: <http://2010-2014.kormany.hu/download/4/32/b0000/National%20Security%20Strategy.pdf>

The amendment of the National Security Strategy is also foreseen.

Following the terrorist attacks in Paris on 13 November the Hungarian Government re-established a Counter Terrorism Committee (Government Decision 1824/2015 on the coherent implementation of counter terrorism activities which entered into force on 20 November 2015. The terror threat levels also changed in Hungary from A, B, C, D to 1, 2, 3, 4 in order to combat terrorism threats proportionately to risks.

- 4 means Low level terror threat. It is ordered if there is a possibility of an act of terrorism within the EU or in any of the NATO member states and Hungary has the obligation to contribute to the prevention or cessation of a terror threat.
- 3 means Moderate level: it is issued if an act of terrorism has been committed in any of the neighbouring countries as a result of which, the increase of terror threat is expected in Hungary as well.
- 2 means Substantial level: it is ordered if there is concrete information available that a terrorist attack against Hungary is a strong possibility.
- 1 means Critical level: it is issued if there has been a terrorist attack in Hungary, which has grave consequences.

The grading of a situation is ascertained by the Minister of Interior based on the advice of the Counter Terrorism Committee. This Decision replaced the previous national action plan to Combat Terrorism

After the Brussels attacks on 22 March 2016, the Hungarian Government launched the elaboration of a new CT Action Plan and its implementation which led to the amendment of the Constitution and directly 13 different laws (e.g. National Security Act, Police Act, Criminal Code...). The draft law elaborated in collaboration with the opposition parties due to the two-third majority aspect was presented to the Parliament on the 27 April 2016, and finally adopted on 7 June 2016.

Fundamental Law

The Fundamental Law of Hungary, adopted on 18 April 2011 and entered into force on 1 January 2012, contains the following rules on unexpected attacks: "In the event of an unexpected incursion of external armed groups into the territory of Hungary, until the decision on the declaration of a state of emergency or state of national crisis, the Government shall be obliged – if necessary, in accordance with the armed defence plan approved by the President of the Republic – to immediately take action using forces proportionate to and prepared for the attack, to repel the attack, to defend the territory of Hungary with domestic and allied emergency air defence and aviation forces, in order to protect lawful order, life and property, public order and public security [Article 52 paragraph (1)]."

The Sixth Amendment of the Fundamental Law of Hungary entered into force on 1 July 2016. It contains a new article, which is titled 'State of Terror threat'. According to Article 51/A, upon the Government's proposal, the National Assembly with a two-thirds majority may announce the state of terror threat and authorise the Government to introduce extraordinary measures. The Government may introduce new measures in Decrees that diverge from state Acts, but the Government has to inform the President of the Republic and the standing committees of the National Assembly vested with the relevant functions and powers. The effect of these measures only lasts for fifteen days. In the state of terror threat the Government may suspend the application of

certain Acts, diverge from the provisions of Acts and take other extraordinary measures. The Hungarian Army can also be deployed if the use of the Police or the National Security Services is not sufficient. Upon the termination of the state of terror threat, such decrees of the Government shall cease to have effect.

Main amendments related to the new CT Action Plan

According to the latest amendment of Act XXXIV of 1994 on the Police (Police Act), the police may introduce high-level security measures for 72 hours, which can be extended by an additional 72 hours if required. If direct, specific and substantiated information justifies it, the National Police Commissioner can maintain these measures even after the deadline. However, the minister concerned must inform the relevant parliamentary committee immediately about the extension and the information, which the extension is based on. The high-level security measures include not only searches of buildings, clothing or identity checks, but also restriction of road traffic, public transportation or interrupting organised events.

Furthermore, in order to maintain the security of the state borders, border crossing points and institutions of paramount importance to the State, the Police may place video recorders at such locations. Personal data acquired by the Police during the monitoring of entry and exit to institutions of paramount importance, which are secured by the Police can be handled by the Police for up to 30 days. Data regarding reports on suspicious transactions of explosives-precursors can be handled by the Police for up to 5 years from the date of the submission of such a report. These data can be forwarded to national contact points or national contact points abroad.

In order to check the duration of legal residence and for the purpose of preventing crimes the Police handles personal data of people arriving from a third country for up to 5 years from the

date of the border crossing. Such personal data include: first and last name, date of birth, gender, nationality, number and type of travel document, number and type of visa, registration number of the vehicle used during border crossing.

Upon the decision of the Government, The Hungarian Defence Force can temporarily help the Counter Terrorism Centre (hereinafter hereinafter referred to as: to as: TEK) carrying out counter-terrorism activities in certain tasks, such as security of Hungarian delegations working abroad, people on diplomatic missions or institutions.

According to the Act C of 2003 on Electronic communications, in case of a terror attack or a terror threat the provider of electronic communications services must ensure the continuous operation of call numbers used by certain organisations. The minister responsible for law enforcement shall determine in a Decree, which organisations have such obligations.

The Act LXXXXIX of 2007 on State borders states that under conditions described in Article 25 of the Schengen Borders Code the minister responsible for law enforcement can reintroduce border control at internal borders immediately in a Decree. Furthermore, the latest amendment of this Act declares that the operation of border crossing points can be suspended for up to 48 hours by the Chief of Police if there is an occurrence of any event arising from any reason or cause beyond reasonable control. The suspension can be extended by an additional 48 hours by the Chief of Police if necessary.

Criminal Code

Acts of Terrorism

The rules concerning terrorism are set out in the Act C of 2012 in the Criminal Code (hereinafter referred to as: CC). According to Section 314, Paragraph a)-c) of Subsection (1) of the CC, the definition of act of terrorism reads as follows:

- (1) "Any person who commits a violent crime against one of the persons referred to in Subsection (4) or commits a crime that endangers the public or involves the use of a firearm in order to:
 - a) coerce a government agency, another state or an international body into doing, not doing or countenancing something;
 - b) intimidates the general public;
 - c) conspires to change or disrupt the constitutional, economic or social order of another state, or to disrupt the operation of an international organization;
 is guilty of a felony punishable by imprisonment between ten to twenty years, or life imprisonment.
- (2) Any person who seizes considerable assets or property for the purpose defined in Paragraph a) of Subsection (1) and makes demands to government agencies or non-governmental organisations in exchange for refraining from harming or injuring said assets and property or for returning them shall be punishable according to Subsection (1).
- (3) The punishment of any person, who:
 - a) abandons commission of the criminal act defined under Subsections (1) and (2) before any grave consequences are able to occur; and
 - b) confesses his conduct to the authorities;
 in such manner as to cooperate with the authorities to prevent or mitigate the consequences of such criminal act, apprehend other co-actors, and prevent other criminal acts may be reduced without limitation.
- (4) For the purposes of this Section "violent crime against a person and crime of public endangerment that involves the use of firearms" shall mean
 - a) homicide [Subsections (1) and (2) of Section 160], battery [Subsections (2)-(6) and (8) of Section 164], wilful malpractice [Subsection (3) of Section 171],
 - b) kidnapping [Subsections (1)-(4) of Section 190], violation of personal freedom [Section 194],
 - c) crimes against transportation safety [Subsections (1) and (2) of Section 232], endangering railway, air or water traffic [Subsections (1) and (2) of Section 233],
 - d) criminal misuse of radioactive materials [Subsections (1) and (2) of Section 250],
 - e) violence against public officials [Subsection (1)-(5) of Sections 310], violence against persons performing public duties [Section 311], violence against a person aiding a public official [Section 312], violence against a person under international protection [Subsection (1) of Section 313],
 - f) seizure of any means of transport [Subsections (1) and (2) of Section 320], public endangerment [Subsections (1)-(3) of Section 322], interference with public works [Subsections (1)-(3) of Section 323], criminal misuse of explosives or explosive devices [Subsection (1) and (2) of Section 324], criminal misuse of firearms or ammunition [Subsections (1)-(3) of Section 325],
 - g) criminal misuse of weapons prohibited by international convention [Subsections (1)-(5) of Section 326], criminal misuse of military items and services [Subsections (1)-(3) of Section 329] dual-use items and technology [Subsections (1) and (2) of Section 330],
 - h) robbery [Subsections (1)-(4) of Section 365], and vandalism [Subsection (1)-(6) of Section 371];
 - i) crimes against computer systems and computer data [Subsection (1)-(4) of Section 423],

Section 315:

- (1) Any person who instigates, suggests, offers, joins or collaborates in the commission of any of the criminal acts

defined under Subsections (1) and (2) of Section 314, or any person who is involved in aiding and abetting such criminal conduct by providing any of the means intended for use in such activities or by providing any of the means intended for use in such activities is guilty of felony punishable by imprisonment between two to eight years.

- (2) Any person who is engaged in the conduct referred to in Subsection (1) or in the commission of any of the criminal acts, defined under Subsections (1) and (2) of Section 314, in a terrorist group, or supports the terrorist group in any other form is guilty of felony punishable by imprisonment between five to ten years.
- (3) The perpetrator of a criminal act defined in Subsection (1) or (2) shall not be liable for prosecution if he confesses the act to the authorities before they become aware of it and reveals the circumstances of the criminal act.

Section 316

Any person threatening to commit an act of terrorism or travels through or out of Hungary with the intention of joining a terrorist organisation, is guilty of a felony punishable by imprisonment between two to eight years.

Section 317

Any person who has positive knowledge concerning plans for a terrorist act and fails to promptly report that to the authorities is guilty of a felony punishable by imprisonment for up to three years."

Section 318

(1) Any person who provides or collects funds with the intention that they should be used in order to carry out an act of terrorism, or who provides material assistance to a person who is making preparations to commit a terrorist act or to a third party on his behest is guilty of

a felony punishable by imprisonment between two to eight years.

(2) Any person who commits the criminal offense referred to in Subsection (1) in order to carry out an act of terrorism in a terrorist group, or on behalf of any member of a terrorist group, or supports the activities of the terrorist group in any other form is punishable by imprisonment between five to ten years.

(3) For the purposes of this Section 'material assistance' shall mean the assets specified in Point 1 of Article 1 of Council Regulation (EC) No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, including legal documents and instruments in any form.

Section 319

For the purposes of Section 315 and 318 'terrorist group' shall mean a group consisting of three or more persons operating in accord for an extended period of time whose aim is to commit acts of terrorism.

The latest amendment to the Criminal Code has entered into force on 17 July, 2016. According to this amendment Acts of Terrorism is among the crimes for which minors, between the ages 12 and 14 can be prosecuted, provided that the minor has the capacity to understand the nature and consequences of his/her actions. Furthermore, according to Section 331, any person who raises support for terrorism in public or publishes pro-terrorist propaganda commits a felony, punishable by imprisonment between one to five years.

The amendment to the Act CCXL of 2013 on Punishments, Measures, Emergency measures and Offences states that if a level 1 or 2 terrorist threat is issued, the Director General of the Hungarian Prison Service may limit temporarily the prisoners' certain rights, their work outside of prison, participation in vocational training or the number of objects that prisoners can keep in their cells. The rights of prisoners that can be

limited temporarily in cases of a terrorist threat include: the right to exercise or participate in sport activities outside of the prison building, the right to receive visitors, to visit sick relatives or to go to a funeral. If such measures are introduced by the Director General of the Hungarian Prison Service, the Prosecutor General has to be informed immediately. Once the terror threat ceases to exist the prisoners fully regain their rights, which had previously been limited. The same rules apply to those who are in provisional detention.

Jurisdiction

Chapter 2 of the Criminal Code contains the rules on jurisdiction. As a basic principle, Hungarian law shall be applied to crimes committed in Hungary, as well as to any conduct of Hungarian citizens abroad which is deemed criminal in accordance with Hungarian law. In certain cases, Hungarian criminal law shall also be applied to acts committed by non-Hungarian citizens in a foreign country. Such offences include, inter alia, crimes against humanity and acts that are to be prosecuted under international treaties.

Procedural Rules

The Act XIX of 1998 on Criminal Procedure (hereinafter referred to as CP) does not provide separate procedures for persons suspected of committing terrorist acts. This means that in the CP there are no special rules in respect of arrest, interrogation, detention, trial, conviction in case of committing of a terrorism-related crime.

The terrorist act is a crime which falls within the competence of the regional court. According to Section 15 of the CP the judgment of criminal offences in the first instance shall fall within the competence of the district court, unless they are referred to the competence of the regional court by the CP. As a main rule the regional court acting as a court of first instance may conduct its procedure in a panel consisting of one professional judge and two associate judges.

Victim Support System

The rules concerning Hungarian Victim Support Service – including the victims of terrorism – are laid down in the Act CXXXV of 2005 on Crime Victim Support and State Compensation. On the basis of equity and social solidarity, the Act aims at providing services for those whose financial, social, physical and psychological conditions have deteriorated as a result of a crime. The victims of any type of crime can be entitled to victim support in order to facilitate the protection of the victim's interests, to legal aid and to instant monetary aid.

Victim can be any natural persons who has suffered injuries as a direct consequence of criminal acts, in particular bodily or emotional harm, mental shock or economic loss.

Victims can be entitled to victim assistance if the crime was committed on the territory of Hungary and persons are:

- Hungarian citizens
- citizens of any EU Member State,
- citizens of any non-EU country lawfully residing in the territory of the European Union,
- stateless persons lawfully residing in the territory of Hungary,
- victims of trafficking in human beings, and
- any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and Hungary or on the basis of reciprocity.

According to the Act, victim assistance is provided by the county offices of the Office of Justice Victim Support Service. Victim assistance covers victim support (facilitate the prosecution of victim's interests, grant instant monetary aid and provide legal aid) and state compensation.

Prevention of Money Laundering and of the Financing of Terrorism

Hungary has strengthened its legal and institutional framework, and has made

significant progress regarding international communication and cooperation, as well as training for the service providers who face money laundering and terrorist financing risks. Concerning the fight against money laundering, Hungary is cooperating closely with the European Union and its member states, the OECD, and the Council of Europe as the Financial Action Task Force (FATF), the International Monetary Fund (IMF) and the World Bank. The International Convention for the Suppression of the Financing of Terrorism was signed on 30 November 2001 and, following its ratification by Act LIX of 2002, entered into force on 14 November 2002.

Anti-money laundering legislation in Hungary dates back to 1994. In 2003, the Government of Hungary re-codified its money laundering legislation in Act XV of 2003 on the Prevention and Impending of Money Laundering which entered into force on 16 June 2003. On 17 October 2005, on order to implement the recommendations of the Report on third assessment visit made by the Moneyval, the Government of Hungary adopted an Action Plan which determined all the tasks for the relevant actors and authorities. The Act CXXXVI of 2007 on the Prevention and Combating Money Laundering and Terrorist Financing entered into force on the 15th December 2007. The AML/CFT Act which is effective now, implemented the third EU AML/CFT Directive. The third AML/CFT Directive implemented the FATF 40 Recommendations and 9 Special Recommendations in the field of anti-money laundering.

This Act establishes the legislative framework for the prevention and combating of terrorist financing and complies with international anti-money laundering standards and requirements. The scope of the Act covers financial and investment services, commodity, exchange services, international postal money orders and transfers, real estate agents, auditors, accountants, tax advisors, casinos, persons who are engaged in trading with precious metals or articles made of precious metals, lawyers, public

notaries and persons who are engaged in trading in goods involving the acceptance of cash payments in the amount of three million six hundred thousand forints or more. The Act introduces more specific and detailed provisions relating to customer and beneficial owner identification and verification.

On 1 February 2008 the Act CLXXX of 2007 on the implementation of the financial restrictive measures of the European Union entered into force which provides for the freezing of funds (financial assets) and economic resources of terrorist by administrative measures.

After the fourth round Moneyval evaluation in 2009-2010 the Government of Hungary adopted an Action Plan which forms the basis of review of the AML/CFT Act in 2012.

On 25 June, 2015 the 4th EU AML/CFT Directive was enacted, which replaces the third Directive. The EU Member States have two years for the implementation of this Directive.

Prevention of Nuclear Terrorism

Several measures have been taken to prevent acts of nuclear terrorism in Hungary. The International Convention for the Suppression of Acts of Nuclear Terrorism was ratified on 12 April 2007. Act LXXXII of 2006 on the enactment of the Agreements and the Protocol concerning the implementation of Article III (1) and (4) of the Treaty on the Non- Proliferation of Nuclear weapons, entered into force on 11 November 2006.

Under the control of the Government, the public administration body responsible for the peaceful use of nuclear energy is the Hungarian Atomic Energy Authority, which is organizationally and financially independent. Since 2002, the terrorist threat to Hungarian nuclear installations and the connected area is regularly evaluated, with the involvement of experts from the nuclear sector convened by the Director General of the Hungarian Atomic Energy Authority.

The Inter-ministerial Disaster Management Coordination Committee (DMCC) is responsible for ensuring the preparedness and operation of the National Emergency Response System.

The Committee operates a Nuclear Emergency Working Committee (DMCC NEWC), which is responsible for decision support for the decision-makers for protective action in the event of a nuclear or radiological emergency. Emergency response activities are governed by the Nuclear Emergency Response Plan.

In case of a nuclear emergency situation a Crisis Centre is set up that is managed by the National Directorate General for Disaster Management (hereinafter referred to as: NDGDM), Ministry of the Interior. This centre is responsible for the coordination of crisis communication.

For the support of the DMCC NEWC an Expert Panel is operated at the headquarters of the HAEA, which is responsible for the organization and implementation of data collection, evaluation, analysis work, and for sending the results to the DMCC NEWC. During its activities, the Expert Panel uses the analysis results of the HAEA and NDGDM.

The National Radiation Signaling and Monitoring System (hereinafter referred to as: NRSMS) operates to support the necessary information for the decision preparation and decision-making work of the DMCC. The central organization of this system is the Nuclear Emergency Information and Analysis Centre (hereinafter referred to as: NEIAC) operating at the NDGDM. The main role of the NRSMS is to continuously monitor the national radiation levels. Based on the assessment of the changes of background radiation the national nuclear emergency response early warning is activated.

The NEIAC operates the real time online nuclear emergency response decision-support system and performs prediction of the anticipated dispersion pathway of radioactive materials released in case of an event unfavorably influencing safety..

The Centre for Emergency Response, Training and Analysis (hereinafter referred to as: CERTA) is part of the Hungarian Atomic Energy Authority Emergency Response Organisation. CERTA is only activated if there's a radiological or nuclear emergency. It analyses and evaluates the radiological conditions, environmental consequences and deals with, inter alia, the estimation of the radioactive source term. For the purposes of these emergency-related tasks the CERTA uses various software and hardware tools. These programs can simulate the environmental dispersion of radioactive materials or in general can evaluate the probability of core damage in a severe accident situation of the nuclear power plant.

In accordance with the amendment of the International Convention on physical protection of nuclear materials, Act LXII of 2008 has modified certain provisions of the Act on Atomic Energy. The Amendment to the Convention and the more accurate regulations for physical protection of nuclear material was made necessary by the increasing threats related to the illicit trafficking of nuclear material and nuclear terrorism, and the ongoing development of security techniques.

NDGDM operates 7 radiological Mobile Detection System (MDS) vans in order to help prevent the illicit transport of radioactive and nuclear materials through the borders and the main transport routes in Hungary. These MDS vans are capable to detect gamma and neutron radiation even during cruising and by their handheld equipments the operators can identify the actual isotope type as well.

Critical Infrastructure Protection

In Hungary, to protect the critical infrastructures, several practices had been implemented at sectoral level, aiming to define the system of the independence and to survey the dependency between the relevant organisations and the telecommunications systems.

The EU Council Directive 2008/114/EC of the identification and designation of European critical infrastructures had been implemented in 2012. The Hungarian Parliament adopted its decision 166/2012 on Critical Infrastructure Protection by a qualified majority. Afterwards we have completed the second part of our legislation procedure with the Government Decree 65/2013 which entered into force in March 2013. Through the legislation, common terms and procedures for designating national and European critical infrastructure elements was created. It is a framework decree (65/2013) regarding the regulations of sectors and sub-sectors which came into force in three separate periods. According to the Directive and the Critical Infrastructure Protection Act, the Hungarian National Directorate General for Disaster Management, Ministry of the Interior began the identification and designation procedures at national and EU level as well. The operators of designated critical infrastructure elements have the obligation to create their own Operator Security Plans. Hungary has several designated national critical infrastructure elements from 6 different sectors. The designating procedure has finished in 3 sectors and one subsector (Energy, Water, Agriculture, Public safety - law enforcement infrastructures-), also the process is still ongoing in 3 sectors (Health, Financial, Public safety - Military systems and facilities-). There is no designated European Critical Infrastructure in Hungary yet. According to our law, in 3 sectors (Transport; Information, communication technologies; Law and governmental) government decrees are necessary for starting the identification.

INSTITUTIONAL FRAMEWORK

Hungary has strengthened its counter-terrorism capacities in the recent years.

According to the Government Decision 1824/2015 on the coherent implementation of counter terrorism activities which entered into force on 20 November 2015 the following

institutions and other public authorities are involved in the counter-terrorism activities:

- Counter Terrorism Centre,
- Constitution Protection Office,
- Information Office,
- Military National Security Office,
- Special Service for National Security
- Counter-terrorism Intelligence and Criminal Analysis Centre (Terrorrelhárítási Információs és Bűnügyi Elemző Központ hereinafter referred to as: CTICAC)
- National Police Headquarters,
- National Directorate General for Disaster Management, Ministry of Interior (NDGDM)
- National Tax and Customs Office,
- Office of Immigration and Nationality,

and the

- Ministry of Interior
- Ministry of Foreign Affairs and Trade

Counter Terrorism Centre

Terrorist attacks in other countries and the reactions of international organizations to such attacks justified the establishment of a centralized authority responsible for gathering intelligence and coordinating operations related to the fight against terrorism.

To this end the TEK was established on 1 September 2010, as a national authority under the direct supervision of the Minister of Interior, acting independently with independent finances, receiving its funds from the Central Budget. Consequently it is independent of all police and national security organizations. The Director General of TEK is appointed by the Prime Minister upon the recommendation of the Minister of Interior.

TEK's main tasks are to detect terrorist organizations acting in the territory of Hungary, to prevent these organizations from committing crimes, as well as to prevent any organization or individual from facilitating the operation of terrorist organizations on the territory of

Hungary by providing financial resources or in any other way. TEK has specific powers at the national level to coordinate the fight against terrorism, based on its own analysis and evaluation. It plays a special role in handling possible emergency situations and in the operational coordination of counter terrorism activities.

Prior to the establishment of TEK, tasks related to fighting terrorism in Hungary used to be the responsibility of different agencies and authorities, which made information flow concerning terrorism relating issues difficult. Terrorist attacks in other countries and the reactions of international organizations to such attacks justified the establishment of a centralized agency responsible for countering terrorism with national jurisdiction, comprising law enforcement and national security tasks.

The legal status, the powers, the duties and activities as well as the oversight system are regulated by the following legislations:

- Act XXXIV of 1994 on the Police
- Government Regulation 295/2010 (XII.22.) on the designation of the organization countering terrorism and on the details of its responsibilities
- Act CXXV of 1995 on the National Security Services

TEK merges the police and civilian national security functions of counter-terrorism in Hungary, however, it does not carry out open investigative activities, since it is not an investigating authority. This task is carried out by the National Investigation Bureau, belonging to the agency carrying out general police duties.

On the national level, TEK is responsible for information and intelligence gathering, analysis and assessment of the terrorist threat, as well as for operational tasks. It carries out the prevention, detection and interruption of terrorist activities and intelligence gathering regarding terrorism related activities in Hungary. The Director General of TEK acts as the Chairman of the Counter Terrorism Coordination

Committee, responsible for CT coordination at the operational level between the relevant national agencies.

TEK is structured in line with its key areas of responsibility, into four operational directorates, namely: Intelligence Directorate, Personal Protection Directorate, Operations Directorate and Duty and Facility Protection Directorate.

The Intelligence Directorate does all the information collection and analysis that serve to prevent and detect terrorism, it is responsible for monitoring, gathering, analysing intelligence and assessing the terrorist threat. The International Division responsible for all international relations of TEK is embedded in the Intelligence Directorate.

The key responsibility of the Personal Protection Directorate is to provide overall protection to the Prime Minister and the Attorney General of Hungary (personal protection and the protection of facilities related to those public figures, starting from planning, through preparations to actual implementation).

The Operations Directorate carries out all the practical tasks in connection with terrorism and related criminal activities, as well as all tasks related to the apprehension of violent criminals. The SWAT teams are available on 24/7 basis.

The Duty Directorate provides 24/7 on-duty service and Situation Centre capabilities for TEK, the Ministry of Interior and the Government to ensure permanent information flow.

In addition to its Headquarters in Budapest, TEK has regional offices in Hungary to provide national coverage.

As a result of centralizing powers, TEK received enlarged powers also in the field of secret intelligence gathering. The special feature of TEK is that depending on the nature of the given activity, is empowered to secret information collection with law enforcement purposes (pro-active policing) (Police Act Article 7/E paragraph (2)) on one hand, and on the other hand to a screening-research (national

security) type of information collection (Police Act Article 7/E paragraph (3)).

Article 7/E of the Police Act:

“(1) The agency carrying out counter terrorism activities [...]

a) shall carry out tasks provided under Article 1 (2) 15 within the frameworks of which aa) shall act towards the prevention, detection and interruption of terrorist activities [...] and seizure of aircraft, railway, waterborne and highway mass transportation vehicles or vehicles suitable for mass transportation of goods [...] and related criminal activities, and the apprehension of perpetrators as stipulated by law,

ab) shall act towards the interruption of kidnapping [...] and other crimes committed in connection with it, and the apprehension of the perpetrators,

ac) shall act towards the prevention, detection and neutralization of individuals, groups or organizations committing kidnapping [...],

ad) shall prevent, detect and intercept efforts that are aimed at committing terrorist action in the territory of Hungary. [...]

c) shall provide personal protection to high risk public figures – identified by law – of Hungary and security to designated facilities. [...]

e) shall obtain, analyse, evaluate and forward information on foreign countries and coming from foreign agencies, that are necessary for carrying out the tasks identified under d), [...]

(2) In order to comply with its responsibilities set out under paragraph (1), point a), sub-points aa)-ac) and point c), the agency carrying out counter terrorism activities may collect information in a secret manner [...].

(3) In order to comply with its responsibilities set out under paragraph (1), point a) sub-point ad) and point e), the agency carrying out counter terrorism activities may secretly collect information in line with Act CXXV of 1995 on the national security services [...]

TEK is to coordinate all counter terrorism related activities of other law enforcement and national security services that might be related to terrorism, meaning that the gathered

information would be centralized in one hand, making the identification of action to be taken to counter terrorism more efficient. Government Regulation 295/2010 (XII.22.) provides in Article 3, paragraph (1) that TEK shall: “a) analyse and evaluate the threat of terrorism of Hungary

b) organize and coordinate the activities of agencies acting to prevent and counter terrorism – except military national security services and the Information Office – and carry out preparatory, implementation and administrative tasks in connection with the operation of the Counter-Terrorism Coordination Committee.”

TEK plays an important role in assessing the critical infrastructure, in developing the strategy for their protection, as well as in the implementation of the actual steps that might be taken. According to Article 3, paragraph (1) of the Government Regulation 295/2010 (XII.22.), TEK shall:

“c) take part in drawing up the national programme for the protection of critical infrastructure, in the assessment of threat and in the planning of security measures, as well as to provide protection – based on a separate contract – for infrastructure that is significant and critical regarding the threat of terrorism.”

TEK’s responsibility is to provide protection to two public figures in Hungary, namely the Prime Minister and the Attorney General. TEK shall cooperate in this work with law enforcement authorities as well.

“[TEK shall] d) provide protection to the Attorney General and to the Prime Minister as stipulated in the Government Regulation on the protection of protected persons and designated facilities [...]

e) regarding its tasks of protection of public figures, cooperate with the units carrying out personal protection tasks of the agency carrying out general police duties, in the course of which it coordinates preparations and implementation of the related tasks.”

TEK plays a significant role also in the law enforcement tasks that might require special

expertise or equipment:
"[TEK shall] f) upon request, carry out law enforcement tasks, related to escorting persons under extradition or transfer arrest to the national borders or from abroad to Hungary, as well as transportation of convicted prisoners through Hungary, [...]"

k) carry out - in justified cases in cooperation with the specialized units of the bomb disposal service of the agency carrying out general police duties – bomb disposal activities arising in connection with its detection/intelligence and neutralization tasks."

In the same way, according to Article 3, paragraph (2) and (3) of the Government Regulation 295/2010 (XII.22.), TEK is also responsible for:

"a) the apprehension and making forced appearance of persons caught in the act of intentional commitment of crime, if available information indicates the use of weapons, b) the apprehension of armed persons suspected of committing criminal acts, and c) restraining persons dangerous to themselves and to others, if such person exhibits armed resistance, or resistance with weapons in the course of measures taken against him/her."

(3) Upon request by the investigating authorities, law enforcement agencies and the prosecutor's office, TEK may especially a) intercept violent criminal acts against persons not listed under paragraph (2) point b), or apprehend the perpetrators, b) apprehend armed persons who may be suspected of committing a crime, c) in addition to cases identified under paragraph (2) point c), apprehend persons dangerous to themselves or to others, d) escort detained persons if the degree of danger of the person, or the circumstances of escorting justify it, and e) transport materials seized in the course of official action that are especially dangerous to public security, and especially large amount of, or high value narcotics."

Based on Police Act Article 7/G paragraph (3) TEK is empowered to independently cooperate and maintain contacts with the partner agencies, and to directly participate in the activities of the international organisations of such agencies (e.g. Europol).

Partnership with the Ministry of Foreign Affairs and Trade facilitates significantly the implementation of activities related to international cooperation, TEK participates and cooperates in the fulfilment of all requests where it can guarantee the necessary security using its qualified staff and equipment. Point h) of Subparagraph 1 in Paragraph 3 of the Government Decree 295/2010 of 22 December provides that

h) in order to comply with international obligations, it (TEK) shall cooperate with the Ministry of Foreign Affairs and Trade, including coordination of the practical tasks arising from such obligations, in particular the organization of interception in Hungary."

This partnership is of utmost importance in two special fields of activities. On one hand, TEK may – upon a common decision by the Minister of Interior and the Minister for Foreign Affairs – participate in rescue, repatriation or evacuation operations outside of Hungary to protect Hungarian citizens. On the other hand, upon a common decision of the same Ministers, TEK shall provide personal and facility protection for some Hungarian diplomatic missions, institutions and facilities abroad. Relevant provisions of the Police Act are as follows (Article 7/E paragraph (1)):

"d) based on the decision of the minister responsible for law enforcement made in agreement with the minister responsible for foreign policy, and in compliance with relevant international standards, shall participate – in case of direct risk to the physical integrity and life of Hungarian citizens outside of Hungary during war, armed conflict and terrorist or hostage taking situations – in rescue, repatriation and evacuation operations, and shall cooperate with this purpose with the agencies of the North Atlantic Treaty Organisation and with

affected international organisations and affected foreign authorities, [...]

f) For the period identified in the decision of the minister responsible for law enforcement made in agreement with the minister responsible for foreign policy, it shall, in compliance with international standards, provide personal and facility protection for

a) Hungarian foreign missions and their staff, and

b) Hungarian organisations (institutions) and facilities abroad that are important for government activities, and shall cooperate with this purpose with the agencies of the North Atlantic Treaty Organisation and with affected international organisations and affected foreign authorities."

Counter-terrorism Intelligence and Criminal Analysis Centre

As a result of the new CT action plan adopted in 2016 the Counter-terrorism Intelligence and Criminal Analysis Centre was established on 17 July 2016 as a national security service. The CTICAC is supervised by the Minister of Interior. According to the Police Act, TEK's main tasks are to detect terrorist organizations, to prevent, detect and avert efforts of private persons, groups and organizations aimed at committing terrorist activities, and prevent related crimes to be committed, as well as to prevent private persons, groups and organizations to financially support or to assist in any other way, any terrorist organization to redound (Article 1 (2) 15).

The CTICAC's main tasks are detailed in the Act CXXV of 1995, Section 8/A. According to this Act, the CTICAC examines Hungary's overall crime and safety situation, within the frameworks of which, it monitors and with the use of all the relevant and available data, continuously analyses Hungary's national security, criminal situation and terrorist threat. Upon request, it also evaluates the task execution of the organizations involved. It is

important to mention that it will not have the right to collect information in secret.

In order to facilitate the decision-making, concerning strategic questions about national security, criminal situations and terrorist threats, the CTICAC makes propositions to the ministers responsible for directing the national security services to define the relevant tasks. It also performs strategic analysis and it determines demands concerning information for the organisations involved. Furthermore, it proposes the level of threat of terrorism based on the evaluation of information concerning Hungary's terrorist situation. The CTICAC compiles, actualizes and transmits ad hoc and periodic news demands to the organizations involved, which are needed for the government's decision-making.

The CTICAC processes information harmful to national security, law enforcement, public safety or any other fundamental security interest, and through its analyses to compile as comprehensive a picture as possible of terrorist and/or other threats to the nation, the domestic security situation and the state of public safety. It will operate an information system with regard to the above and provide regular evaluation reports to the Government.

The CTICAC handles databases for the purposes of national level coordination and creates informative assessments, background and risk analysis. It is worth to mention that the national security services cannot link their own data-handling system to that of the CTICAC's system. The CTICAC, on the other hand, may link its own data-handling system to any other such system of the national security services. The CTICAC also assists the security and criminal decision-making of the government by providing statistical data that is anonymised.

INTERNATIONAL CO-OPERATION

The Ministry of Foreign Affairs and Trade is the national focal point in international political

cooperation on counter-terrorism, and in this capacity

- coordinates the implementation of relevant international obligations, i.e. UN Security Council resolutions on terrorism-related sanctions and the procedural rules for submitting complaints thereto (Government Decree 212/2010 (VII.1.) and EU terrorism-related sanctions;
- is responsible for the formulation of coordinated positions related to counter-terrorism to be represented at different international fora (i.e. UN, EU, OSCE, Council of Europe) and in bilateral negotiations;
- makes proposals on concrete national policies concerning Hungary's participation in international counter-terrorism activities;

There is a Counter-Terrorism Coordinator in the Ministry of Foreign Affairs and Trade.

RATIFIED INTERNATIONAL CONVENTIONS ON TERRORISM

United Nations Conventions

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (Law decree No 22 of 1977)
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (Law decree No 24 of 1987)
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (Act XXV of 2002)
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the

United Nations on 9 December 1999 (Act LIX of 2002)

- International Convention for the Suppression of Acts of Nuclear Terrorism, New York, 13 April 2005 (Act XX of 2007)

Multilateral Conventions

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (Law decree No. 24 of 1971)
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970 (Law decree No. 8 of 1972)
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (Law decree No. 17 of 1973)
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (Law decree No. 8 of 1987)
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (Act XXXVII of 2004)
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (Act LXVIII of 2003)
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (Act LXVIII of 2003) – Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (Act LXVI of 2003)
- Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic,

the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross border cooperation, particularly in combating terrorism, cross border crime and illegal migration (Act CXII of 2007)

- *After an extensive preparatory and legislative process, Hungary ratified the Council of Europe Convention on the Prevention of Terrorism on 1 March 2011. The Convention entered into force in respect of Hungary on 1 July 2011. According to the Hungarian declaration made with respect to the Convention, Hungary interprets 'danger' as 'clear and present danger' in the context of public provocation to commit a terrorist offence under Article 5, paragraph 1, of the Convention.*

Bilateral Conventions

As Hungary is committed to the fight against terrorism, several bilateral agreements have been concluded with other states on co-operation to fight against terrorism, organized crime and illicit trafficking of drugs in the last decade. Among others, Hungary has bilateral agreements in this field with Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, China, Croatia, Cyprus, the Czech Republic, Egypt, Estonia, France, Greece, the United Kingdom, the United States, Ukraine, Ireland, Israel, Jordan, Kazakhstan, Kuwait, Poland, Latvia, Lithuania, Italy, Malta, Morocco, the Netherlands, Romania, Russia, Slovenia, Slovakia, South-Africa, Switzerland, Serbia, Spain, Sweden, Turkey, Tunisia and Vietnam.

- Information Office
- Constitution Protection Office
- Military National Security Service