

HUNGARY



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NATIONAL POLICY

According to the available 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. Hungary condemns terrorism in all its forms and shares the view that international terrorism is one of the most serious security threats. Aware of the grave 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 organisations.

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.

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.

Terrorist attacks in other countries and the reactions of international organisations to such attacks justified the establishment of a centralised authority responsible for gathering intelligence and coordinating operations related to the fight against terrorism. To this end, the Counter Terrorism Centre (Terrorelhárítási Központ, hereinafter referred as to TEK) was established on 1 September, 2010, as a national agency under the direct supervision of the Minister of the Interior. TEK's main tasks are to detect terrorist organizations acting in the territory of the Republic 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 the Republic of Hungary by providing financial resources or in any other way. TEK has specific powers at the national level to coordinate, analyse and evaluate the fight against terrorism. It plays a special role in handling possible emergency situations and in the operational coordination of counter terrorism activities. Government Decree 2239/2005 (X. 28)¹ on the operational coordination of counter terrorism activities and on the establishment of the Counter-Terrorism

Coordination Committee names TEK as the basis for the Counter Terrorism Coordination Committee and appoints the Director General of TEK to chair the Committee. The members of the Committee are the representatives of the civil and military intelligence services, the National Police Headquarters, the National Tax and Customs Office, the Office of Immigration and Nationality, and the Coordination Centre against Organised Crime.

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.

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 will enter 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.

LEGAL FRAMEWORK

General information

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.magyarokzlony.hu).

The Constitution of the Republic of Hungary that was in force till 31 December 2011, Subsection (1) of Section 19/E read as follows: „(1) In the event that the territory of Hungary is subject to unexpected attack by foreign armed groups, the Government shall take immediate measures to repel such attack and defend the territorial integrity of the country with the Hungarian and allied anti-aircraft and stand-by air forces, in accordance with the defence plan

approved by the President of the Republic and with forces commensurate to the gravity of the attack and prepared for such a role, until the decision on the declaration of a state of emergency or state of national crisis is made, in the interests of protecting the constitutional order, lives and property, as well as public order and safety.”

After the series of coordinated suicide attacks by al-Qaeda in the United States, NATO created a complex system (RENEGADE) in order to avoid, prevent and handle events like 9/11. According to the Hungarian Constitution in force that time, in response to each unexpected attack against Hungary an appropriate military action shall have been taken. In accordance with the international aims, in 2004, the tasks, procedures and decision-making-competencies of the RENEGADE were regulated. The measures had dual purposes: on the one hand, they guarantee the safety of citizens, and they prepare defence forces how to handle attacks.

The Fundamental Law of Hungary, adopted on 18 April 2011 and took into force on 1 January 2012, contains the following rules on unexpected attacks: ‘In the event of any unexpected invasion of the territory of Hungary by external armed groups, the Government shall be obliged to immediately take action with forces duly prepared and proportionate to the attack to repel the same, to safeguard the territory of Hungary with domestic and allied emergency air defence and aviation forces, and to protect law and order, life and property, public order and public safety, according to an armed defence plan approved by the President of the Republic as necessary, until it makes a decision on the declaration of a state of emergency or a state of national crisis.’ [Article 52 paragraph (1)]

Penal law

Act of Terrorism

The rules concerning terrorism are set out in the Act IV of 1978 in the Criminal Code (hereinafter referred to as the CC). According to Section 261 (1)-(2) of the CC, the definition of act of terrorism reads as follows:

“(1) Any person who commits a violent crime against persons or commits a crime that endangers the public or involves the use of a firearm referred to in Subsection (9) in order to:

- (a) coerce a government agency, another state or an international body into doing, not doing or countenancing something;
- (b) intimidate the general public;
- (c) conspire to change or disrupt the constitutional, economic or social order of another state, or to

- (d) 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) and makes demands to government agencies or nongovernmental organizations in exchange for refraining from harming or injuring said assets and property or for returning them shall be punishable according to Subsection (1).”

The punishment of the act of terrorism is the most severe within the sanctioning regime of the CC: imprisonment from ten years to twenty years or life imprisonment.

Attempt is criminalized for all offences according to general criminal law principles in Hungary as set forth in Sections 16-17 of the CC and is applicable to act of terrorism. The attempt carries the same level of sanction as the main offence.

Subsection (1) of Section 261 of the CC stipulates those aims which classify the commission of the offences as an act of terrorism which are enumerated in Subsection (9) of this Section.

According to Subsection (9) of Section 261: “(9) For the purposes of this Section:

a) 'violent crime against a person, a crime that endangers the public or involves the use of firearms' shall mean homicide [Subsections (1) and (2) of Section 166], battery [Subsections (1)-(5) of Section 170], willful malpractice [Subsection (3) of Section 171], violation of personal freedom (Section 175), kidnapping (Section 175/A), crimes against transportation safety [Subsections (1) and (2) of Section 184], endangering railway, air or water traffic [Subsections (1) and (2) of Section 185], violence against public officials (Section 229), violence against persons performing public duties (Section 230), violence against a person aiding a public official (Section 231), violence against a person under international protection (Section 232), public endangerment [Subsections (1)-(3) of Section 259], interference with public works [Subsections (1)-(4) of Section 260], seizure of an aircraft, any means of railway, water or road transport or any means of freight transport (Section 262), criminal misuse of explosives or explosive devices (Section 263), criminal misuse of firearms or ammunition 3 [Subsections (1)-(3) of Section 263/A], criminal misuse of military items and services, and dual-use items and technology (Subsections (1)-(3) of Section 263/B), criminal misuse of radioactive materials [Subsections (1)-(3) of Section 264], criminal misuse of weapons prohibited by international convention [Subsections (1)-(3) of Section 264/C], crimes against computer systems and computer data (Section 300/C), robbery (Section 321), and vandalism (Section 324);

b) '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 the crimes defined in Subsections (1)-(2)."

In order to facilitate the investigation of terrorist acts, Subsection (3) of Section 261 of the CC ensures the possibility of commutation of the punishment if a person abandons the commission of the act of terrorism before serious consequences of it could occur and co-operates with the investigative authorities in order to mitigate the consequences of the offence, or to find other co-perpetrators of it.

"(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 materialize; and b) confesses his conduct to the authorities; in such a manner as to cooperate with the authorities to prevent or mitigate the consequences of such criminal act, apprehend other coactors, and prevent other criminal acts may be reduced without limitation."

The preparation of acts of terrorism is punishable according to Subsection

(4) of Section 261 of the CC. The provision gives a whole list of the preparatory acts, moreover, it ensures that also providing or raising funds to finance the terrorist activities constitutes a criminal offence. "(4) Any person who instigates, suggests, offers, undertakes to participate in the commission, or agrees on joint perpetration of any of the criminal acts defined under Subsection (1) or (2), or in order to promote the commission of the offence ensures the conditions required therefore or facilitating that, or provides or collects funds to promote the commission of the offence is guilty of felony punishable by imprisonment from two to eight years."

Under Subsection (5) of Section 261 of the CC the financing of terrorist acts which are intended to be committed by a terrorist group is punishable.

"(5) Any person who is engaged in the conduct referred to in Subsection (4) or in the commission of any of the criminal acts defined under Subsections (1) and (2) 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."

Under Subsection (6) of Section 261 of the CC the person who confesses the act to the authorities before they become aware of it and reveals the circumstances of the criminal act shall not be liable for prosecution for the terrorist act. According to this provision, the interest of disclose and prevent terrorist acts takes priority over the interest to punish the offender.

"(6) The perpetrator of a criminal act defined in Subsection (4) or (5) 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."

Under Subsection (7) of Section 261 of the CC threatening to commit a terrorist act is punishable.

"(7) Any person threatening to commit the crimes specified in Subsections (1) and (2) is guilty of a felony punishable by imprisonment between two to eight years."

The omission to report act of terrorism is also punishable according to Subsection (8) of Section 261 of the CC.

"(8) 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."

Jurisdiction

Chapter 1 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 the CP) does not provide separate procedures for persons suspected of the commission of terrorist acts. This means that in the 4 CP there are no special rules in respect of arrest, interrogation, detention, trial, conviction in case of commission of a terrorist relating crime.

"According to the CP, terrorist act is considered as a prominent case [Section 554/B point ge) of the CP] from 13th July 2011. Regarding this fact, it has to be emphasized that in a criminal proceeding in connection with terrorist act, there are special provisions which aim at carrying out the criminal proceeding in a quicker way. However, as a guarantee, the general rules of the CP have to be applied in these cases as well.

The terrorist act is a crime which falls within the competence of the tribunal. According to Section 15 of CP the judgement of criminal offences in the first instance shall fall within the competence of the local court, unless they are referred to the competence of the tribunal by the CP. As a main rule the tribunal acting as a court of first instance may conduct its

procedure in a panel consisting of one professional judge and two associate judges.”

Other relevant legislation

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 interest, 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 the 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 the Republic 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 the Republic of 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 protection of victims' 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 well 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 recodified its money laundering legislation in Act XV of 2003 on the Prevention and Impeding of Money Laundering which entered into force on 16 June 2003. On 17 October 2005, in 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 of 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 EU 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 the review of the AML/CFT Act in 2012.

Preventing 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 Agreement⁶ 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 organisationally 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 Governmental Coordination Committee is responsible for ensuring the preparedness and operation of the National Emergency Response System. The Committee operates a Nuclear Emergency Working Committee which is responsible for elaborating proposals to 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 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.

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 interdependence and to survey the dependency between the relevant organizations and the telecommunications systems.

Having implemented 2008/114/EC Council Directive on the Protection of Critical Infrastructure (hereinafter referred to as Directive), which aims to evaluate the necessity of the improvement of these infrastructures, Hungary applies several elements of

the expectations and criteria stated in the Directive. Concerning the prevention of the terror attacks threatening the essential infrastructure, Hungary established the institutional framework in order to liquidate the consequence of these attacks. In connection with the ramifications included in the Directive, Hungary applied some development concepts, accordingly in case of the injury of the relevant infrastructural elements, the risk of the intermission of the services had been lessen. Government Decision 2080/2008. (VI. 30.) issued a Green Paper on the National Program of the Protection of the Critical Infrastructure.

According to Directive, the Government Decree 1249/2010 (XI.19.) on the Governmental Tasks to be Implemented defines the necessary actions, the deadline of the implementation and the responsible persons. In accordance with the Government Decree, the Minister of Interior is the contact person dealing with protection of European critical infrastructures, as defined in Article 10 of the Directive. With this measure Hungary established the institutional conditions for the coordination at national level and with other EU Member States.

INSTITUTIONAL FRAMEWORK

Hungary has strengthened its counter-terrorism capacities in the recent years. According to Government Decree 2239/2005 (X.28) on the operational coordination of counter terrorism activities and on the establishment of the Counter Terrorism Coordination Committee, the following institutions and other public authorities are involved in the fight against terrorism:

- Counter Terrorism Centre,
- Constitution Protection Office,
- Information Office,
- Military National Security Office,
- National Police Headquarters,
- National Tax and Customs Office,
- Office of Immigration and Nationality,
- Coordination Centre against Organised Crime;

and the

- Ministry of Foreign Affairs,
- Ministry of Interior.

Counter-Terrorism Centre

The Counter Terrorism Centre (hereinafter referred to as TEK) was established on 1 September 2010, as a national authority under the direct supervision of the Minister of the Interior, acting independently with independent finances, receiving its funds from the Central Budget. Consequently it is independent of all police and national security organisations. The Director General of TEK is appointed by the Prime Minister upon the recommendation of the Minister of Interior.

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 organisations to such attacks justified the establishment of a centralised 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 (hereinafter referred to as the Police Act)
- Government Regulation 295/2010 (XII.22.) on the designation of the organisation 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 (CT) 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 Office belonging to the agency carrying out general police duties.

On the national level, TEK acts as a CT fusion centre that 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. According to Government Decree 2239/2005 (X.28) on the operational coordination of counter terrorism activities and on the establishment of the Counter Terrorism Coordination Committee, as modified by the Government Decree 1176/2010 (VIII.19), 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.

Organisation

TEK is structured, in line with its key areas of responsibility, into four operational directorates, namely: Intelligence Directorate, Personal Security 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 Security Directorate is to provide overall protection to the Prime Minister and the President of the Republic of Hungary (personal protection and protection of facilities related to those public figures, starting from planning, through preparations to actual implementation).

The Operations Directorate carries out all 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.

Three other, functional directorates support the work of the operational directorates (Covert Technical and IT Directorate, Finance Directorate, Human Resources Directorate). In addition to its Headquarters in Budapest, TEK has regional offices in Hungary to provide national coverage.

Responsibilities

According to the Police Act, TEK's main tasks are to detect terrorist organisations, to prevent, detect, and avert efforts of private persons, groups and organisations aimed at committing terrorist activities, and prevent related crimes to be committed, as well as to prevent private persons, groups and organisations to financially support or to assist in any other way, any terrorist organisation to operate (Article 1 (2) 15).

As a result of centralising 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 the 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 as 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 neutralisation of individuals, groups or organisations committing kidnapping [...],

ad) in the framework of fighting against terrorism – in order to further the national security interests of Hungary – shall prevent, detect and intercept efforts that are aimed at committing terrorist action in the territory of Hungary.

[...]

c) shall provide personal security to high risk top executives – identified by law – of Hungary.

[...]

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 centralised 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 the Hungary

b) organise 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 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 the two highest public figures in Hungary, namely the Prime Minister and the President of the Republic. TEK shall cooperate in this work with law enforcement authorities as well.

"[TEK shall]

d) provide protection to the President of the Republic 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 persons, cooperate with the units carrying out personal protection tasks of the agencies carrying out general police activities, in the course of which it coordinates preparations and implementation of the related tasks"

TEK plays a significant role also in the law enforcement type of 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 specialised units of the bomb disposal service of the organisation carrying out general law enforcement tasks – bomb disposal activities arising in connection with its detection/intelligence and neutralisation 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 prosecutors' 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 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. The Government Regulation 295/2010 (XII.22.) provides that

„h) in order to comply with international obligations, it shall cooperate with the Ministry of Foreign Affairs, including coordination of the practical tasks arising from such obligations, in particular the organisation of interception in Hungary”

This partnership is of utmost importance in two special fields of activities. On the 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) in 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

fa) Hungarian foreign missions and their staff, and
fb) 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”

INTERNATIONAL CO-OPERATION

The Ministry of Foreign Affairs 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 No. 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.

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)

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.

Relevant Council of Europe's conventions - Hungary	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	3/5/1996	6/5/1997
Amending Protocol (ETS 190)	15/5/2003	
European Convention on Extradition (ETS 24)	19/11/1991	13/7/1993
First Additional Protocol (ETS 86)	19/11/1991	13/7/1993
Second Additional Protocol (ETS 98)	19/11/1991	13/7/1993
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	19/11/1991	13/7/1993
First Additional Protocol (ETS 99)	19/11/1991	13/7/1993
Second Additional Protocol (ETS 182)	15/1/2003	
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	8/11/2001	
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	8/11/2001	
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	6/11/1997	2/3/2000
Convention on Cybercrime (ETS 185)	23/11/2001	4/12/2003
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	---	14/4/2009
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	10/10/2007	21/03/2011
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/9/2008	14/04/2009