

**COMMITTEE OF CIVIL JURISTS  
SET UP FOR THE INVESTIGATION OF THE VIOLENT ACTS OF 23 OCTOBER  
2006  
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# **REPORT**

## **ON THE VIOLATION OF HUMAN RIGHTS IN SEPTEMBER AND OCTOBER 2006**

**BY THE**

**COMMITTEE OF CIVIL JURISTS  
SET UP FOR THE INVESTIGATION OF  
THE VIOLENT ACTS OF 23 OCTOBER  
2006**

**Budapest, 01 March 2007**

**2<sup>nd</sup> revised and enlarged edition**

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Budapest, 2007

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**PREFACE TO THE 2<sup>ND</sup> EDITION**

Following thorough proof-reading, certain corrections – not affecting the content in merit – had to be made in the report published on 23 February 2007 and a few completions were required to substantiate the original content. Furthermore, due to computer gremlins, unfortunately the last ten pages of Chapter I were left out of the first version. In order to facilitate interpretation a list of abbreviations is also attached to the report.

This report shall be considered as the second revised and enlarged edition of the original report.

**Dr. Krisztina Morvai and dr. Miklós Völgyesi co-chairmen**

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**INTRODUCTION**

**ESTABLISHMENT, MEMBERS, TASKS, FUNDAMENTAL PRINCIPLES AND  
WORKING METHODS OF THE CIVIL COMMITTEE OF JURISTS.  
CONSTITUTIONAL LEGITIMATION OF OUR COMMITTEE**

**1. The establishment**

In September and on 23<sup>rd</sup> and 24<sup>th</sup> October 2006, Budapest was the scene of police atrocities and arbitrary arrests en masse, the victims of which were, for the most part, innocent citizens.

The victims, battered, beaten up or mentally abused, and their relations, similarly to the shocked eye-witnesses, thought that the horror would be investigated into, the culprits identified and those who suffered grievance satisfactorily made amends to and compensated for the damage that they suffered. Naturally, the public justly hoped that, by doing so, the organisations and representatives of the state concerned would prove and, at the same time, guarantee clearly and in an unbiased manner: never ever would another instance of the gross violation of human rights of this magnitude occur in the Republic of Hungary.

Unfortunately, this is not what happened. From the very first moment, those in power have been seeking in part to justify and in part to downplay the cruelty and unlawfulness of what happened and to make victims look guilty parties and culprits in the legal sense as well. For instance, at night on 23<sup>rd</sup> October, the prime minister – presumably in the absence of a legal analysis of the events based on true facts – said in a televised interview broadcast by the public television station that the state holiday had been disrupted by a violent minority that had gone on the rampage. He rushed to reassure the public, saying that the “silent majority” was under the protection of the policy that were taking sufficiently tough measures. This approach is shared by the vast majority of the representatives of the government in office, MPs in the ruling parties and most organisations of the public media.

Pressed by the European Union, the Prime Minister decided to set up an investigating committee, appointing Professor Dr. Katalin Gönczöl, a high-ranking official of the Ministry of Justice and Law Enforcement and chief consultant of the Minister of Justice as a chairperson thereof. The committee consisting of nine members, also referred to as a panel of experts (hereinafter: Gönczöl Committee), was established by Government Decree no. 1105/2006 (XI. 06.), with a location, secretariat and infrastructure provided for by the Ministry of Justice and Law Enforcement. The operation of the Committee (HUF 5 million) was financed from public funds. Although several of the members of the Committee are renowned authorities, many may justly ask the question whether a panel with the above background and chairperson can prepare an objective report. Was it morally right to commission a staff member of the Ministry of Law Enforcement to head and one of the institutions that are the most affected by the events, namely the Ministry of Justice and Law

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Enforcement, to “host” a working group the duty of which was to provide an analysis, from legal and other perspectives, of such events that are obviously and unequivocally linked to the acts and omissions of the government, the Ministry of Justice and Law Enforcement and the law enforcement organisation operating under the control of the said ministry?

Many of us agreed that the Gönczöl Committee alone was unable to clarify facts and responsibilities reassuringly. On 20 November 2006, i.e. soon after the Committee had been set up by the above-referenced government decree, we decided to establish an “alternative committee” consisting of seven jurists, independent of the government and political parties, in order to probe into the events objectively and impartially, with human right considerations as our priority.

It must be pointed out that “impartial” in our case means that none of the committee members is dependent, either existentially or as an employee, on the government or any political party. Our committee received remuneration or even reimbursement of expenses either from public funds or from any political party. We covered our own costs, including those needed for operating our website, telephone bills and all other costs incurred. In performing our job, we did not have to meet the expectations of any “client” or a similar person. Our professional conviction and moral conscience were our only benchmark. We strove to attend all events, whether in Hungary or abroad, to which our committee or the members thereof had been invited so that we might provide information on our work and the partial results thereof. We do not think that the fact that, on some occasions, MPs from parties of the opposition were also in attendance at the events is irreconcilable with our impartiality. It was with deepest regret that we established that no one from the ruling parties attended the events aimed at unveiling the facts on what happened in Budapest last autumn.

We do hope that close to twenty years after the political changeover the political parties, the opinion-leader elite and the media are aware of and capable of accepting the fact that there exists a judicious civil society, with no political affiliation whatsoever, the members of which work – without being instructed to do so from the top, “without wile or guile”, of their own accord, with no concealed motives and with clear conscience – for the common good in their respective specialist areas. The very establishment and operation of our committee provides evidence for the fact that such a civil society exists, is familiar with fundamental values and the rules of law and, should the need arise, acts to protect them.

## **2. Members**

Jurists excelling in the theory of law and practicing lawyers with decades of experience have been working in the civil committee of jurists.

Our work was overseen by co-chairs Dr. Krisztina Morvai, associate professor, Department of Criminal Law, Faculty of Law and Political Sciences, ELTE and Dr. Miklós Völgyesi, criminal judge emeritus of the Supreme Court, former chair of the Criminal Division. Members of the committee are:

Dr. Tamás Gaudi-Nagy, attorney-at-law, expert on European Law, Dr. Horváth Attila, associate professor, Department of History of Hungarian Law and Political Sciences, Faculty of Law and Political Sciences, ELTE and Faculty of History of Law, Faculty of Law and

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Political Sciences, PPKE, Dr. Imre Juhász, university lecturer, Department of Civil Proceedings, ELTE, expert on European Law, Dr. Csaba Kabódi, associate professor, chair of Department of Criminal Proceedings and Penal Law and Dr. Anna Szöőr, psychologist-lawyer, expert on equal chances.

From its inception in November 2006, the seven members of our committee have shared ideas and worked in close co-operation. One of the milestones along the road that we have taken is this report, “the fruit of three months’ work”, to which each one of us contributed in accordance with their specialist area and interest. We make this compilation of our studies available for the public and send a copy of it to state dignitaries, civil organisations and fellow jurists, hoping that we have been of help regarding the uncovering of the truth, identifying the persons with whom responsibility lies, legal redress and compensation for victims and the prevention of further instances of the use of excessive force and arbitrary arrests by the police. The authors assume responsibility for their respective studies both professionally and in terms of ethics. Dr. Csaba Kabódi, a fellow member provided on-going expert assistance for all of us, sharing his invaluable ideas and suggestions with us. He has not contributed a stand-alone study to the report, though.

### **3. Tasks**

After the setting up of our committee, we included our tasks into five major groups:

- establishment of facts,
- identifying violations of the law,
- clarification of responsibility,
- initiating the provision of satisfactory compensation and reparation for the victims,
- prevention, i.e. ensuring that neither police brutality nor arbitrary arrests en masse similar to what happened in Hungary in September and October 2006 will ever happen.

When our committee was set up we thought that we would only investigate the events of the “bloody Monday”, i.e. 23rd October, in Budapest as well as the issue of responsibility related to them. No sooner had we started to investigate than we realised we had to modify our tasks. We realised that we would also have to investigate into the events of the siege of the Hungarian Television on 18 September 2006 as well as the ensuing dispersion of the crowd, police brutality en masse and a large number of arbitrary arrests.

From the time the Balatonöszöd speech was leaked out to 23rd October (and, in a sense, to date) a process and a chain of events can be identified the individual chains of which need not and should not be separated from each other, since they form an inseparable whole. The very essence of this process is “demonizing”, i.e. show those who enjoy the freedom of association and speech and use these freedoms to protest against the current government as dangerous aggressive criminals.

Closely related to this is another major component of the process, namely instilling fear, through police brutality on a massive scale and arbitrary arrests, in those who are unhappy with and protest against the current political status quo, an attempt at discouraging them from

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wanting to exercise their fundamental rights. Therefore, this process started on 19<sup>th</sup> September rather than 23<sup>rd</sup> October.

In consideration of the above, our committee – not entirely in conformity with our name – set about probing into the events in September and November 2006 (i.e. police brutality on a massive scale and arbitrary arrests). **We considered the protection of human rights and investigation into the violation of human rights to be of primary importance.**

The overwhelming reason why this approach should be pursued is that the fourth question (“the evaluation of the constitutional, statutory and other legal framework of the measures by the authorities, with special regard to the human rights of those concerned”) posed in the government decree establishing the Gönczöl Committee has not been answered fully, in detail and in a manner that is acceptable in every respect. The Gönczöl Committee Report (GCR) accords particularly low priority to the investigation of the human rights of those concerned despite the fact that the government decree establishing the Gönczöl Committee sets great store by it. In the light of this, we believe that it was a serious mistake on the part of the Gönczöl Committee not to investigate into the actual cases of the aggrieved parties or the general conclusions that can be drawn from such cases. We are of the opinion that without exploring, processing and evaluating them, in accordance with their importance, no true facts can be established regarding the events in September and October 2006.

Only slightly longer than one page has been devoted to the violation of human rights in the GCR (Section 3.3.7, pp. 169-170) under the rather euphemistic title of “civil complaints”. Reference to such complaints is limited to the mention of the stances adopted by various human rights organisations. The Report fails to include the National Human Right Protection Foundation’s well-documented stance communicated to the Gönczöl Committee in a timely manner. The Gönczöl Committee failed to take a definite stance of its own on the violation of human rights, so much so that it even failed to offer its findings or recommendation regarding this important issue.

The only conclusion that one draws from the above is that, according to the Gönczöl Committee, the events that occurred in the period surveyed were not of the magnitude that necessitates changes in the practice of authorities and law courts or the relevant statutory regulations. The Committee, which, in its report, devotes long pages to and labels, often in a manner that is rather contestable and with an ideological bias that is rather stereotyped, the components of Hungarian national identity and historical awareness (e.g. “turulmadár that does not, in fact, exist”, the biased stigmatisation of the red and white Árpád-striped standard, “1956, which is, in reality, a black hole in people’s minds” GCR, p. 36).

In line with the traditional approach to human rights, in connection with the confrontation between state power and individuals (citizens), our committee investigated violations of the human rights of the individuals exposed, at all times, to such power. We think that the rights and interests of those proceeding in the name and on behalf of the state power are satisfactorily protected through the existing system of institutions and proceedings. We

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should, however, note here and now that the human rights of the inadequately equipped and trained policemen deployed to protect the building of the Hungarian Television on 18<sup>th</sup> September were grossly violated by the high-ranking police officers that intentionally put reinforcements on hold or even forbade them to help their colleagues and left their subordinates to their own devices through issuing incompetent commands. Likewise, those using force against policemen violated the law. There is nothing that should prevent their being subjected to criminal proceedings. However, we have no knowledge of such.

Furthermore, the fact that a dozen individuals assaulted policemen on 18<sup>th</sup> September did not constitute a moral or legal basis for the police taking it out, breaching the statutory regulations applicable to them, on other citizens at other locations. To justify and legitimize violence with violence is a serious mistake.

**Our Committee considered the investigation of the following to its tasks**

***a.) Establishment of the facts of the matter. What happened in Budapest between 17<sup>th</sup> and 22<sup>nd</sup> September 2006 and on 23<sup>rd</sup> and 24<sup>th</sup> October? What are the facts?***

We thought it was indispensable to establish – on the basis of the evidence available – what happened in Budapest between 17th and 22nd September and on 23rd October 2006. We must emphasize that we find the approach that mixes the terms “fact”, “stance” and “standpoint” to be, *ab ovo*, erroneous. While we are ready to admit that the subjective perception and evaluation of the events investigated may be different, we are convinced that there is facts are of only one kind and objective.

On this, our perception fundamentally differs from that of the Gönczöl Committee, which, among other things, points out, “Often already the starting point, i.e. ‘What happened in reality?’ is contentious. Under the circumstances it could be useful if all views are clearly stated, the facts on which they are based are provided and the logic behind the analyses is presented.”

We would like to reiterate that what happened in Budapest between 17th and 22nd September and on 23rd and 24<sup>th</sup> October 2006 cannot be deemed as something that depends on “how we look at it”. It is facts that need to be established, and it is objective facts that can be subjectively opined and from which subjective conclusions may be drawn.

In our opinion, facts can be judged on the basis of one supremely important point of view: did facts, or rather the acts and conduct that constitute them comply with the relevant statutory regulations and the rule of law? Did state organisations proceed, in the course of the actions that were established to have been facts, lawfully or unlawfully? We think that, under the rule of law, this should be the most important consideration when the operation of state organisations is evaluated. We collected evidence regarding the facts. We have included such evidence in the following categories:

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1. the oral testimonies of eye-witnesses and victims (interviews); we met and listened to a total of 50 witnesses in person
2. the written reports of eye-witnesses and victims communicated to us (we analysed 170 such detailed cases); furthermore, we reviewed documents on several hundred cases placed at our disposal by the following organisations: Society for Liberties, the Helsinki Committee, National Foundation for the Protection of Rights, Democracy Centre
3. documents from the police, the Public Prosecutor's Office, law courts and penal institutions, submitted by eye-witnesses and victims
4. medical documents identifying the parts of the body that were injured and on the types of injuries
5. photographs and films sent directly to our Committee or downloaded from the Internet; TV footage
6. press materials, reports, news from 17 September to date
7. minutes of the meetings held by parliamentary committees dealing with the September-October events
8. information from the Office of the President of the Republic of Hungary
9. information from the Speaker of the Parliament
10. information from the Prime Minister's Office
11. data from the National Council of Justice and the Metropolitan Court
12. data from the Chief of Police and the Ministry of Justice and Law Enforcement
13. information that we gathered as audience at open court hearings.

The means of evidence listed above, with the exception of numbers 6 and 7, are available at our website: [www.oktober23bizottsag.hu](http://www.oktober23bizottsag.hu)

Unlike the Gönczöl Committee, we did not have the report issued by the National Security Office or the investigation documents of Public Prosecutor's Office. In connection with the latter the question arises how the Gönczöl Committee that claimed that it did not deal with specific cases had access to them. And if they did have access to them why it failed to use it in a manner that the cases could be identified, seeing that they would have been a matter of interest to our committee as well.

One cannot but remark on the fact that the summary of events prepared by the Gönczöl Committee (GCR pp. 106-146) starts – with no logical explanation whatsoever – with 27 March 2006 and ends with 7 November 2006. There is no reference in the GCR chronology of events to the various political parties' election pledges made during the election campaign or the picture that they painted of the country's economic situation despite the fact that only in the light of them can the profound impact of the Balatonószöd speech be interpreted correctly. Nor does it refer to the fact that rulings on e.g. misdemeanour, coercive measure limiting personal freedom by the courts of first instance in various legal proceedings listed among the events were overruled by courts of second instance in large numbers.

Finally, and we mean it to be criticism voiced from an ethical point of view, the GCR chronology of events did not find it necessary to mention that our committee was set up on 27 November 2006 despite the fact that soon after our committee had been set up, the general public acknowledge our presence as a factor that had to be reckoned with.

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*b.) Investigation of legality or otherwise of the conduct of the police and other state organisations. What rules apply to the events in September and October? Was the conduct of state actors (e.g. high-ranking police officials, policemen and others) in conformity or not?*

The Constitution states that the Republic of Hungary is governed by the rule of law. (Pursuant to Sub-section (1) Section 2 of the Constitution, “The Republic of Hungary is an independent state governed by the rule of law and democracy”.) The state must be subject to the law and may operate exclusively within the framework of the law and in accordance with the rules of procedure stipulated by the law in advance. In its ruling no. 56/1991. (XI. 8.) AB in 1991, the Court of Constitution established as a conceptual stance that one of the fundamental criteria for the rule of law was that organisations with executive power were to operate in the organisational structure determined by the law, in accordance with the rules of procedure stipulated by the law and within the boundaries predictably regulated by the law and in a manner that citizens can familiarise themselves with. The state must abide by its laws and other statutory regulations. It may, through its executive power, change them; however, under their term and scope, the state is bound by what was determined in advance.

Compliance with the rule of law means, in terms of content, the simultaneous observance of all the provisions of the Constitution, including respect for and protection of human rights. In its ruling no. 36/1992. (VI. 10.) AB, the Court of Constitution established that “The state operates in a democratic manner if the democratic rules of law and, closely related to it, the maintenance and operation of a constitutional order comprise, as a fundamental requirement, respect for and protection of freedoms. The violation of one single freedom alone may suggest disturbance in the state’s democratic operation as does breakdown in the operation of the various institutions of the state.”

To put it very simply, the rule of law is the opposite of dictatorship. The rule of law is a core component, i.e. legal regulations govern all possible acts, actions and responses of both state organisations and citizens. This is closely related to the concept of democracy: such mutual obligation ensures, among other things, that citizens are not subjects and that no privileged state élite, standing above and existing outside the law and legal accountability, acting at its own discretion, arbitrarily and without any consequences, seizes power.

Thus, statutory regulations that govern a given situation restrict the state power to the same extent as they do the individual. In consequence, the primary benchmark used in evaluating the acts of the state is whether or not they have complied with the governing law.

Our committee used a wide spectrum of evidence in respect of the events in Budapest in September and October. It established facts on the basis of such evidence. Facts were then used for drawing conclusions from, i.e. for identifying the statutory regulations that govern a given fact (e.g. the possible actions of a state organisation in a given situation), the content of those regulations and whether or not actions complied with the applicable regulations.

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This was the investigation that we conducted in respect of the police force in the light of, primarily, the Act XXXIV of 1994 on the Police Force (Hungarian abbreviation: Police Act) and Ministry of the Interior Decree no. 3/1995. (III. 1.) BM on the Service Regulations of the Police Force (Hungarian abbreviation: RSZSZ). We followed a similar procedure in the case of penal institutions.

What does the law say? This was one of the questions that we asked. Then we asked whether the governing norms were followed or infringed. We checked if, during the misdemeanour and criminal proceedings launched, there occurred any omissions or instances of violation of the law on the part of either the public prosecutor's offices or the courts of law. (We wish to note that we will follow up the pending cases and attend public court hearings.) We established, inter alia, that over 80% of the instances of pre-trial detention ordered by courts of first instance found unlawful and unjustified by the rulings of the courts of second instance. This is a shocking figure, and with all due respect to judicial independence, it must, without delay, be investigated into and identify the causes of violation of the law on such a massive scale. The two co-chairs and the head of the criminal law working group of the committee sent a letter to the chair of the National Council of Justice.

Based on our experience to date, we have reasonable doubt that a number of rules of legal proceedings and those of substantive law were infringed in public prosecutor's proceedings, thus, inter alia, the right for protection and the principle of the equality of weapons. This is why it was the case on a number of occasions. This is why on a number of occasions the testimonies of the policemen who took, often unlawful measures, aimed at restricting the personal freedom of the accused, could not be challenged by the accused, who were not allowed to reason in their own defence or provide evidence to the contrary. The acting public prosecutor's office and the court of trial accorded outstanding importance to these obviously biased testimonies. This is an erroneous practice, because policemen who take unlawful actions, while making deposition, strive, perhaps only inadvertently, to downplay or even conceal, on purpose or instinctively, their criminal liability.

It was often the case that proceeding authorities did not insist on obtaining or requesting the authorities to deliver the footage recorded by cameras located at public places despite the fact that such footage could have served as conclusive evidence. A recurrent complaint was that contacting the public defender was either denied or granted with a significant time lag.

***c.) Need for accountability. We initiate the establishment of the answerability state-level decision-makers and law enforcers that acted in violation of the law.***

The tasks of our committee included, subsequent to the identification of instances of the violation of the law, establishing the very persons that were accountable, based on the applicable statutory regulations or other norms, for a given instance of breaking the law and identifying the type of responsibility (e.g. criminal or labour law-related). The correct interpretation of the rule of law means the admissibility of establishing liability for the violation of the law. If those who violate statutory regulations and legal norms can go unharmed, the very meaning and importance of the rule of law could vanish. The state cannot afford, just like that, not to establish culpability, identify who committed what and against

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whom, say which law has been violated, what would have been the correct action and what sanction the given state authority may expect for its having failed to observe the norms applicable to it, its having transgressed the scope of authority that it may have and its failing to do what would have been its statutory duty.

We are convinced that from the perspective of Hungary's future and democracy in Hungary, whether, in connection with the September and October events, investigation into violation of the law, the establishment of responsibility and holding those responsible for such violation accountable will materialise or not it is of utmost importance. The message that prevaricating over responsibility and failure to link violation of the law to those responsible for such will send state organisations, police chiefs, rank and file policemen and minister alike is that they may just as well violate the applicable law and abuse human rights because there will be no consequences whatsoever. They may even receive decorations for such like the chief of police of Budapest, whose primary responsibility was established even by the Gönczöl Committee on several occasions. (GCR. p. 96 Section 1 and p. 171, Point 3)

“You need not worry. You won't get into hot water.” This is what those and their successors might well think in the future who can go unharmed and can get away with the gross and egregious violation of the law in September and October 2006 without being held personally accountable.

Thus, our stance on the issue of responsibility for breaking the law is fundamentally different from that of the Gönczöl Committee. We disagree – inter alia – the following:

“All actors in the domestic political landscape are to be blamed for the situation that has evolved and the events that happened. However, neither the amount nor the quality of the blame is identical. Therefore, it was not the purpose of the Committee to establish with whom responsibility lay; rather it sought to put forward proposals for the measures for the government to take. As the entire society has a vested interest in preventing the conflicts that are generated on an on-going basis go rampant as they did in September and October 2006” (GCR Summary, p. 177 Section 4)

In our opinion, as we have also pointed out, it is in the entire society's vested interest that facts are established and violation of the law is identified and accountability is strictly observed. This is what can prove sufficiently deterrent and pre-emptive. This is what can send the message that breaking the law does not pay off, as it will have consequences, personal consequences at that.

After we have published out, the next step to be taken by our committee is to investigate into and identify the cases in connection with which legal proceedings aimed at the establishment of responsibility are under way and to find out about their current status and the envisaged time of a court ruling. In the cases where no proceedings have so far been launched, our committee will request holding those whose responsibility is established responsible.

As a simultaneous response to the GCJ findings on the responsibility of high-ranking police officers, Mr. Mihály Vörösmarty said, “It would be highly unjust if, retrospectively, only a

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few persons were made responsible. This would not be more than mere scapegoating even if there *were* inadequate decisions made and that responses were not timely and did not occur in the right manner.” (GCR p. 175). We find this remark a shocking and condemnable slip of the tongue, which speaks for itself .

The above-referenced member of the Gönczöl Committee seeks to exonerate the violation of the law by the police in a manner that was typical of authoritarian systems, providing quite a wide array of extenuating circumstances, among which the most important is that the police were “exposed to a continual attack by the parties, various advocacy organisations and other organisation.” We find it rather disappointing that the necessary control by civil society over state organisations, a mechanism in place in democracies, and the criticism that such civil society voices within this framework should urge a member of the working group set up by the government to interpret this as a harmful phenomenon that can serve as an excuse for the violation of the law by the police or as an extenuating circumstance for the responsibility of competent senior officers.

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*d.) Compensation for the victims. Justification for reparation*

Due to police brutality on a massive scale and the atrocities at penal institutions scores of persons suffered injuries that either take long to heal, if at all, or are permanent, often adversely influencing employment opportunities available for them and the quality of their life. Let us suffice to refer to eye injuries leading to visual impairment or to a young waiter, also a student at the College of Catering and Hospitality, who lost two of his fingers due to the explosion of a grenade. Many were unable to resume work because of the injuries caused by kicking, beatings, the use of batons, tear gas grenades and gum bullets or because of the fractures and other serious injuries caused by the bricks flung at the demonstrators by policemen. Gum bullets aimed at e.g. the head are bound to have adverse long-term impacts on all aspects and the quality of human life. One such impact is injury to the nervous system and the damage done to the related organs.

Those who were exposed to bodily harm during the arrests and were subjected to arbitrary incarceration underwent psychological suffering, and often tortures and cruel treatment, that they will never forget. It goes without saying that all this also meant indescribable tension and suffering to relatives. The often unjustified, and therefore unlawful, use of coercive measures entails, in accordance with the requirements of the rule of law and pursuant to the currently effective statutory regulations, the tort liability of the state. Overall, both in the name of good moral principles and pursuant to the relevant statutory provisions of the law, these people, whose personal freedom was restricted and whose dignity was disrespected, must receive reparation and compensation from those who had inflicted both physical and bodily harm.

In our report we provide, taking into account the currently effective legal regulations and practice, a short summary of the available possibilities and the obligations concerning compensation for the injured and those whose rights were violated as a result of the state's violation of the law.

We propose that the state should, with the intermediation of an organisation set up expressly for this purpose and under an out-of-court settlement, pay damages for the injured and offer voluntary composition, whereby it will not further aggravate the situation of those whose life has changed for the worse due to its acts by forcing them to put up with legal proceedings that may easily last for years. In the case of such mass violation of rights, the principles of the rule of law require that – on the analogy of amnesty – the state should ensure that the reparation of those whose rights are violated is handled efficiently and occurs, unlike standard procedures, summarily.

Our committee – which will be transformed into a foundation – will also want to carry out research on compensation matters, get involved in the clarification of legal issues and promote the issue of compensation.

*e.) The importance and possibilities of prevention. How is it possible to guarantee that no similar mass police brutality and arbitrary arrests will occur again in Hungary in the future?*

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Having overviewed the responses and opinions of the government and MPs of the governing party concerning the events in September and October 2006, we are definitely worried as we find that they consider the conduct of the police and other state organisations not only right, but also a pattern that should be followed in the future as well.

What it boils down to is that the current governing political power would not refrain from the repeat use of mass police brutality and violation of the law as we saw it in September and October 2006. What is even more shocking is that, though the continued manipulation of the public and contrasting what they call “the silent majority” with “a minority that goes rampant”, a rhetoric, emphasizing the importance of protecting the former from the latter through the use of police force, is trying to induce part of the Hungarians into demanding protection, as if out of their own accord, from the other part even if that means brutal police measures, unlawful incarceration and unjustified “showcase” proceedings. They think that the most efficient way of prevention is continued public alert and the inundating of the public with information.

We hope that the exploration of the true facts and fighting against continued manipulation may result in beating party political considerations. The greatest harm that current manipulation may do is that it suppresses common sense, instinctive humanity and sympathy for their fellow human beings and sacrifices such to obtain its political end. We hope that naked facts will change this dramatic situation as they will be able to provide evidence for the public: mass police brutality and arbitrary mass arrests in September and October 2006 qualified as gross violation of human rights. They were completely unjustified acts of breaking the law and should not be allowed to occur in the future.

***f.) Freedom of association and speech***

Mass police brutality and arbitrary mass arrests in September and October 2006 directly and grossly endangered the exercising of several fundamental human rights, which are closely interrelated and between which there is a causal link. Such freedoms are the freedom of speech, association and opinion and expression. In this respect, the starting point should be none other than what the Constitution states, i.e. that the Republic of Hungary “shall protect and guarantee” the exercising of fundamental human rights. A fundamental obligation of the state and the organisations thereof, including the government and the police force, to ensure, in every possible manner, that citizens can exercise these freedoms in effect and without any hindrance whatsoever in Hungary. Obviously, and this follows from the nature of these freedoms, that exercising them will always “disturb” those in power and part of the population. For at the heart of these freedoms lie dissatisfaction, protest, criticism and the intention to bring about changes. On the emotional side we can identify outrage and anger. No state power likes to be confronted with them. Those who are in power and leaders responsible the country should be able to embrace democracy as if it were a gut reaction and be aware of the fact that it is the duty of the state and the government to provide a framework and conditions for this.

The exercising of these freedoms will always “upset” those, not only those in power, but also some civilians, who are of a different opinion, happy with how things are, do not want any

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changes, have to put up with protest from others and listen to points of view that they do not share and share tension arising from mass discontent. Such “willy-nilly” solidarity, i.e. the ability to be able to bear the burden of freedoms is an inherent part of democracy.

This perception is in line with the governing international conventions on human rights and the Constitutions as well as the case law of the European Court of Human Rights seated in Strasbourg, the Hungarian Court of Constitution and Hungarian courts.

Heavy restriction on the freedom of association and expression and the changing of the relevant statutory regulations and legal interpretation in a manner that there is less room for manoeuvre are no answer to the events of September and October 2006. This is why we present international and national legal interpretation and practice and put forward proposals pertaining to the freedom of association. After our committee has been transformed into a foundation, we will resume the research commenced and seek to become an opinion leader in legislative and legal interpretation-related processes concerning freedoms.

***g.) Historical perspective***

Historical experience concerning the exercising, regulating and restricting of the freedom of association is likely to be useful for understanding current phenomena, most notably the events in September and October 2006. This is indeed why we complemented our legal analysis in a narrower sense with research into the topic at hand from the perspective of the history of the law. However, we decided not to provide a general historical background, since we thought that would be wide of the mark of our report. The terms of reference provided by Government Decision no. 1105/2006 (XI. 06.) are, ab ovo, erroneous, as it accorded priority, unnecessarily and in order to divert attention, to the investigation into historical and sociological precedents, which were unrelated to the events in September and October 2006. Of the four tasks, two chose it as their topic.

As we pointed out in the introductory part, the Gönczöl Committee adopted, in several instances, a contestable, biased and stereotypical approach to the analysis and evaluation of the components of national and historical identity. Although this is something that should not go undetected or unnoticed, our report does not wish to elaborate on this topic lest such should divert a hopefully satisfactorily public debate on the reports of the investigative committees to a sidetrack. Attempts at such cannot be ruled out, though. Our committee will present its stance on the issue in another report to be prepared with the involvement of recognised experts at a later date.

***h.) The psychological and sociological perspective***

How did the Ószöd speech affect the general public psychologically? How do morally grown-up individuals respond to lies and foul language when told and used respectively by the country's prime minister? What processes do outrage, frustration and anger trigger in the public? What psychological effects precipitated protest subsequent to the Ószöd speech? What events have taken place since 17 September 2006 to date? These are the questions that the section on the psychological and sociological perspective, which is also a thought-

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provoking first component of a longer investigation, seeks to answer. Given the need for the indispensable expertise, this part of our report was written by jurist-psychologist Dr. Anna Szőőr, working in close co-operation with psychologist Dr. Györgyi Körmendy as an external consultant.

#### **4. Fundamental principles and working methods**

The fundamental principles and working methods adopted by our committee differ completely from those of the Gönczöl Committee from two aspects. One is that we thought that without interviewing those involved in the events as well as the victims and the eye-witnesses there is no point in any investigation. Therefore, at the heart of our assignment lay sincere interest in learning what actually happened. The accounts listened to or read, documentary evidence, media coverage, photographs and footage were mosaics complementing each other.

Although we believe we are unbiased in our attitude towards finding out the truth, we do not mind admitting that each and every one of the members of our committee was deeply moved by what we learnt from the victims of mass police brutality and arbitrary arrests and their relatives and by the suffering they had undergone. Undoubtedly, this was the hardest and most demanding part of our job.

The other difference was that while the Gönczöl Committee issued a gag order for the period of preparing their report, we opted for complete transparency. We provided, on an ongoing basis, information for the general public on our investigation, accepted all the invitations communicated to us and, at our cost and with help from volunteers, launched a website, where we made all the evidence we gathered available, thereby allowing our findings and conclusions to be verified by whoever felt like doing so. ([www.oktober23bizottsag.hu](http://www.oktober23bizottsag.hu))

Setting an example for other civil organisations and public offices, advocating a new approach, we made all our correspondence public and available at our website, thus, anybody was able to see for themselves which state dignitaries, state organisations and government agencies did not deign to answer our letters or how long it took them to send an answer or what exactly they wrote by way of an answer. We think it is highly important that such an approach should take root and thus become second skin, as it were, for public figures: what I say, write or fail to say or write as a person in charge of a competent state organisation will be available for anybody interested, it will be part of the public domain and I will be held accountable for it.

#### **5. Future tasks of our committee**

The further we got in our investigation and the more we became aware of the contradiction between what we had learnt and what the government and its entourage had communicated, the more we realised that democracy, the rule of law and the protection of human rights were in grave danger in Hungary. As jurists, we have further important jobs in this area. Therefore, we have decided that, after this report gets published, we will transform our committee into a foundation and continue our work as such. We will follow all future developments related to the mass police brutality and arbitrary arrests in September and October 2006 and

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inform the general public on them at our website on an ongoing basis. Furthermore, we will take all the steps that we deem to be necessary for the protection of human rights. We will, from time to time, also make further parts of our report available. In addition to the tasks outlined above, we will respond flexibly to the challenges of the times ahead us and, as a professional civil organisation, be active in such areas of the protection of civil rights where the most pressing issues are raised.

## **6. The constitutional legitimation of our committee**

The Constitution unequivocally states that one of the methods of exercising national sovereignty is direct exercising of power. Pursuant to Sub-section (2) Section 2 of the Constitution, "In Hungary all power shall belong to the people, who shall exercise national sovereignty by way of elected representatives and directly". By the applicable provision of the Constitution, more often than not, referendum is meant, which, however, does not rule out that a civil committee of jurists, founded in response to broad-based social need, exercising its constitutional right, should investigate a chain of events that culminated in the drama on 23<sup>rd</sup> October 2006, whereby the 50<sup>th</sup> anniversary of the 1956 revolution was transformed into something that will evoke painful memories.

However, this investigation also had to rely on the data and information provided by the official organisations involved in the events. Such data and information must be used to complement the facts disclosed to the committee by the eye-witnesses, the accused, those injured and others also involved in the events, especially as Section 61 of the Constitution states, that "In the Republic of Hungary all have the right to free expression and access to and dissemination of data of public interest."

This is also referred to as the right of access to data of public interest, i.e. the freedom of information. Access to data of public interest is an important condition for participation in public life. Citizens may have access to information on the state and characteristics of their wider and narrower communities, form a judgement of the activity of the organisations of the state and municipalities and the efficiency and lawfulness thereof. This is how citizens' control over organisations designated to manage data of public interest materialises.

In its ruling no. 32/1992. (V. 29.) AB, the Court of Constitution provides the following unequivocal supporting argument for ensuring access to data of public interest: Free access to information of public interest allows for the possibility that the legality and efficiency of the elected bodies of national representation, the executive power and public administration may be verified and promotes the operation, in a democratic manner, thereof. Given the complexity of public affairs, citizens' control over and impact on the decision of the executive power can be efficient only if the competent organisations disclose the necessary information.

**Our committee intends to exercise this constitutional right of citizens' control.**

## **7. Acknowledgement**

We are greatly indebted to those who offered their voluntary contribution and worked, without any payment whatsoever, in support of our committee for months on end. Many of

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them do not dare, for the well-known reasons, to give their name to their contributions. Those who provided assistance shared much of the burden we carried, endured all kinds of hardships, did an excellent job on this report, established and operated our website, were efficient organisers and helped us in many other ways. They did everything technically and scientifically possible in connection with our website and found solution even to what seemed “a mission impossible”. We are especially grateful for the many useful expert comments that we received from experts who never failed to keep track of our work and progress and who never expected anything in return for their contribution. Our special thanks go to the eye-witnesses and victims, who were willing to share with us the harrowing and depressing memories of the events in September and October 2006.

**CHAPTER I**  
**EVENTS BETWEEN**  
**17 SEPTEMBER AND 22 OCTOBER 2006**  
**AND THE QUESTION OF RESPONSIBILITIES**

“Being a Christian, I am trying hard not to nurture any resentment towards the policemen who beat me up and locked me up in a cell. The only thing I am finding difficult to forgive is why my mother was not allowed to see me except handcuffed and with bruises all over my face in front of the courthouse; and even there she was not allowed to come and hug me.”  
(Young man from university, one of the victims of the September police brutality and random arrests)

### **1. The “Őszöd Speech”**

On 17 September 2006 Ferenc Gyurcsány’s speech, delivered in Balatonőszöd in May before the Hungarian Socialist Party’s faction meeting, was made public although we do not, to this day, know the circumstances under which the speech had leaked out. In his speech, the Prime Minister admitted to lying – together with unnamed associates – in relation to some fundamental questions concerning the state of the economy of the country before the parliamentary elections. He came to see that the election promises were completely unrealistic because of the real state of the country, and the voters, the people of the country had been totally misguided. It was clear that in place of the promised welfare-type programme with a social-democratic air needed to be replaced by a neo-liberal, neo-conservative programme of a completely different foundation, which will place exceptionally heavy burdens on the people. In addition to this, shocking data and information was also revealed in vast quantities concerning how the party had been wasting its time in passivity, how they lied and resorted to trickery in the past years.

The speech, delivered before nearly two hundred MPs, was so vulgar in its tone that had never been heard before from any other Hungarian or foreign statesmen. Ferenc Gyurcsány used unprintable language, and no good manners could refrain him from using foul adjectives to qualify his homeland, Hungary. Analysts found the style of the speech “passionate”, but many thought it was simply perplexing. These conclusions were based not only on the shocking content and the vulgarity of the expressions but also on the self-centeredness, narcissism that many identified as an abnormal, even pathological trait of the Prime Minister’s personality. There was not one among the MSZP parliamentary representatives present on the May faction meeting that would raise a single word of criticism about the content or the style of the speech.

In a couple hours after the speech was made public, many thousands of people gathered in Kossuth Square in Budapest in front of the Parliament. (Large gatherings also formed in country towns.) From this moment onward all the way until the dawn of 23 October, the Budapest Kossuth square was the scene of a peaceful demonstration.

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Because of the gravity of the lies revealed by the “Őszöd Speech” and also because of the lack of subsequent Prime Ministerial apologies, the number of people demanding the resignation of Ferenc Gyurcsány remained steadily high, at times amounting to as many as fifty thousand in the coming weeks.

## **2. Background to the long-term demonstration at Kossuth Square**

The spontaneous formation of mass rallies was a school-example of the sociological and psychological phenomenon that makes the existence, protection, and provision of the right to association necessary in countries upholding democratic values. Large numbers of citizens were simultaneously informed of facts that were to have a direct and fundamental influence on their lives, the lives of their families, their communities, and their country. These facts had shocked and infuriated large groups of people and triggered strong opposition.

In democracies many people like to experience this emotional state and voice their objection collectively with others in the hope that their collective objection, fury, and demands would be heard by those concerned if voiced together. The claim that “politics only has a place between the walls of the Parliament” is not true in democracies. In a democracy it is not true that “decent people” only reflect to public affairs within the confines of their homes either alone or with their families and leave the responsibility of managing public affairs, i.e. politics, entirely to the elected representatives.

In a democratic country, people with a sense of responsibility for the community have the moral and legal right to actively participate in public matters, to shape the fate of their closer communities and their country. It is natural and is the integral part of democracy that citizens can freely voice their opinions on public matters and to express and voice their demand for change collectively with others.

It is important to stress – as was pointed out on numerous occasions in our report – that it is the innate nature of the actual exercise of these rights, namely the right to freedom of expression and the right to free association, that they inherently disturb others. Exercising the right to free association will always disturb those with a dissenting opinion and will always inconvenience those whose comfort and peace is limited, to some extent, by the exercise of the right. However, for the purposes of democracy, the freedom of expression of opinion and the freedom to assemble are such exceptional values that outsiders have no choice but to sustain such inconveniences in the interest of democracy. Even more so because it is quite conceivable that today’s “outsider” will be tomorrow’s loud demonstrators disturbing the peace of those who are demonstrating today.

## **3. “Demonisation” and intimidation of demonstrators exercising their human rights**

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Based on the above reasoning, it was a particularly misguided attempt by the Prime Minister, the coalition parties, the government-friendly press and media, and the opinion-forming intellectuals to demean and present the freedom of association and the people exercising their freedom of association as some sort of a threat.

Although unintelligible in a democracy, the slogan of “politics has a place in the Parliament and not in the street” was resounding everywhere. Making this slogan an integral part of public communication and social life by leading politicians is particularly dangerous since people rightfully assume their elected politicians are aware of constitutional principles, the rules of democracy. The above slogan fully “matured” and became an ideal means to entice social unrest and to disgrace the entire opposition and the people demanding the resignation of the Prime Minister, when the term “street politics” was now directly associated with violence and vandalism as some sort of integral coherent, and inseparable pair of concepts.

The “demonisation” of demonstrators, the protestors, i.e. the people exercising their human rights, was now a clear strategy and objective of the government. The other parallel objective and part strategy was to intimidate and terrorise “alternative thinkers” who were practising their human rights against the government as it is customary in democracies. This objective and strategy was becoming intensively obvious on the night of 18 September 2006 during the “siege” of the MTV building.

#### **4. The “siege” of MTV**

On the eve of 18 September 2006, protestors were gathering again on Kossuth Square to voice their objections against the “Őszöd Speech” of the Prime Minister. By late evening the numbers grew to ten thousand. The demonstrators, carried by acclamation, expressed their demands in a petition and some of the organisers requested the management of MTV to have it read in a live programme. Kossuth Square – probably upon an order or instruction – walked over to the Szabadság square MTV building. The vast majority – almost the entire – crowd was peaceful and non-violent on this location too. The building, and the police ordered to protect it, were attacked by a few dozens of people; there were app. 50-100 people showing violence that evening. The vast majority of the mass of many thousands (some of the demonstrators stayed in Kossuth square) did not even see what was going on in at the front. Their recollection of the events of the eve of the siege of MTV is totally different from TV viewers, who were explicitly and only shown the scenes of violence.

The police investigation ordered to be performed in relation to the event (the so-called “Ignác Report” available at [www.police.hu](http://www.police.hu)) established that the injuries of app. 100 policemen and the material damage to the building could have been prevented if the responsible commanders had followed the governing norms, the general rules of the police profession. The police commanders in charge had made serious mistakes and the injuries and the material damage were sustained and incurred as a direct consequence thereof. With respect to the events on the eve of 18 September, our committee finds the “Ignác Report”

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sound but regrets to establish that the identified, responsible police commanders were not held accountable. By simplifying the facts and correlations presented by the Ignác Report, we would like to highlight that it is completely unintelligible why police forces were not ordered from the direct vicinity to march onto location to provide reinforcement, to protect the safety of their colleagues, material assets, and maintain public order.

In relation to the issue of responsibility, we must pinpoint that Prime Minister, Ferenc Gyurcsány, and the minister of justice and law enforcement, József Petrétei were given direct, while other members of the government were given indirect information (via Petrétei) from police commanders, from the deputy national police commander – the official in charge of the implement of police action.

At 7.30 p.m. on 19 September, INDEX.hu wrote: “The Prime Minister said that on the night from Monday to Tuesday he had direct contact with the deputy national police commander (he was in charge of all police action in the absence of the police commander).”

“Petrétei emphasised that the present police action was controlled and overseen by the commanders of police, the operative control was in their hands. Being the minister of law enforcement he follows the events and supervises the police. The minister also added that he directly informed the Prime Minister and other members of the government on how events were developing.” (index.hu 1.12 a.m. 19 September 2006)

As far as the entire series of events of police brutality against masses of people and arbitrary arrests of September and October and the question of responsibility are concerned, it is crucial to determine whether the minister of law enforcement or (and) the Prime Minister has the right to influence the behaviour of the police. (More detailed analysis of the same question is included under chapter IV). In relation to the siege of MTV on 18 September, the following question arises: could the Prime Minister directly or through the minister of law enforcement have instructed the police leaders, and particularly the deputy national police commander to send reinforcement forces to the MTV building immediately. The answer is given by the following provisions of the Police Act. It transpires from the relevant legal provisions that such an instruction would certainly have been possible. It is obvious even to outsiders that in a politically strongly tinted action implemented before the vast public in a matter of national importance, the top police officials are primarily responsible for the professional questions in a narrow sense of the word whereas the strategic decisions with political consequences are in the hands of the government.

Control over the Police

Article 4 (1) The Government directs the operation of the Police through the Minister of the Interior.

(2) The Prime Minister appoints and revokes the National Police Commander at the proposal of the Minister of the Interior. The candidate for the position shall be heard by the relevant Parliamentary Committee which shall decide on the candidate's aptitude.

(3) The Minister of the Interior shall

a) represent the Police at the sessions of the Parliament and the Government;

(...)

c) ensure the performance of tasks determined in order to protect public security and internal order;

(...)

f) take care of controlling the Police.

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- Article 5 (1) In his/her controlling competence, the Minister of the Interior shall
- a) determine tasks and - unless the law provides otherwise - give orders to the Police to perform law enforcement tasks and to implement the Government's decisions aimed at protecting public security and internal order;
  - b) determine the activity of organisations assisting under the control and supervision of the Police, exercise the employer's rights over its leader and take care of controlling internal crime prevention at the Police and the investigation of criminal acts;
- (...).
- d) determine the directions of police education, training and further education and scientific research in law enforcement and coordinate activities in this field;
- (3) The Minister of the Interior may give individual orders to the Police through the National Chief Commissioner of Police.
- (...).
- (2) In his/her directing competence, the National Chief Commissioner of Police shall
- a) be entitled to issue a national Chief Commissioner of Police's order binding upon all the units of the Police;
  - b) take care of the proper and lawful operation of Police units, the performance of tasks determined in the laws and by the Government to protect public security and internal order;

Now in understanding of the relevant provisions and the fact that both the Prime Minister and the minister of justice and law enforcement had closely followed the events, there still remains one very concerning question: why did not they order the national police commander (or his deputy) to reinforce forces with immediate effect?

(When looking at subsequent facts and events, the same question is raised again and again although seemingly from a different angle: why did the Prime Minister, the minister of police, and/or the government not put a stop to mass police brutality and the series of arbitrary arrests they were fully aware of? The difference between the events of 18 September and the events of the following day and the day after is that the prime minister made clearly approving remarks of the police brutality and police autocracy on the 19<sup>th</sup> and 20<sup>th</sup> of September and thus encouraged, in point of fact, instructed the police to keep up this unlawful behaviour. )

The live footage and the rebroadcasts of the siege of MTV on 18 September were followed by a great many viewers. Each and every feeling person in front of their TV screens felt sympathy for the clearly frightened, vulnerable policemen fearing for their lives. It is completely unintelligible why they were not given reinforcement and how could the professional implementation of such police action be so chaotic. The obvious mistreatment on behalf of the police was so inexplicable that the question is now rightly raised: what could the aims of the spectacular and serious professional mistakes be? The presumptions that the authorities had wanted to "sacrifice" the police forces and the material assets in order to demonise the opposition cannot be proven. Also the "straight intent", used in the sense of the penal code, namely that the commanders had deliberately wanted to see injuries and abuse cannot be supported with sufficient evidence, nevertheless it is difficult to deny that the concerned commanders were indifferent toward the outcome of the deliberate breach of the rules of the police profession. It was clear that if no reinforcement was sent and the operative plan was not changed, only a miracle could save the policemen and the integrity of the building.

Then on the next day strong efforts were made to exploit the sense of sympathy felt towards the injured and humiliated policemen and to identify the thousands of anti-Gyuresány demonstrators exercising their constitutional rights with a couple of dozens of truculent hell-

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raisers and even more so to demonise the opposition in a conscious, well-constructed procedure.

It was forgotten that the demonstration involved ten thousand and that a small group of 50-100 – many of which are known football hooligans, “professional rabble-rousers” before the police – broke away from the crowd. According to subsequent communications, it was no longer a couple of dozens of violent troublemakers attacking the (deliberately vulnerable) police forces, but the mass that “took to the streets to make politics”, in other words, the citizens that exercised their constitutional right to association. (Az utóbbit egyébként a hatóságok nem kifogásolták, helyesen vagy helytelenül de választási gyűlésnek értékelve az eseményt.)

Strangely the large majority of the foreign press had also presented a warped – or using a more direct term: a false – picture of the Budapest events. This is what caused the present situation wherein many foreign countries believe that the masses opposing Ferenc Gyurcsány and his government are actually aggressive, neo-Nazi troublemakers willing to voice their opinion outside the walls of their private homes.

Example of the false presentation of events by the foreign press (index.hu, 19 September 2006):

“AFP gave an account of the siege of Hungarian state television, the use of tear gas and water cannon directly from the scene of the event. They mentioned that late on Monday evening FIDESZ had assured the demonstrators, who – according to the French news agency – were “mainly militant nationalists and football hooligans” – of their solidarity.”

(The method is clear: show images of the raging, violent people fighting in the front lines and extend that image over to the tens of thousands of invisible demonstrators and even to the largest opposition party, FIDESZ. The method is clear, but the objective is inexplicable. However, our committee has also set the goal of informing the misguided public of foreign countries – the widest possible public in the interest of preserving the reputation of the people of Hungary – of the real turns of events in September and October and the real state of human rights in Hungary.)

Public figures making statements on the 19<sup>th</sup> were already using the terms “street political activist”, “demonstrator” and violent rabble-rouser as synonyms. As a result of the statements, the exercise of the freedom of association seemed an ab ovo dangerous truculent activity, and it seemed that everyone that was exercising their right to free expression and association were potential or real violent criminals, police-beaters. Attempts to limit the right to free association and to curtail the right to free expression of opinion were immediately started.

The attempts at raising the question of responsibility of police leaders for their poor conduct – an issue hard to avoid in a constitutional state – were seen as unnecessary fuss by the Prime Minister of whom we learnt the following in this regard:

“When asked by Index if responsibility would be sought for the number of mistaken police measures and actions witnessed at the MTV building, Gyurcsány said, “the police need to be reinforced, they need help with their work, rather than blame.”

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(This statement already demonstrated that according to the Prime Minister, it was not to be rebuked if the activities of a democratic police force of a constitutional state were defined by totalitarianism and not the law and the rules of the profession based on international norms. )

The Chairwoman of Parliament did not consider the exploration of responsibility for the series of police misconducts either. Instead, this is what she said on the issue of responsibility:

“I am not seeking to put the blame on anybody, everyone should explore themselves the responsibility they may have for the present situation wherein 16 years after the change of political system, we want to resolve political issues outside the parliament”, told Katalin Szili to HiPolice Act According to the president of Parliament, this way the political elite and the media also have a responsibility for the development of the present situation. The president was sad to see where the country had got to”. (INDEX, 19 September 2006.)

From the choice of words of the president of Parliament it transpires that the direct consequence of dealing with politics outside the parliament, i.e. exercising the right to free association by civil society would necessarily lead to violence and brawls. Consequently, the expression of political opinion, particularly when done in groups by exercising the right to free association, must be curtailed without delay. The notion that “everybody is responsible...” seems to have foreshadowed the words and mentality of the Gönczöl Report.

It is as if we were travelling in time, going back to the sixties, reading the declaration of the association of trade unions:

“The presidium of the Hungarian National Association of Trade Unions assessed the situation and found that the tasks ahead of the country leave us no option but to continue our work in peace. The presidium rejects all forms of street violence and declares that real solutions may only be identified via negotiation and consultation.” (INDEX; 19 September 2006.)

(It is strange that later on, about two days later, the trade unions did not demand the government to seek “negotiations and consultations”, as they did in 1990 during the taxi blockade that brought the whole country to a standstill, instead of resorting to riot police, beating people with the flat side of the sword, and batons.)

The Trade Union of Internal Affairs and Law Enforcement Employees expressed similar ideas, “We hope that political problems will be resolved inside the Parliament in the future and not in the street...” (INDEX; 19 September 2006).

The message is clear: the responsible party for the injuries sustained by the police, and the damage of the MTV building are those that “took politics out onto the streets”, i.e. those that exercised their right to free association and expression of opinion as laid down in the Constitution and governing international human right conventions. The “demonisation” of the opposition was now fully under way, Hungarian society was quickly dissected to a “peaceful majority” (the people who do not wish or do not dare to exercise the freedom of association to criticise the Prime Minister or the government) and a “truculent minority” (those who demonstrate and express their opinion by exercising their human rights). And what would the

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duty of a responsible government be in a situation like this? To protect the peaceful majority from the truculent minority... and using harsh measures, too.

In an interview made with Ferenc Gyurcsány in the evening of 19 September, the Prime Minister could hardly conceal what this strategy was really about:

In an interview with Tv2 Ferenc Gyurcsány said that a Prime Minister deserves scolding if he/she loses political support. Now he sees quite the opposite. He thinks that if people were given the option to choose between hullabaloo and Ferenc Gyurcsány, people would opt for Ferenc Gyurcsány.

In other words: it is either hullabaloo or Ferenc Gyurcsány. (No alternative.)

In other words: people – including or perhaps particularly including the left-wingers that were disillusioned by the Ószöd Speech – must be made to see the Prime Minister now as the Saviour, the protector of the silent majority from the loud minority of rioters. Ferenc Gyurcsány must be seen as the single token of their day-to-day security, physical integrity, and perhaps even the protector of their lives since under the “given circumstances” everything was now uncertain, and in complete turmoil. (By this time it seemed to have been forgotten that only a couple of dozens – perhaps a couple of hundred aggressive people were actually engaged in violent activities. “Hullabaloo”, in point of fact, meant and still continues to mean the practice of human rights, the right to free association, which has precarious impacts on normal everyday people only wishing to perform their everyday work.) Now, the hullabaloo has only one alternative and that is Ferenc Gyurcsány.

With the rhetoric used and the practice of demonisation, Ferenc Gyurcsány and his assistants had set the breeding-ground for police brutality and arbitrary arrests, the roughest ways to terrorise people exercising their human rights. Although there were sporadic examples of police brutality and arrests on other days too, the acts of intimidation and terrorisation were mainly concentrated on the following times and days:

The night of 19 September; the night of 20 September, all day the 23 October – we mean particularly the prevention of the crowd from leaving the FIDESZ mass meeting using the means of terror.

#### **5. Mass police brutality and arbitrary arrests on 19 and 20 September. The role and responsibility of the Prime Minister**

On the eve of 19 September, large crowds were again gathering on Kossuth Square. By this time “Kossuth Square” was beginning to grow into an independent idea, a notion and an entity on its own. After working day was over, many thousands kept returning and gathering on Kossuth Square, the island of freedom in front of the Parliament, for a whole month. People with similar disposition and thoughts had a chance to talk to one another, long-time-

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not-seen friends met again. In contrast to “opinion-forming public discourse” and whatever the media are trying to insinuate, the large majority of the crowd consisted of educated, cultivated people including a large number of university students – and representatives of all age groups. There were also many families, parents, grandparents, and smaller, and older children... Naturally, and given the free and spontaneous nature of the gathering, there were many “strange people” too. There were speeches whose tone and content might have been criticisable and there were also people whose clothes and behaviour may have left a lot to be desired. Naturally, the homeless also joined in because the atmosphere was naturally friendly and humane, and thanks to the donors, there was also free food available. Shockingly, the very same politicians and press personnel who silently watch the vast number of homeless people living under miserable and inhuman conditions in the underpasses, parks, and kindergartens of Budapest were now taken aback and were warning of the dangers of contamination. (They have not talked much of contamination until now although it would be difficult to tell how many children and how many parents should be rightly worried of Budapest’s kindergarten benches “equipped” with secretions contaminated with TB, hepatitis, or other bacteria.)

All in all the days went by in an elevated spirit on Kossuth Square with many hours of conversation, playing and listening to music, talking politics and many staying long into the nights. On 19 September, the day after the siege of MTV, the Prime Minister promised the “silent majority” to protect them. Aware of the extent of police brutality and the arbitrary arrest made by the police on the night from the 19<sup>th</sup> to the 20<sup>th</sup>, our committee was baffled and shocked to read the following item of news on index.hu on the 19<sup>th</sup>:

“On Tuesday evening Ferenc Gyurcsány will be staying in the control centre that oversees the events in the capital”, said László Boglár, the chief of press of the Prime Minister to MTI. László Boglár stated, “Late in the evening Ferenc Gyurcsány will be watching the turns of events in the capital from the control centre, which was called to life in response to the circumstances and developments of Monday. It is not entirely impossible that the head of government will spend the night there. The spokesperson to the Prime Minister added that the aim of the control centre is to ensure that “all mobilisable forces that need to be mobilised be made relatively easily and quickly available”.

This means that the Prime Minister saw and followed the events and was in constant contact with the people who had directed the mass intimidation, the “hunting down” or maltreatment of people on their way home from Kossuth Square or just simply walking by.

Here it must be mentioned, that during those days, over ten thousand people gathered in the evenings on Kossuth Square; they, obviously, left the site later on during the course of the night. It was these groups, gatherings waiting for the various means of public transport or walking towards night buses were considered to constitute illegitimate, “not permitted” crowds of demonstrators and were accordingly dispersed – almost like a final rehearsal for the 23 October events. Individuals were “hunted down” one by one, as were those people who were walking separately or in smaller or larger groups. The phenomena, already obvious on the first night of the police brutalities and arbitrary arrests, which was also a determining factor on 23 October as well, is called “change of intent” in criminal law. The essence of this regarding the events of September and October, was that those people who originally had peaceful intentions, turned against the police and started fighting, once they realised the

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aggressive police actions around them, the mass police brutality and realising their own defencelessness and helplessness. It could be seen in many instances that certain TV footage took images way out of context when showing people building barricades or throwing rocks, however it is not at all indifferent to try to establish whether they were responsible at all or the extent of their responsibility, and whether they started the aggression to which the police reacted or whether the people reacted desperately, perhaps in a manner that was close to rightful defence against the unlawful actions of the police.

After the first such night, where intimidation was also closely lined to demonisation and where the police officers committed mass violence and arrested many innocent people, Ferenc Gyurcsány talked pleasingly about the events. He said that after talks with Gábor Demszky they agreed that last night and in the early hours of the morning the police were decisive and unrelenting in restoring order in an “exemplary” manner”. (*index.hu* 20 September 2006, 14.18). According to the press release the Prime Minister thanked the police for their efforts.

The expression “exemplary” means that the chiefs of the police and police officers should look at the actions of the night of 19 September as an example on how to deal with pedestrians, protestors, people going home from demonstrations. This “example” should be followed the next day and later on as well, on 23 October. This is what the Prime Minister and the Mayor expect from the police. And if this remains the “example”, if the head of government, who is the controlling authority of the police, stays the same and if the chiefs of the police stay the same, why should this not happen again on 15 March or on any other date for that matter?

If the Prime Minister did not perceive the events properly from his particular control tower, surely he must have been informed on the happenings of the night. Let us look at some episodes reported on *index.hu* of the night of 19 September and let us analyse what kind of police behaviour and actions were deemed as “exemplary” by the Prime Minister of the Republic of Hungary and the Lord Mayor of Budapest, in a country that is a member of the European Union, and a democratic constitutional state, in 2006.

20.09.2006 - 01:03

It was a surrealistic feeling when on the smoky, dusty square and the surrounding side-streets, police officers on horsebacks were chasing the protestors and sometimes managed to hit them on the head. The police officers and the demonstrators were running up and down, people were driven out from one street, then they ran into another, our correspondent informed us that the whole situation reminded him of a cat and mouse game. He also informed us that the protestors were trying to build barricades.

20.09.2006 - 01:26

After the attack of the mounted police, the front edge of the combat police only moved a few meters forward on Rákóczi Street. The forefront was at Hársfa Street. The police officers were facing the same “hard core” of aggressors that attacked the main building of the Hungarian State Television on Monday night. (How is it possible that they have not been arrested yet? – our committee asks)

Debris, smoking tear-gas bombs and busted traffic signs could be observed all around Rákóczi Street.

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20.09.2006 - 01:44

The correspondent of MTI saw many protestors taken away by the police, who were shooting tear-gas bombs at the people head-high.

20.09.2006 - 01:59

A water-cannon arrived to the square from Astoria, our correspondent informed, and the dispersion of the crowd started. Many bleeding people could be seen on the square, but there was no ambulance in sight.

20.09.2006 - 02:04

On Blaha Lujza Square, the police mounted on horses began their combat in two directions alongside Nagykörút and they were hitting people with their batons. According to our correspondent, people fled in groups of 200-300 into the side-streets

20.09.2006 - 02:19

According to HÍR TV, the police officers, in their last attack, hit everybody randomly wherever they could. The TV station said the turmoil could easily last until morning, however, the majority of the square had already been already cleaned up.

20.09.2006 06:49

During the night street-fights, 97 people were injured and 4 police officers were seriously wounded. The police made 98 arrests.

Let us analyse the police measures taken by the police, which are deemed as “exemplary” (for the next night and the norm for future similar incidents) by the Prime Minister and the Mayor:

- the police were hitting protestors in the head,
- tear gas bombs were fired at the people head-high,
- dozens (later this number was closer to one hundred) of people were injured,
- people were hit with police batons,
- everybody was hit wherever possible/

According to the correspondent of INDEX, on 20 September, the next day after the “exemplary” police actions, Gábor Demszky talked pleasingly about the events. The information by *index.hu* presented on the early afternoon government session speaks for itself; the Prime Minister’s words need no comments.

*Gyurcsány struck down heavily on the peace-breakers*

• Index/MTI

20 September 2006, Wednesday - 11:37

At Wednesday’s government session, Ferenc Gyurcsány promised tough police action against peace-breakers. The Prime Minister was condemning the opposition for not having called back the people off the streets and he promised to continue with the reforms.

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“There is no mercy to peace-breakers, they must be acted against harshly” – said Ferenc Gyurcsány at the public part of Wednesday morning’s government session. According to the Prime Minister there is order in Budapest and Hungary, the police protected the people last night.

He said: “we cannot allow some people to cause disorder, commit public crimes, loot and fight against police officers for political reasons.”

The government will fully support the “order keepers” in their “firm action against the peace-breakers”. According to Gyurcsány “the pretext of “peaceful demonstration” is only used by disturbers who do not wish to exercise their constitutional rights and who impose on the Republic’s patience by committing public crimes.”

He condemned that parties who could have asked people to withdraw from the streets, did not do so yesterday, and they refused to publicly debate the events in the Parliament. You cannot build the country on unfulfilled promises; the government will continue its work without backing down, said Gyurcsány.

Regarding the “exemplary” actions, Péter Gergényi, chief of police in Budapest, left no doubt in guessing where and from whom he got the courage for the mass police attacks and the arbitrary arrests:

According to the chief of police, the Prime Minister promised his full support and help for the police to end the violence. According to him, aggressive and hostile individuals were arrested, totalling 98 people. The police only knows their names and enquires are being conducted into who they really are and what their real objectives are – said the chief of police.

Our committee, as mentioned earlier in the introductory chapter, has listened to many personal stories told by the victims, whose rights were infringed, in the September and October events. Some of these stories make up the Appendix of this report. We would like to deal with a couple of cases within the report as well to prove our point. One should not forget that the stories turned into dramas by the media were experienced by real people with real traumas. This is why we feel that it is necessary to present the personal background of the victims. Let us see what happened to a small group of people coming to Budapest from the rural regions on the night of 19 September and how they saw the police actions.

“My name is Mrs Sós, Andrea Mészáros.

I finished my high school in Boldog, after which I went to trade school in Gyöngyös, where I studied catering with excellent results.

My father worked as an engine fitter until his retirement. My mother worked as a cleaner in a factory in Budapest until her retirement. The older of my two younger sisters is the proud mother of two beautiful children and I am one of the godparents. In autumn 2005, my youngest sister also became a mother and her child was the first boy in our little family.

In 1990, our father left us, so, as the first-born child, I got to experience the hardships of providing for a family from an early age.

Together with my mum, we supported the family, while my younger sisters were still at school. I think that due to our Christian upbringing, these hard days did make our family ties stronger and turned our family into a more loving one.

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In the summer of 2002 I married the love of my life, after an 8-year-long relationship. Nowadays, we are also thinking about raising a family.

Since my school days I have been passionate about Hungarian literature and history. Over the last ten years, I have spent quite a bit of time hiking to get to know the Hungarian countryside.

Human relationships and helping those in need have played a central role throughout my life. Perhaps owing to this, we set up a public benefit association, together with my friends, of which I was elected leader.

On 19 September 2006, together with my friends, we decided to take part in the demonstrations at the Kossuth Square. At around 8pm, five of us (Cs.J., Zs.P., M.H., G.F.) travelled to Budapest by car. We left the car in Podmaniczky Street, where my youngest sister's boyfriend, Cs.J., lived. K.J. also joined us and together we walked towards the scene of the demonstration. Csaba's younger brother, K.J., left relatively early, we listened to the speakers and talked with other demonstrators until around midnight. Then we walked back to the car, since every one of us had to work the following day. Out of curiosity, we decided, however, to have a look at the "other demonstration" as well, which we heard about on our way back home. We walked and talked on the sidewalk of Nagykörút. We did not even get as far as Blaha Lujza Square, when we decided that it was really time to go home. On our way back, we saw a lot of police officers, who did not take their positions and gave us no notice. Two streets down a police cordon, the width of the entire street, was coming towards us. Once again no notice was given to us and they walked past us. Finally, we got to the corner of Podmaniczky Street. We had one last cigarette and then all hell broke loose. All of a sudden a police car turned from the street onto the Nagykörút. We were made to lie on our stomach, were hand-cuffed and kicked, G.'s face was full of blood; there were screams and obvious pain. After approximately 15 minutes we were made to kneel up and we were put into a police van. I was punched in the face 5-6 times, the guys, too. They were talking to us like animals, I was afraid...

Twelve hours in the house of detention in Aradi Street, we were still not regarded as human beings. The morning shift arrived, bringing about a change of human tones as well. In the early afternoon, we were taken to the District XII police station to make a confession, being handcuffed. I was ashamed of myself, since I am 34 years old... I'm planning on having a child... wondering what happened to my family... or the others. I spent the next two nights in the house of detention in Gyorskocsi Street. A humiliating medical examination... being handcuffed again... wondering what kind of a criminal I would be locked up with? My only hope was that I would be set free after the preliminary hearing, since we have not done anything. But no, my so-called hearing took one and a half minutes, the paper had a fresh stamp and signature on it, but I did not see the stamp or the signature. My God, what's happening here?

Cs. has three children. He was also sentenced for 30-day imprisonment just like the others. Trembling, crying, nightmare, although our families were already there to take us home. What will happen to us? We were taken to Markó Street, where the police behaved in an even more humiliating manner. I always thought those were exaggerations what they show in films. But no, the reality in Hungary in 2006 is even worse. And we committed no crime. I am sad to admit, but I was glad to be back in the house of detention of Gyorskocsi Street, locked together with 12 habitual thieves. It was incredible, but they were humans and they helped out with everything since they were "professionals" in there. The next day, an 18 year-old girl was brought in, also from the demonstrations. Her state was worse than mine, I looked after

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her as much as I could, I nurtured her spirit, I tried to get her to be stronger. We had been jailed for five days when our family received news from us with the help of Ilona Ékes. Throughout the whole time, I was thinking that Cs's son, who happens to be my cousin, would have his first birthday in one week's time. His father and his aunt are in jail. On the tenth day, on 29 September, the cell door opened: "Mészáros, you are free to go!" I cannot remember the next five hours clearly... what's up with the guys? Are they also free to go? Or not? - such questions were running through my head.

We arrived to Hatvan at around ten in the evening and a lot of people awaited us. A lot of good people, who helped out in any possible way they could. And the family, of course!

Our happiness was short-lived, since Zs.P. was not allowed home. As we learned, he was charged with crimes at three various locations, at the same time. Furthermore he was named a ring-leader; but how could this be possible, since he was half a metre away from me??? Zsolt was freed on day 50, but what is most important is that he's out of prison now.

This is not the end yet. Further confessions as a suspect, as a witness, do we recognise any of the assaulting police officers...? I wish I could! Norbi H., who managed to run away, informed our families what had happened to us and took part, together with many other "well-wishers" in the whole process of getting us out of prison...

The investigations have been extended until 21 April, although when I was freed on 29 September, the explanation given was clearly saying that "substantial suspicion no longer exists..."

When will this end??? Show trial!!! YES, this is what it is!

Thank you for your attention!

According to *index.hu* over 100 people were taken into custody on the night of the 19<sup>th</sup>.

20.09.2006 - 15:33

On the night of 20 September, the police carried on their mass brutality and went on with their arbitrary arrests. It is strange to admit, but "this was the natural thing to do", since this kind of action was expected from the Budapest Chief of Police and this was deemed as "exemplarily" by both the Prime Minister and the Mayor. In order to analyse the weight of Ferenc Gyurcsány's following significant comments (made in the afternoon of the 21<sup>st</sup>), let us briefly familiarise ourselves with a few reports from the news agencies and a few case descriptions of the events of the night of September 20.

"We shall foretell" the analysis of the occurred incidents by the Prime Minister (this is what he would say on the day following the night, which is about to be presented in more detail):

I meet the chiefs of police several times a day. I believe that the Hungarian Police forces are able to effectively and efficiently meet the challenges posed by the incidents of Tuesday night and last night, and they are also capable to keep and maintain order.

Similarly to previous evenings, around 15 thousand people gathered on Wednesday evening after 9 p.m. at the demonstrations on Kossuth Square. The crowd around the Rákóczi Statue, situated on a grassy area, is dense, while the people located on the asphalt parking lot of Parliament building are pretty sparse. Protestors are to be seen on the roads and alongside the tram-tracks, too. According to MTI estimates, around 600 police officers have been dispatched to the Parliament area. (MTI)

20.09.2006 - 23:59

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A few smaller groups left Kossuth Square and they spread to the nearby streets. According to our correspondents, it was unsure whether they were going home or whether they had a concrete objective. Our reporter was following one of the groups of people. As we were informed, they were only following the other groups. As our reporter reaches the Nagykörút, he found normal, peaceful traffic and nothing seemed to show signs of disturbances. Earlier, HiPolice Act reported large number of people at the Kossuth Square metro station trying to catch the last ride home.

20.09.2006 - 23:59

At midnight only about half or one third of the crowds, which reached 10-12 thousand people a couple of hours earlier, remained in Kossuth Square and our correspondent reported funny scenes happening on stage, which would be suitable in slap-stick comedies.

21.09.2006 - 00:02

The correspondent of HiPolice Act reported seeing a group of around 50 people wearing hoods and masks at Oktogon. The youth were wearing similar clothes as during the siege of the MTV building. Some others joined them, but the journalists outnumbered the crowd of the gatherers.

(Comments of our Committee: we find it most probable that the “hard core” of the aggressive and vandal offenders were then, and have ever since been, taken into custody.)

21.09.2006 - 00:48

At this moment, at Nyugati Railway Station, it is impossible to distinguish the demonstrators from the peace-breakers, journalists or the simple bystanders. Somebody next to our correspondent is hailing “sieg, heil” , someone else threw a beer bottle at the police.

21.09.2006 - 00:53

The TV staff, photographers and journalists, as well as the onlookers were dispersed from the Nyugati overpass. There were a few hundred people in the area, some banners could be seen and the police officers were running around randomly, our correspondent reported. The police were using tear-gases, although they were still running up and down aimlessly.

09.21. 01:02

Our correspondent was talking to people around Nyugati, asking them “Excuse me, are you a protestor?”, but everybody replied that they were merely onlookers. The police units were still running around without purpose.

*A strange psychological situation:*

According to our reporter, the happenings near Oktogon had their own special psychology. When it seemed that the police forces were about to leave, the crowd began to chant anti-police/anti-government slogans believing they had managed to chase away the authorities only to see the police return. A few gestures by the police officers provoked the crowds and one of the truck drivers “steered the vehicle” into the crowds, and the protestors began swearing and started to abuse Gyurcsány loudly.

*21.09.2006 - 01:40 Thousands of demonstrators heading towards Heroes Square*

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According to our correspondent, thousands of protestors were heading towards Heroes Square, from Oktogon along Andrásy Street. Police officers were advancing before them and the protestors were followed by ambulance vehicles. One or two bottles were thrown at the police vehicles, but the mood was generally peaceful. It seemed nobody knew what to do, even if they asked for help or assistance via their mobile phones. Our reporter used the expression “going with the flow spontaneously” regarding the demonstration and also regarding the large number of onlookers.

*21.09.2006 - 01:53 Tear-gas attacks at Oktogon*

The crowd was between Oktogon and The House of Terror. From The House of Terror the police officers were shooting tear-gas bombs towards Oktogon, and the whole area was soon covered in dense smoke. Two ambulances arrived to The House of Terror. According to HiPolice Act, they were taking away a young man who had suffered a head injury.

*21.09.2006 - 02:05 The crowd surrounded on Andrásy Street*

According to our correspondent, four trucks carrying a hundred police officers arrived to Oktogon and cordoned off the area around Liszt Ferenc Square, so the crowd could only leave via the Nagykörút; some left towards Nyugati, while the others left towards Blaha Lujza Square.

*21.09.2006 - 02:07 A new type of tear-gas bomb*

Our reporter located at the premises analysed more closely one of the tear-gas bombs fired by the police: it was a metal tube around 15-20 cm long, from which the gas came out through a hole at the end of the tube. If somebody was hit directly with this tube, they could suffer serious injuries, he said. Ambulances were looking after an injured individual, who was hit by one of these bombs in his ear and was seriously injured.

*21.09.2006 - 02:13 A protestor was hit in the stomach from close range with a tear-gas bomb*

Our correspondent reported that a protestor had been hit in the stomach from close range by the police forces at Oktogon.

*09.21. 02:41 Young people beaten up in Akácfa Street*

Six or eight young people, who did not look like peace-breakers, were seriously beaten up by the police in Akácfa Street, in between Wesselényi and Dob Streets. One individual lost three teeth, most of the young people were still laying on the ground and our correspondent just called for an ambulance for them. They claimed they could do nothing, as they had been trapped from both directions.

*21.09.2006 - 02:46 The police officers reached Blaha Lujza Square*

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The combat police forces reached Blaha Lujza Square and directed many people towards the under-pass. There were many pedestrians on the square, and cars could already move freely on Rákóczi Street. One could hardly see any protestors or peace-breakers.

*21.09.2006 - 02:51 Children taken away by the police*

Our correspondent saw at the corner of Nagykörút and Wesselényi Street that the police had taken away a 14 year-old young man, with his hands tied behind his back and his head pushed down. Two women in their thirties ran after them crying and screaming that the boy was only a child and lived in that house. The boy was put into the police-van.

*21.09.2006 - 03:04 People imitating fighting movements beaten up*

Our correspondent saw two youths – seemingly – imitating fighting movements, while two of their friends were watching them at Astoria. A patrol car was driving by, the police officers jumped out of the car and beat all four of them with police batons, then took them away

*21.09.2006 - 04:11 Sixteen injured on the fourth day*

A total of sixteen injured people were taken to hospital from the disturbances of Wednesday night and the early hours of Thursday. Three were in a critical condition, while the others suffered mild injuries, said Pál Golopencza to Index, who was the on-duty chief medical officer of the National Ambulance Service. The majority of those requiring medical attention had sustained mild bruises or suffered from tear-gas bombs but nobody was in a critical condition. Two people sustained serious head injuries, while another person had a stomach injury and the medical officer suspected that they could be victims of the tear-gas bombs fired at them by the police officers.

During the course of the night 16 ambulances were working in the Nyugati-Oktogon-House of Terror-Blaha direction, 14 others were working on other local alerts and another 15 were on stand by. From the ambulances helping out in the downtown region, by 4am only two ambulances remained, and they were aiding injured protestors at the police stations and at the locations of the arrests. “The young man who was hit in the neck by a tear-gas shell, was taken over to Péterfy Sándor Street Hospital in a stable condition” the medical officer informed.

*21.09.2006 - 08:28 Night statistics*

During the course of Wednesday night in Budapest, 62 people were taken into custody by the police charged with disturbing the peace, group vandalism and violence against public officials. Over three days, more than 200 people had been taken into custody.

Let us briefly summarise what we learnt from the media agencies regarding the events of that night and the police actions, which were deemed as acceptable by Ferenc Gyurcsány the following day.

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- They were shooting tear-gas bombs, a young man sustained a head injury
- A young man was hit in the ear and was seriously wounded
- A protestor was shot in the stomach from close range by the police
- 6-8 young people were beaten up so badly that they could not move
- A man lost 3 of his teeth
- Four people were beaten up with police batons
- A young man was hit in the neck with a rubber bullet.

On 21 September, two human rights organisations, the Helsinki Committee and Amnesty International objected to the disproportionate police actions

In its communiqué issued on 22 September 2006, the National Legal Aid Foundation pointed out that the police was especially responsible for not giving cause to the protesters for losing their temper, and the police had to comply with the requirements of necessity and proportionality, as well as the statutory regulations pertaining to dispersion. The Foundation called the attention to the fact that abuses had been made by the police in large numbers, including mistreatments causing serious bodily harm during official action to people who had not participated in the violent events. The Foundation demanded that these actions defying the law – also established by other legal remedy organisations – should be stopped immediately and the perpetrators should be called to account.

On the same day, 21 September, the Prime Minister gave the following interview:

How long can such alerts be kept up by the police forces? Have you considered ordering a state of emergency?

I find speculation of the latter issue highly dangerous, as it would suggest such a near crisis state, from which we are very far off, therefore I would be careful about considering such an order. I meet with the chiefs of police several times a day. I believe that the Hungarian Police forces are able to effectively and efficiently meet the challenges posed by the incidents of Tuesday night and last night, and they are also capable of maintaining order.

Subsequently Gyurcsány Ferenc did not only fail to order an immediate enquiry as to how so many people got injured and how they were wounded, as they were reported by the various media agencies, but he said that it would be expected that in the future similar measures would also be taken in similar cases. The chief of police “loyally” carried out the order, as he did on 23 October as well.

It can be established that the mass police brutalities and mass arbitrary arrests of 19, 20 and 21 September had set the precedents for the events of 23 October. Prime Minister Ferenc Gyurcsány and Budapest Mayor Gábor Demszky were instrumental in the outcome of the mass tragedy of 23 October through active prompting and ordering measures to be taken, while Law Enforcement Minister, József Petrétai, was also guilty of inducement through his passivity, by failing to conduct an enquiry into unlawful actions, and “blocking” the enquiries which were submitted at a later date.

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Closing off the presentation of the events between 19-21 September, let me analyse three incidents which took place on the night of 20 September. I would like to remind you that in the Appendix of this report, as well as on our website, many similar true cases are presented.

*a.) The case of the Kruchina brothers (20-21 September):*

“It is two o’clock at dawn on 21 September 2006 in Rákóczi Street. Three days have passed since the siege of MTV and two days since the disturbances on Blaha Lujza Square. One of the most important avenues of Budapest is completely desolate. Only a few people are lingering around the stop of night bus No. 6. There is no trace of violence, tranquillity reigns the whole night. As we are heading for home in Nagymező Street we get acquainted with two photographers of the AP, Béla Szandelszky (awarded the Pulitzer Prize) and Otero Bianca. Later on it turned out that this was our incredible luck. We bid farewell and as we turn to Rákóczi Street a dozen or so unidentified policemen of the Security Policing Service in ski masks, and without asking anything they rush at us. They take brave and competent measures: within a few moments we find ourselves in a black maria van, where three other passers-by already waiting. Having arrived at the Xth district police headquarters, we sense no change in the friendly attitude of the Hungarian Police. People in fetters are sitting in the great hall of the headquarters in deathly silence and fear of death. Sometimes a few reserve cops and officers enter the hall and strike the handcuffed youth. They use their shields and batons. Blood and tears everywhere. A Peruvian father of three children, who was having a kebab for supper, is called a Gypsy in disrespect and his nose is broken. When he tries to explain that he is no Gypsy but a Peruvian, the reply is: “Can’t you even speak proper Hungarian, Gypsy?” Rib and nose breaks, and blood runs. Lynch law prevails. Angel Mendoza does not understand what is happening. As far as he can recall, such things have not happened in Latin America for more than at least twenty years. He does not understand. Is not this the European Union? Is not this Hungary and Budapest, the Capital of Liberty? Tears and pain. Of course, the cops laugh and shout that tomorrow they will shoot.

Forget the lawyer, the rules of the game are now written by others. Written by them, once again. We thought this could only happen to our fathers, grandfathers and great-grandfathers. Next day the prosecutor announces the charge accusing us of throwing stones at the policemen – or according to the official version, committing violence in armed groups against official persons. We thought we misheard something. We keep telling one another: What is this? What on earth is this? This is Hungary in 2006. A few years in prison. On false evidences.

Two days later the Central Court of the Buda Districts decides over our fate. Following a long search, our lawyers finally find the crown witnesses. Judge Angéla Fuér (former policewoman) wishes not to hear them. And the ruling is: house arrest. At that moment we were really happy with it. And we are fortunate. Innocent young people collected from the streets on the 21<sup>st</sup> are kept in detention.

Three months later, the Public Prosecutor terminated investigation as “no crime was found on the basis of the investigation data”. Strange. Four policemen witnessed against us saying that we had attacked them with stones. The rule of law had been restored in part, with a three-month delay. Let me stress that we had two witnesses who undertook to testify for us that aside from walking in the street we did nothing. The Prosecutor decided to believe the two journalists rather than the policemen. But what about those who had no witnesses? Are they

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going to be imprisoned on the basis of the evidences given by the policemen? We simply don't understand why the rule of law ceases, or more precisely, who have terminated the rule of law in Hungary in the autumn of 2006 and why we have went back some thirty to forty years in time?

We are grateful to those who thought this was more than enough. One should not put the clock back so much. We thank you István and Péter Magyar, Zoltán Balog, Krisztina Morvai, Ferenc Kőszeg, Balázs Dénes and the Committee of Civil Jurists.”

Budapest, 26. 01. 2007, Károly and Vince Kruchina

(Remarks by the Committee: Károly is a horticulturist and Vince is a graduating student studying humanities.)

*b.) The case of Péterv Király (20-21 September):*

“Having been informed of the events over the radio, we started off at around midnight with a few friends from Dob Streets towards Oktogon Square. We found a peaceful crowd on the Oktogon, with a line of policemen along The House of Terror. The police started to fire tear gas grenades and when the crowd moved closer to them, the row of policemen started action and scattered people towards the Nagykörút (‘Grand Boulevard’). We were driven with the crowd, and when it was a increasingly broken, we started towards Dob Street, where I live. At the corner of Dob and Hársfa Streets, I saw people waving their hands. When I walked into the crossing, I suddenly saw 20-30 riot-policemen run along Hársfa Street. Frightened, I ran into a gateway and looked back to see 8-10 policemen separate from the group and run in my direction. I entered the gate which closed behind me. While I was rushing towards the stairs, I heard that the gate was broken in. A young boy was running behind me, heading for home but frightened, just like me, from the riot-policemen, he also entered the stairway. He was caught first, and by instinct I stopped and turned back to see what was happening to him. He was already lying on the ground and a riot-policeman was beating his head. I went on running, but another policeman caught me up, wrestled me down the stairs, and started beating me aiming at my head. Then he pulled me downstairs where other policemen joined him. While I was pushed along the corridor I was also hit several times, but I don't know who and how many of them hit me, because my head was forcibly flexed down all the time to prevent me from seeing anything else but the ground.

When we got back to the gateway, I was pushed down to the ground again, and felt a dull blow or kick on my mouth and a tooth broken. Yet other hits followed while the riot-policemen kept shouting “You'll kick the bucket”, “You'll piss in you pants”, apparently enjoying what they were doing.

I was speedcuffed and with eight others I was pushed into a police van at the junction of Dob Street and Erzsébet Avenue to be taken to the Harmat Street police headquarters.

During the day I was told that in an armed group I had attacked policemen. After three days in detention, I was taken from the police headquarters to the court, where I was sentenced – together with my “accomplices” – to thirty days' pre-trial detention. Held in leash, we walked from the court to the prison in Markó Street, where we were made to kneel on the courtyard for 20 minutes while listening to the encouraging yelling of a prison employee repeating “this is reality, this is the authority”. Then we walked to a corridor where ‘reception’ took place.

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On the corridor we had to lean against the wall at the forehead, in a straddling position, made increasingly difficult as our legs were kicked to be wide apart. After medical examination, photographs were taken of us, our personal objects were placed in deposit and searching started. I had to enter a room, undress and after my clothes were examined, a prison employee asked me: "Did you kick up a fuss?", and when I said "No" he stroke me in the chest. While I was dressing, he repeated it twice or three times. After reception, I was seated in a prison van and taken to the prison in Venyige street.

On the ground floor we were divided into separate rooms. After half an hour two prison employees came and escorted me to an empty room where four jailers started to beat me. They forced me to beg for my life on bended knees. Then I was escorted to the next room where I was given more beating. Then I could join the others in a queue, and we were given mattresses and bed linen, and divided to separate floors. Next day after the walk only I was allowed to return to the cell. I was escorted to an empty room, where the searching was repeated, then I was allowed to dress and escorted to the next room, where they kept frightening me in an interesting position (standing on one foot, with my left hand stretched, right hand on the back of my head and eyes closed). The prison employees apparently enjoyed their actions very much. I was released after thirteen days."

Péter Király (Remarks by the Committee: Péter is a student at the Technical University).

*b.) The case of Milán, Livia and Laura (20-21 September):*

"I met my friends (Livia Csáki and Milán Tarsoly) on Kossuth Square. We spent about an hour there and left for home. We went to the Blaha Lujza Square on foot, as there was no night service. We did not see any atrocity and so we did not think we were in danger. A row of policemen was formed several times along the boulevard to impede the movement of passers-by. So we started to reach a stop of bus No. 78É through small streets, but the police started to fire tear gas grenades. First we only heard the shots, but within a minute a grenade fell in the street where we were walking and started to emit smoke. Our eyes were stinging and we gasped for breath. These tear gas grenades hit several people. I even gave a handkerchief to one of them as he was heavily bleeding in the cheek. As we were rather frightened, we started to run. We ran into a staircase, but within no more than a minute a group of about 10-15 policemen rushed on us and without any warning or call they started to beat us. They beat us up extremely brutally. I was lugged out by my hair and beaten by rubber batons. I was hit at my head, my shoulder, my back and my rib. Then I was handcuffed, the speedcuff was made so tight that blood was streaming from both of my wrists. There were seven of us in the gateway with my "accomplices", with whom we were accused by the court of having formed an armed group and committed violence against an official person. I only knew Milán and Livia of those people, and we had not weapon and did not commit any crime. We were taken in handcuffs to the building of the Hungarian Radio. Milán was going in front of me, so I saw when he dropped his coat and told him: "The coat!" In reply, I was hit hard on the back by a baton and a nice attribute: "Shut up whore!" Milán was beaten up and kicked very very badly several times on the way to the radio building.

After we got there, we were made to kneel for one and a half hours on the courtyard. We were forbidden to utter a sound and were allowed to watch only the wall. We were told that from that moment on we did not have names any more, we only had a number which was scribbled on us by a felt-tip pen. (I felt as if I had been starring in the film entitled "Schindler's list".)

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Lívía was kneeling next to me, and her head was covered with blood but no one would care. We were continuously called “whores” and “bitches”/ From there we were taken to the VIIIth district local police station, where again we were made kneel for about an hour. We were reprimanded with similarly repulsive words of abuse. Then we were closed in an inhuman, horrible cell furnished with a single iron bed. I would rather not speak about the quality of the food. Next day we were taken to Gyorskocsi Street where I spent a day in solitary confinement. We were heard on Saturday, and sentenced to 30 days’ detention on remand because they were afraid of repeated perpetration and escape. The lady judge did not pay attention to my defending counsel, did not even look at him, she made her decision without thinking. The person in charge of keeping order who was escorting me made disparaging and threatening remarks on my defending counsel, let me quote: “He tells so many lies that he should be eliminated. For that amount of money I could also be given to lying.” We started the 30 days in the prison in Nagy Ignác Street. We were taken there after the trial and I was made kneel for an hour next to a tuberculous person. Then I was taken to a long corridor where about 15 people were leaning against the wall with their heads, hands behind their backs, in a straddling position, legs extremely far apart. I was also made join the row. If my legs were not far enough I was kicked hard enough in the ankles to stretch them and this was done for about an hour. My legs trembling and next day both of my ankles were bruising. They registered my data – I did not have a name here either, only a number. For three days I was in solitary confinement and then I was closed in a five-bed cell where I was the minority.... nevertheless, my fellow prisoners were very nice to me. The same cannot be said of the jailers. Let alone being kind, they kept humiliating me in ill will (Just an example: when we returned from a walk, I was picked from the queue, taken to a bathroom, undressed and made crouch down several times. Another time I was left alone in a small room without any windows after I had talked to the defending counsel.”

(Note: All the three participants graduated from secondary school in the previous year. Milán is a university student, Lívía studies at a vocational school specialising in tourism and Laura is an employee.)

*d.) The case of Mihály Bálint (19-20 September)*

21 year-old Mihály Bálint arrived in Hungary on 19 September 2006 from Küküllőszéplak in Mures province, Romania, to undertake employment. At night on 19 September 2006, he went to have a beer with a Transylvanian and two Sub-Carpathian fellow-workers near Blaha Lujza Square. He did not participate in any political programme. Having had some beers, on 20 September at 2.20 hours at dawn, he got on bus No. 906 with his companions. Policemen also got on the bus and carried out an identity check. He was taken with them, while his companions were not. Mihály did not resist. After his identity was checked, he was taken to the police station and taken into custody. In the lock-up the policemen unlawfully assaulted Mihály together with several other persons arrested that night. Thus, among others, the captives were kicked on the leg and made kneel for a long time. On account of his Romanian citizenship he was insulted and in an obscene talk called Romanian. Just like in numerous similar cases, the police “formed” groups of the people who for the most part met for the first time in lock-up and started criminal procedure against them with the suspicion of collective breach of the peace. This is how Mihály Bálint, who had not known a single Hungarian citizen – except his employer – up to that date, was included in group with Tibor V. and

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others, accused by the police of collective breach of peace after they were heard. Policemen witnessed that as a member of the “group”, he threw stones and a bottle towards the police, and tried to escape from them who captured him. The police claimed that to have found an ASP baton in his pocket, although Mihály saw this instrument for the first time in lock-up. He would have been unable to protect himself against the hefty, robust policemen, and as he had not done anything wrong, he did not want to defed himself. He was detained on remand, and then on the basis of a motion by the authorised defending counsel, the Investigating Prosecutor’s Office of Budapest ordered his release. As due to the psychological shock he suffered, he wishes never to return to Hungary, unless compelled to do so, his defending counsel described his case in front of the court. The case was made public in the press: On 18 October 2006 the national daily *Magyar Nemzet*, and then the a *Krónika*, a local paper of Cluj wrote about it on two occasions.

Below is a selection from the Hungarian and international press on the day immediately following the above described events:

*09.22.2006 - 12:02 INDEX.hu*

“No trade union joined the persistent demonstrators on Kossuth Square, and in contrast to the Government coalition, the political opposition was divided – emphasised the French daily *Le Figaro* in their on-site report. The paper *Liberation* highlighted the “ultra-nationalist” character of the demonstrations with focus on the Sixty-four Counties Youth Movement and the participation of Lóránt Hegedűs, former representative of the Hungarian Truth and Life Party, “famous for his anti-semitism”.

In the meantime court procedures had started. It seemed that most of the courts of first instance identified themselves with the opinion that there was a “silent majority against a brawling minority”. Pre-trial detentions are ordered in large numbers, which would be subsequently found to be unlawful and unjustified in more than 80% of the cases. A legal analysis of these cases is given in Section 3 of Chapter VI in this Report.

Here is a glance in a courtroom as seen by a correspondent of the online paper INDEX:

*“Grand fiesta atmosphere”*  
*Accelerated trials on the line*

- by Attila Nagy

- 

Friday, 22 September 2006, 19:45

The accelerated court actions against people arrested during the street disturbances of the past few days have been continued at the Central Court of the Pest Districts. On Friday, on account of an offence of disturbance three men were brought to trial who had been pounced on at around the Oktogon Square by the police groups in charge of picking ringleaders.

According to the police report, the accused persons used passive resistance to police action, in other words, now they are accountable for disobedience. One of the three men is Endre

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Boldis, representative of the XXth district local government delegated by the party MIÉP, who – according to the police – was a dominant figure in committing the disturbance.

At the court, each of the three accused persons told the court their version of the events. Boldis said he stayed in the area until the police action started because he had not heard the loudspeaker car of the police resound “In the name of the law, leave the area!” The police pressing forward finally handcuffed and arrested Boldis. According to the minutes of the police the reason for his arrest was that despite the clearly audible call, he set off towards the row of policemen and said something to the people around him, so “pulling them on the row of policemen”, and some of the peace-breakers threw bottles and stones on the policemen.

Balázs, a dual citizen of Hungary and the United States, and a college student said that he went near the riot because he wanted to take photographs as he had been offered by the US Bloomberg that he would be paid for good quality photographs. The young man of Hungarian extraction has been living in Hungary only for two years, and does not speak perfect Hungarian, which may have contributed to the fact that he did not understand the call made by the police. He did not have his press card with him, did not wear a press safety vest and he covered his face with a shawl, this was why the policemen handcuffed him. According to his defending counsel, Balázs B. was simply at the wrong place at the wrong time.

The third accused, Norbert Sz. was a receptionist who left for home after work that ended late at night. The huge bald-headed person’s mere appearance was enough for the police to pick him out. Unfortunately, he had a flick-knife on him, but no identification documents, and in that situation this was enough for handcuffing.

The most interesting remark during the trial was made by the defending counsel of Endre Boldis, who said that “there was a grand fiesta atmosphere” between the Nyugati Square and the Oktogon, and Boldis, father of two children and a local government representative with two university degrees, had obviously been aware of his rights.

*3-3 days*

After a long waiting, court orders were announced in these three cases at seven o’clock in the evening. In the court’s opinion, each of the three accused persons had committed the offence of breaking peace, and so they were sentenced to three days’ imprisonment each, just like the four teenage youth brought to justice on Thursday. In the court’s opinion the three men did not leave the area despite the police call, so they stayed in a forbidden area and hindered the police in dispersion. Each man appealed against the order. As in their case the 72 hours’ custody has not been over, they will remain in lock-up till Saturday.

*Brave to show his face because he says he is innocent*

Already prior to the announcement of the sentence, Norbert Sz. told us in the corridor while we were waiting that as he considered himself innocent, he would lodge an appeal if he was found guilty. The man, employed by a place of entertainment in the downtown of Budapest complained, among others, that they had been unfairly treated by the police, for a long time they did not get proper food, thirteen of them were closed in a 4 x 4 metre cell where they could sleep only in turns and even then only on the floor. He was not allowed to take his heart medicine and many injured persons were given medical treatment only on Thursday afternoon.

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The man said the police had been collecting people from the street indiscriminately, to be able to “complete statistics”. In the lock-up he talked to a young Peruvian man who was tugged away by the police from the door of his flat on the boulevard. As he put it, there were “few really tough faces” in lock-up, nevertheless, the police kept disparaging them, shouting things like “You’ll rot here for three years” and “Try to play the tough now” and so on.

*Two staff members of the Tilos Radio on remand*

• Index.hu

Friday, 22 September 2006, 15:22 hours

The Central Court of the Pest Districts ordered the pre-trial detention of two staff members of the *Tilos Radio* for a term of 30 days. They are defended by the Society for Human Rights, and their defending counsel thinks the charges were made on the basis of erroneous suspicion. The Hungarian Helsinki Committee is afraid that several innocent persons have been sentenced to pre-trial detention without actual investigation, and so they requests the courts and the Prosecutor to use coercive measures only if it is justifiable.

*127 people detained*

Altogether 127 people have been detained in connection with the demonstrations. In four cases the court prohibited the accused persons to leave their places of residence, and in four cases ordered house arrest. Pre-trial detentions were ordered primarily in cases declared as violence against an official person, breach of the peace and their specific cases. According to the Press Department of the Metropolitan Court, the court will also discuss applications for arrest and decide over more than twenty cases on Sunday.

(MTI – Hungarian News Agency) 24.09.200, 00:51 hours

Following 21 September 2006, people leaving for home from the Kossuth Square were only occasionally “hunted down”, beaten and imprisoned – up to 23 October. Such an example includes the events around the tent of the MIÉP on 24 September 2006.

*No police action on Saturday*

No police action required during the demonstration held on Kossuth Square Saturday night, said Péter Schön, spokesman of the Central Police Headquarters of Budapest, to the news agency early in the morning on Sunday. About five or six thousand people remained in the Square completely closed from the traffic.

According to MTI, the police arrested two persons on Sunday on Károly Boulevard, shortly after midnight. Two persons tried to escape from the policemen through Erzsébet Square, but they were caught up with in front of the Liberal Tent set up in the park of the Lord Mayor’s Office. On Madách Square several people who were reviling and threatening journalists and policemen were asked to show their papers.

*24.09.2006 - 01:03 The MIÉP Tent surrounded*

Sixty policemen surrounded the MIÉP Tent set up on Madách Square, for the time being the reason is not clear. According to our correspondent, several policemen entered the tent and

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carry out identity checks. About thirty demonstrators keep provoking the policemen around the tent.

The Liberal Tent, found in the neighbourhood of the MIÉP Tent, was closed every day before the theoretical opening hours ended. The Liberal Tent was protected by riot-policemen even on Friday, even though there was no information on any eventual danger to the campaign centre of the SZDSZ.

*Attack in the direction of the Astoria*

The policemen suddenly started to run from Deák Square towards the Astoria, stopped at the MIÉP tent and went on.

24.09.2006 - 01:38 Lots o policemen at Madách Square

As far as we know further policemen have arrived at Madách Square, because some suspicious people were seen gathering at around the Liberal Tent. The MIÉP Ten is closed, most probably it was ordered to be closed. At this time of the day usually there are no people in the tent, but now some people have fled in it. There are lots of policemen in front of the Liberal Tent and all around Madách Square, who keep checking the identity of the people who keep reviling them. Rumours may have spread in the city that this is the place where events are focussed, as the number of people is increasing.

24.09.2006 – *A youth is taken away*

A young man in a red-and-white scarf is tugged into a black maria at Madách Square.

24.09.2006 – *01:50 Altogether four people are arrested*

Altogether four people – including a girl – was picked out by the police on Saturday night at Madách Square. At least 100 persons had been ordered out to perform this action, and some time before 2 o'clock at dawn their majority withdrew. The majority of the crowd also left the square and the traffic stopped.

24.09.2006 *10:45 Decisions on repeated pre-trial detention*

On Sunday the applications for pre-tiral detention will be continued – MTI was informed by the press department of the Metropolitan Court. The court on duty, the Central Court of the Pest Districts decides on the Prosecutor's motions, more than twenty applications.

On Thursday, Friday and Saturday, altogether 141 motions were received by the Central Court of the Pest Districts and the Central Court of the Buda Districts from the Prosecutor applying for pre-trial detentions. The courts actually ordered pre-trial detention in 127 cases. In six cases the investigating judge did not approve the motions, of which four people were prohibited to leave their places of residence and four placed in house arrest. In the past few days pre-trial detentions were ordered primarily in cases declared as violence against an official person, breach of the peace and their specific cases.

While the number of people detained on remand is nearly 200 (and 80% of these cases subsequently proved to be unlawful and unjustified), and dozens are in hospital with injuries caused by the police, the international media continues its publicity, the twisting of facts in a

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partial approach to the prevailing situation in Hungary and a nearly complete disregard for the infringement of lawful rights.

*Gyurcsány on the tragedy of the entire Hungarian democracy*  
by I. M. Sz.

Sunday, 24 September 2006 - 16:23

On Sunday the Government coalition made a counterblast – at least verbally. Both Ferenc Gyurcsány and Gábor Demszky emphasised: it is unprecedented in Europe that the right centre cooperates with ultra-right movements. Demszky expects Viktor Orbán to expressly distance himself, and making reference to FIDESZ, Gyurcsány declares: one should not send the second man of a right-centre party right next to ultra-rightist speakers.

“No one should cooperate with those who dispute and deny the foundations of the democratic structure of the Third Hungarian Republic today”, claims Prime Minister Ferenc Gyurcsány after he had signed the so-called Budapest Statement with Lord Mayor Gábor Demszky and chairman of the Budapest Division of the MSZP Gyula Molnár on restoring public order at an event of the Socialist Party held in the Intercontinental Hotel.

*Neither words, nor silence*

Linguists at the Faculty of Arts will probably analyse the meaning of this statement for decades to come, as it has the following sentence: “Simultaneously, all citizens of Budapest and the country are requested not to support disorderly conduct and attacks on the institutions of democracy either with words, or with silence, with action or inactivity, and to do their utmost to create public order.”

“If neither words nor silence, then what should be used?” , journalists asked one another and deliberated how can the people of Budapest do their utmost against football hooligans.

*All constitutional means*

The statement made by Gyurcsány, Demszky and Molnár also pointed out: “We are prepared to defend the institutions of the republic, the peace of the capital city and the security of the people of Budapest using all constitutional means.”

Then the Prime Minister nowhere in Europe would any right or left centre party have the slightest intention to be hand in glove with their own radical parties. This is a tragedy not merely of the Hungarian right, but the entire Hungarian democracy.

Gyurcsány has no idea what Hungarian right centre politicians were doing on Kossuth Square where the speakers deliver extremist, radical, anti-constitutional and xenophobe speeches.

*Schmitt cannot be sent there as a private person*

The Prime Minister also noted, making references to Viktor Orbán and the FIDESZ, that “the second man of my party cannot be sent there as a private person”. (As it is well-known, Pál Schmitt also made a speech on Kossuth Square on Saturday). Gyurcsány added that his speech made at Ószöd was not interpreted in his capacity as a private person.

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*Gábor Demszky, Ferenc Gyurcsány and Gyula Molnár*

Then Gábor Demszky called upon Viktor Orbán to call people withdraw from the streets. The Lord Mayor quoted a statement made by Orbán in 1999 in which he said that only those should take people to the streets who could also withdraw them. In Demszky's opinion the FIDESZ was now unable to this, as the vandals went on to ravage from Kossuth Square.

In addition to the Lord Mayor of Budapest, several leaders of the SZDSZ really surprised those who are well-versed in liberal ideas and practice when they stood by the state and spoke in defence of police brutality against the citizen, who is inherently defenceless to the incumbent power. Here are the examples given by Gábor Kuncze and Gábor Demszky for a peculiar interpretation of liberal ideas:

*24.09.2006 - 21:49 Kuncze: The crowd should have been routed*

Gábor Kuncze, Chairman of the SZDSZ told Miklós Gyórfy in the television programme "Freedom of Speech" that the police should have routed the crowd. However, if they had done so, now we would be told that this is a police state. He would not like the convicted hooligans to be granted amnesty either.

*25.09.2006 - 09:30 Demszky thinks Orbán is the inciter*

"Since the Chief Commissioner of the Budapest Police has been given full powers, he has been keeping order in Budapest", said Gábor Demszky on Monday in the programme *Napkelte* of the public service television. "(...) since decision-making has been placed in the hands of Péter Gergényi and he has been in control of the police, things have been in order in Budapest", added the liberal Lord Mayor.

The Lord Mayor was also asked if he had ever considered that the chief commissioner of the Budapest police should be relieved of his position because of the events at the MTV seat. "No, what is more I suggest that the chief commissioner of the Budapest police should be assigned all the powers to control all the policemen who have been sent to Budapest, the Security Policing Service (REBISZ) and all units in Budapest, in order to have a single responsible person (...)", answered Gábor Demszky and added that the responsibility did not lie with the chief commissioner but the person who had incited people. He thought that the interview made with Viktor Orbán three days earlier to Reuters had also contributed to the evolution of the situation.

A tiny good thing among the many bad ones was that during the revision of pre-trial detentions, the courts of second instance submitted exclusively to the statutory regulations and their oaths – and released the unlawfully imprisoned people. They declared nearly 90 per cent of the pre-trial detentions ordered by the courts of first instance as a result of the process that had started at that point. (This is based on information from the Court of Justice of Budapest, and the issue is tackled in detail in Section 3 of Chapter VI herein, as well as our website at [www.oktober23bizottsag.hu](http://www.oktober23bizottsag.hu) )

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The Central Court of the Pest Districts decided on further applications for arrest on Thursday, however, the Court of Justice of Budapest, acting as court of second instance has changed earlier judgments on several occasions and released a few persons – MTI was informed by the press department of the Court of Justice of Budapest.

Below is a description of how the Government parties torpedoed motions for the investigation of police brutality and arbitrary arrests one after the other. With this they grounded their responsibility for the events of 23 October, as if the September cases would have been surveyed the 23 October tragedy could have been prevented.

On 13 October the Human Rights Committee of Parliament held a session in the Law Enforcement Institute of Budapest on the issue of police brutality and the infringement of statutory regulations in connection with imprisoned people.

Just as on every other occasion when the objective was to find the reasons and responsibilities for the brutal behaviour of the police and arbitrary arrests, the followers of Government parties seized every opportunity to make the meeting unsuccessful.

*A report of the MNO.hu on 13 October:*

According to the chairman of the human rights committee, the members delegated by the MSZP originally did not even want to attend the meeting held in the Law Enforcement Institute of Budapest, where the committee members could talk to the imprisoned people. It can be considered a kind of an obstruction and questioned the earnestness of their participation that the members delegated by Government parties attached a half-page supplement to the agenda. The debate on this took minutes that seemed to be interesting from the event held at this unusual place in the presence of the press.

The thirty minutes walk the MPs, including Attila Péterfalvi commissioner for the protection of personal data and Barnabás Lenkovics, ombudsman for human rights, in the law enforcement building was followed by an exhausting discussion of some four hours. The representatives of the governing parties kept criticising the summoning of the committee all the time up to the end of the meeting. Vice chairman Valéria Fogarasi Deák (MSZP) objected against “the time, the venue and the agenda”, and kept emphasizing that the issues discussed were pending cases. (...)

Heated dispute followed a comment made by Ferenc Kondorosi, substitute for the absent Minister József Petrétai, who related the Parliamentary opposition to “vandals ravaging the streets of Budapest”. (...)

Government politicians were similarly hostile in connection with the parliamentary interpellations regarding police brutality.  
MNO.hu

During the question time, Zoltán Balog (FIDESZ) said that although the police was unable to

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defend the MTV building, it was likely that during the demonstrations of the following days they committed abuses. Minister of Justice and Law Enforcement József Petrétei said: the fact that most people who were injured during the demonstrations were policemen indicates that they tried to be tolerant and used force only as a last resort. The representatives of FIDESZ and KDNP left the Parliament session when the Prime Minister's pre-agenda speech started.

Ágnes Vadai (MSZP) expressed her astonishment over the attacks on the police, the courts and the secret service in the past few days, in her opinion, these organisations must be simple allowed to work. In response to charges of police abuses, she said that in her opinion, the majority of policemen acted in line with their oaths. She objected to the website which recently revealed the data of judges and prosecutors and the fact that two former ministers of state secrets, László Kövér and Ervin Demeter had criticised the National Security Office. In his response to the comments on exaggerated police violence, Minister of Justice and Law Enforcement, József Petrétei pointed out that the competent prosecutor's office will undertake any required examinations in order to establish responsibility.

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Under the title “Human Rights in Danger”, Zoltán Balog (FIDESZ) said that although the police had been unable to defend the MTV building, it was likely that during the demonstrations of the following days they committed abuses. He demanded answer to the question if the policemen met the requirements of necessity and proportionality and the relevant statutory regulations and how the abuses could happen.

Minister of Justice and Law Enforcement József Petrétai said: the fact that most people who were injured during the demonstrations were policemen indicates that they tried to be tolerant and used force only as a last resort. The events at the MTV building were being investigated, and the question regarding police abuses can be answered after closing the procedures – he added. The representative refused to accept the answer, but Parliament did accept it.

Overall, it may be said of the period of between 17 September and 24 October 2006 that the demonisation of people exercising their rights, assembling in peace and criticising the government – and through them the entire opposition. The large number of police abuses and arbitrary arrests serve the purposes of discouraging the exercise of rights by intimidated people. Prime Minister Ferenc Gyurcsány was aware of the fact that the police committed brutal abuses and their inproportionate action, and instead of ordering examination in connection with it, he expressly encouraged or even instructed police leaders to perform further violent acts and infringements of the law. Government representatives and other government politicians wished and have been wishing to systematically prevent the proper investigation of the events.

Thus causality relation can be detected between the Prime Minister’s encouraging and instructing conduct and the events of 23 October.

The dominant feature of the developments and phenomena preparing and accompanying the large number of humiliations, police abuses and arbitrary arrests was that the people demonstrating against the Government were presented as if they were Neo-Nazis, fascists or “at a low key”, anti-Semitic. This is the weapon against which there is hardly any defence, if at all. This is the main reason why the Western world has been tolerating – at least it seems so – the gross defying of human rights, the outrage against the rule of law and the agony of democracy in Hungary passively, without any sound astonishment or sign of indignation. “Well, it is against fascists, isn’t it? The Hungarian Government attempts at dealing hard with fascists, doesn’t it?” – this is the message of foreign press, media and the awareness forming intelligence. As an illustration of the events that took place in Hungary, they keep showing a few muscular and bald-headed guys in the visual media – although it remains a puzzle how it is possible that they are not in prison while large number of innocent people were put behind bars or involved in court procedures. An important means of convincing the public is showing red-and-white flags on the screen, and repeating that this is a fascist symbol. It is beyond the purpose of this report to take a position in the issue of the flag. For sure, it is a fact that on 23 October, carrying a red, white and green national flag was a reason enough for being beaten and humiliated. The policemen wrested red-white-and-green flags out of people’s hands, – in a way that constitutes crime – tread on them and tore them to small pieces.

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It was no anti-Semitic hysteria, but the shocking signs of an anti-Hungarian hysteria outlined on 23 October and ever since then, in relation to the cordon on Kossuth Square, and those who demonstrate holding national flags or other national symbols. While it is a sad fact that anti-Semitic and racist manifestations are not unknown in Hungary, and can occasionally be heard on Kossuth Square, it is also a fact that it is vile and infamous to claim that people who wish to exercise their freedom of association in today's Hungary and for this reason assaulted and arrested in large numbers are fascists and anti-Semitic. There is an urgent need to change the image generated in the international press and the overwhelming majority of western public opinion, which think of the victims of the police abuses, humiliations and arbitrary arrests performed in September and October 2006 as well as the entire Hungarian opposition as "ultra-right Neo-Nazi and anti-Semitic" people by revealing the truth. As an illustration of the above, here is a report by *Magyar Nemzet Online*:

**MEASZ: Demonstrators compared to Nazis**

**14 October 2006 - 14. 11:53, MNO**

**László Varga, chairman of the Young Leftists condemned those politicians of the FIDESZ who had taken up the cause of "demonstrators who reviled the Jews under a red and white flag". Vilmos Hanti declared: "We are facing the danger that after a long time, the heirs of Nazis, today's ultra-right have appeared again with brutal force in our streets (...), have been radicalised and organised into a political power."**

The Association Hungarian Resistance Fighters and Anti-Fascists (Magyar Ellenállók és Antifasiszták Szövetsége, MEASZ) held a commemorative protest meeting on the eve of the 62th anniversary of Nazi takeover. "The purpose of our meeting on this mournful anniversary is to call the attention of all patriots that we need to collectively prevent the heirs of fascists and secure the place of our republic and the democratic operation of our Parliament", so spoke the chairman of the organisation in a meeting room of the congress centre on Villányi Street. In connection with the protest organised in commemoration of the 62th anniversary of the Nazi takeover of 15 October 1944, Vilmos Hanti compared the people who have been demonstrating against the Government from the last couple of weeks to the situation 62 years earlier. As he put it: "We are facing the danger that after a long time, the heirs of Nazis, today's ultra-right have appeared again with brutal force in our streets (...), have been radicalised and organised into a political power." The meeting was also addressed by László Varga, chairman of the Young Leftists, who called 15 October the 'dark day of history'. In his speech the politician pointed out that we need to uphold "as neo-fascism is lurking among us (...), and is fed on the same breasts as the politics that opposes reforms like grim death calls itself conservative but openly flirts with extremists" László Varga condemned those politicians of the FIDESZ who had taken up the cause of "demonstrators who reviled the Jews under a red and white flag". "15 October is one of the most tragic days in Hungary's history, the victory of fascism and Nazi terror", said the third speaker of the meeting, Ivány Vitányi, socialist MP chairing the national council of the MEASZ. The politician added: 62 years ago the majority of the conservative country was opposed to the Nazi takeover. MTI

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**6. Large numbers brutally injured and arbitrarily arrested on 23 October 2006**

In view of the preliminaries described above, the following must be clear: it is out of question that the humiliations, assaults and arrests would have been the private actions, mistakes or fits of passion by police leaders and/or ordinary policemen acting “as private persons”.

As of the night of 19 September 2006, the Prime Minister and the Lord Mayor actively, and the Minister of Justice and Law Enforcement, the entire Government and part of the coalition party MPs more passively supported the gross violation of international legal requirements and police standards, police assaults on large numbers of citizens and the consequent arbitrary arrests of numerous people. (Even if they were informed of the latter only subsequently, in order to prevent similar cases they should have ordered prompt investigation of how it was possible to order pre-trial detentions 90% of which subsequently proved to be unlawful and unjustified.

However, let alone initiating such investigations, the above-specified officials actively prevented investigations ordered by others – e.g. the Human Rights Committee of Parliament.)

Two clearly distinct groups exist in international human rights theory. The first – simplified – „is this”, that state employees, for example policemen, still commit human rights infringements, so to say „of their own individual will”, even when in a group, it is still intentional and active, that is to say carried out as an individual person. The second group is, when the state itself is the perpetrator of the affront to human rights. We talk about the second if the state, or rather in practice some organisation representing the state, for example grievous and/or mass human rights infringements happen with the state’s contribution or consent.

The latter in all probability occurred in Hungary on the night of 19 September 2006, but with certainty on the night of 20 and 23 October. As we endeavoured to prove in the previous section, the Prime Minister knew about the mass and brutal infringements of lawful rights which had begun approved them, naming brutal police conduct as an example. The commanding officer responsible for the brutality has not been called to account, but has instead received a badge of honour from the Mayor of Budapest – through this action both reinforcing and legitimising the brutal infringement of human rights. In all it is significant, not only from the point of view of the judgement of the September and October incidents, but more importantly with regard to prevention of future human rights infringements. For this reason attention must be drawn to it with profound concern: it would be completely illogical and abnormal to assume that mass human rights infringements will not ensue in the future, for example on 15 March. In this assertion there are grounds for associating the brutal mass human rights infringements and police outrages to norms during the events of September and October to the Prime Minister, the Government, and „the state” sanctioned authorities, named as an example. Why would the police and its leadership act any differently to how they have up till now. Why should they deviate from this ‘exemplary way’. And why would the Chief of Police, the current Government and its head give different instructions to those that they have given up until now (that is: „firm conduct”, which had proven to be tantamount to brutal injustices and professional incompetence), if they are convinced that it is fitting, exemplary and worthy of imitation?

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The sad but unavoidable conclusion arises: while the Prime Minister and other Government leaders responsible for this conduct during the mass human rights infringements of September and October, who approved police brutality, who behaved in a reassuring responsible fashion, while the Prime Minister and other Government leaders remain in their post, in a commanding and guiding position, while they agree to directives that are unlawful and damaging to human legal norms, while the mentality of police leaders responsible for holiday and the everyday policing and for the September and October brutalities remains unchanged, arbitrary arrests could happen again any time. As a minimum, the Prime Minister and those Government leaders who reacted wrongly should acknowledge that they committed a serious mistake and that they misread and misassessed the situation. Likewise for those commanding police officers who were responsible or collaborated. They must promise explicitly that from now on they will act according to the standard international norms and the Hungarian constitutional norms. But in any case, they must publically apologise to the victims of the September and October events.

### **7. Eyewitness evidence from 23 October**

We need to interpret and evaluate the already familiar chronology of 23 October, known as „Bloody Monday”. The tension and force which characterised the whole day began in the small hours of the morning in Kossuth Square. The police forces secured the square against the demonstrators with deception and deceit, and drove out those demonstrators who were already there. They cited the fact that the demonstrators were storing dangerous weapons on the scene as the reason, footage of this was shown continuously on the television. On these grounds, on the 50<sup>th</sup> anniversary of the 1956 revolution and freedom fight, the square was shut off on the orders of Gergényi Péter, the Budapest Chief Commissioner of Police, to all those wishing to celebrate this event. Prohibiting the freedom of association, or rather respectful celebration on this highly meaningful public holiday was an affront to human rights and the exercising of the freedom of association with „possible minimal intervention and restriction, respecting the necessity and constraint of purpose” principles. It was evident to everyone it would certainly have been possible to ensure that foreign and national dignitaries were afforded effective protection along with a significant reduction in the limitation of rights for those wishing to celebrate.

Up-to-date security devices solve similar problems as routine anywhere in the world, and especially in Europe. It would have been possible to make security checks of those wishing to celebrate before allowing them into the location of the celebration. This did not occur. Instead those wishing to celebrate were cut off from the square by police cordons in a profoundly humiliating and insulting way. Our committee’s report acknowledges that this atrocious step was certainly an order. In theory, the Budapest police captain made this decision on his own. This is in any case deplorable. If one policeman within one country can impose such serious and important restrictions on the rights of so many people, to such a degree, and of such evident symbolic importance, then it is very serious, because then we are talking about a police state. If in reality, it was not he personally who took the decision, then it is still sad,

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that the real decision-makers cannot accept the responsibility for this affront to such an important visible principle of democracy: taking responsibility for one's actions.

It is deplorable how the Gönczöl Committee has analysed the events' chronological particulars. This report can be found on pages 107-140. The summary includes the events of the period from 27 March 2006 to 7 November 2006, but the chronology makes no mention of the police "manhunts" at dawn between 19 and 21 September, at Nyugati Square and nearby, in Dob Street, in Blaha Lujza Square and its vicinity, near Bródy Sándor Street, and at dawn on 24 October at various points in the city centre from Roosevelt Square along the river embankment to Várház Square. Neither does the report makes any mention of how unprecedentedly large numbers of innocent passer-bys were arrested, taken into custody, and remanded. To say nothing about the GBJ about the various restaurants and bars (e.g. Magyar Étterem, Blaha Söröző, Don Pepe Pizzéria, Párizsi Kávézó and the pub in Dob Street) where peaceful members of the public met with savage, intimidating behaviour and assault from the police forcibly entering without reason, leading to numerous people suffering serious injuries.

Here is how one of the witnesses (A. NY.) saw people gather between 9 and 10 o'clock to participate in the celebrations they expected to be solemn, but ran into a row of policemen:

"I was not doing anything illegal, I wasn't hurting anyone. I'm writing to you, because the events of the morning are in my opinion the most important to understanding the day's subsequent action. In the Gönczöl Committee report I found an interesting sentence which relates to this: "Because of the delegations and the state programmes, the principle of peaceful crowd control was combined with the principle of minimal limitation of rights" (p.162). Currently, the Public Prosecutor's Office is investigating the crimes of force laid against me by officials. My sister and a friend are my witnesses. In the official proceedings I was charged by the police for the crime of assault. After the first hearing my sister was similarly under suspicion of attacking an official. (My sister is 45 kg at the most.) The "minimal limitation of rights" was the following:

On the morning of 23 October I came up from the countryside to watch the hoisting of the flag in honour of the 50<sup>th</sup> anniversary of the 1956 revolution. Armed with a camera we tried to approach Kossuth Square. The first shock occurred in Bajcsy Zsilinszky Street. When we turned onto Alkotmány Street we were confronted by large, high, thick iron railings, with policemen behind them. I said that we had come to see the hoisting of the flag, and asked to be let through. The policemen did not look us in the eye, but informed us that it was not possible, and that we should try elsewhere.

I asked why. The reply: orders. We carried on, we found other streets shut off in the same way, until finally we came out into Nádor Street next to the television building, it was about half past nine in the morning. Here we came across hundreds of indignant people. A lot of them were discussing the fact that in this country remembrance is not allowed. Indeed, not so long ago there were decades when we couldn't commemorate people, only those specified. Surely they don't want to go back to those times? We proceeded through the indignant people to find out why they weren't making any headway. Here there weren't any iron railings, but instead a row of policemen, the barrier miles behind them. Why weren't they behind the

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barriers too? I took a lot of photos, but not just me, a lot of people had a camera in their hands.

What do you do, if you can't take a picture of the hoisting of the flag, well, then you take a picture of why you can't. What do you do if you couldn't even do that there, then you made a lot of noise. Behind the policemen's backs there was also a police car, and someone was filming the crowd. At one point the police simply began to move and stopped directly in front of the crowd. I was stuck in the front row with my sister along with a lot of elderly people. At one point they suddenly gave a push and I fell over.

They fanned out and tried to pull, meanwhile people pulled too, they didn't want to let go. In the end the police won. While they were striking, I suddenly realised that the day's later intimidation was partly because of this well-devised provocation on their part. I didn't resist, although they battered me continuously on the head. When I was on the floor, two of them knelt on me, swore at me, pinned my hands together behind my back, handcuffed me, whilst continuing to hit me over the head!

I went totally limp, in case it might stop them, the idea worked. They dragged me up, and we set off to the police van. At a time like this countless thoughts go through your mind, your companions, family, parents, life, defencelessness. "Spread your legs", and suddenly you're brought back to the present. While they frisked me, two old ladies shouted out of a window: "Don't hurt him, don't hurt him!" I looked at them and my granny came to mind. She had died long ago, but I really loved her.

They sat me in the van. There were already a lot of people in there, crying out in alarm. We were scared, you could see it on everyone's face. But an old guy started talking and relaxed the tension. They shut the door on us and we set off. On the way we discussed what was going on here. Is this democracy? We had our phones in our pockets, we tried with each other's help to phone our relatives. We arrived. "Everyone out! One after the other, line up!" Those who have been in the army know what a raw recruit's first day is like. Well, somehow I felt like this, except that my hands were still handcuffed.

They led us up a corridor and we had to stand next to the wall. We were informed that a medical examination was to follow. A really sweet, podgy policeman brought out a box of rubber gloves, started to put a pair on, and said a good few times that he was getting ready for the operation. Typical courtesy, which of course didn't help to calm down humiliated people. They examined everyone one by one, then they took the tight plastic handcuffs off our wrists and made us empty out our pockets. We got a big envelope for our things. They took our blood pressure, before restricting our freedom again with metal handcuffs. We waited.

They took us down to another place where there were seats where we could sit down. We were summoned one by one, and they made an inventory of our things, they took away our shoe laces and belt, then marched us off in a big group. I ended up in really illustrious company: there were people who had fought in '56, an editor in chief and many others. Everyone had been brought in for political reasons. The '56 fighter, an old gentleman, recounted how he had fled Hungary sometime in the sixties. Then he had been afraid about what would happen. Now he wasn't afraid, and it was good that he wasn't alone. We talked, a lot and waited. I hadn't done anything illegal, I hadn't hurt anybody, I hadn't stolen anything,

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I had only expressed my opinion. As far as I was concerned such wrongful doings were unworthy of the 2006 holiday, which in respect to the heroes of 1956 should have been organised in such a way that everyone would feel that there was no longer any need for a revolution. It was not successful and the Government bears sole responsibility for this!"

Many older shocked witnesses also said how upsetting it was for them, that after they had fought in 1956 for Hungarian freedom, had ended up in prison, been tortured, had their friends and relations taken away, that now on the 50<sup>th</sup> anniversary, 16 years after the system change, that they had been expelled from the celebration. It was crushing for these people for whom the revolution's spiritual legacy remained.

But the young families also experienced serious shock, those with small children would have liked to watch the hoisting of the flag. Indignity and violence was a blatant manifestation of this rough behaviour. When in the streets near to Kossuth Square at about 10 o'clock, the expulsion of people by the rows of police, the fighting, the jostling, the imprisonments began.

From the expulsion of the crowd on – indeed strictly speaking already from dawn onwards – the police regarded everyone as gathered illegally. It could have taken on a tragicomic dimension if they had not been expelled with force. We are merely talking a prominent celebration in a large town with a population of two million. The streets were full and both small and large groups of people were forming. Dealing with the 'unlawful' crowd, breaking it up, the police harassment, the abuses could begin. This characterised the whole day. The holiday stroller, the groups sauntering from one programme to another were considered as fair game by the police to be chased, humiliated and terrorised. It was like the above-mentioned change of system.

Here we have to touch on the fact that we have received a lot of information and notifications relating to the fact that those in police uniform behaving in such a law infringing way, without identification badges, faces generally covered with ski masks, dressed as police, were as a matter of fact not police but were made up from a single security firm's cocktail of Hungarian and foreign personnel, or possibly a military elite unit. At the moment nothing can be proved.

Around midday, in a similar way at the Corvin Lane memorial human mass human rights infringements continued. This also forms part of our committee's scope of investigation. We have little knowledge about this event.

The police brutality and arbitrary arrests continued between three o'clock and half past three in the afternoon in Alkotmány Street and in nearby city-centre locations. From here, in line with instructions issued in the morning, the police drove out those demonstrators wishing to return to Kossuth Square, that is those who wished to reach the square for holiday celebrations. They had been assured by the police that Kossuth Square, empty since that morning would be reopened at 3 pm. They were mistaken - once again they came up against police cordons and rows of police.

We have tried to reconstruct events on the basis of the accounts collected by news agency reports and with the help of our committee. (Further accounts, video recordings and photographs can be found on our homepage about the Alkotmány Street events.)

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One eyewitness recalled the following events:

At the Bajcsy-Zsilinszky Street end of Alkotmány Street high, light barriers with small bases had been erected (in the interest of peace). They were not secured to each other. In addition sections of the street were closed off (approx. 70%). On the side leading to the Parliament 8-12 rows of police stood guard (with neither shields nor helmets and there were a lot of women amongst them). Then the advance guard of the peaceful crowd (6000-1000 people), who had spent several hours at Corvin Köz, advanced calmly in a slow procession along the whole width of Alkotmány Street towards Kossuth Square. The few police who were left behind the barriers at the time of the crowd's advance ran towards the 23-25 uniformed police in the middle of Alkotmány Street. The first row of the crowd overturned a barrier, or rather forced it open, because of the pressure of those arriving from behind. Those behind couldn't have known that the barrier was there. The information the crowd had indicated that in order to ensure the safety of those 50 state leaders and prime ministers invited by the country Kossuth Square had been temporarily closed, but it was announced that it would be opened once again at 3 o'clock according to the freedom of association law, so the programme, which had not been banned, could continue. Thus the people were displaying completely law-abiding behaviour.

The police took up position double quick to oppose the advancing crowd. When the "police" took up the whole street breadthwise in a cordon formation, people (1200-1500) stopped arm in arm and amongst other things, started to chant, "The Hungarian policeman is with us". It was announced over the tannoy that we should leave the area in the direction of Bajcsy-Zsilinsky Street. Within a short time came the answer to this: shouting, whistling and booing. The first rows of police threw tear-gas grenades over the heads of the peaceful, chanting, demonstrating crowd. People ran for their lives on hearing the shots. I was an eye witness to how lots of policemen caught hold of someone in leather clothing with a red headscarf who gave no evidence of resistance. They then assaulted him inhumanly, and dragged him towards the police cordon. From the edge of the "police cordon", the "police" were recording video footage. When the crowd and those in police clothing met there was no kind of stone throwing! One of the policemen gave evidence in a controversial report on 30 January 2007 that he was not wearing an identification badge. He also stated that "the crowd seemed peaceful".

Although our committee has heard numerous witnesses and examined a huge amount of evidence (e.g. photographs and video recordings), no such information has been found which would corroborate police assertions that the violence here in Alkotmány Street was started in by "troublemakers", that someone really did injure a policeman with a knife. Despite the fact that such an extraordinarily lamentable incident and what succeeded it (arrest of suspects, assigning of responsibility) as a rule receives an enormous amount of press publicity, in this case it is impossible to talk about such press attention.

It is an unanswered mystery, and at the same time an intolerable police mistake, why the people driven out of Alkotmány Street were not directed towards Nyugati Square, and thus away from the town centre. Why in the direction of Deák Square towards the hundreds of thousands strong mass rally? Witnesses give consistent accounts about how huge police forces lined up on the Nyugati Square flyover and organised the attack against those forced from Alkotmány Street, preventing them from leaving on Bajcsy-Zsilinski Street towards

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Nyugati Square. This was such a grave mistake, which is indeed difficult to consider as an accidental bad decision.

After this, the police drove the crowds towards Deák Square from above Nyugati and Alkotmány Street with water cannons and tear-gas. Here they fired dozens of tear-gas grenades and deployed rubber bullets for the first time. The crowd greatly depleted in size, the actively defiant (throwing things, etc) barely reached a couple of hundred. Therefore it would not have been an unmanageable task for the assembled police forces to block them and keep them away from Astoria.

**Typical eyewitness accounts – reporting about the afternoon of 23 October from Alkotmány Street and around Kossuth Square**

*At about 3 in the afternoon of 23 October in Alkotmány Street, P.A. along with others was clamouring for the Government's resignation. They managed to get inside the cordon, the police let them. They stood silently facing the police from a distance of 1 1/2 m. People were holding hands. The first row of police screened itself with shields, the second row began to beat them. They hurled tear-gas towards them. They grabbed him. He was injured in many places. They held him for an hour in Gyorskocsi Street, then took him to Janos Hospital and treated his wounds. There is evidence of this. Concrete records of this case can be found at Hír TV, please ask for help if you wish to acquire them.*

*On 23 October K.A., a young man of Transylvanian origin, wanted to go over from Corvin Köz to Kossuth Square with other revellers and his friends. A cordon stood in their way on the corner of Szalay Street and Falk Miksa Street. To mark the occasion of the holiday they wanted to light candles on the square, but the police demanded that they didn't. Despite this, they persisted and shook the cordons in indignation. The police grabbed them from the crowd and began to rain blows on them and kick them. They did not resist. They were flung into a police van. Another young person captured was taken ill in the van. They didn't even want to take him to hospital when requested. Only after fierce kicking of the van did the police do so. Finally they took them to the Fiumei Street Institute, then to Gyorskocsi Street. They were interrogated as suspects, accused of committing the crime of group hooliganism.*

*On the morning of 23 October the witness V.I. wanted to go with his friends to Kossuth Square. They could not get there due to its closure. After this they set off towards the Basilica, from where the police were driving out peaceful people. From here the crowd set off towards Corvin Köz. Upright citizens, not disorderly elements. After the celebration there they wanted to return to Kossuth Square along Bacsjy Zsilinsky Street, while at Astoria people were beginning to gather for the Fidesz rally. They headed further on, but noticed the police cordon at Báthory Street. They went about 100 m nearer to the police, who without any warning at this moment began to fire tear-gas grenades at them. This was already leading to injuries.*

*At 4 o'clock on the afternoon of 23 October the following happened to B.R in Alkotmány Street. Attaching himself to a small group, innocently standing in the crowd, he noticed that the police had set off towards them. Looking around, he saw an elderly man with a bleeding head getting to his feet from the ground and he helped him up. However, on the police's approach he began to run away. They caught up with him and hit him repeatedly, then handcuffed his hands behind his back and took him into Alkotmány Street. He doesn't remember much from then on, but he still heard a policewoman shouting out insults as they continued to hit him. First of all, an ambulance took him to the Markó Street ambulance station, then to the Honvéd Hospital, and however from there on to Gyorskocsi Street. They let him out on the 26<sup>th</sup>. In the following days he featured on one of the Magyar Nemzet newspaper issue's title page photos, as a young person being hit by the police with a viper. He has filed a complaint at the Budapest Public Prosecutor's Office.*

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**Typical eyewitness accounts, reporting about the afternoon of 23 October in the area around Deák Square**

*On the afternoon of 23 October around 4 o'clock Mr S.F. with his wife and two friends were making along Bajcsy Zsilinsky Street towards the Fidesz rally. They were carrying a Hungarian flag. The police were beginning to direct people towards Deák Square, when without warning they began to fire rubber bullets at them. He was almost immediately wounded on his left side and his left thigh. He was taken to the Peterfy Sandor Street hospital and operated on at once. This is his evidence. He has filed a complaint with the Public Prosecutor's Office. Unfortunately there are no photos or record of the event, only his friends are able bear witness to these events. Fearing that his wife would come to harm, he immediately sent her home when he was injured. According to the neighbours on 30 October the police were prowling about near to his flat. On 23 October he arrived along with others from Corvin Köz at Deák Square after 4 o'clock, when the police without warning fired rubber bullets at the celebrating crowd. He had just wanted to help an injured elderly gentleman in difficulty when he also stopped a bullet with his left temple. The police grabbed him, first of all taking him with a bleeding head to Markó Street to be interrogated and then, only afterwards to the Honvéd Hospital where his wound was sutured. This is his evidence. He has filed a complaint at the Public Prosecutor's Office. The lady L.M. and her friends wanted to go from Károly Köz to Kossuth Square. At the Basilica the police set upon them. They had accidentally been facing them. The girl was hit by a rubber bullet, but was uninjured, her coat stopped the bullet. She has written personally to the President.*

As a result of the notorious 'Deák Square battle' onrom the television almost the whole world knows about the judgement. Here again, we have to return to return to the manifestation of the change in the system and its problems. On the basis of the reconstruction of events it can be ascertained with certainty that the Deák Square 'barricade builders' did not arrive at the scene with the intention of causing violence, a significant part of them for that matter did not commit any violent actions either, simply as a result of being chased out of Alkotmány Street and other places by lines of police, and because they lived to see sincere indignation and bewilderment due to what happened in the course of the day. A lot of people have been faced with a difficult moral dilemma: whether everything that they went through on 23 October was only to be expected, and whether upright behaviour, the police violations of the law, the brutality and the mass humiliation without a word being said about it is still there, along with the dissatisfaction of trailing home after the longed for celebration.

Whatever the reply, the fact that in Deák Square something was set in motion in an interesting unguardedly stationary way, at the same time nevertheless a tank in working order whose meaningful love for that matter didn't produce the demonstrators, the tank broke down after only going a short distance. The fact is that there were those who threw stones towards the police line. In spite of everything the demonstrators were one group through the help of the violence employed. Neither the scale of it, nor its quality were such that its measurement, compelling in the application of public spirit could be justified. From the police point of view, dangerous behaviour attesting to gentle treatment would have been reasonable. At the same time, however the police, or indeed the other state decision makers who enraged the crowd by their scandalous violations of the law should face suspension.

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The breaking up of the crowd and the ensuing developments can be seen from the view point of the following salient fact, that the police closed off the streets leading from Károly Körút between Deák Square and Astoria, the only exception was Gerlóczy Street, into which on the other hand the police were opening fire and beating those forced to flee there with rubber batons.

During the FIDESZ rally, between 4 and 6 pm police helicopters were constantly following the unfolding of events and the movement of the crowd. A few minutes after the FIDESZ rally drew to a close, the line of police began to storm the crowd aiming to break it up. In addition to the use of tear-gas, which significantly, had already begun, firing of rubber bullets at head and body height, not long after the storming and beating of the crowd by mounted police ensued. The advancing squad of police reinforcements with rubber truncheons and other weapons “manually” began to assault passers-by wishing to go home from the FIDESZ rally, rather than to participate.

In its entirety, intentionally, and knowing that the majority of the celebrating FIDESZ crowd were heading towards the Deák Square underground station, the police started to charge, forcing the Deák Square combatants up against those there simply for commemoration, causing extreme fear and panic in the ranks of those revellers intending to leave. This led to numerous injuries and arbitrary arrests. Now, just like in September, the typical scenario was that several policemen turned on someone, beat him up, gave him a kicking, then put him into a police van, took him to prison and started proceedings against him, just as if he had assaulted the police.

„All hell broke loose”. The crowd of Fidesz revellers, innocent passers-by, Hungarians and foreigners peacefully having dinner in various restaurants were beaten up, either by police who burst in, or by offenders disguised as police. Panic broke loose all around people.

Upright greying elderly people took flight and shut themselves into staircases in the same way as young people, men and women, children, and adults.

**Typical eyewitness accounts, reporting about the afternoon and evening of 23 October around Astoria**

*On the 23rd he and his girlfriend wanted to go home from the Fidesz rally, when, faced with the assault by mounted police they had to run for dear life at about half past five in the afternoon. He was swept away by the crowd, fell over, sustaining some deep injuries. He saw that the police were firing on innocent people with bullets and tear-gas. He managed, with great difficulty to get into a building on Károly Körút, where he spent several hours, afraid to go back onto the street. He consulted a doctor only on the following day. He has testified that even before the Fidesz rally had ended, the police abuses were already in full swing.* 23 oct. approx. 6 pm

*On the 23rd Sz.Z. was standing with his wife at the Astoria intersection and then set off towards Deák Square following the rally. They didn't see any disorderly people, only peaceful demonstrators. Escaping from the police attacks they ran into a pub in Dob Street where they arrived with bleeding heads. Photos taken with his friend's camera show a man with heavily bleeding wounds. He will testify if necessary. The events are substantiated with photos.* 23 oct. approx. 6 pm

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- On 23<sup>rd</sup> Oct at about 4 pm Mr S.F. along with his wife and two friends was walking along Bajcsy Zsilinszky Street towards the Fidesz rally. They were holding Hungarian flags. The police were beginning to direct people towards Deák Square, when, without any warning, they fired rubber bullets at them. He was injured almost straight away in his left side and his left thigh. He was taken to the Pétery Sándor Street hospital and received immediate surgery. This is his evidence. He has filed a complaint at the Public Prosecutor's Office. Unfortunately, there are no photos or recordings of the events, only his friends can vouch for his story. Fearing that his wife would come to harm, he sent her home as soon as he was injured. According to the neighbours on 30 October the police were prowling about near to his flat.* 23 oct. approx. 6 pm
- On 23 October after 4 o'clock he arrived along with others from Corvin Köz at Deák Square, when the police without warning fired rubber bullets at the celebrating crowd. He had just wanted to help an injured elderly gentleman in difficulty when he also stopped a bullet with his left temple. The police grabbed him, first of all taking him with a bleeding head to Markó Street to be interrogated and then only afterwards to the Honvéd Hospital where his wound was sutured. This is his evidence. He has filed a complaint at the Public Prosecutor's Office.* 23 oct. approx. 6 pm
- B.Zs. had been at the Fidesz rally and, at about 5 pm, was hit in the left eye by a rubber bullet near to Deák Square on Károly Körút. This was a result of police abuse. The ambulance waiting in Dohány Street took him to the Péterfy Hospital where he was operated on and treated as an in-patient until 2 November. This is the constat. His eyesight has in all likelihood been permanently damaged, his pupil does not react to light. His nasal bone has been fractured. He has filed a complaint with the Public Prosecutor's Office.* 23 oct. approx. 6 pm
- V.G. testifies that after the Fidesz rally they had only had only got as far from Astoria as the old Filmmuseum when mounted police frightened back peaceful revellers at a gallop. They hit the flags from people's hands with drawn swords. A pushchair was pulled up onto the pavement right at the last minute. He would give testimony, verifying that the police did drive the demonstrators in among the peaceful revellers.* 23 oct. approx. 6 pm
- During the Fidesz rally the police were already reported to have been attacking, (tear-gas explosions, bullets) at the start of Károly Körút. At the end of the rally they charged on the crowd directly, shooting and firing tear-gas grenades, driving the peaceful crowd towards Astoria – says L.M. He sought refuge in a doorway on Károly Körút, then in a courtyard, to ride out the events. He only managed to get over to Buda by taking a large detour. His eyes required treatment for days afterwards. He would testify.* 23 oct. approx. 6 pm
- Witness to the police brutalities on Károly Körút. Already during Orban's speech the crowd was being pushed, they were being tear-gased, they could hear the bullets - alleges B.L. They heard police who behaved brutally towards them speaking in a foreign language (slavic).* 23 oct. approx. 6 pm
- On the 23rd during the rally T.P. experienced the police deliberately responding to the protest of the peaceful, who neither provoked them, nor ranted at them with disproportionally strong brutality and pushed the crowd towards Astoria, even before the large gathering would have been able to disperse. He has submitted a petition to the Authority for Safe National Assemblies.* 23 oct. approx. 6 pm

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- On the 23<sup>rd</sup> he had originally wanted to go towards the rally at Deák Square, yet because of the police offensive he fled along with others into Dob Street. He noticed that a lot of people were running along the street looking backwards, and then a bullet hit him in the corner of his eye. He fainted. An ambulance took him to the Honvéd Hospital, from where he was discharged on 27th. He has filed a complaint with the Public Prosecutor's Office.* 23 oct. approx. 6 pm
- D.S. was present at the Fidesz rally. The police beat him up at the Astoria tramstop, although he had only been there as a peaceful civilian. He suffered a broken rib. This is his constat. He considers the event scandalous and has filed a complaint.* 23 oct. approx. 6 pm
- An innocent, hard-working young man, P.A., attended the Fidesz rally. He fled from Deák Square into a doorway as along with many other strangers, the innocent crowd was driven out by aggressive policemen. They tried to wait for the end of the onslaught. They shut the gate. The police noticed them and broke down the sturdy, heavy entrance-door, threw tear-gas grenades at these harmless people, then beat them indiscriminately. There are hospital reports of their serious injuries. He has been back to the scene and discovered the enormous entrance-door had been completely repaired. He has pictures taken with his own telephone. He is looking for witnesses who verify this. The incident occurred below 26 Károly Körút. He has filed a complaint with the Public Prosecutor's Office.* 23 oct. approx. 6 pm
- A short, pleasant forty year old lady T.K. set off for home towards Deák Square with her family after the rally. Her husband had got left behind in the crowd, the lady, holding her daughter's hand tried to break through the crowd. All at once mounted police charged at them and with no warning began to batter them towards the marching crowd. The mother took an enormous blow to her right shoulder. Swollen and with bloodshot eyes. There is a constat recording this, and she has offered to give evidence.* 23 oct. approx. 6 pm
- M.T and his friends peacefully on the way home on Károly Körút took refuge in a doorway, which the police smashed down, and then assaulted those who had taken refuge there. He took some photos of the incident with his phone and would willingly give evidence.* 23 oct. approx. 6 pm
- K.F. a respectable father of two was endeavouring to go home along Rákóczi Street after the rally. Here he was beaten by the police, seized and taken to Gyorskocsi Street. Since he was not prepared to sign the verification that he had not been assaulted, he was only released on the 26<sup>th</sup>. He has pictures. Suspected of preparation and perpetration of the crime of group hooliganism! He has filed a complaint with the Public Proscutor's Office.* 23 oct. approx. 6 pm
- S.F. came up from Tatabány with his wife for the Fidesz commemoration. After the rally they were attacked on Károly Körút by the police. A tear-gas grenade exploded next to his wife. His wife was on sick leave from work for quite some time, she could hardly see and her eyes hurt. Both of them are prepared to give evidence about the abuses experienced.* 23 oct. approx. 6 pm

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- B.P. took part in the Fidesz rally at Astoria, then endeavoured to go home along a side street. The police fired tear-gas at him and those standing close by without any warning. The crowd swept him off his feet, he fell, then a policeman struck him on the head. He fled together with a lady. The ambulance at the Synagogue attended to them. A policecar headed for the ambulance and ran into it, to force open its closed doors. The policemen were in masks, without any identification badges. The ambulancemen are willing to testify. Evidence exists.* 23 oct. approx. 6 pm
- The above-mentioned gentlemen and S.K. experienced the incident together. Neither of them assaulted the police, they were forced to run from the onslaught of the mounted police. They heard no warning to disperse. The police swore at them in an obscene manner. She suffered serious head injuries. She would testify. There is evidence about her injuries. She has filed a complaint at the Public Prosecutor's Office.* 23 oct. approx. 6 pm
- Sz. A., an elderly, peaceable, pleasant gentleman of weak constitution, with a bandaged head complained that, immediately after the rally at Astoria, fleeing from the police operation to drive people out, he had been hit on the top of his head by a bullet. He was helped to the Rókus Hospital, from where an ambulance took him into the Péterfy. They dressed his wound. He didn't feel well, but managed to make it home on his own, and at half past nine he was already at home. By half past nine the following morning he had already been called in as a witness. He was certain that the hospital had handed over his details. He only found the letter around midday simply thrown into the letter box without an envelope. He has filed a complaint with the Public Prosecutor's Office.* 23 oct. approx. 6 pm
- R.A. and his 16 year old daughter were setting off for home along Károly Körút immediately after the Fidesz rally on 23 October, when the police rushed at the public. They took refuge in a building. They were not injured, but are completely disgusted by their experience. and will give evidence about the events that took place around them.* 23 oct. approx. 6 pm
- K.V. along with his 14 year old son attended the Fidesz rally. During Marten's speech they were standing level with SZDSZ park. They saw forces drawing up in Dohány Street. During Orban's speech they were already diverting the crowd. A warlike atmosphere was developing. There was no information as to where they should go. They experienced the atrocities, but were not injured. He is offering to give evidence.* 23 oct. approx. 6 pm
- After the Fidesz rally on 23 October, G.A and his acquaintances were going to visit a friend who lived nearby. They went into the building, 13-15 Károly Krt. The police propelled revellers peacefully leaving forward with tear-gas and bullets. A policeman broke down the entrance-door into which they had fled and blew gas onto them, directly into their faces. They are offering to give evidence.* 23 oct. approx. 6 pm
- N.Sz. spent the Fidesz rally at the corner of Károly Krt. and Kossuth L. Street. At a quarter to 6 he wanted to go home by underground, so set off towards Deák Square. He came into contact with the police assault as well, he managed to get into a stairway (he doesn't know what number), where he stayed for an hour, not daring to leave. Afterwards a couple more people took refuge there from the police. He would give evidence, if necessary.* 23 oct. approx. 6 pm

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*On the 23<sup>rd</sup> I.Sz.A was in front of 4. Rákóczi Street with a friend. They observed the rally and the subsequent events from there. The revellers could not disperse after the rally, as it was obvious that the the police were forcing the crowd away from Deák Square. They were firing even before the end of the programme and roughly infiltrating the crowd. He would give evidence!* 23 oct. approx. 6 pm

*Revellers from Székesfehérvár (49 people) have sent a signed letter, which attests to the atrocities experienced at Astoria. No-one in the group was injured, but they would testify to those police abuses experienced there.* 23 oct. approx. 6 pm

*On 23 October Sz.L. took part in the Fidesz rally close to Astoria on Rákóczi Street. Ten minutes after the end of the programme they were slowly leaving along Rákóczi Street. The firing reached here and a tear-gas grenade exploded in his hand. His right hand was seriously injured, his fingers broken, a rubber bullet fractured his rib, his right thigh was also injured by a tear-gas pellet. Taking a long detour he and his friends made it back to their car in József then to Accident and Emergency, where he was treated. There were also police in ski-masks at the hospital. During the night he went home by car. His neighbours related that police cars had repeatedly stopped by the house. He has filed a complaint at the Public Prosecutor's Office. There are records of his injuries.* 23 oct. approx. 6 pm

*On 23 October H.A. stayed on the second floor of 10, Károly Körút after the Fidesz programme, because she was unable to make any headway on her trip home. The police blew tear-gas into through the building's entrance door, she could barely catch her breath. The lady is also an asthmatic. Only towards 9 pm did she dare to leave the building, and by taking a large detour manage to get across to Buda, where her husband picked her up. She attests that the police were already attacking while the rally was taking place, and roughly forcing innocent people towards Astoria.* 23 oct. approx. 6 pm

**The inexplicable police orders resulted in unmitigated public sentiment, and these past events are made clear in Appendix 2 of our report which consists of additional statements and declarations. Furthermore photographic records of the events, videos and personal accounts in significant numbers can be found on our website.**

**Summary of the events between the afternoon 23 October 2006 and next morning as summed up by the INDEX.hu news portal:**

The Deák Square troublemakers have been inexplicably driven by the police towards Astoria. Fortunately the pelting in the tear-gas smoke, continual bombardment with water and crowd waving striped Arpad flags reached there only after the majority of the public attending the Fidesz had dispersed.

*23. 10. 2006 -19:00, Astoria: five thousand imprisoned*

At about seven this evening at least five or six thousand demonstrators were forced towards Astoria by the police, after they had cleared the surrounding streets. Barricades have been built here once again. Meanwhile on Felvonulási Square the unveiling ceremony for the memorial to '56 erected by the Government was underway. László Sólyom, the President was not present at the event, as the police indicated it would have presented a serious security risk.

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Ference Gyurcsány departed eventually. Several hundred cat-callers shouting out, trying to disrupt the event.

*23. 10. 2006 - 19:30, Astoria, Rákóczi Street: assault and division*

Between seven and half past, the police with fast charges emptied Astoria, forcing a part of the demonstrators along Rákóczi Street towards Blaha Lujza Square, the other half along Kossuth Lajos Square towards Ferenciek Square. Here hour long trench warfare ensued, the police sporadically firing tear-gas grenades and water cannons and from time to time advancing a few metres forward.

*Dispersing of Blaha Lujza Square*

Fidesz and the KNDP announced that they would convene a day of parliamentary debate to examine Tuesday's unprecedented street events. Meanwhile in the side streets of the city centre smaller skirmishes continued. It has for example come to light that the Kecskeméti Street police station was attacked by a group and even occupied for a short period. No weapons have disappeared

Several hundred people separated from the Blaha Lujza Square group left and set off for the MSZP headquarters in Köztársaság Square, but they did not reach the party headquarters because of the superior force of the police.

The traffic in the city centre was completely paralysed. In addition to the slowly advancing groups of police on Rákóczi Street and Kossuth Lajos Street, fresh reinforcements were arriving all the time.

*23. 10. 2006 -21:00, Ferenciek Square: barricade in front of Erzsébet Bridge*

The slowly depleting crowd at Blaha and at Ferenciek Square however withdrew to the Erzsébet Bridge Pest abutment and demonstrators constructed an extremely solid barricade nearby from building materials.

About two dozen of the demonstrators also tried to go and build a barricade at the other end of the bridge, but they only managed carry a few planks and posts there, whilst on the other side they had gathered together tons of material, blocking Kossuth Lajos Street. In Curia Street they raised barricades from cars.

Before midnight the slowly advancing police forces completely mopped up the Blaha Lujza centre, the Nagykörút and Rákóczi Street were passable too. The police preparing to take on the Ferenciek Square barricade however got fresh reinforcements.

*24. 10. 2006 -01:30, Erzsébet Bridge: The last assault*

Less than an hour earlier on the Buda side of the bridge and at Hegyalja Street police delivery vehicles and a snow-plough appeared. Barely one hour later the snow-plough was ploughing into the improvised, weak barricade on the Buda end of the bridge, and the police also moved into action on the Pest side, firing off tear-gas and water cannons. The majority of the mass fled into Váci Street, the most audacious tried to take up battle with Molotov cocktails and cobble stones.

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*Final attack*

By three o'clock in the morning, order had been restored and the removal of garbage from the surroundings of Elisabeth Bridge had been started.

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In the framework of "making order", the "manhunt" described on page 53 above extended to the entire downtown.

People who returned home after that bloody Monday expected investigations and the clarification of responsibility to start immediately. However, this was not what happened. Demonisation went on, the victims were made responsible, people were intimidated and humiliated in large numbers.

Fifty years after the revolution against dictatorship and 16 years after the so-called change of political systems, it is still a recurrent issue in everyday conversations: Should we dare to go to the streets on 15 March?

One of the key objectives of this Committee is never to have a year again in Hungary's history which when people would need to ask this question.

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**CHAPTER II**

**DATA ON THE INJURIES SUFFERED ON 23 OCTOBER 2006**

The Committee of Civil Jurists interviewed the voluntary victims and eyewitnesses of the autumn events. Even the penal lawyers and psychologists that are accustomed to hearing about human tragedies were shocked at the stories told about peaceful bystanders becoming victims and becoming injured on 23 October 2006.

These personal accounts and the expert opinion of Georg Spöttle inspired me to check on the number of people that became injured and way they became injured on the 50th anniversary of the revolution of 1956. On the basis of the witness statements and the comments of Mr. Spöttle we concluded that the police acted in an unprofessional manner because the number of head injuries was suspiciously high. The expert made several statements on how the tear gas canisters should have been applied, and that the usage of fire arms was unreasonable, in his opinion. When I began this investigation I thought I would not ask anything that might be non-public information. I sent letters to and then called by phone the heads of the National Ambulance Service and the Budapest hospitals concerned. In each case I pointed out that I do not expect them to identify patients by their names because it would violate the rights of patients. I received various answers. Some offered the possibility of personal consultation, some were willing to explain things by phone. Almost all consulted the lawyer of the hospital before giving information to me. However, what really made them trust me was when I attached the official statistics of National Public Health and Medical Service [ÁNTSZ] (summary attached) to my request.

The ÁNTSZ table did not provide me sufficient information. I visited patients with eye injuries in Károlyi Hospital and the National Emergency Institute [OBSI] and I knew that there were patients with eye injuries also in Péterfy Hospital. If the statistics considered it significant enough to mention the trauma of 10 civilians and 5 policemen, caused by tear gas and not tear gas canisters, at the Ophthalmological Clinics of Semmelweis Medical University, then why are the hospital patients with injuries caused by tear gas canisters excluded from the statistics? Why do the statistics not break down the head and neck injuries, and give no information on patients sent to either the dental surgery or otology and laryngology. In addition to consulting the data, I obtained help personally from traumatologists, ophthalmologists, otologists and laryngologists, as well as other medical experts designated by them. There was only one person, Physician Director of Szt. János Hospital, Dr. Szonja Havas, who gave me no reply at all. This is important because in this hospital 16 injured patients (15 Hungarian citizens and 1 Canadian citizen) were registered on 23 October. Our discussion excludes these cases because Dr. Szonja Havas was not willing to give us the details of the injuries. I have to note that we, as human right activists, focused on civilian victims but consider it very unfortunate that 16 policemen suffered light and one of them serious injuries. On this basis, the statement referred by the Gönczöl Committee that the number of policemen injured in connection with the September events was 399 seems to be anyway far too exaggerated (Gönczöl Report, p. 173, Section 15).

Furthermore, the Gönczöl Committee fails to give a solution for the contradiction between the statements of Minister Lajos Molnár and Minister József Petréttei concerning the number of

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injured policemen on 23 October, as referred to in the chronology of the Gönczöl Committee: Lajos Molnár said on 24 October that the number of injured policemen was 17, while József Petrétai mentioned 80 injured policemen at the session of the Joint Parliamentary Committee on 31 October 2006. It may be concluded from the difference between the two numbers that one is incorrect because such difference cannot come up within a few days as a policeman is obliged to report immediately any injuries suffered in the course of taking measures.

The obtained official figures are deceiving. The National Ambulance Service reported 128 injured civilians, the ÁNTSZ reported 150. It may be concluded on the basis of the witness statements that the number of light injuries was much higher than what was included in the ÁNTSZ statistics because if such light injuries could be treated at home, or by the family physician, then they were suppressed and taken out of the statistics. Many are still afraid of the attitude of the society blaming the victims, and the authorities searching for them. This supposition is well founded because the police tried to obtain the hospital statistics already on 24 October 2006 in order to identify the participants of the protests.

This attempt was unfortunately successful, in spite of the protest of the data protection ombudsman. This was how many injured were taken to subsequent police questioning.

My investigation proved that the number of head injuries, especially if the number of eye injuries are added, caused by the police were disproportionately high on 23 October 2006. Also the number of multiple injuries, usual at traumatology, relating to the events were high. Where there were no specific trauma, the physicians reported multiple injuries. The relatively high number of bullet wounds, frequent in the case of multiple injuries, was remarkable. The number of bruises was almost twice the number of scratches (the multiple injuries should be considered here, again). The separate accounting of broken bones is important because it increased the number of serious injuries. In addition, I have knowledge of 14 eye injuries of civilians. Although it is not confirmed by the hospitals, on the basis of my personal investigation into the cases I found that at least four of the eye injuries resulted in irreversible disability.

**You can find below the tables prepared on injuries and hospital patients:**

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## Summary

### Treated patients injured on 23 October 2006

Name of the institute	Out-patients		In-patients				Total injuries			
			serious		light		serious		light	
	police	civil	police	civil	police	civil	police	civil	police	civil
MHKHK [Military Hospital] ▲	10	16		3* +2		8		5	10	24
Szt. István Hospital ▲ (Merényi)		6		1				1		6
Péterfy Hospital ▲		43		3		2		3		45
Szent János Hospital ▲		15				1 Canadian				16
Károlyi Hospital (Árpád)		6		1		3		1		9
OBSI [Traumatology Institute]		23		3		4		3		27
BM [Interior Ministry]			1		1			1	1	
Ophthalmological Clinics	5	10								
<b>TOTAL</b>	<b>15</b>	<b>119</b>	<b>1</b>	<b>13</b>	<b>1</b>	<b>18</b>	<b>1</b>	<b>13</b>	<b>16</b>	<b>137</b>
<b>SUM TOTAL</b>	<b>134</b>		<b>14</b>		<b>19</b>		<b>167</b>			

Note:       \*very serious  
              ▲ on-duty

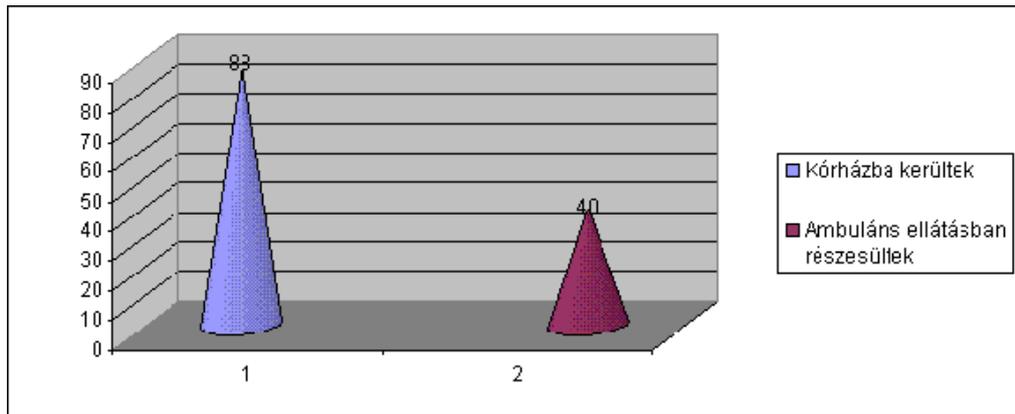
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**Table on the treated patients injured on 23 October 2006**

*Data of the National Ambulance Service*

Persons referred to hospital treatment	88
Persons receiving out-patient treatment	40
Total:	128

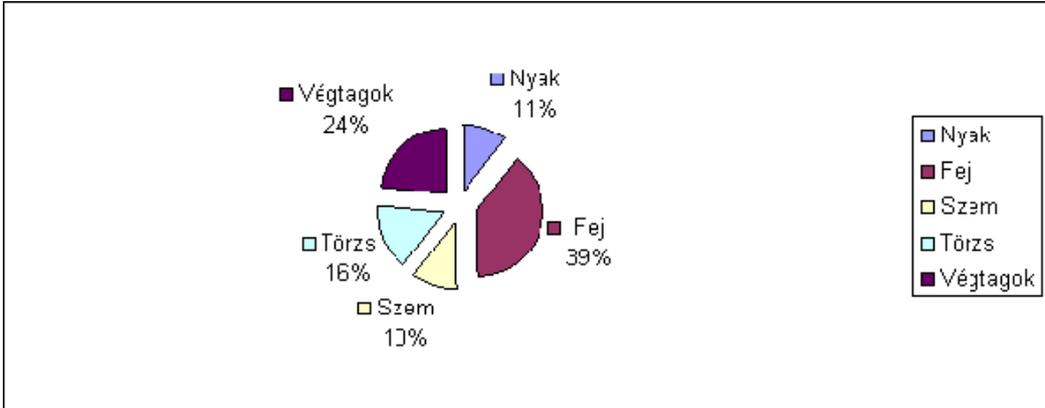


Injuries broken down by body parts (excluding the data of Szent János Hospital)

Neck	15
Head	51
Eye	14
Body	22
Limbs	32
Total	134

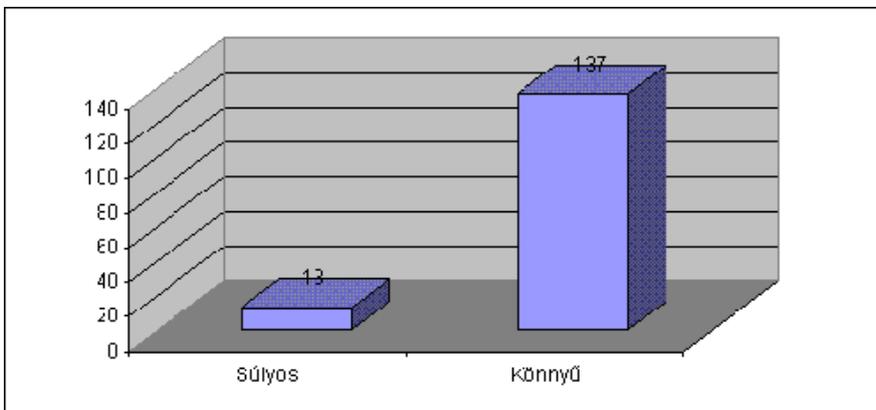
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Serious and light injuries of civilians according to the data of ÁNTSZ

Serious	13
Light	137
Total	150



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Types of injuries (excluding the data of Szent János Hospital)

Bruises	42
Bullet wounds	24
Broken bones	10
Scratches	23
Multiple (bruises, cuts, scratches, shots, wrenches)	35
Total	134

**CHAPTER III**  
**HUMAN RIGHTS IN THE LIGHT OF THE CONSTITUTION, INTERNATIONAL**  
**CONVENTIONS OF HUMAN RIGHTS AND JUDICIAL PRACTICE**

“12. The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be entrusted.” (Declaration of the rights of man and of the citizen)

### **1. Introduction**

The police brutality in the capital city in September and October 2006 has raised (and is still raising) a number of human rights issues. As, within the spectrum of human rights, it was mainly the freedom of association and human dignity that were violated<sup>1</sup> – as a result of the use of excessive force and unjustified measures by the police –, we must identify the international documents that set out these rights. We further have to investigate the extent to which they are observed and whether they were violated in Hungary during the period covered by the report, with special regard to Hungary’s EU membership and the obligations arising therefrom. We also have to elaborate on the adverse effects of the autumn events on the freedom of speech, one of the most important pre-conditions for and characteristics of democracy, which can be exercised at a group level within the framework of the freedom of association.

We wish to emphasize that in our opinion – as one of the outstanding authorities on political sciences and law put, perhaps the most unequivocally ever – *“in this case, ab ovo, much more is involved than what legal regulations themselves state; there is something underlying words themselves; something that points further beyond, that opens a window onto a more remote world [...] The wording of the law is hardly more than an indication of something: an indication of the battle that the individual has fought all through history in order to make the best possible use of his possibilities, the battle that he has had to fight due to tragic misunderstandings and anomalies in history against communities thought to be his enemies and a state that, more often than not, used to be an enemy indeed.”*<sup>2</sup> Naturally, one may challenge the wording and the adjectives that it uses; there is one thing, however, that is unchallengeable, namely that human rights are a terrain where all, especially those enforcing the law, must proceed with the highest possible care and thoroughness. For, violating human rights, those enforcing the law are likely to inflict permanent injury on the individual and, in a broader sense, on the entire society, for whom/which, after all, the organisation or institution from which they draw their salary is operated.

The freedom of association, which is the fruit of civil revolutions, as was pointed out in the chapter on the history of the freedom of association, did not take long to become one of the

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strongholds of constitutional regulation, and Hungary is no exception. Human treatment and a strict ban on torture have also been included in an ever expanding catalogue of human rights. International law has also had its fair share in regulation and both the United Nations and the Council of Europe found that this issue had to be regulated in multilateral international treaties. The Council of Europe and the European Union fine-tuned the content and practice of the freedom of association through their law enforcement and judicial practice.

## **2. Endeavours within the framework of the United Nations**

As a result of a process that started with President Roosevelt's letter dated 6 January 1941 and addressed to the US Congress, and whose milestones were the Atlantic Charter, the 1 January 1942 manifesto of the United Nations, a draft UN charter discussed at the Dumbarton Oaks conversations and the ratification of the Charter, the UN Charter refers to human rights in several contexts. The importance of the issue is clearly proven by the fact that human rights were included in the purposes and fundamental principles of the United Nations:

*"The Purposes of the United Nations are*

*...3. to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and*

*4. to be a centre for harmonizing the actions of nations in the attainment of these common ends."*<sup>3</sup>

The Hungarian Parliament enacted the *Charter of the United Nations* as Act I of 1956. The Charter of the UN addresses human rights only in generality (in 7 instances); it does not strive to provide a catalogue of human rights or to get entangled in any definition thereof. The UN Charter states that the United Nations promote *"universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."*<sup>4</sup> And for this end *"All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55"*<sup>5</sup>.

Undoubtedly, based on the UN Charter alone, firm measures could not be taken against countries in violation of the law, as the shortcomings of regulation became apparent immediately. With this experience borne in mind, further conventions were drawn up to protect human rights. Thus, Member States could study each and decide whether or not to accept and be party to them. Nevertheless, the undeniable merit of the UN Charter is that it made human rights an uncontested part of international law.

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The *Commission of Human Rights* – which was set up by a measure of the Economic and Social Council, which utilised its right to *set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions*<sup>6</sup> – started to map human rights. The General Assembly of the United Nations adopted the Universal Declaration of Human Rights in Paris on 10 December 1948. According to a mainstream perception of the day, the Declaration was only recommendation, thus, it was not unequivocally enforceable. Nevertheless, its impact on subsequent international regulations was immense. However, the promised comprehensive international treaty was yet to come.

### **3. International Covenant of Civil and Political Rights**

Finally, the 21st General Assembly of the United Nations adopted the *International Covenant of Civil and Political Rights* on 16 December 1966, to which Hungary is also a party<sup>7</sup> and which was promulgated by law decree 8 of 1976. For the purposes of our subject matter, we would like to focus on Articles 9 and 10<sup>8</sup>.

Regarding Article 9, it is rather unfortunate that, during the events in September and October 2006 there were several instances of arbitrary arrests and detention, while no mandatory information was provided for those arrested or detained. Nor was information provided for worrying relatives on the whereabouts of their loved ones. As to compensation money, we can only hope that, based on the final effective court rulings, the Budapest Police Headquarters will honour its obligation and that no prompt collection order will have to be issued on a regular basis, which was the case in the recent past in connection with those whose personal freedom was curbed during various demonstrations in the past. We do not wish, here and now, to probe into the causes of pre-trial detention well-nigh automatically warranted by courts of first instance, since in the course of legal remedies these court rulings were mostly overruled, as is discussed in detail in Section 3 of Chapter VI of the report. Naturally, this is only partial consolation for those kept in pre-trial detention until the ruling of the courts of second instance.

Unfortunately, Article 10y – in particular Section 1 thereof – was violated on several occasions. As was discussed in detail in the chapter of this report devoted to this issue, it is expressly forbidden to use plasticuffs and strap cuffs (in effect, kábelkötegelő), as these cause suffer and pain well in excess of the standard discomfort caused by the use of standard patent (metal) handcuffs in accordance with their intended purpose. In connection with this, it is safe to assume that the police used humiliating and, on several occasions, expressly sadistic methods in respect of persons already rendered harmless. Pursuant to Sub-section (3) Section 54 of RSZSZ (Police Service Regulations), “Handcuffing must be performed with equipment used specifically for this purpose. In the absence of such or if it fails to work properly or gets damaged other equipment suited for this purpose is also acceptable. However, the use of thin

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metal or plastic wire or any other equipment that, by its very nature, causes injury is forbidden.” Therefore, the use of plasticuffs breaches two legal regulations on handcuffing at the same time. As the list of standardised police equipment in Annex 1 of Instruction the Ministry of Interior No. 24/2002 (BK 17) does not include plasticuffs, these are not standardised police equipment. For this reason, the use of this equipment was unlawful in each case. Those persons who were taken to the police stations had to stand on the corridors for hours with handcuffs on and their foreheads pressed against the wall. Of course, this can mean that the police officers concerned committed actions that qualify as serious crimes. As the investigations have not yet been completed, we intend to deal with the police officers who violated (or are assumed to have violated) the law only insofar as we state the following: If the officers concerned committed any crimes, they should be held responsible for their actions. Their responsibility is not diminished, it is at best only shaded by the fact that they were acting as members of police force units or by the possible existence of orders.

Article 21 of the Covenant states that “The freedom of association with a peaceful aim shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” The crowd that celebrated the 50th anniversary of the revolution and freedom fight of 1956 at the Astoria could not exercise the their above mentioned rights because almost during the whole time, worthy celebrating was made impossible by the din of battle, the smoke and the roar of a police helicopter. After the commemoration, peaceful leaving was made impossible for many people by the chage by the police force despite the fact that in accordance with Article 59. (3) of the Police Act when dispersing a crowd, it is forbidden to hinder it from leaving the site.

#### **4. Control within the framework of the UN**

Within the framework of the UN, it is primarily the Commission of Human Rights that maintains a watch over the observation of the Covenant. The countries who signed the Covenant undertook to submit reports on the measures taken in order to enforce the rights recognised in the Covenant and on the progress made in the excercicing of these rights whenever the Commission ask them to do so. These reports are to be submitted to the Secretary General of the UN, who will then forward these reports to the Commission for inspection. The reports should point out the cricumstances and obstacles hindering the implementation of the Covenant. The report will then be inspected by specialised institutions as well as the Economic and Social Committee. The countries that signed the Covenant are also free to submit their comments to the Commission. Any country that signed the covenant can state that it recognises the competence of the Commission to accept any notifications in which a Member State claims that another Member State does not carry out its responsibilities provided for in the Covenant. Furthermore, if any Member State believes that another Member State fails to implement the provisions of the Covenant, it can submit a written

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document to draw the attention of the concerned Member State to its opinion.<sup>9</sup> Clearly, any submitted notifications, inspections, and statements of opinions within the framework of the UN can be very unpleasant to Hungary, and can as well have adverse effects on its international reputation.

## **5. UN Convention against Torture**

Today, it is a fact that another organ of the EU, the *Committee Against Torture* (CAT) pays close attention to the above mentioned events and its statements made on 24 November 2006 are not very favourable for Hungary. The UN Committee Against Torture expressed its “deep concerns” over the news on the conduct of the police – the use of excessive force, unjustified measures, and assaults committed – during the demonstrations that took place in Budapest in September and October, 2006. The commission has stated that the Hungarian state should pay closer attention to ensure the respect of human rights, and the maintenance of zero tolerance towards unlawful measures. According to the UN Committee Against Torture, measures are to be taken to ensure that law enforcement forces use force only to the necessary degree and in the necessary cases, and the compliance with these measures is to be monitored. The *Committee Against Torure criticised the small number of cases where infringements of the law by law enforcement forces were immediately, impartially and objectively inspected as well as the de facto impunity of the members of law enforcement forces.*<sup>10</sup>

## **6. Europe and Human Rights**

After having outlined the legal protection system of the largest intergovernmental organisation of the international community, the UN, we will now take a closer look on European bearings. Being aware of the fact that societies and cultures may be different, yet this difference is reconcilable with the universality of human rights. In certain views universality means that there are fundamental values that are important to every human being. Such a fundamental value is human dignity.<sup>11</sup> *In our view, double standards in legislation and the enforcement and respect of human rights are not acceptable.*

The Council of Europe, established on 5 May, 1945 in London on Winston Churchill’s initiative with the representatives of 10 European countries taking part, had stood by the protection and improvement of human rights already in its objectives. Article 11 of the

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*European Convention of Human Rights*<sup>12</sup>, adopted within the framework of this intergovernmental organisation now pooling already 40 countries, says:

- “1. Everyone has the right to freedom of peaceful rally and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law ...”

The issues concerning the freedom of association included in European Convention of Human Rights have their antecedents. Freedom of association, for instance, is included in the first generation of human rights. The freedom of association, formed simultaneously with the birth of the human rights of the French Revolution, was provided for already in a model constitution, the Belgian Constitution of 1831, which recognised the right to peaceful and unarmed rally. The same constitution subjected assemblies held in the open to police regulations. This is a still accepted method of regulation in the field of the Freedom of association.

The **European Convention of Human Rights** therefore affords protection and places acceptable restrictions. However, these restrictions cannot be arbitrarily interpreted and formed. Restrictions are subject to three preconditions. They should

- Be provided for by the law;
- Have lawful aims;
- The necessity of restrictions in a democratic society;

As far as compliance with the law is concerned, the designation of an "area of operation", the notion of which is non-existent in the relevant legal regulations, and the measures taken by the police, dispersing and pressing back people coming to Kossuth Square to commemorate and celebrate, and later their stream in on and brutality against those commemorating were mostly not provided for by the law and were lacking lawful aims. As far as the limitation is concerned, namely the recognition of the right of peaceful rally, the practice of the **European Court of Human Rights** (Strasbourg), the most important body from the aspect of the Council of Europe responsible for protection human rights, does not define the notion of "peaceful rally" clearly. At the same time, it is very important that the Court has stated in a particular case (*Ezelin v. France*)<sup>13</sup> that “*an individual does not cease to enjoy its right to peaceful rally as a result of sporadic acts of violence or other actions punishable by the criminal code committed by other persons participating in the demonstration, as long as the behaviour and the intention of individual in question remains peaceful.*”

Placing public rally *under a permission procedure – as stated by the European Court of Human Rights – does not infringe the right of peaceful rally. This, however, does not entail that assembling is subjected to the free discretion of the authorities. This would create the exact opposite of a democratic state – a police state*<sup>14</sup>.

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We have to stress, however, that freedom of association does not only mean right to static forms rally, i.e. an assemblies confined to a certain place, e.g. traditional demonstrations, or the ever more popular sit-down strikes, but it also entails the right to public processions.<sup>15</sup> As far as the responsibilities of the state are concerned, they not only include the recognition of the right to take part in these events, but it also obliges the government to protect provide explicit protection for those taking part in the demonstration, including the obligation to keep counter-demonstrators away, and to rein its own law enforcement organs. Nevertheless, as already mentioned, the European Convention of Human Rights provides for the restriction of the freedom of association where it proves necessary.<sup>16</sup>

## **7. Hungarian regulations compared to the European ones**

The question is then posed: What do the relevant Hungarian legal regulations say, and when are prohibitions deemed necessary?

The Constitution of the Republic of Hungary (Act No. 20 of 1949) stipulates:

*“Article 62 (1) The Republic of Hungary recognizes the right to peaceful rally and guarantees its free practice.”*

The provisions of the Constitution basically provide a framework regulation and, in accordance with the regulating method above referred to, delegates the definition of the content of the freedom of association to the legislators. ***According to Act No. 3 of 1989 on Association it is possible to assemble anywhere, there is no territorial restriction on the freedom of association, not even for public places.***

The freedom of association differentiates events held in public places from other assemblies, e.g. from the ones held in institutius. Assemblies held at a public place are subject to police regulations and the interests of public order. The holding of such events are subject to submission of a previous written notification, which is to include, among others, the time and place of the event, the particulars of the organisers, and the expected number of participants.

The competent police office is to be notified of an event organised at a public place three days prior to the beginning of the event. ***Association is therefore subject only to notification, not to a permission***, so the initiators of the event are not to be regarded as applicants. The police, acting strictly in accordance with the law and in the interest of the public, can prohibit the organisation of the event only if it would seriously threaten the smooth operation of representative organs or courts of law, or if the flow of the traffic cannot be diverted to other route. It is of high importance, however, that a judicial remedy is available against such decisions of the police.

The freedom of association is closely related to other fundamental rights, many consider it to be a sister law of the law of association. The aim of association is frequently the creation of associations, and associations often assemble too. ***The Freedom of Association is, by nature, closely related to the freedom of expression and movement, and to the right to petition.*** It is important to stress that the participants of assemblies can freely express their opinions and have the right to make their common stance known to those concerned – as is stated in Article 2 of the Act on the Freedom of Association. (Note: This was not realised in the period of a

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few hours prior to the siege of the headquarters of the Hungarian Television. The freedom of speech is also a closely related issue here. The European Court of Human Rights stated already in 1976 that the *freedom of speech does not only apply to information and ideas that people welcome, but only to those that hurt, shock or disturb any part of the population*).

As far as freedom of expression is concerned, an often suggested misinterpretation, misunderstanding needs to be cleared, according to which politics is not to be conducted on the streets but in the Parliament. In denial of this statement let a quote from Hans Kelsen, one of the greatest jurists of the 20<sup>th</sup> century, stand here:

*“The will of the community in democracy is always created during a continuous debate between majority and minority on the basis of free deliberation of arguments and counter-arguments concerning the regulation of certain issues. These debates do not only take place in the parliament, but also, and most importantly on political rallies, on the pages of books and newspapers, and other channels of the opinion of the public. A democracy without the opinion of the public is a contradiction in terms.”*<sup>17</sup> We will not deal here with the issue of

how unbelievable it is to hear this – the scaring of people with street politics – from political forces that stood by and exercised street politics whenever this was in their interest (taxi blockade, Charta demonstrations, demonstration with ropes).

#### **8. The freedom of association in the light of the events on Kossuth Square**

In our view, ban of the freedom of association should be a last resort as in the most cases bans just add fuel to the fire and escalate the problem itself. Instead of calming people they only add to the discontent. In our opinion, this is what happened when Kossuth Square was cleared at dawn on 23 October. Even if some security considerations (e.g. the security of high foreign officials) may necessitate the clearing of the square and its thorough examination, there could be no sound reason for the police force to keep people coming to the official ceremony away from the square the whole day without giving any satisfactory explanation.

*It had not been against the law, if after having interpreted the legal regulations from the aspect of the basic rights, the police would have allowed the demonstrators and those who in the meantime came to the official ceremony back to the square* after, under police protection, a fire-protection examination had been carried out on the site of the Kossuth Square demonstration, of which the police were notified, and which was therefore lawful, and after the objects that may have posed a threat to public safety and order, had been removed from the site, *and the conditions necessary for the protection of certain persons had been provided, such as a cordoned-off protective area of reasonable size with safety gates. In this way, it would have been possible to avoid the subsequent tragic events.* The police should be in possession of the equipment and training necessary for carrying out such measures because according to Article 15 (1) of the Act on the Police the measures taken by the police must not cause disadvantage the extent of which is not proportional to the lawful aim of the measure. The exclusion of citizens from the Kossuth Square commemoration held on the 50th anniversary of the Revolution of 1956 in the presence of numerous foreign representatives clearly violated the principle of proportionality. By analogy to the causes cited by the police,

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the protection of persons enjoying diplomatic protection would, in principle, provide reason for closing down any part of the city that would be connected with the route of the delegations. Experience has shown, however, that the police is able to draw correct distinctions between the persons to be protected. So it happened that while during the visit of the president of the USA safety measures of a hitherto greatest scale had been taken, the scale of the safety measures taken when a head of an "average" country pays a visit, are hardly noticeable.

There was no protected foreign person among those taking part in the official ceremonies on 23 October against whom the level of threat exceeded the average. The question poses itself: Was it not that the police held that it was the Hungarian Prime Minister against whom the level of threat exceeded the average, and the presence of the highest official of the European Union and other diplomats served only as a pretext? Apart from verbal "assault", which public persons have to put up with anyway, there was no evidence of a real threat, since, for a period of one month prior to this event, the Kossuth Square demonstrations showed no sign of real physical threat against the Prime Minister or other members of the government. This raises another question: Was it not that the police, as if on the order of certain politicians, wanted to save the Prime Minister the inconvenience that certain groups of the nation he represents express their derogatory opinion about him and the methods with which he seized and exercises power.

This is not an illogical and unjustified question, especially in the light of the preceding events. The past few years saw a number of such events, which will be discussed in detail in Chapter V of this report.

*Let it be observed that by taking these – especially because of the anniversary of the Revolution of 1956 – unwarrantable and intolerable measures that rendered Kossuth Square inaccessible to the citizens, it was the police themselves – and those who gave them or could have given them orders – who provoked spontaneous demonstrations that were held without the prior notification of the police, which demonstrations are, for dogmatic reasons, in common parlance inaccurately called demonstrations without a permit. Therefore the police, based on their peculiar way of interpreting the legal regulations, understood that they were obliged to disperse these demonstrations, and to practically start a manhunt against the demonstrators at several places in the city even at a distance of one kilometre from Kossuth Square (e.g. during the morning foot race on the Great Ring).*

We would like to mention here that dr. László Grespik, lawyer, started an administrative procedure on behalf of 200 demonstrators in order that the dispersal of the demonstrations on 23 October be officially declared unlawful. We are looking forward to see the decision of the court.

In our view, when dispersing demonstration the principles of necessity and proportionality should (have) be enforced in the same way as with the bans. So it may happen that in Great Britain, one of the countries that are the most renowned for their respect of human rights, in close vicinity of the parliament building a demonstrator has been protesting against the war in Iraq since the start of the war, without the government or the police raising any objections to

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his presence – politicians and other persons wishing to restrict the right of assembly have stated a number of times that demonstrating is not permitted before the building of the British Parliament. During an earlier visit in October, 2006 a member of our committee saw for himself that this is not the case. In fact, except for a narrow path directly in front of the Parliament building and the surface of the road an anti-war mass demonstration took place at the time. The police *were protecting the citizens who exercised their freedom of association* by directing tourists to the pavement next to the Parliament building (!) so as to avoid their contact with the protesting crowd. Furthermore, when the police were asked questions about the purpose of the measures taken, they tried to give an explanation. They were not wearing any masks, of course, or helmets, did not carry batons or folding truncheons. Even firearms were carried only by some police units standing at a distance from the crowd. The conditions for such practice are given even in Hungary. According to the decision of the Constitutional Court:

*"The stance of the Constitutional Court that the state has, among others, positive duties in ensuring that the basic rights be observed, has been formed already in the early phase of the evolution of its case law. In its Decision no. 64 of (17 December) 1991, the Constitutional Court ruled that the duty of the State to ensure that basic rights be observed is not confined to refraining from their infringement, but it entails the provision of conditions necessary for the exercise of these rights". (Decision of the Constitutional Court of 1991, pages 297 and 302). From this it follows that, when needed, the authorities should resort even to force to ensure that the lawful assemblies be conducted, and to prevent others to disturb these assemblies. This is reflected in Article 11 (2) of the Act on Assembly and in Articles 228/A and 271/A of the Criminal Code. This is reflected also in Article 1 of the Act on Assembly when it states that "the state shall ensure the exercise of the right to undisturbed – in other words: by others not disturbable – peaceful rally." (Decision of the Constitutional Court No. 55 of (29 November) 2001 in Magyar Közlöny [Hungarian Gazette, No. 134 of 2001.] On 23 October, 2006 the police failed to fulfil this duty on the **FIDESZ-MPSZ commemoration, and, for this alone, heavy responsibility lies with them.***

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*That this duty, in a broader sense, lies with the state is evident from the case law of the European Court of Human Rights too. The European Court of Human Rights in its rulings concerning this area of the freedom of association first of all cites those fundamental principles that arise from the case law that evolved in connection with Article 11. (Djavit An c.Turquie, n° 20652/92, §§ 56-57, CEDH 2003-III; Piermont c.France, arrêt du 27 avril 1995, série A n° 314, §§ 76-77 ; et Plattform «Ärzte für das Leben» c.Autriche, arrêt du 21 juin 1988, série A n° 139, p. 12, § 32). From the aforementioned case law it is evident that the authorities have the duty to take measures to ensure the smooth course of lawful demonstrations and to guarantee the safety for each citizen. Note that the above cited Decision No. 55 of (29 November) 2001 of the Constitutional Court refers to the unbroken case law of the Court of Human rights that goes back as far as the Decision of the European Court of Human Rights of 21 June 1988 “ Plattform Ärzte für das Leben vs. Austria - Plattform «Ärzte für das Leben» c.Autriche”.*

### **9. Recommendations concerning the regulation of the freedom of association**

The recommendations in the the Gönczöl Committee Report are concerned with the amendment of the Act on Assembly. Although the study states that the “the events in autumn 2006 do not necessitate the tightening of the Act on Assembly, or the detailing of the respective regulations”, the recommendations, however, still contain some proposals for the amendment of the law in relation with the fundamental constitutional rights mentioned. Some of the recommendations are positive and are worth considering, but others are against the constitution, moreover, they even undermine the essence of democracy and the rule of law.

The recommendation that the necessary time between the notification of the police and the start of the demonstration should be reduced to 6 to 8 hours, is justified. In this case the recommendation of the Committee is acceptable (Gönczöl Committee Report, last but one sentence on p. 76 in Section 1 of the recommendations). Apart from this, however, we agree with the dissenting opinion of Gábor Halmai, constitutional lawyer, according to which the staging of spontaneous demonstrations should be made possible, and the Act on Assembly should be amended accordingly.

*As far as spontaneous demonstrations are concerned, our committee holds that the law should not allow those demonstrations, of which the police has not been notified, to be dispersed solely on the ground that the police were not notified.* The dispersion of these demonstration should be made possible only if the demonstration diverges from the programme that the organiser hands to the responsible police officer within one hour from the start of the demonstration, or other causes arise that warrant the dispersion of the demonstration, and that apply to demonstrations that the police were notified of as well. In this respect, our committee disapproves of the recommendation in Section 1 on page 76 of the report of the Gönczöl Committee, however, we agree with the following statements that rule out the lawfulness of spontaneous demonstrations. We however agree with the dissenting opinion of dr. Gábor Halmai, constitutional lawyer, in Section 1 on page 76 to 77 of the Gönczöl Committee Report.

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“In my opinion the most serious weakness of the current legislation concerning the right of assembly, which is also problematic from a constitutional point of view, is the lack of recognition of spontaneous assemblies as this deprives the citizens of the possibility of reacting to events that require a fast response within three days through assemblies or demonstrations that are legal. This institution, which exists in many of the states where there is rule of law, does not make it possible for the authorities to dispel an event that takes place due to a cause within the deadline set by the law if there was no possibility to hold the event in the framework of the ordinary process of reporting it to the authorities in advance.”

Related to this is our point of view that through the legislation stipulated in Article 14 (1) of the the Act on the Freedom of Association Hungary infringes on the European Convention of Human Rights as it orders the dispersion of the so-called spontaneous demonstrations without any further consideration. In a recent ruling the European Court of Human Rights said that the dispersion of a spontaneous demonstration infringes article 1 of the convention only because it has not been reported in advance – without any other state of facts to this effect. (The origin of the case can be traced back to an appeal submitted by Ms. Oya Ataman, a Turkish citizen (the plaintiff) against the Republic of Turkey in which she filed a complaint at the European Court of Human Rights on the basis of article 34 of European Convention of Human Rights).

It is of utmost importance that the European Court of Human Rights stated the following in its ruling concerning the case above: “Furthermore, the Court adds that governments are not only obliged to protect peaceful demonstrations but they have to refrain from imposing any unlawful indirect limitations of this right. Finally, article 11 in fact provides protection for the individual against arbitrary intervention by the authorities and can create increasing positive obligations for making the exercise of these rights possible.” (Oya Ataman vs.Turkey /Chamber Judgement, 5. 12. 2006. 7.p. [http:// cmiskp.echr.coe.int/tkp 197/](http://cmiskp.echr.coe.int/tkp197/)).

The idea of limiting events for one day proposed by the Gönczöl Committee, for example, would be an unjustified limitation of the freedom of assembly and is therefore unconstitutional. No limitations of time must be introduced for the law of assembly and the present rules are satisfactory. On the basis of current legislation the statement made by the GBJ, which has been referred to several times and is unjustified in making the police responsible, and according to which the police should not have acknowledged the reports submitted in advance for the demonstrations for several weeks, is unacceptable (GBJ p. 72, paragraph 2., p. 75., statements, section 2.). The proposal to declare Kossuth Square and its surroundings a “demonstration-free zone” is also unacceptable as it would infringe Article 8(2) of the Constitution and the essence of the right of assembly as a basic right.

The proposal to make a permit by the authorities or approval by the local government unnecessary for the setting up of temporary stages with acoustic equipment and projectors is in full conformity with the Constitution. This is supported by the 4/2007. (II. 13.) resolution of the Constitutional Court, which annulled the decree made by the Municipality of the Capital City contrary to this, which made it possible to set up this kind of indispensable equipment for public events only if approved by the local government. The three-member panel emphasized in the explanation given to the resolution that the purpose of events held on the basis of the right of assembly is for the citizens who use the right of assembly to form a

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common opinion, to share their views with others and to express them publicly. “In order to achieve this purpose, it is essential to have equipment, the use of which is allowed only by the permission of the owner of the given public area, which means that the right of assembly – especially in the case of events attracting a larger crowd – cannot be exercised properly without buildings and equipment, for example, stages, acoustic equipment and projectors”.

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The regulation of the use of this kind of equipment concerns the right of assembly and requiring a permit for their application limits this right. According to the Constitutional Court the local government cannot supplement the system of conditions defined in the law on the right of assembly, since neither the the Act on the Freedom of Association nor any other piece of legislation gives authorization to regulate political events – and other events under the jurisdiction of the law – and the local government does not have an independent right to regulate the right of assembly.

**10. Further infringement on human rights, with special regard to the cordon in Kossuth Square**

Incidentally, from a legal point of view, what has happened concerning Kossuth Square is perhaps even more regrettable. The “measure” taken by the chief of police in January 2007, after a long period of attempts, concerning the security of individuals and facilities (i.e. the closing of Kossuth Square) “cannot be challenged” through normal legal instruments and according to experience. The complaint according to Article 92 of the Police Act is in its essence a procedure to determine whether the individual police measures suffered by the persons concerned were lawful. This, according to present regulations, cannot effect a change in the measure objected to, even if it is not proved to be unlawful.

Therefore we can agree with the statement made by dr. Gábor Halmai in his individual statement of opinion on page 77 of the report by the Gönczöl Committee, which refers to an untenable situation and according to which “a deficiency of the legislation to be addressed is that the decision by the chief of police on the closure of the square does not fall into the category of a decree of public administration and there is no legal remedy to it.” Although some authors do not argue against it, the events of the recent months support the individual statement of opinion cited above.

*With this practice and the inaccuracy of regulations, Hungary infringes not only article 11, which regulates the freedom of assembly, but other stipulations of the European Convention of Human Rights, since they are clear on declaring that “anyone whose rights and freedom defined in the present Convention have been infringed on, have the right to request an effective remedy of this breach of law even in cases where these rights have been violated by persons acting in their official status.”<sup>18</sup> Article 57 of the Constitution in paragraph (5) also makes it obligatory to provide a right for effective legal remedies.* In spite of this, most of the complaints concerning the closure of the square by the police have not been assessed in merit and in many cases no responses were given to the complaints. In the cases where the Budapest Chief Police Commander, who himself is responsible for the measure that is objected to, made a decision concerning the complaints and rejected them the procedures have not been closed with one – though very important – exception. The resolution of the National Police Headquarters concerning the appeal against the resolution rejecting the complaint against the cordon set up by the Budapest Police Headquarters in Kossuth Square made by Szabolcs Szerdahelyi, the president of the organization *Deport 56'* was made in the days when the report was finished. In this resolution the National Police Headquarters stated that the

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measure made by the Budapest Chief Police Commander to lengthen the closure of Kossuth Square was unlawful in the respect that it was made for an unlimited period of time. At the same time, the police authorities in the second instance ordered Péter Gergényi to set a time limit on the closure, if the security risks that serve as the basis for this measure can still be ascertained. All these serve to prove the above objections (according to newspapers a time limit of 31 of March has been set).

It is just “the icing on the cake” that *the measures taken by the Chief Police Commander could not have taken place at 2.35 am. on 23 October – as the written version of the measure states -, as in its justification it refers to the events that came to be formed during the celebrations on 23 October that endangered public security.* It is obvious that there were no celebrations on the night before 23 October and nothing could have happened by then. If the written measure was made later than it is dated to it raises the suspicion of a crime (falsification of public documents according to Article 275 (1) of the criminal law). It should be added that it is extremely hypocritical for the government to state that in this issue only the Chief Police Commander is competent on the grounds that the minister of Justice and Police can give orders only to the National Chief Police Commander. And is not possible for the National Chief Police Commander to give orders to the Budapest Chief Police Commander?

Let us look at the relevant stipulations of the Police Act:

According to Article 4 (1) of the Police Act, the Government directs the operation of the Police through the Minister of the Interior (currently: the Minister of Justice and Law Enforcement). Article 5 (3) of the Police Act stipulates that the Minister of the Interior may give individual orders to the Police through the National Chief Commissioner of Police. Pursuant to Article 6 (2) a./ of the Police Act, his/her directing competence, the National Chief Commissioner of Police is entitled to issue a national Chief Commissioner of Police's order binding upon all the units of the Police.

The contradiction becomes completely clear if after a few days the minister in charge of the Prime Minister's Office declares that the cordon will not be disassembled up to 15 March 2007. So who can order who? This kind of administration and communication is reminiscent of a single party state, and might be familiar to those who were adolescents or have already grown up during the soft dictatorship of the Kádár era.

The Constitutional Court declared on several occasion that one of the fundamental requirements of the rule of law was that the organisations assigned public power should perform their activities within the framework set by law, in the order determined by law, in a manner cognizable and predictable for the citizens, and among regulated confinements” /4/1999(III.21.). resolution of the Constitutional Court, AGH 1999, 52, p. 61./ *The above-referenced waffle of the police and the government degrades the application of law and communication related to their activities to the level of kindergartens and undermines people's confidence in the operation of the institutions of the rule of law.*

Moreover, the previous reasons for maintaining a “security and operational” status on Kossuth Square have ceased to exist, there are no actual, acceptable and genuine reasons for it, and the fact that on 20 November 2006 the measure was extended for an indefinite period of time is ultimately inconsistent with the requirements of the rule of law. In this respect, one can completely agree with the recommendation made in section 2 on page 76 of the Gönczöl Committee:

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“The provision in the Police Act which allows the exclusion of certain areas from the definition of public area and thus from the effect of the freedom of association, currently fails to specify the accurate reasons for and maximum duration of such restrictions, and is therefore suitable for the disproportionate restriction of a constitutional right.”

Article 15(1) of the Police Act sets the fundamental principle of proportionality as applicable during every police action. The essence of proportionality is that a police action may not cause a disadvantage that is obviously disproportionate to the lawful purpose of the action.

It is a widely known fact that since the 1980s, and especially since 1990, Kossuth Square has been a favoured and esteemed venue for those who wish to exercise their right to assembly. In the past few years, hundreds of demonstrations were held on Kossuth Square, and in several cases even during Parliamentary sessions. In the course of these demonstrations, there has never been a case that would ever jeopardise the operation of Parliament or the persons working there.

*It follows from the above proportionality principle that closing the square that has been giving place to Hungarian citizens for the exercise of a fundamental constitutional right for several years causes a significant disadvantage to all those who are thus deprived of the opportunity of exercising their right to free association ensured in the Act on the Freedom of Association. This is especially true to the current period, overshadowed by serious social tensions – as a result of the Government measures which considerably change and adversely affect nearly every group in the society – which may give rise to an increased number of demonstrations.*

Already the mere reference made in a letter of 20 November 2006 by the commander of the Bodyguards of the Republic in the National Headquarter of the Police – and marked as a reason for closing the area as an operational area –, which says that the reason for maintaining the security and operational status of the area is the actual political situation and the demonstration efforts reported for the Kossuth Square and its surroundings, is an untenable statement. This statement fails to take the above-mentioned facts into consideration, i.e. the fact that Kossuth Square has been a venue of mass meetings and demonstrations for several years, and thus the mere intention to organise demonstrations can in no way be a genuine reason for the maintenance of the measure that adversely affects wide circles of citizens and interferes with their interests. With a view to the current tense situation, the police might make references to the actual political situation for a long time to come, for – as they say – the potential threat of Parliament is inherently arises from this situation.

In our view, the facility and personal security objectives related to Parliament may be achieved by the cordons corresponding to the earlier state of affairs. As it is well-known, in the period prior to the measure, Parliament was not accessible via public area either, however, its defence area was far smaller than now, as the areas around the Rákóczi and Kossuth statues were freely accessible in the square, and this would be the desirable state also at present.

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### **11. The prohibition of torture and the European Convention of Human Rights**

In connection with the European Convention of Human Rights, no special mention is made of the prohibition of torture, as this issue is tackled in above Covenant. We only wish to illustrate the provisions of the European Convention of Human Rights – similarly to the International Covenant of Civil and Political Rights on the prohibition of torture: „*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*”<sup>19</sup> In addition to this in the framework of the European Council, „*the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*” was also concluded and Hungary also joined it.<sup>20</sup>

### **12. Why is the situation of human rights in Hungary significant for the European Union?**

In addition to the European Convention of Human Rights, an international agreement in which Hungary is a participant, and as the European Convention of Human Rights is part and parcel of European legislation in the broad sense<sup>21</sup>, ***this issue is a question of European Union relevance.*** In the preamble of the Treaty of the European Union it is declared that: ***“The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms [...] as they result from the constitutional traditions common to the Member States, as general principles of Community law.”*** The Community Charter approved in December 2000 fundamentally provides the same as the European Convention of Human Rights with a slight addition in a certain sense.

Previously, the European Court of Justice – the court of the European Communities and the European Union – gradually integrated human rights and freedoms in community legislation from 1969 on. Thus in the Stauder case (29/69)<sup>22</sup> reference is already made to human rights, and then in the Internationale Handelsgesellschaft case (11/70)<sup>23</sup> – in 1970 – the court declared that respect for the fundamental human rights is part of the law the Court of Justice protects. In the Nold case<sup>24</sup> – in 1974 – the Court expressly declared that the European Convention of Human Rights and the covenants related to the protection of human rights (to which the Member States joined) must be taken into consideration, while in the Rutili case<sup>25</sup> specific sections of the European Convention of Human Rights are cited (36/75) .

***It follows from the foregoing that in addition to the Court of Justice of the European Council in Strasbourg, and – in respect of procedural and organisational rules – the the European Council’s European Committee of Human Rights and its Secretariat, and the Council of Ministers; the individual organisations – especially the Court of Justice of the European Union – have also undertaken to protect and enforce human rights.***

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The protection of human rights and freedoms prevails in every field of the primary legislation of the European Union. According to the currently effective consolidated text<sup>26</sup> the European Union is built on the respect of freedom, democracy, human rights and freedoms, and the rule of law, shared by all Member States. The European Union respects the fundamental human rights as the general principles of the Community, as they are guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they arise from the common constitutional traditions of the Member States.<sup>27</sup>

### **13. Sanctions by the European Union**

*This means that if the European Convention of Human Rights is violated, Hungary must expect to face the so-called “Seven Article Procedure”, which provides a basis for the Council to establish<sup>28</sup>: that there is a clear risk that Hungary commits a gross violation of the fundamental principles of the above-referenced Article 6 (1), in which case adequate recommendations may be made.* Before making such a statement, the Council inquires the Member State concerned and – in the same procedure – may request independent persons to prepare a report of the conditions prevailing in Hungary within a reasonable time. Subsequently, the Council regularly checks if the reasons substantiating its statement still hold.

In addition to the above, based on a proposal submitted by one third of the Member States or the Commission, and upon consent of the European Parliament, the Council of Heads of State requests the Government of the Member State concerned to make its comments and then unanimously establishes that the Member State has committed a gross and permanent violation of the principles required in the above-referenced Article 6 (1).

*If the Council finds that the fundamental principles included in Article 6 (1) have been grossly and permanently violated, by a qualified majority of the votes it may resolve to suspend certain rights of the particular Member State which arise from the application of the treaty, including the voting rights of the representative of the Member State in the Council. This does not entail termination of the contractual obligations, however.*

At a later date the Council may resolve by a qualified majority of the votes<sup>29</sup> to change or withdraw the measures taken against the Member State, if the conditions that have led to them change. Naturally, the Council will act without consideration of the vote cast by the representative of the Member State concerned. And the abstention of the members personally attending or represented by proxies is no impediment to the approval of the relevant resolutions.<sup>30</sup>

Naturally, the mere inclusion of then the European Parliament’s agenda and/or if Hungary is found guilty in the violation of any human right have adverse impacts for Hungary.

In the past few months we could see that the organisations and representatives of the European Union are actively interested in the events in Hungary and their human rights related perspectives. In early October 2006, certain politicians made statements to the effect

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that the freedom of press is injured in Hungary. The European Commission was called to “stop the attack on the freedom of expression” in Hungary.<sup>31</sup> The European Council also monitors the results of the investigation made in Hungary. The European People’s Party disapproved of police brutality and Mr Franco Frattini, Commissioner for the enforcement of human rights visited Hungary and was personally informed of the conditions – among others at a meeting with our Committee. This interest was also manifest in the fact that our Committee’s co-chairperson Dr. Krisztina Morvai and member Tamás Gaudi-Nagy were invited to the delegation reporting to the representatives of the European Parliament about the events of 23 October 2006. In connection with this, please, note that unfortunately, anyone who gives voice to his or her concerns, before the organisations of the European Union or in the framework of other bodies qualified for this purpose over the violations of human rights in Hungary, are exposed to vile attacks – primarily in certain Hungarian press circles. In our opinion, anyone who questions this right of the civil society is not aware of the most fundamental rules of democracy.

#### **14. Summary**

***In our opinion, the training and control system of police forces need to be restructured in a way to prevent similar abuses.***

***Certain signs suggest that the September and October 2006 events were not without preliminaries, as various human rights associations had called the attention to constant abuses by the police. However, up to the autumn of 2006, these had not assumed major proportions. In addition to being called to account for their actions in the framework of criminal procedures, the conclusions must be drawn for the police leaders responsible for the brutal events and the participating policemen and these persons must be removed from the police with immediate effect. It must be made clear for the entire staff of the police, and others, that the Republic of Hungary and its police force do not tolerate the violation of human rights.***

***It follows from the above that far greater care and circumspection must be taken in the future when commanders and the staff are selected and trained (with special regard to the fact that in the cases affecting about 30 thousand persons injured during the past six years final and binding orders were adopted against policemen in 2,252 cases (about 7.5 per cent) for reasons of ordinary or military crimes. Moreover, in the period reviewed, altogether some 17,000 punishments were imposed and only 171 persons were found to undeserving of his or her job as a policeman/policewoman. Police leaders, commanders and the staff must be required to meet the provisions of the international covenants, Community directives and constitutional rights and freedoms the country is subject to, and they must be familiarised with the statutory regulation on respecting our national symbols. In this respect it would be useful to have recourse to the assistance of the international Police Academy.***

#### **Notes:**

1. Among many others, convention for the Protection of Human Rights and Fundamental Freedoms (as amended by its protocols) dated 4 November 1950 in Rome and promulgated by Act XXXI of 1993 – hereinafter: the European Convention of Human Rights An – Article 6 also provide for the right to honest judicial procedure. With a view, however, to the large number of pending cases, an overall analysis of this perspective of human rights in this study is, however, considered to be too early. Nevertheless, this does not exclude the mentioning of certain conspicuous cases.

2 Szabó, Imre: Az emberi jogok mai értelme. [The meaning of human rights today] Hungária, Budapest 1948. p.5

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3. Act I of 1956 on the enactment of the Charter of the United Nations, - hereinafter Charter of the UN

4 Charter of the UN, Article 55 c)

5 Charter of the UN Article 56

6 Charter of the UN Article 68

7 The letter of confirmation by the Presidential Council of the Hungarian People's Republic was placed in the custody with the Secretary of the United Nations on 17 January 1974. Pursuant to section 1 of Article 49., the Covenant took effect on 23 March 1976.

Article 89

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status

9 for more details see Articles 41-42 in the Covenant

10 Magyar Nemzet, 29 November 2006, issue 326, p. 1

11 Kondorosi, Ferenc: A fenntartható fejlődés és az emberi jogok. [Sustainable development and human rights] Jogtudományi Közlöny 2006/6. p. 202. We are really interested in how the author, currently a state secretary of the Ministry of Justice and Law Enforcement, wishes to protect human rights described as 'universal' in his article – including the right to human dignity – from the large number of brutal police units partly under his control. Or does the state secretary author confine himself in respect of Hungary to his statement that universality is true in the elaboration of standards but not in compliance with and respect for the enforcement of human rights?

12 The European Council accepted the European Convention of Human Rights on 4 November 1950. also enacted in Hungarian legislation with its eight supplementary minutes.). The letter of confirmation by the Hungarian Republic was placed in custody with the Secretary of the European Council on 5 November 1992.)

13 Ezelin v. France, Commission report, 14 December 1989.. section 34, Court ruling series B. vol. 192. section 34.

14 for more details see applications 3321/67, 3322/67, 3323/67, 3344/67, Commission report – 18 November 1969, Denmark, Norway, Sweden and Netherlands v. Greece ügy).

15 Application 8440/78 sz. kérelem. Christians Against Racism and Fascism v. the United Kingdom resolution on 19 July 1980. D.

R. 21. 138. p. section 148

16 1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. this article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

European Convention of Human Rights, article 11

17 Kelsen, Hans General Theory of Law and State 284-86, 1961

18 European Convention of Human Rights Article 13

19 European Convention of Human Rights Article 3

20 announced in Hungary by Act III of 1995.

21 Herdegen, Martin: European law. Budapest Forum for Europe Foundation, Budapest no date, p. 31.

22 Stauder v. City of Ulm (26/69 (1969) ECR 419.

23 Internationale Handelsgesellschaft GmbH v. Einfuhr- und Vorratstelle für Getreide und Futtermittel case (11/70 (1970) ECR 1125)

24 Nold v Commission case (4/73 (1974) ECR 491)

25 Rutili v. Minister for the Interior case (36/75 (1976) ECR 2609)

26 The Treaty of the European Union (Maastricht Treaty) in a consolidated version with amendments, preamble

27 For more details see the Treaty of the European Union (Maastricht Treaty) in a consolidated version with amendments, Article 6

28 On the basis of the written proposal submitted by one third of the Member States, the European Parliament or the Commission giving reasons, with four fifth of the votes of members, and the consent of the European Parliament.

Megjegyzés [M L1]: Ez a 9. cikk!

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29 Qualified majority must be established in compliance with article 205 (2) of the Treaty of the European Union as a weighted average of the Member States concerned. This shall also apply if voting rights are suspended. The European Parliament adopts resolutions by the two-thirds of the members, making a majority.

30 For more details see the Treaty of the European Union (Maastricht Treaty) in a consolidated version with amendments, article 7

31. Hans Gert Pöttering, fraction leader of the European People's Party, and Antonio Tajani Vice-Chairman of the European People's Party

32 Data from *Helyi Téma*, XII. 20 December 2006., 6.p.

## CHAPTER IV

### HISTORY OF THE THEORY AND PRACTICE OF THE FREEDOM OF ASSOCIATION IN HUNGARY UP TO 1989

“The frequency of demonstrations, their violent and non-violent proceedings, as well as the application of sanctions against the demonstrators by the authorities, namely the police are indicative of the stability of democracy, as well as the institutionalized nature of the freedom of association and the freedom of opinion.”  
(Máté Szabó)

#### 1. Concept of the freedom of association

The **freedom of association** as a classic, indefeasible human and political right has evolved together and in parallel with the Freedom of Association and the freedom of opinion. It was at the end of the 18<sup>th</sup> century when the civil society started to acquire the right for holding public meeting both indoors and outdoors for the purposes of discussing their public and private matters, as well as declaring their political, economic and social claims.<sup>32</sup>

One form of exercising the freedom of association is the **demonstration** wherein one of the active groups of society intend to make the public and the power-holding elite aware of their dissenting opinions on certain issues or objections to certain events, etc.<sup>33</sup>

The 1787 Federal Constitution of the **United States of America** still did not provide for this right, but the Bill of Rights of 1791 stated that the Congress “*may not prejudice the right of the people to peaceful rally.*”<sup>34</sup> This is how the freedom of association was involved within the scope of natural law, and its indefeasible nature was declared. The right defined in a very brief manner and rather in a negative context had to be rounded off with proper substances by the American jurisdiction.<sup>35</sup>

In **France**, it was the Constitution of 1791 that first declared that “*...as a natural and civil rights of the citizens the Constitution shall provide the liberty to the citizens to assemble in public places, as maintaining proper peace and without arms, in compliance with the*

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<sup>32</sup> Emberi jogok [Human Rights]. Edited by **Halmi, Gábor & Tóth, Gábor Attila**, Budapest, 2003. p. 491

<sup>33</sup> **Szabó, Máté**: Társadalmi mozgalmak és politikai tiltakozás [Social Movements and Political Protest]. Budapest, 1998. p. 227

<sup>34</sup> **Mitchell, Ralph**: Az Egyesült Államok alkotmánya. Történet, dokumentum, mutatók [The Constitution of the United States. History, Document, References]. Edited by **Hamza Gábor**. Budapest, 1998. p. 141.

<sup>35</sup> **Gallai, Sándor**: A Legfelsőbb Bíróság szerepe az Egyesült Államokban [The Role of the Supreme Court in the United States]. In.: Jogtudományi Közlöny [Bulletin of Jurisprudence], 1994/2. pp. 63-82

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*relevant regulations by the police.*<sup>36</sup> Adopted on 24 June 1793, but thereafter never put to effect, the Constitutions of the **Jacobins** declared the freedom of association with the omission of restrictive measures.<sup>37</sup> On the other hand, the Constitution of the **Convent of Thermidor** strongly limited the freedom of association in order to prevent any effectuation of revolutionary terror: „...*all and any armed rally shall be dismissed first by means of verbal instructions, and then as using armed forces as required.*”<sup>38</sup> The freedom of association was then recognized again in the Constitution of 1848.<sup>39</sup>

The **Belgian Constitution of 1831** recognized the Freedom of Association with special restrictions, though in several countries, including Hungary, this constitution was widely considered as exemplary. According to Article 19 of the Belgian Constitution: “*The Belgian has the right to assemble in a peaceful manner, without arms in accordance with the laws that determine the exercise of this right without being preliminarily submitted to any right of supremacy.*”

This measure did not apply to assemblies held outdoors, as they remained subject to the regulations of the police.<sup>40</sup>

In **Hungary**, the freedom of association was acknowledged as the pivotal right of the comitat nobles as early as in the period of feudal–representative monarchy. They were absolutely free to hold partial meetings, comitat meetings, election meetings, small-scale demonstrations. This was the very reason why the freedom of association as a potential basic claim and declaration was not incorporated into the 12 Claims of the March Youths, and why these rights (alongside with the Freedom of Association) were not regulated in the **April Laws of 1848**. In the 1840s, it became a fashion that the young members of the legislation and the urban citizens celebrated reform politicians, such as Count István Széchenyi, Baron Miklós Wesselényi, Lajos Kossuth, etc. in Pozsony [today known as Bratislava] and Pest with torchlight parade accompanied with music. Similarly, the ones opposing such endeavours became fairly unpopular, and mock serenades were held under their windows. These latter occasions must have meant quite unpleasant experience. (On 10 May 1848, General Ignacz Lederer, the Commander-In-Chief of Budapest broke up the youths of Pest giving a mock serenade in front of his apartment in the Castle with armed forces. When the Government started to investigate the “scattering of the crowd with the army” Lederer opted for fleeing to Vienna.)<sup>41</sup>

## 2. Period of the revolution and freedom fight in 1848–49

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<sup>36</sup> A Nagy Francia Forradalom dokumentumai. [Documents of the Great French Revolution]. Compiled, translated and annotated by **Hahner, Péter**. Budapest, 1999. pp. 116-117

<sup>37</sup> A Nagy Francia Forradalom dokumentumai [Documents of the Great French Revolution] op.cit. p. 317

<sup>38</sup> A Nagy Francia Forradalom dokumentumai [Documents of the Great French Revolution]. op.cit. p. 441

<sup>39</sup> Alkotmányok gyűjteménye [A Collection of constitutions]. Compiled by **Jánosi Ferenc**. Pest, 1867. II. kötet. 180.o.

<sup>40</sup> Alkotmányok gyűjteménye [A Collection of constitutions]. Vol. II. op.cit. p. 230

<sup>41</sup> **Urbán, Aladár**: Az 1848. május 10-i katonai vérengzés a budai várban [Military Hecatomb in the Castle of Buda on May 10 1848]. In.: Hadtörténeti közlemények [Proceedings of Military History] 1968/1.

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It was the well-known practice of the freedom of association that – as a consequence of the revolutionary events – lead to the **demonstration on 15 March 1848**. (An event that since that time is indeed the example of all and any similar actions of protest.) Among other things, it was this very practice why authorities abstained from armed intervention.

One reasons why the April Laws of 1848 did not declare the freedom of association (and freedom of association), because they were deemed as acquired rights and practical legal institutions having been shaped by customary law.<sup>42</sup>

As a consequence of the revolutionary events, workers and the guild servants in Pest inhabited by more than a hundred thousand people and Buda with its population of 40,000 started to have increasingly radical claims. 17 April witnessed the first **general strike** of the guild servants of Pest. Soon after the Government could make an agreement with the strikers, they were to face a much more threatening conflict. Social discontentment grew to an extent where on 19 April the workers and guild servants armed with clubs and axes attacked their masters and the rich craftsmen. Unfortunately, this movement had an anti-Semite turn, because the nearly 2,800 guild masters of Pest and the 8,000 servants engaged by them were forced to cope with the competition of 500 Jewish guild masters and more than 600 craftsmen.<sup>43</sup> Partly under the personal control of the Prime Minister, the Government acted with utmost determination to suppress the disorder. The deployed army and national guards did clash with the perturbers. Many were injured, and some of the demonstrators were imprisoned.<sup>44</sup>

In response to these events, the Government prepared its Decree of 20 April, issued in accordance with the authorization granted by Article 32 of Act III of 1848<sup>45</sup>

*“For ignoble incitements, yesterday public order, the safety of private persons and properties suffered outrageous disturbances. There are some who abuse the liberty of public meetings. In order to preserve lawful freedoms, as well as to maintain public order being inseparably associated with such freedoms, the responsible government of the country intends to exercise their power having been granted to them by the words of law, and thus in the name of law they prescribe and order as follows:*

- 1. Criminal investigations and judicial proceedings have been ordered against those who continue and have in fact commenced the disorders yesterday, as well as who have assaulted the safety of the persons and properties of peaceful citizens.*
- 2. Whoever should be found guilty in the incitement against public order by law, they shall be held liable for the damage caused and the related costs.*

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<sup>42</sup>The example of England indicates that such regulations may as well be appropriate: in accordance with the English legislative approach „...assembly is in fact the conclusion drawn from the attitude of our courts of justices as declared in the subject-matters of personal liberties and individual freedom of speech.” See: DILEY, A.V.: Bevezetés az angol alkotmányjogba [An Introduction into English Constitutional Law]. Budapest, 1902. p. 28

<sup>43</sup>**Spira, György**: A negyvennyolcas forradalom hónapjainak munkásmozgalma a testvérvárosokban: Pesten, Budán és Óbudán [Labour Movements in the Twin Cities During the Months of the '48 Revolution: in Pest, Buda and Óbuda]. In.: A negyvennyolcas nemzedék nyomában [In Quest of the Generation of '48]. Budapest, 1973. pp. 270-271

<sup>44</sup>Munkásmozgalmak 1848-49. Iratok a Hungarian munkásmozgalom történetéhez [Labour Movements in 1848-49. Documents to the History of the Hungarian Labour Movement]. Edited by **Mérei Gyula**. Budapest, 1948.

<sup>45</sup>Pesti Hírlap [Pest Courier], April 20–21 1848

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3. *The public is hereby demanded to keep away from purposeless assemblies that can be driven to participate in the disorders. At the same time it is prescribed that if the disturbance of the order and peace should be continued like that, and the said assemblies would fail to disband peacefully even upon the three-time warnings of the commissioner of the civil authorities in the name of law, he shall invariably effectuate dispersal of the grouping by means of armed forces.*
4. *It is not just the need of order and public stillness, but the unprejudiced maintenance of the rights of people also call for the necessity that public meetings should not deteriorate into deranged disorder and rioting assemblies, and therefore Budapest shall be under the intermittent control of the police:*

*No one may assemble any public meeting, unless the associated time and place, as well as its clearly explained purposes have been notified to the President of the Municipality 24 hours in advance, and whoever should assemble any public meeting without such a preliminary notification, the authorities shall have the obligation to prevent the summoning of the public meeting, or if it has already been summoned, to disperse the same. Any person summoning the meeting shall be responsible to the police.*

*If the set purpose involves any realistic infringement of the law, the President of the Municipality is obliged to prohibit the summoning of the meetings, and in case in spite of such prohibition the public meeting should be summoned, the person concerned shall be punished as an agitator in the name of the law.*

*The President of the Municipality is obliged to take care that the public meeting may not be turned into violent outbursts, or the set purposes of the same may not be changed to any infringement of the law, and in such events the public meeting shall be dispersed, and all those who have summoned the public meeting, and who have effectuated such outbursts or the change of the set purposes by means of their orations and encouragements shall be held responsible, and subject to lawful penalties.*

*Citizens, while the freedom of the country is still awaiting for the stabilization of the lawful order, the disturbance of the order is the greatest enemy of lawful freedom. The Ministry expects from all the citizens, and in particular the national guards entrusted with the noble duty of maintaining the safety of private persons and properties to observe the sanctity of this law entirely, make every effort for this purpose with patriotic vigour that is the greatest of civil virtues in restless times.*

*It will not be deemed as an action in the interests of the people whenever anyone effectuates purposeless assemblies, and gathers the inhabitants with deceiving encouragements, because thereby the worker steals the most valuable treasure of the labourer, the craftsman and the trader, the time to be spent on work. And when he promises to help in the needs of the people, at the very same time he causes deprivation to the people by disturbing work and diligence.*

*The responsible Government deem it to their sacred responsibility to hear all and any demands, support and fulfill each and every lawful wish with their full power granted by law, but assemblies aiming at the infringement of law may not be tolerate, and they will never admit any violent claim of such assemblies.*

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*The Prime Minister and the Minister of Interior and Justice shall be entrusted with the enforcement of this Decree.*

*Pest, 20 April 1848.*

*Count Lajos Batthyány, Ferenc Deák, Baron József Eötvös, Gábor Klauzál, Lajos Kossuth, Count István Széchenyi, Bertalan Szemere.”*

It is obvious that the above decree restricted the freedom of association, but in spite of the extraordinary situation it strove for keeping the essential principle of the right. Gábor Klauzál, the Minister of Agricultural, Industry and Trade had personal negotiations with the guild servants to restore social peace. Then, on 09 June he issued a Decree on the guilds to better the situation.

Nevertheless, the commotion and disorder experienced in the capital city was not unique in the country, yet the Government remained passive in the face of the movements in the countryside. As concerning „*In the subject-matter of disorders at the meetings on 17 April 1848*” and due to the “public meeting and anti-Semitic movements” it was Arad and then Kassa (today known as Kosice) that were challenged by the determination of Bertalan Szemere, the Minister of Interior:<sup>46</sup>

**“Decree no. 216 dated as of 28 April 1848 by the Minister of Interior, on public meetings. (To the public of the township of Arad.)**

*The relevant part of Decree no. 216/B dated as of 28 April 1848 by the Minister of Interior to the public of the township of Arad: “And when legislation could acquire the treasures of liberty and responsibility in a lawful manner, and did rely on the irresistible moral power of unity, it had reasons to believe that the unity that replanted this precious tree in the soil of our homeland will not be dissolved in nurturing. However, they have been disappointed in their noble belief in a place where it could be hardly suspected – in a town that calls itself free, but fails to be free, that bears the title of culturedness, but dares to assault personal courage and act in despicable violence.*

*With resentful feelings, I had to receive the announcement of the disgraceful disorder wherein I perceive disobedience to normal leadership on the 17<sup>th</sup> day of this month, and at the same time an example that seem to be to the detriment of the town and its vicinity.*

*Therefore, to circumvent similar incidents, I herewith order as follows:*

*1., Whoever intends to summon any public meeting, the associated time, place and purpose shall be notified to the President of the Municipality at least 24 hours in advance in writing.*

*If the meeting is lawful, the President is obliged to grant his permission, but in case it should involve any infringement of the law or the violent disturbance of public order, he shall prohibit the same.*

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<sup>46</sup> **Rényi, József:** A gyülekezési jog [The Freedom of association]. Budapest, 1900. p. 232

**Rényi, József:** A Hungarian gyülekezési jog gyakorlati kézikönyve [The Practical Handbook of the Hungarian Freedom of association]. Budapest, 1903. from p. 5

**Révész, T. Mihály:** A gyülekezési jog Hungaryi fejlődéséhez [To the Development of the Freedom of association in Hungary] In.: Ünnepi tanulmányok Kovács Kálmán egyetemi tanár emlékére [Anniversary Studies for the Memory of Kálmán Kovács. University Professor]. Budapest, 2005. pp. 106–107

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*The President shall be in charge for any permitted public meeting not to be oriented in unlawful directions, and he shall announce the dispersal of such a public meeting, as well as punish all those who incite to infringe the law by means of their orations and encouragements, or who should continue the meeting even upon the announcement of the dispersal of the same.*

*If anyone should summon a public meeting in spite of the prohibition thereof, it shall be prevented by the authorities, and in case it has been gathered already, they shall disperse the same, and punish the person summoning the meeting as a agitator in pursuance with the relevant legal regulations.”*

It was Count **István Széchenyi**, the Minister of Transport and Public Work who – as being always very practical about the solution of social problems and the settlement of commotion – who tried to find a solution. First he made a – though not too successful – proposal to the Prime Minister, Count Lajos Batthyány that “*he should deploy a gendarmerie of 1,000–2,000 members... to maintain order and safety in the capital city.*”<sup>47</sup> Naturally, Széchenyi had a much more distant objective, wider approach than that. Basically, he found a proper solution not in violence to be applied against restless crowds, but in the creation of jobs, the improvement of social welfare. Therefore he paid visits to his wealthy acquaintances to encourage them to „*immediately commence construction works, partly to offer employment to the people of the capital, and partly to make them see that they can trust in the achieved conditions.*”<sup>48</sup> In addition, he initiated the development of the banks of River Danube in the Pest side: “*thereby to obviate impecuniosities and unemployment to some extent, as well as to eliminate the problems caused by the calamities of flooding.*”<sup>49</sup> Thereafter, he proposed that all around the edges of the city retrenchments should be built, and although initially the related financial burdens were regarded as excessive by both the Government and the Mayor, finally he could obtain the consent of the Cabinet.<sup>50</sup>

If it was needed, Széchenyi counteracted bloody conflicts even with his personal intervention. On the Sunday of the Pentecost, in the evening hours Italian soldiers accommodated in the Károly Barrack happened to come to grips with the Hungarian soldiers also staying in that place. In this incident, the frequent personal conflicts between individual soldiers serving in different corps grew into a fight involving the entire barrack. In a short while, the affair led to the use of weapons, and then to shooting that lasted up until midnight and left casualties behind. The citizens rang the alarms, the national guards drummed alert. Nevertheless, they could not enter the locked barrack where unarmed Hungarian soldiers were fired at. In his open coach accompanied by Palatine István, Széchenyi wheeled to the barrack where he could reach an agreement that for free withdrawal the Italian soldiers would surrender their weapons. When, however, the unarmed Italian soldiers left the barrack for the ship

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<sup>47</sup> **Kovács, Lajos**: Gróf Széchenyi István közéletének három utolsó éve 1846-1848 [Last Three Years of the Public Life of Count István Széchenyi]. Budapest, 1889. Vol. II, p. 99

<sup>48</sup> **Kovács, Lajos** op.cit. Vol. II. p. 100

<sup>49</sup> Der Ungar April 28 1848.

<sup>50</sup> **Spira, György** op.cit., pp. 185–186

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port, a provocateur started to inspire the mobbing crowd that they did not have weapons any longer, and thus revenge could be taken for the Hungarian soldiers having been killed. It was Széchenyi's composure that saved the situation. He rode to the stumper, and grabbing his ear he loudly said that what a pity it was for that nice neck, as the stumper was to be hanged immediately. In response of these words, the spirit of the crowd took a turn, and they started to laugh at the flunked person. In the meantime, the Italian soldiers could reach their ship safe and sound.<sup>51</sup>

The other incident took place on 08 June. Approximately a thousand people went to the bridge-building site to claim that foreign workers should be dismissed, and Hungarian workers should be employer instead. However, Adam Clark refused to make any arrangement with the mob. When the demonstrators were on the verge of acting violently, Széchenyi appeared to calm down the clamouring workers with a speech. In the meantime, the building team of the Chain Bridge having been armed under the order of Széchenyi could be deployed. Thus, the mob rather chose to scatter.<sup>52</sup>

## 2. Period of neoabsolutism

After the defeat of the freedom fight of 1848–1849, **Hungary lost her sovereignty**, the constitutional development having lasted for nine centuries came to a halt, and therefore the exercise of civil liberties became impossible.<sup>53</sup> As a consequence, for nearly ten years only passive resistance headed by Ferenc Deák seemed to be a feasible option.<sup>54</sup>

Finally, due to the successes of the Italian unity movement and to an even larger extent the national bankruptcy the Hapsburg regime was forced to review its policy and turn to allowances.<sup>55</sup> Once again, the Hungarian nation could trust her power and opportunities. **Demonstrations were launched by the students** of both Budapest and the countryside. In July 1860, a four-day series of demonstrations were sweeping across the streets of Pest. They were started by the students, then continued

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<sup>51</sup> **Urbán, Aladár:** A véres pünkösdvasárnap Pesten [Bloody Pentecost Sunday in Pest] In.: A nagy év sodrában. Tanulmányok 1848-ról [In the Drift of the Great Year. Studies on 1848]. Budapest, 1981. p. 265

Pesti Hírlap [Pest Courier]: June 14–15 1848

Jelenkor [Our Times] June 15 1848

Nemzetőr [National Guard] June 18 1848

Munkások újságja [Workers' Newspaper] June 18 1848

<sup>52</sup> **Clark, William Tierny:** An Account, with Illustrations, of the Suspension Bridge across the River Danube, uniting Pesth with Buda and the Adjacent Country, in the Kingdom of Hungary. London, 1852-53. p. 62

<sup>53</sup> Magyar alkotmánytörténet [A History of the Hungarian Constitution]. Edited by **Mezey, Barna**. Budapest, 2002. pp. 218–219

<sup>54</sup> **Deák, Ágnes:** Társadalmi ellenállási stratégiák az abszolutista kormányzat ellen 1851-1852-ben [Strategies of Social Opposition Against the Absolutistic Government in 1851–1852] In.: Aetas, 1995/4.

**Papp, József:** A passzív ellenállás a neoabszolutizmus korának mítosza? [Passive opposition as a myth of the age of neoabsolutism?] In.: Aetas, 2003.

<sup>55</sup> Az 1860 márciusában kipattant botrány: a hadiszállások körüli szédelgésekben egészen magas rangú politikusok is érdekelve voltak egészen a pénzügyminiszterig bezárólag.

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by the guilt workers, they resounded the name of Kossuth and Garibaldi, and encountered with the policemen deployed for the dispersal of the crowd. Imprisonment, cudgeling, forced recruitment proved to be insufficient means to suppress the demonstrations. At the celebration of the conservative nobles on 20 August, the people were listening to the words about the virile composure of the adherence to the ancient rights with their hats in the hands, and then cocking their hats they started to demonstrate and sing Garibaldi's song.<sup>56</sup>

Even the issuance of the **October Diploma** failed to calm down the series demonstrations in spite of the fact that those who were caught by the authorities became subject to forced recruitment or serious imprisonment. The army heavily countered the demonstration of 24 October, a lot of demonstrators were injured, some seriously. A 33-year-old plating craftsman even died. His funeral ceremony was attended by a crowd of 3–4,000. In many places, people removed the imperial coats of arms from the public buildings.<sup>57</sup> By the end of the year, the series of demonstration eventually eased off.<sup>58</sup> For instance, though held with huge military preparations, the celebrations on 15 March 1861 took place in proper order.

### 3. Period of Dualism

With the **Settlement of 1867**, Hungary regained her Constitution, and thus civil liberties were also reinstated. Nevertheless, the freedom of association on a legislative level were not regulated, where as the law on the right of assemble was adopted in Prussia on 01 March 1850, on Bavaria on 26 February 1850, in Saxony on 22 November 1850, in the Netherlands on 22 April 1855, in Austria in November 1867 (the word-for-word translation of this latter legislative act were transformed into the Croatian act on the exercise of the freedom of association dated as of 14 January 1875), in France 30 June 1881. On the other hand, in the face of the wide-scale objections against the Settlement from the opposition and the nationalities the Hungarian Government rather called upon the Ministry of Interior to regulate the order of procedure of public meetings in the form of a circular letter, precisely defining the contents of the measure. This intention led to the drafting of **Decree no. 128 of 1868 by the Ministry of Interior**:

*“1. The place and hour of any public meeting shall be notified in advance to the head of the authority, and any public meeting that should be held without such preliminary notification shall be dispersed by the authority. The dispersal thereof shall*

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<sup>56</sup> **Szabad György**: Az önkényuralom kora (1849-1867) In. Hungary története 1848-1890. Főszerkesztő: **Kovács Endre**. Budapest, 1979. I. k. 656.o.

Munkások és parasztok mozgalmi Hungaryon 1849-1867. iratok. Edited by Sashegyi Oszkár Budapest, 1859. 271-277.

<sup>57</sup> **Sashegyi Oszkár**: op.cit.: 277-304.o.

<sup>58</sup> A korábbi demonstrationskel szemben, ahol a súlyos sérülések történtek, a december 30-i rendőri jelentés arról

számol be, hogy két rendőr katona „az ellenállóktól harapást szenvedett.” Quoted by **Nemeskürty István**: Parázs a

hamu alatt. Világostól Solferinóig. Budapest, 1981. 305.o.

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*be effectuated so that an authority officer should call the people assembled to disband in the name of law, and if it should remain without success more serious measures corresponding to the given purpose can be applied so that military power may only be used in ultimate need.*

*2. The organizers of the public meeting shall bear liabilities to avoid and even prevent the public meeting from turning to incitement against the existing constitution, public order and laws, and therefore such organizers shall be registered by the head of the authority.*

*3. The authority is obliged to monitor the proceedings of all and any public meeting by means of a delegated officer, and if the said officer should experience that the public meeting has been turned into incitement against the law, constitution and public order, he shall disperse the public meeting as described in Paragraph 1 above.*

*4. The head of the authority is obliged to take appropriate measures for the punishment of those who have committed offences against the constitution, laws and public order at the public meetings without fail, and at the same time report such incidences to the police.”*

This Decree in fact representing the will of the Cabinet, however, did not comply with the prevailing **constitutional requirements** from several aspects. On the one hand, the freedom of association as one of the most essential civil liberties could only be regulated in the framework of a legislative act, while on the other hand it was not published in the repository of governmental decrees of 1868. Citizens could not obtain information on the fact what legal regulations in terms of level and contents should pertain to the permitting, controlling or dispersing of any of their public meetings.<sup>59</sup>

Although the circular letter no. 128 in fact repeated the provisions of the Decree of 20 April 1848, it proved to be extremely inaccurate. The lack of clear-cut regulation adopted on the legislative level resulted in the fact that the Freedom of Association was not expressly declared. The issue of **authority permissions** was not clarified to everyone in a manifest manner. On the other hand, the decrees issued almost invariably required “permissions”. The public lawyers of the day also opined that authorities were not to give any permission to meetings, as the related prohibition pertained only to incidences when the notified meeting proved to be unlawful.<sup>60</sup>

All these problems could also be perceived by the Government, as the Minister of Interior and the Minister of Justice were commissioned to work out their draft bill on the freedom of association and the freedom of association that was completed in **February 1868** under the title of **Draft bill on the freedom of association and the freedom of association**.<sup>61</sup>

The draft bill imposed a number of conditions and restrictions on the exercise of the freedom of association: planned meetings shall be notified in advance in writing to the mayors in towns and to the magistrates in the counties as designating

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<sup>59</sup> Révész, T. Mihály: op.cit.: pp. 109–110.

<sup>60</sup> Nagy, Ernő: Magyarország közjoga [The Common Law of Hungary]. Budapest, 1964. p 157

<sup>61</sup> The text of the draft bill has been published by Révész, T. Mihály op.cit. pp. 116–119

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the place and time of the meeting, as well as its “*exhaustively defined purposes.*”(Article 18) For political meetings, at least two, while for non-political events at least three such persons were to sign the notification who were Hungarian citizens over twenty years of age, and were the residents of the settlement of the venue of the planned meeting. Article 19 rules that the authority could decide at its own discretion upon the permitting of any meeting that “*would seriously threaten public order and peace due to the situation of the country, local conditions or circumstances.*” It must have been the fear of demonstrations that underlined the prohibiting norm stating that “*in the place of legislation and on the date when either of the houses or both of them hold a meeting, within one mile from the gate of the houses of the parliament, no meeting of political purposes may be summoned outdoors or open spaces.*”(Article 21)

It was the chairman of the meeting and the persons summoning the same who were held responsible for all and any damage arising from disorders. In addition, there were five points listing such incidents upon the occurrence of which the meeting should be dispersed by the authority: 1) if there occurred any deviation from the original purposes as specified in the notification, 2) if the participants “*have terminated to act in composed discussion.*” 3) if public order and peace should be threatened, 4) if the meeting should grow into incitement against the monarch or the constitution of the country, 5) if it should turn into rioting threatening public order and peace. (Article 20)

The most circuitous description of the reasons making the dispersal of meetings an obligatory action was the provision that gave way to the dispersal of the meeting “*if the meeting as surpassing the effects of theoretical discussion should be intent on encouraging and inciting to act in a manner that would be the task of the legislative body or the government.*”

Eventually, the government never put the draft bill forward to the Parliament, and thus for a long time this essential human right was not regulated on the legislative level.

Whenever the situation in the field of internal policy became uncertain, the Government tended to restrict the freedom of association by means of governmental decrees. In December 1877, the Cabinet headed by **Kálmán Tisza** had lengthy discussions on the “*large-scale disturbances of peace and order*”<sup>62</sup> experienced in public meetings. As a consequence, Decree no. 171/1878 by the Ministry of Interior was drafted – with a temporary effect – to make the conditions of permitting public meetings even stricter. Pursuant to the Decree, henceforth meetings could be held only when they were notified to the administrative authority three days in advance of the planned date, and 6–10 “*such respected local individuals, on whose reliability the authority permitting the public meeting is ascertained*” undertook the commitment in writing to “*assume all and any liabilities for any damage, offence.*” The Decree generated wide-scale uproar, and thus eventually the Government withdrew it. Consequently, the old-standing regulations remained in force.

In the age of Dualism, every effort was made to keep the freedom of association under the strictest possible control. The authority was entitled send an

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<sup>62</sup> Quoted by **Révész, T. Mihály** i.m p. 114

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**authority commissioner** to public meetings to exercise **supervision rights**. This right to send an authority commissioner could be exercised by the local police authorities acting for the regulation of assembling (chief police officer, police superintendent, magistrate), and accordingly their delegate could only be their own officers. The authority commissioner had the right to review the document on the notification of the meeting, demand any person attending the meeting with any arms, weapon to leave, and request references, information on any person or issue in case such measures also belonged to his scope of monitoring tasks. He could also request information on the personal identities of the people holding speeches at the meetings. The authority commissioner also exercised supervision in order to ascertain whether the event took place in the place and at the time, as well as for the purposes as they were notified in advance, in particular for processions whether the pre-specified routes and conditions were complied with. He could warn the leaders of the meetings to reprimand those speakers who happened to make unlawful declarations, and in case such action would prove to be futile to refuse the floor from these speakers. (Such rules were set forth only in the most conservative legislative regulations, such as in Saxony.) According to the 1894 report by the police superintendent of Budapest: *“As occasioned by any public meeting, for the purposes of maintaining public security and public order the police at its own responsibility may initiate police measures, and order one of its representatives as an authority commissioned to exercise the rights of supervision and control over all and any public meetings. The delegated authority commissioner may not directly intervene in the activities of the rally, but only by way of the organizers and leaders of the meeting.”*<sup>63</sup>

As an ultimate instrument, the authority could initiate the dispersal of any meeting if unlawful incidents or actions threatening the public order took place. The same option of dispersal was applicable to meetings that were not notified in advance. In the event of any such dispersal, first the authority representatives were to demand the attendees to disband, and in case such a demand proved to inefficient military forces could also be deployed.<sup>64</sup>

The police authority could just in exceptional cases refused to **acknowledge the notification of any meeting**. E.g. if there were disorders, commotion in the country, or if the holding of the meeting involved the potentials of disturbances in public order, violations of personal security or the safety of properties, crimes, or in case the meeting by its purpose was concerned with subject-matters oriented against the state or public order, or public and private bodies, persons, or if the very purpose of the meeting involved crime, e.g. praise of any crime or offence, incitement against any legislative act or governmental decree, military order, etc. Acknowledgement could as well be rejected if the subject-matter of meeting was any assault against the government, the fomentation of conflict between religious denominations, incitement against certain social classes, or if the persons summoning the

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<sup>63</sup> Quoted by **Rényi, József**: Gyülekezési jog [Freedom of association] In. Magyar Jogi Lexikon [Hungarian Encyclopaedia of Law]. Edited by Márkus, Dezső, Budapest, 1900. Vol. III. p. 838

<sup>64</sup> **Kaveggia, Béla**: Munkásmozgalmak és államrendészet [Labour Movements and State Law Enforcement], Budapest, 1912.pp. 13–16

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meeting did not offer sufficient guarantees for the non-occurrence of major illegal acts and irregularities. The meeting might be rejected in the event of large-scale worker strikes, epidemics, or if the concealed purpose of the meeting was the organization of some procession or demonstration to disturb social order. Finally, if the place that was to serve as the venue of the meeting was not adequate. E.g. if it were to held in any street or square where the meeting was consider to hinder traffic.<sup>65</sup>

As reflected in the foregoing, in the lack of proper legislative regulations the contemporary practice could opt for the prohibition of meetings in a broad range (and quite arbitrarily). Due to the large agrarian demonstrations, this tendency was strengthened by the decrees issued in the 1890s. For instance, **Decree no. 766/1898 by the Ministry of Interior** on public meetings: *“Pursuant to Decree no. 216 dated as of 28 April 1848 and no. 128 of 1868 by the Minister of Interior, as well as the legal practice effectuated in the light of the said Decrees, public meetings shall be notified to the authorities of first instance at least 24 hours in advances, and may be held only on the basis of the permission obtained by way of such notification. In order to enforce this prohibition, the organization of any public meeting without regular notification and permission, the participation therein, as well as the continuation of the public meeting having been dispersed by the authority shall qualify as an offence in accordance with Article 1 of Act XL of 1879, and the perpetrators thereof shall be sentenced to 15 days of imprisonment and a fine up to 100 Forints. I herewith inform the municipalities accordingly for acknowledgement, observation and further measures.”*

*“Circular letter no. 768 of 1898 by the Minister of Interior to all the municipalities save for Budapest on the prevention of the activities of travelling socialist provocateurs:*

*With respect to the socialist movement spreading in the country to an increasingly threatening extent, I have experienced that by violating the legal limits and relying on the ignorance of the people socialist provocateurs misdirect the public with various unfeasible promises: they evoke and nourish hate against the propertied classes, disroot the respect for the authorities and laws, and exterminate the love for the motherland from their breasts.*

*Such provocations have already grown their sad fruits: the misled people have assaulted authority representatives in several places so that public peace, the safety of private persons and properties could only be maintained with the use of arms and human casualties, and while many of the rebels have been imprisoned, the actual provocateurs could avoid the severity of the law, and continue their hidden activities to keep the majority of the country continuously in perturbation, which represents grave threats on public peace, as well as the safety of private persons and properties. And as under the current conditions, these provocateurs can perform their pestiferous practices so that they can nearly always slip out from the retaliatory hands of the punishing jurisdiction to make the entire situation even more dangerous, therefore administrative and police authorities being in charge of maintaining order and public security against them have to shoulder the task of counteracting the menace threatening the internal peace and legal order of the country, as well as to make every effort – as using all the available lawful means – to prevent these provocateurs from attending their dangerous activities.*

*Therefore, I am demanding from the municipalities to order their authorities to watch these socialist provocateurs with the most alert attention, to keep such local inhabitants under permanent supervision, to remove those of external habitation from their own administrative*

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<sup>65</sup> Kaveggia, Béla: op.cit. pp. 13–16

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*area – in accordance with the effective regulations – without fail, and even prohibit them from entering the respective territories, and against those returning in spite of such prohibition to act as pursuant to Article 70 of Act XL of 1879; in case authorities are informed on the depart of the provocateurs residing in their own areas to the territories of other municipalities to notify the competent authorities – for the purposes of appropriate measures – even by means of telegrams. I have ordered the police superintendent of Budapest serving for the Hungarian Royal State Police to notify any competent authority on any intent of socialist agitators to travel from the capital city to the countryside as soon as they become aware of such facts.*

*It is obvious that in all and any cases when incitement in conflict with the effective criminal laws or crimes to be officially prosecuted seem to occur, retributive actions at the competent royal courts of justice or prosecutors shall be promptly taken.*

*In Budapest, on 18 February 1898*

*Perczel”*

**Decree no. 1340/1894 by the Ministry of Interior:** *“public meetings wherein the entire stoppage of work and actions towards such ends are discussed, the modes of collaboration are ascertained, or measures for the lawful collaboration and the continuation of work are renounced may not be permitted, and if a meeting notified for any other purposes should be used for such conspiracy shall be dispersed.”*

*“Decree no. 2309 dated as of 19 March to amend Decree no. 2541 906 by the His Majesty’s Minister of Interior issued under no. 766 of 1898 on public meetings:*

*By means of his Decree 766 dated as of 18 February 1898, my predecessor in office has qualified the holding of public meetings without proper permissions to be offences. I have experienced that the authorities often interpret the said Decree mistakenly, as it is applied only to meeting held outdoors or public premises. As, however, it should be determined by the public subject matters of these meetings, it is required to declare that any preliminarily summoned meeting with the purpose of discussing public matters, as well as the control thereof and the making of any associated resolution on the same shall be deemed as such meetings that fall under the effect of the above-referenced Decree.*

*Budapest, on 19 March 1906. Kristóffy, Minister of Interior.*

*b) Notification of meetings*

*Circular letter no. 3441 1897*

*Witnessing that certain police officers are not properly informed on the obligation to notify meetings, and not aware of the procedures to follow against unnotified meetings, in order to circumvent incompetent police interventions that may give grounds to righteous complaints I herewith call the attention of all the police officer to the provisions of Decree no. 216 of 1848 and no. 128 of 1868 by the Minister of Interior wherein it is declared that whoever intends to summon a public meeting, the time, place and purposes of the same shall be notified in writing to the head of the authority at least 24 hours in advance, and in case such a meeting should be held without proper notification, it shall be dispersed by the authority, Such dispersal shall be effectuated so that an authority officer should demand from the attendees to disband in the name of law, and if this demand has been futile, stricter regulations in the light of the actual purpose may as well be applied.*

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*Consequently, ordinary and extraordinary general and board meetings – to be held in accordance with their respective constitutions – of societies, bodies, cooperatives associations that have constitutions attached with lawful presentation clauses, as well as professional meetings summoned by individuals or committees, or by any society, cooperative or association shall not be subject to this obligation of notification, and thus the circumstance that such a meeting has not been notified to the competent police department in accordance with the legal practice of the capital city, Újpest and Rákospalota may not serve as a cause for the dispersal of such a meeting.*

*On the other hand, subject to this obligation of notification are meetings summoned by any individual, committee or any other society, body, cooperative or association for any purpose so that it can be attended by any person, and such meetings – in case they should be held without the required notification – may be dispersed.*

*And as concerning such dispersal, I hereby order that pursuant to the associated provision of the above-referenced Decree by the Minister of Interior any dispersal shall be invariably effectuated by a police officer, preferably an officer of the acting police, and that in cases wherever any doubt may occur in the issue whether the meeting may be dispersed or not, such an issue shall be put forward to the police department without fail.*

*In Budapest, on 12 March 1897*

*Béla Rudnay, Police Superintendent*

*c) On the dispersal of meetings*

*2845 1907. It has actually occurred that one of the officers of the acting police department did disperse a meeting of a society that had properly approved constitution, and the meeting had been summoned in accordance with the constitution still before ascertaining whether the meeting was subject to the obligation of notification or not.*

*In order to prevent the recurrence of such an incorrect measure deteriorating the respect of the authority, as well as for the purposes of acknowledgement and strict observation, I hereby declare that pursuant to Decree no. 216 of 1848 and 128 of 1868 by the Minister of Interior, only public meetings that can be attended by anyone shall be subject to the obligation of notifying the competent authority, and thus only such meetings may be dispersed or held without any notification.*

*The meetings – to be held in accordance with their respective constitutions – of the local bodies (branch societies, local groups, specialized teams) of societies and national worker associations being subject to their constitutions and having been provided with lawful presentation clauses shall not be subject to the obligation of notification even if such meetings are not held in their own society premises.*

*As concerning the dispersal of the meetings, I hereby order that such an action should be preferably performed by such an officer belonging to the acting police department who is to act under his own personal liabilities and with the largest possible care, and in the case of any doubt he shall report to the police superintendence as soon as possible.*

*Budapest, on 23 March 1907.*

*Dr. Dezső Boda, Police Superintendent.*

**The police authorities ordered for the maintenance of order in the streets – according to the official position – were to take care that the traffic in the streets should not be blocked by the demonstrators, the crowd would not shout incentive, violent or treasonous**

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cries, and altogether public order, the peace of the city and the citizens, the normal course of business life would not be disturbed to any large extent. It was the task of the police to extricate people committing treason, inciting against the law and public order from the crowd and file process against them. In addition Decree no. 3710/1874 by the Ministry of the Interior forbade the use of red flags, thus these had to be confiscated. If the crowd counteracted police measures, their behaviour caused public scandal, they were noisy and loud, damaged private or public property, insulted individuals verbally or physically, the meeting had to be terminated by the police and the participants of the demonstration were to be dispersed. If the crowd would not disband after repeated calls, then the dispersal had to be carried out by the police force. The use of swords was also allowed in the case of further disobedience, violence against the authority, armed resistance. If the police force proved to be dissatisfactory, the army could be called upon for help (Act XXI of 1881). When the army arrived, the commanding police officer – accompanied by drumming – demanded the disturbers to disband peacefully “in the name of the law”, and warned them that armed military force would be used in the event of any disobedience. The demand was to be repeated twice if the crowd proved to be disobedient, and then he had to call called the commanding army officer to enforce the law by force. The commanding army officer then ordered the army troops at his own responsibility. He surrendered the right of additional measures to the police when the order had been restored.<sup>66</sup>

The decrees mentioned above and the official policy of the authorities with respect to those exercising their freedom of association, in particular in demonstrations, although being very **retrograde** themselves were not even put in the practice in each case. The authorities would not even meet these rules every time, and thus there were several dozen bloody clashes, atrocities in the age of the Dualism that is in general considered as a “happy, peaceful, historical period”.

**János Asztalos**, one of the organizers of the Democratic Circles summoned a meeting on 13 April 1868, the day before the anniversary of the Declaration of Independence in Kiskunfélegyháza. The army fired into the crowd leaving behind human casualties. Asztalos was arrested.<sup>67</sup>

The **movement and demonstrations of the paupers in the 1890s** began in Orosháza and Battonya. The lawfully announced meeting at Orosháza – according to the report in the *Népszava* – was dispersed by the gendarmerie as follows: The gendarme commander rushed into the room of the meeting and said: “*The foreigners should get out, those who still want to see their families should go home, who do not want to leave his family orphan, do not want to kick the bucket here should leave, because there are 32 cartridge balls with each gendarme.*” In the meantime, there gathered so many gendarmes in Orosháza as if the town would have been under siege.<sup>68</sup> However, on 01 May there occurred a number of injuries. Some were throwing stones, and the soldiers with pointed bayonets together with the gendarmes charged the crowd. They were hitting people with swords, gun-stocks, and a few shots were also heard.

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<sup>66</sup> **Kaveggia, Béla:** op.cit. pp. 41-43

<sup>67</sup> **Pölöskei, Ferenc:** Az 1868-as alföldi parasztmozgalom [Peasant Movement in the Great Plain During 1868]. In.: Századok [Centuries], 1956/1-2.

**Krajnák, Nándor.** Az Asztalos-féle parasztmozgalom Kecskeméten [Asztalos' Peasant Movement in Kecskemét]. Kecskemét, 1961.

<sup>68</sup> *Népszava*, 17 April 1891.

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The gendarmes acted very aggressively for the insults they had suffered since the morning. They beat anyone who would come in to their way in the streets without exceptions.<sup>69</sup>

The next clash took place a day later in **Békéscsaba** at the weekly fair. The workers attacked the magistrate who rushed at them rudely, and then they marched to his office, and there clashed with the army. One man died, several were injured. The following day again, two thousand people went to the city hall, and demanded the release of the arrested. An entire battalion was ordered out against them. The government declared the state of siege, and appointed a commissioner to Békés County, disincorporated the workers' circles, arrested the rebels. The rebellion spread quickly to the neighbouring settlements and counties. The next clash took place on 21 June in **Battonya**. In front of the town hall, Dimitru Pakurár started to collect signatures for his application to improve wages. The gendarmes caught and beat him. The outraged crowd clashed with the gendarmes who used shotguns. The result was three left dead and many injured.<sup>70</sup>

Persons participating in the events in Orosháza and Battonya were soon after sentenced to jail or prison for a few months up to 4 years by the court, mostly for violence against official personnel.

The events in **Hódmezővásárhely** on 24 April 1894 took a similar fashion. **Kovács János Szántó** was arrested by the police. Hearing this news, the crowd began to demand the release of Szántó Kovács, and threatened to siege the town hall. Three gendarmes rushed to the help of the police who shot 16 shots from their revolvers into the crowd. One man died and six got injured as a consequence. The gendarme sergeant proudly told in his report: "*I shot him. I saw that he was picking a stone, I told him: Put the stone down! But he threw it at me, and I shot him.*"<sup>71</sup>

The gendarme's use of weapon was judged to be lawful by the court. On the other hand, many of the arrested demonstrators were actually sentenced. The proceedings of Szántó Kovács and his 124 associates took place on 05 May 1895. Szántó Kovács was sentenced to 5 years in prison, 25 other people were sentenced to imprisonment of shorter terms. Those proven to have been throwing stones were sentenced for 1–3 years in prison. Prosecutor Dobák told in his indictment: "*In an ordered state having proper government and constitution, where the social state, the rights and obligations of the citizens are subject to protection by law, a company based on principles like this may not be tolerated for even a minute, and the members having and spreading such confounding thoughts against the state should be sent to prison or bedlam as depending on the fact if their acts were deliberate or unconscious.*"<sup>72</sup>

The next fatal line firings rang on the **mine country of Resica Anina**. Sixty-nine miners died in a mine accident. In addition, the pension contributions and the pension age

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<sup>69</sup> Orosházi Újság [Orosháza News]. 03 May 1891.

Orosházi Közlöny [Orosháza Bulletin]. 02 May 1891.

<sup>70</sup> Arad és Vidéke [Arad and Vicinity], 22 June 1891

**Gabona, Béla:** A magyarországi agrármunkásmozgalom története (1890–1900) [History of the Agrarian Worker Movements in Hungary (1890–1900)] Budapest, 1934.

<sup>71</sup> Quoted in Magyar Munkásmozgalom Történetének Válogastott Dokumentumai (1890–1900) [Selected Documents of the History of the Hungarian Labour Movements (1890–1900)] Edited by

**Erényi, Tibor, S. Vincze, Edit.** Budapest, 1954. II. k. p. 258

<sup>72</sup> Magyar Munkásmozgalom [Hungarian Labour Movement] op.cit. II. k. p. 263

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were both increased by the mining company. More than 2,000 miner refused to work on 20 January 1897, and visited the directors with their wives and children. Eleven people died in the gendarme shootings. The managers of the mine were imprisoned. Still that year, gendarmes shot into the crowd in several locations leaving altogether ten people dead. The **Bánffy Government** applied a wide range of retaliatory measures from the spring of 1898 to the spring of 1899. The gendarmes killed 51 people.<sup>73</sup>

The situation became so unbearable by 1904 that **István Tisza, Minister of the Interior** banned the meetings of workers:

István Tisza, Minister of the Interior's **circular letter** to the magistrates on **16 January 1904** on the prohibition of worker meetings:

*“According to reports I have received, the leaders of the Social Democrat Party have recently sent their agents and representatives to certain parts of the country to organize meetings, and thus the authorities find themselves more and more frequently in situations wherein they are to decide on the permission of these meetings.*

*In general, I wish to interpret the freedom of association the most liberal way as far as possible, because the false thoughts being disseminated among the people bear their antidote within themselves, and such unclear currents usually die a natural death due to the sobering of the people. I consider measures to stop, inhibit or forbid this natural process as justified only where they are absolutely necessitated with respect to public safety and the order of the state.*

*As I was sorry to hear that these meetings only caused the disturbance of the quietude and peace of the people, assaults against public order and public safety in several places, I hereby authorize the police authorities to decline – until my reverse order – the acknowledgement of such meetings notified for such purposes on the basis of justification by these causes.*

*Upon notifying the Chief Reeve on these measures, I am asking him to observe and direct the processes of the police authorities in connection with the permission and prohibition of meetings in accordance with my intention. Tisza.”*

Despite the prohibition, 31 demonstrator and 1 gendarme died in **Élesd** on 01 April 1904 at the meeting of the Independence Party. They intended to disperse a crowd of 5,000 with a horse-troop charge. The cavalry officer was first thrown with stones, then his sword was knocked from his hand with a stick. Then one of the cavalry soldiers hit the man standing next to him on the head with his sword. Someone shot one of the gendarme sergeants, and 31 people died in the firing of the gendarmes.<sup>74</sup> The demonstrators were sentenced to prison or jail for 6 months up to 4 years by the court of Nagyvárad.<sup>75</sup>

Thereafter, the demonstrations were increasingly relocated to Budapest. There, tens of thousands or even hundreds of thousands of people went to the streets or to the Parliament. (06 September 1905, 13 October 1907, 04 October 1908, 30 July 1911, etc.)

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<sup>73</sup> A Hungarian foradalmi munkásmozgalom története. Budapest, 1966. 38-39.o.

<sup>74</sup> Népszava, 26 April 1904, 28.

<sup>75</sup> Népszava, December 29 1904

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Approximately 100,000 workers started their demonstration **on 13 May 1912** upon the associated call of the Social Democrat Party. They demanded the Government to resign and general suffrage. The fore-posted police cordons were swept away in several places, and the crowd marched near the Parliament Square. The Parliament gradually turned into a huge castle under siege. The workers built barricades from trams and other equipment at several points, and were throwing stones at the police. Five worker and one policeman died in the clashes. Famous writers, poets and journalists reported on the events (Dezső Kosztolányi, Mihály Babits, Ferenc Molnár, Endre Ady, László Fényes, etc.). From these reports, it is known that in many cases peaceful people accidentally passing by were also assaulted and injured by the police. Even the journals supporting the government wrote in sympathy for the demonstrations.<sup>76</sup>

The demonstrations were continued on 24 May. Especially because the employers closed down the factories, and thus the workers could not go to work. They built barricades again, and threw stones at the gendarmes.

The freedom of association was re-regulated a year later in a more detailed and precise decree (**Decree 7430/1913 by the Ministry of Interior**):

*The rules on the freedom of association is determined by old-standing, partially outdated decrees whose retrieval and the selection of the parts being no longer in effect may serve as a basis of misunderstanding and mistaken measures.*

*The freedom of association is one of the outstanding civil liberties, thus it is desirable and even more necessary that the relevant regulations should be determined with definiteness as excluding any doubt and mistake until the legislation acts upon this issue.*

*In connection with this issue, I perceive the necessity to take measures towards the retorting of misuses that occur more and more frequently from the crowd gathered together to hold public meetings or demonstrations, as well as beyond the scope of such gatherings – as a result of the political passions of parties –, and are expressed in various violent actions under the pretense of the declaration of political opinions, as they frequently threaten the personal safety, the physical soundness and the sanctuary of property.*

*Act XXIII of 1913 on the criminal law protection of suffrage sets forth severe punishments against those who disturb or prevent the free exercise of voting rights by throwing or other violent, threatening or shameful actions.*

*The purpose of these orders is to ensure the exercise of political rights by anyone. As no nation in love of freedom and respect of laws interprets the exercise of political rights and the freedom of opinion so that the followers of one party could use all means of terror against the followers of another party.*

*It is arising from the nature of the issue that the same purposes and principles should be valid in order to protect the exercise of civil liberties, as well.*

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<sup>76</sup> **Erényi, Tibor**: A vérvörös csütörtök 1912. május 23 [Blood-Red Thursday, 23 May 1912]. Budapest, 1952.

**Remete, László**: Barikádok Budapest utcáin, 1912 [Barricades in the Streets of Budapest, 1912]. Budapest, 1912.

**Kabos, Ernő**: A Vervörös csütörtök ötvenedik évfordulójára [To the 50th Anniversary of the Red-Blood Thursday]. In.: Párttörténeti Közlemények [Party History Proceedings], 1962.

Collected Poems of **Babits Mihály**, Budapest, é.n. p. 154

Collected Poems of **Ady Endre**, Budapest, 1955. Vol. II, pp. 60-61

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*The protection of such rights does not represent the limitation or prejudice of the said rights, but by retorting against the misuses it wishes to prevent such infringing acts that make the exercise of civil and political rights difficult or even impossible.*

*With a view to the foregoing – partly in line with the regulations still in effect, in particular the qualifying and punishing regulations of Circular Letter 766/1898 by the Ministry of the Interior on public meetings, and partly with the intention of jurisdiction as expressed in Article 148 of Act XIV of 1913 and Article 19 of Act of XXIII 1913, and as based on Article 1 of Act XLI of 1879 I hereby order as follows:*

*A) Public meetings*

- 1.) Public meetings (rally) may only be held if it is notified in writing at least 48 hours in advance to the superintendent of the Hungarian Royal State Police in Budapest Capital, to the police superintendent of the municipality, to the regional magistrate of the town by at least four trustworthy citizen with their own rights who live in the given township (village) as designating the place, purposes of the meeting, as well as the exact time thereof, and presenting the detailed list of issues and the police authority acknowledges the same.*
- 2.) The police authority shall acknowledge the notification of the meeting if the purposes thereof are not to the contrary of law, and holding the same would not foreseeably threaten public and property safety, public order or public health.  
If the purposes of such a meeting should be in conflict with law, or it is aimed to the violation of public order, the police authority is obliged to prohibit the meeting. Such prohibition may be issued after the acknowledgement of the notification if it comes to their knowledge later that the causes of prohibition are existent.*
- 3.) The police authority is obliged to make their related declaration in the first part of the period within the notification and the starting time of the meeting. The final decision on the prohibition shall be properly justified. There is a possibility for gradual appeal against such a decision.*
- 4.) The notifiers and organizers of the meeting, as well as the members of the board (official board) after the acceptance of their election are also responsible for observing the order, and for any incitement against the constitution, law and public order be prevented at the meeting. The meeting may not be attended in arms.*
- 5.) The leaders, organizers and members of the board may not be foreign citizens. Foreign citizens may only speak at such meetings with the approval of the police authority.*
- 6.) The police authority may represent itself in each public meeting by way of its representative.*
- 7.) The delegated person is obliged to observe the course of the meeting, and in the event of any incitement against the constitution, law or public order or disturbance call the president (board) to prevent those events, and if so required to disband the meeting, and if such a demand would not result in the desired success, declare the meeting disbanded or as the last resort to have it dispersed by armed forces.*
- 8.) The board of the public meeting is obliged to effectuate the orders of the authority representative aimed at the maintenance of public order and the lawful conduct of the meeting, or else the dispersal of the meeting.*

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- 9.) *Orders stipulated in Sections 1–8 shall not be applicable to authority meetings and the meetings of societies with countersigned statutes, nor to the meetings of trading companies and associations, bursaries etc. incorporated pursuant to separate law.*

*B.) Public meetings and demonstrations held outdoors*

*Public meetings and demonstrations outdoors may only be held with the approval of the police authorities as to be granted on the basis of preliminary notification.*

*Festivities and processions (public feasts) that are based on folk customs, clerical processions, pilgrimages, weddings or funerals etc. shall not be subject to notification and permission if they are held in the usual way.*

*The provisions of Section A) 3–8 of this Decree shall be adequately applied to public meetings and demonstrations (processions) with the addition that the exact routes of such demonstrations (processions) shall also be notified.*

*If it does not fall under more severe vindictory sanction, in the case of violation imprisonment for up to 15 days and penalty fine up to 200 Koronas shall be imposed to:*

- 1.) any person who organizes or attends a public meeting or demonstration without notification, or in spite of the prohibition of the police authority, or without a permission if such a permission is needed,*
- 2.) any person who attends a public meeting or demonstration armed, or disturbs the order, or does not abide with the order of the authority issued for the purpose of maintaining public order or disbanding the same,*
- 3.) any person at a public meeting or demonstration or in the crowd summoned to hold a public meeting or demonstration or – for party passion – outside of a public meeting or demonstration either in group or alone should throw things at anyone else, or make a violent, threatening or shameful act against anyone else,*
- 4.) any person being a member of the board of any notified and permitted public meeting should not effectuate the orders of the authority representative aimed at the maintenance of public order, the lawful conduct of the meeting or the dispersal of the meeting.*

*The judgment of these violations shall fall within the scope of competence of the administrative authorities acting as police criminal courts, or the Hungarian royal state police within the territory of the capital state police.*

*Finally, I hereby warn the administrative authorities and media that they are deemed to act in the protection of the properly interpreted civil liberties if they ensure the free exercise of the same.*

*Consequently, it is required that this Decree shall be enforced tactfully, but with determination and strength as required.*

**4. The period of the Civil Democratic [the so-called Aster] Revolution and the Soviet Republic**

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A very contradictory situation arose in the time of the **Aster Revolution**. The Károlyi Government unilaterally started to disarm the Hungarian army, which concluded in tragic outcomes. Dismissed soldiers were wandering about in the country, while an increasing number of people fled towards the center of the country from the hostile attacks. A part of the army dismissed from the barracks and the frontlines combining with the rabble began foraging. Armed clashes with the National Guard and the gendarmerie took place in several places. The bloodiest event occurred in **Fanád**, Krassó-Szörény County, where the gendarmerie asked for help when they could not be in control of the disturbances. An airplane was sent there, and it started to throw bombs upon arriving over the crowd. According to the press reports of the period, 104 people died.<sup>77</sup>

Martial law was put in place in several places in the country. Line-firings rang, a long series of executions began. 150 men were executed only in Muraköz at the end of November, but the total number of victims was above 200. Several hundreds of men were cruelly tortured and whipped in Szabolcs County. There were 1,000 arrests and 75 casualties specified in the report of the President of the Court of Nyíregyháza.<sup>78</sup>

While the country in fact was in the state of civil war, **People Act III of 1919** regulated the freedom of association as irrespective of the potentials of practical enforcement. Article 2 of the said People Act declared: *“No authority permission or notification shall be required for the establishment of an association or gathering.”* In this case how can the authority be informed on any large number of people holding a meeting in one of the squares or streets of the town?

**Article 9 of the Constitution of the Soviet Republic** declared: *“The freedom of rally in the Soviet Republic is absolute. Each proletarian is entitled to assemble freely and hold demonstrations.”* These rights might as well be subject to criticism on the grounds that whoever is not a worker and proletarian, but a peasant, public servant, intellectual worker, etc. holds no freedom of association? How can the phrase “worker” or “proletarian” be defined? Who belongs to this group? Are these phrases synonyms? But all these questions are of no significance, since in a dictatorship nobody has the right to organize or lead a protest, demonstration.

## **5. The Horthy Era**

Due to the uncertain political situation and the **social discontentment** in the Horthy Era, the freedom of association was first restricted (Decree 55010/1920 by the Ministry of Interior, Decree 38061/1922 by the Ministry of Interior, Decree 11.004/1921 by the Ministry

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<sup>77</sup> Arad és Vidéke [Arad and Vicinity]. 07 November 1918

<sup>78</sup> **Siklós, András**: A polgári demokratikus forradalom [History of the Civil Democratic Revolution]. In.: Magyarország története 1918–1919, 1919–1945 [History of Hungary, 1918–1919, 1919–1945]. Chief Editor: **Ránki, György**, Budapest, 1976.

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of Interior, Decree 6000/1922 by the Ministry of Interior) and only Decree 34.100/1922 permitted the holding of public meetings in public areas.

The authorities were entitled to disperse meetings by police force. Such dispersal was to start with warning of the people being present. If they failed to obey, the police was entitled to use manual force, flatling, batons, deploy police dogs, apply troopers. The **gendarmerie** used the means of dispersal the most drastically. Section 68 of the Service Regulations of the gendarmerie on the dispersal meetings ruled that if the warning remained ineffective, immediate bayonet charge could be ordered. If even the bayonet charge failed to bring about the desired result, shotguns might as well be used. The Service Regulations specifically ordered as follows for such case: *“the main accomplices, agitators and most dangerous counteractors shall be targeted on which the commander may separately instruct.”*

As soon as the **Bethlen Consolidation** began to take effect, there came the period of economic depression (1929–1933). As a result, various demonstrations and protests followed from 1930. Even Governor Miklós Horthy raised his voice against the demonstrations: *“Taking politics to the streets is equal to letting blind passions rule instead of wise consideration.”*

The **demonstration** organized by the Council of the Trade Union and the Social Democratic Party on 01 September 1930 proved to be the largest of these events. The authorities were also prepared for the day. They tried to obtain information through their paid agents on where and what size of a crowd was anticipated to demonstrate. The army was mobilized in addition to the police. The capital had been occupied by the army and the police on the previous night. The associated plan of the police was based on the administrative districts, while the army delineated eight alarm zones for an armed force of approx. 5,000–6,000. The police mobilized 2,658 unmounted policemen, 222 bicycled policemen and 259 mounted troopers, i.e. together with the police inspectors and under-officers a total number of 3,562 men. Thus, the aggregate number of armed force nearly reached up to ten thousand, which, however, did not include those gendarmerie forces that had not been transferred to the capital, but were quartered in the nearby villages.

The clashes began in the morning of 01 September. **Attila József** was among the demonstrators at the corner of Szív Street, and he was likely to write his poems entitled “Tömeg” [Masses] as based on his experience:

„Munkát! Kenyeret!  
Munkát Kenyeret!  
Jön a tömeg, jön a tömeg!  
Mint a megriadt legyek  
Röpülnek róla a kövek.”

[Work!Bread!  
Work! Bread!  
There come the masses, there come the masses!  
Like frightened flies  
With stones winging from them.]

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The police attacked the demonstrators with flaps in several locations, and forced them to the siding streets. Despite, the demonstrators marched on towards the City Park. The flatling policemen encountered showers of stones, cobbles more and more frequently. Coal pieces taken from the coal-carriages were being thrown, as well. A barricade was built next to the lake in the City Park. One worker died, more than 70 demonstrators and a few policemen were seriously injured, several hundreds of men suffered minor injuries in the course of the clashes. 159 person were arrested.<sup>79</sup>

As an outcome of these demonstrations, **Governmental Decree ME 4980/1931** prohibited the holding of political meetings, demonstrations, processions, again. Although **Governmental Decree ME 6050/1932** excluded political meetings held in closed areas by political parties represented in the Parliament from the scope the prohibition, **Governmental Decree ME 1570/1933** ruled for full prohibition once again.

**Act II of 1939** on home defense vested special authority to the Government. Governmental Decree ME 8120/1939 drafted under the preparations for the war required full-scale prohibition, and not only for political meeting, again.

## 6. Period of the Soviet-type Socialism

It was still prior to the end of World War II when the **Minister of the Interior of the Provisional Government** constituted by the representatives of several parties regulated the political and economic meetings, demonstrations and gatherings under the title of “On the notification of meetings”. Article 1 of the Decree stated: “*Every political and economic public meeting, demonstration and any other political meeting shall be notified to the police authority of the location of such a gathering, meeting.*” Yet the notification of meetings, demonstrations and processions with no political or economic purposes was not required. If the political party or economic society holding the meeting wished the presence of the police authority at their meeting, the head of the local police authority or any delegate appointed by him was obliged to attend the same.

This legal regulation remained in effect until 1989, and moreover was confirmed on the theoretical level, as the introductory part of **Act I of 1946** declared the freedom of association as the natural and indefeasible right of people. Thereafter, Act X of 1946 qualified any official proceedings or measure by public officers that happened to violate any natural and indefeasible right of others as a criminal act, and threatened with a maximum term of five years of imprisonment the same. (Unfortunately, this latter legal regulation kept in effect for over 40 years was never applied.) According to **Act XX of 1949**, the freedom of association was to meet the interests of the workers as specified in the **Constitution**, or of the people as described in the **1972 Amendment to the Constitution**. It was also a consequence of the fictitious character of the 1949 Constitution that the exercise of the associated entitlement was not desired to be permitted even with the above restrictions, which was also confirmed by the

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<sup>79</sup> **Borsányi, György:** „Munkát! Kenyeret!” A proletariátus tömegmozgalmi Magyarországon, a gazdaság válság éveiben, 1929–1933 [“Work! Bread!” – Mass Movements of the Proletariat in Hungary During the Years of the Economic Depression, 1929–1933]. Budapest, 1971. pp. 96–131

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fact that no law effectuating the freedom of association was prepared until the 1989 change of the political regime.<sup>80</sup>

The freedom of association could not fully be effectuated even in the coalition period before the “**year of change**”. In the months following the war, it frequently occurred that the Soviet army deported the participants of certain political meetings. The activists of the Communist Party<sup>48</sup> or the members of the state security under the pretext of civil clothing, but armed with sticks broke up the meetings that were not to their likings.

After the parties, societies, trade union organizations were dispersed, and a Soviet-type dictatorship was introduced to Hungary as well, all kinds of unofficial, public events came to be prohibited. The police and state security (ÁVH) watched even the smallest gatherings vigilantly. The fear was so wide-scaling that even large-numbered families were afraid to walk together in the streets. The only public street demonstration up until 1956 was associated with an event seemingly having nothing to do with politics. People went to the streets on 04 July 1954, and demanded the dismissal of the national football captain, because the national team suffered a 3:2 defeat against the team of German Federal Republic. László Piros, Minister of Interior ordered the police department of Csopak to eliminate the disorder, and thus they used gunstocks to disperse the crowd. The police leaders should have realized at that time that they had too much trust in the lies of propaganda of the dictatorship stating that in a people’s democracy political demonstration was excluded by definition. The baton and sword were excluded from the equipment of the police. The Kiskunhalas cavalry department were dismissed, though mounted police was the best means to disperse any crowd. Only shotguns were retained as forcing devices for the police.

The Service Regulations of the Police were reshaped. The **Minister of the Interior issued a Force Regulation** in 1951 and the **Decree entitled “The use of arms by the police” by the Ministry of Interior** in 1952:

*“Arms may only be used by those members of the police who are entitled to carry arms, as well as by closed police units.*

*1.) The following actions shall precede the use of arms against people:*

- the call of another people for help if it can be implemented without risks,*
- the demand to obey the orders of the members of the police*
- the warning that arms will be used*

*2.) Any closed police unit may use arms only upon the order of their own commander.*

*The order to use arms shall be obeyed in any event, unless it should be issued by any person not entitled to act so, or the order is clearly and obviously against the obligations promised in the oath.*

*The use of arms shall be lawful until the police can realize the associated service aims. Thus, arms must not be used for the purpose retorting (**Order of Serv. Reg. 9000- 4/1952 by the Ministry of the Interior (Use of arms by the police)**)”*

While the measures preceding the individual use of arms are properly listed, the rules do not provide for actions against assemblies. It was viewed as depending on the discretion of the commanders. Thus, the following elements are not regulated:

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<sup>80</sup> **Halmi Gábor**: A gyülekezés és egyesülés szabadsága [The Liberties of Meeting and Association]. In.: Emberi jogok hazánkban [Human Rights in Hungary]. Edited by **Katonáné, Soltész Márta**, Budapest, 1988. p. 218

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- the call to eliminate any grouping
- the use of dispersing formations and means (tear gas)
- the warning that the use of arms will follow
- warning shots.

The use of the most effective dispersal formation, the arrow was terminated, and rather the so-called double hedge was applied for the dispersal of the stuck crowd at demonstrations, the division of fans of the two opposing teams at sports events.<sup>81</sup>

Most probably, one of the causes of the line firings in 1956 could be that the police and state security were instructed in the dispersal of crowds neither in terms of their weaponry, nor training.<sup>82</sup>

After the repression of the revolution and freedom fight in 1956, there was not a demonstration for a long time. The mostly spontaneous demonstrations of the opposition began from the early 1970s, under the conditions of the so-called soft dictatorship. Mainly, the festivities of 15 March offered opportunities for these movements of protest. Although the Kádár regime had promised so, this illustrious day of the 1848 revolution never became a holiday. As early as in 1970, there was a small incident. A few dozen high-school students went to the Kossuth Monument, and one of them wanted to recite the poem entitled “Nemzeti dal” [National Song], but the police chased them away. Their deed was qualified as vandalism, and some of the students received police notices.

In 1971, the participants of the demonstrations were punished more severely: Seven young people were convicted after proceedings lasting for 18 months: five of them were sentenced to imprisonment for terms of 10–18 months.<sup>83</sup>

In 1972, 400–500 young people demonstrated at the Petőfi Monument. The Workers’ Militia and the Youth Guard of KISZ [Association of Young Communist People] also participated in the dispersal of the crowd. Proceedings were filed against 88 people, 9 of them were accused and became subject to suspended imprisonment of 6–12 months. The person who recited the poem Petőfi koszorúi [Wreaths of Petőfi] written by Mihály Babits was imprisoned for 10 months. In addition, the participants of the demonstration were banned from all the universities and colleges of Hungary.

An interesting fact. Some law students of Communist feeling opted for organizing a counter-demonstration for 21 March, the anniversary of the Soviet Republic against the “nationalists”. Characteristically, the police did not tolerate this movement, either.

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<sup>81</sup> **Kopácsi, Sándor**: Szakvélemény a karhatalmi szolgálati szabályzat biztosította lehetőségekről 1956-ban [Professional Opinion on the Opportunities Guaranteed by the Service Regulations of the Official Forces in 1956]. In.: Rejtett dokumentumok [Hidden Documents]. Edited by Kahler, Frigyes and M. Kiss, Sándor. Budapest, 2006. p. 38

<sup>82</sup> Sortüzek 1956 [Line Firings in 1956]. Edited by **Kahler, Frigyes**, Lakitelek, 1933. Vol. I–III  
Sortüz a HM előtt [Line Firing at the Ministry of Defense]. Edited by **Horváth, Lajos**, Budapest, 1992.

<sup>83</sup> **Kenedi, János**: Kis állambiztonsági olvasókönyv [Small Textbook on State Security]. Budapest, 1996. Vol. II. pp. 39-40

**Gyarmati, György**: Március hatalma, a hatalom márciusa Fejezetek március 15. ünnepléseinek történetéből [The Power of March, the March of the Power. Chapters from the History of the Celebration of 15 March]. Budapest, 1998. p. 170

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In 1973, the police deployed large forces for the 125<sup>th</sup> anniversary of the revolution. The young demonstrating in the city were beaten by the police with batons, partly at the location of the demonstrations, partly in the hall of the nearby building of the Faculty of Arts. László Gyurkó's letter to György Aczél states: "*For a few hours, the city of Budapest looked as if some severe riot had been suppressed.*"<sup>84</sup> Six hundred people were called to confirm their personal identities, a hundred were sentenced to imprisonment for terms of two weeks up to one month, while the others were warned by the police or subjected to disciplinary proceedings in their schools.<sup>85</sup>

From then on, the authorities made every effort to **prevent** these kinds of demonstrations. Information was collected in advance through their informants, they tried to turn certain groups and people against each other by stooges. Preventive arrests were carried out before the major holidays, when demonstrations could be potentially held. The Workers' Militia and the Youth Guard of KISZ were activated. The directors of schools received written instructions to occupy the students with official programs, especially on 15 March. The television showed movies that were to the interests of young people, etc.

Maybe these measures contributed to the fact that for 10 years there occurred no major political demonstrations. Yet, on 15 March 1983 400–500 student started from the Petőfi Monument to the Kossuth Monument. They clashed with the police several times on their way, the police called for identities, used batons and tear gas, and arrested a few dozen demonstrators. A student from Szeged, who hanged an updated version of the 12 Claims in several locations was sentenced to suspended, 6-month imprisonment.<sup>86</sup>

In 1986, the police removed a girl, then a university student from the crowd of several thousand people walking towards the Kossuth Square. When the crowd was informed on these events, they commenced a sitting strike to towards their being set free. The participants of the evening torchlight demonstration were trapped on the Chain Bridge. Some of them were beaten by batons and kicked, but the majority was allowed to leave the bridge after their identity cards were collected.<sup>87</sup>

In the case of the 1988–89 demonstration, the political leadership considered the situation thoroughly.<sup>88</sup> There were meetings to be permitted, such as the demonstration on the Heroes' Square on 27 June 1988 protesting against the Romanian demonstration,<sup>89</sup> but the demonstrators of 16 June 1988 became subject to strict authority intervention. Policemen on mounted Yamaha motors rode among the demonstrators, and a pregnant woman was beaten with batons. The leaders, speakers were removed and assaulted with one of them being the future Prime Minister, Viktor Orbán. The Black Box made video records of such cases.<sup>90</sup>

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<sup>84</sup> Quoted by Gyarmati, György: op.cit. p. 171

<sup>85</sup> Kenedi, János: op.cit. Vol. II. pp. 8-178.

<sup>86</sup> Gyarmati, György: op.cit. p. 188

<sup>87</sup> Gyarmati, György: op.cit. p. 189

<sup>88</sup> Gonda, József: A tüntetések tapasztalatai Budapesten [Experience of the Demonstrations in Budapest]. In.: Belügyi Szemle [Interior Review], 1989/8. pp. 35-39

Nagy W András: Március hátramenet [Backward in Marsh]. In.: Beszélő, 14 March 1992

<sup>89</sup> Hősök tere '88. június 27 [Heroes' Square, June 27 1988]. Edited by Varga, Csaba. Budapest, 1988.

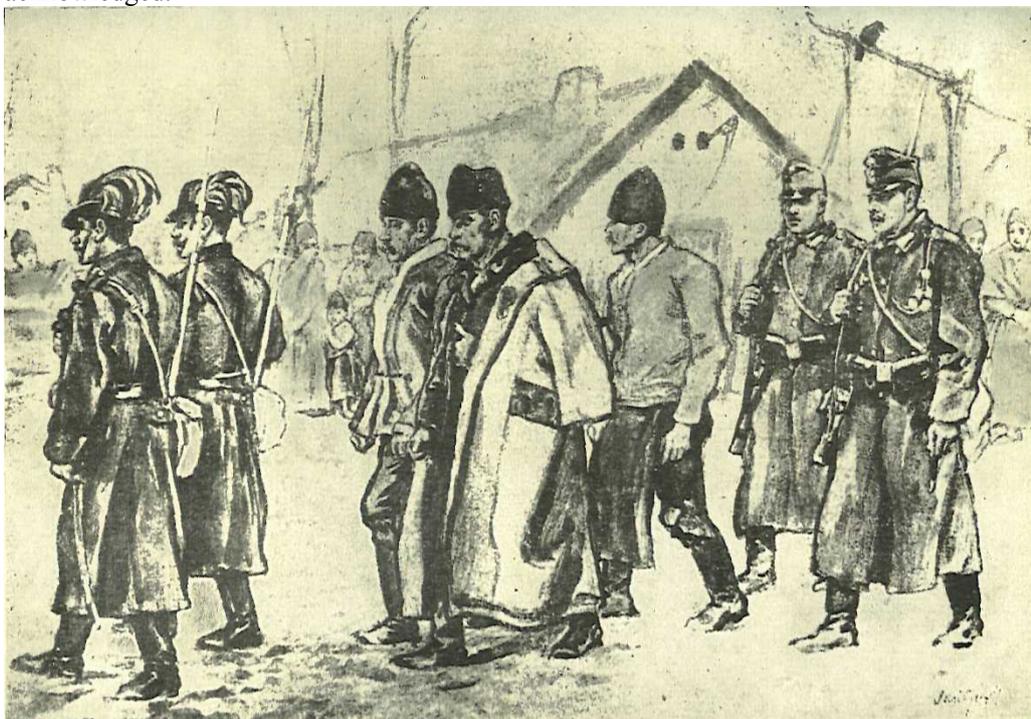
<sup>90</sup> György, Péter: Néma hagyomány. Kollektív felejtés és kései múltértelmezés. 1956–1989-ben [Silent Tradition, Collective Oblivescence and Late Memory, 1956–1989]. Budapest, 2000. pp. 163-165

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Thus, from the 150-year history of the freedom of association it can be perceived that plenty of people had to die or suffer injuries until this fundamental human right became finally acknowledged.



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**Kenedi, János** op.cit.: p. 214

See **Rockenbauer, Zoltán**: Így tüntetett a FIDESZ [How FIDESZ demonstrated]. In.: Tiszta lappal A FIDESZ a magyar politikában [Tabula rasa – FIDESZ in Hungarian Politics]. Edited by **Bozóki, András**, Budapest, 1992.

**Szekeres László**: Tüntetések 1988-ban [Demonstrations in 1988]. In.: Magyarország politikai évkönyve 1988 [Political Calendar of Hungary 1988]. Edited by **Kurtán, Sándor – Sándor, Péter – Vass, László**, Budapest, 1988.

**Szikinger, István**: A tüntetés és a rendőrség [Demonstration and the Police] In.: Magyarország politikai évkönyve 1988 [Political Calendar of Hungary 1988] Edited by **Kurtán, Sándor – Sándor, Péter – Vass, László**, Budapest, 1988.

A tüntetések kezelése a Kádár-rendszerben [Handling of Demonstrations Under the Kádár Regime]. In.: In.: Politikaelméleti tanulmányok Schlett István 60. születésnapjára [Studies of Political Theory for the 60<sup>th</sup> Birthday of István Schlett]. Edited by **Bihari Mihály, Cieger András**, Budapest, 1999.

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The police arrests a worker at the demonstration in 02 May

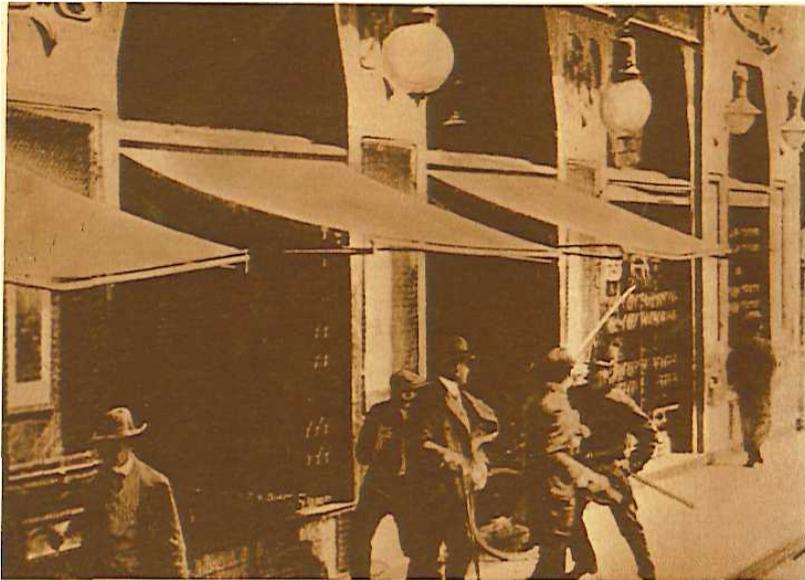


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**Horse-mounted policemen against the demonstrating workers**



The brutality of the police was unlimited

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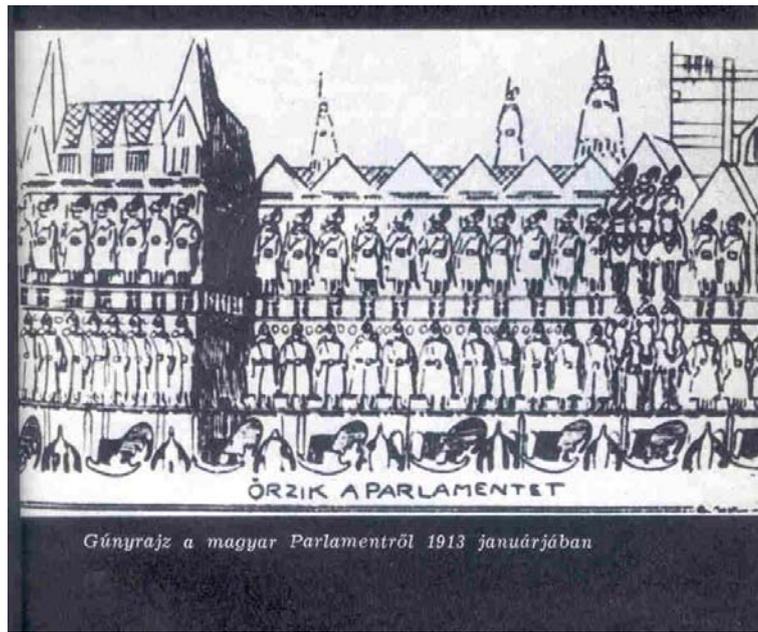


*Két gúnyrajz az 1912. május 23-i tüntetéssel kapcsolatban. Az alsó a Budapestre vezényelt nem magyar nemzetiségű katonaságnak ad fricskát, a felső a letartóztatottak sorsát érzékelteti*

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REFERENCES

- Angyalföld munkásmozgalmának története (1867-1958) [History of the Labour Movement of Angyalföld (1867–1958)]. Edited by **Petrák, Katalin** Budapest, 1989.
- Az állampolgári engedetlenség helye az alkotmányos demokráciában [The Function of Civil Disobedience in Constitutional Democracy]. Edited by **Csapody, Tamás**, Budapest, 1991.
- Általános szolgálati határozványok a magyar királyi rendőrség számára [General Service Resolutions for the Hungarian Royal Police]. Budapest, 1896.
- Az állampolgárok alapjogai és kötelességei [Fundamental Liberties and Obligations of Citizens]. Edited by **Halász, József, Kovács, István, Szabó, Imre**, Budapest, 1965.
- Az állampolgári alapjogok és kötelezettségek alkotmányjogi szabályozása [Constitutional Regulations of the Fundamental Liberties and Obligations of Citizens]. Edited by **Kilényi, Géza**, Budapest, 1986.
- **BÁN, TAMÁS**: A gyülekezési, az egyesülési és a szakszervezeti szabadsághoz [On the Freedom of association, Liberty of Association and Trade Unions]. In.: Acta Humana, Emberi jogi közlemények [Human Rights Proceedings], 1992/6–7.
- **BENDZSÁK, KATALIN**: A rendőrség és a tüntetések – interjúk rendőrségi vezetőkkel [Police and Demonstrations – Interviews with Senior Policemen]. In.: Új Rendészeti Tanulmányok [New Studies on Law Enforcement], 1996/1.
- **BERNÁTH, MIHÁLY**: A politikai tömegrendezvények rendőri biztosítása [Securing Political Mass Events by the Police]. In.: Belügyi Szemle [Interior Review], 1990.

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---

- Beszélő összkiadás [A Collection of the Commentator]. Edited by **Havas, Fanny**. Budapest, 1992. Vol. I–III
- **BODROGKÖZY, ZOLTÁN**: A magyar agrármozgalmak története [A History of Agrarian Movements in Hungary]. Budapest, 1929.
- **BORBÉLY, ZOLTÁN–KAPY, REZSŐ**: A 60 éves magyar rendőrség [60 Years of the Hungarian Police]. Budapest, 1942.
- **BORSÁNYI, GYÖRGY**: „Munkát! Kenyeret!” A proletariátus tömegmozgalmai Magyarországon, a gazdaság válság éveiben, 1929–1933 [“Work! Bread!” – Mass Movements of the Proletariat in Hungary During the Years of the Economic Depression, 1929–1933]. Budapest, 1971.
- **BORSÁNYI, GYÖRGY–KENDE, JÁNOS**: Fejezetek a magyar munkásmozgalom történetéből [Chapters from the History of the Hungarian Labour Movement]. Budapest, 1981–1982.
- **BOTOS, JÁNOS**: A Magyar Királyi Belügyminisztérium a dualizmus korában [The Royal Hungarian Ministry of Interior in the Age of Dualism]. Budapest, 1994.
- **BÖKÖNYI, ISTVÁN**: A gyülekezések szabályozása Magyarországon [Regulation of Rallying in Hungary]. In.: Belügyi Szemle [Interior Review], 1989/9.
- **BÖKÖNYI, ISTVÁN**: A gyülekezési jog [The Freedom of association]. In.: Rendészeti Tanulmányok [Studies on Law Enforcement], 1992/3.
- **BRÜNING, CHRISTOPH**: Gyülekezési szabadság a „militáns” demokráciában [Freedom of association in a “Militant” Democracy]. In.: Fundamentum 2003/3-4.
- **BUCHINGER, MANÓ**: Küzdelem a szocializmusért [Fight for Socialism]. Budapest, 1946.
- A Budapest fő- és székesvárosi magyar királyi rendőrség működése [Operation of the Hungarian Royal Police of the Capital, Budapest, ]. Budapest, 1894–1901.
- **CSIZMADIA, ERVIN**: A magyar demokratikus ellenzék, (1968–1988) [The Hungarian Democratic Opposition]. Budapest, 1995. Vol. I–III
- **DANTESZ, PÉTER**: A gyülekezési szabadság a jogi szabályozásban és a gyakorlatban [The Freedom of association in Legal Regulations and Practice] In.: Egyes állampolgári szabadságjogokról a belügyi munka tükrében [On Certain Liberties of the Citizens in the Light of the Activities of Interior]. Budapest, 1988.
- **DRINÓCZI, TÍMEA–PETRÉTEI, JÓZSEF**: A gyülekezés joga a Magyar Köztársaságban [Freedom of association in the Republic of Hungary]. In.: Jura, 2002/1.
- A dualista Magyarország rendvédelme [Protection of peace in the Dualist Hungary]. Edited by **Keserű, István**, Budapest, 1992.
- Emberi és állampolgári jogok [Human and Civil Rights]. Edited by **Hajdók, Zsolt, Máté, Jánosné**. Budapest, 1989.
- Emberi és állampolgári jogok [Human and Civil Rights]. Edited by **Kilényi, Géza**, Pécs, 1989.
- Az emberi jogok dokumentumokban [Human Rights in Documents]. Edited by **Kovács, István**, Budapest, 1976.
- Az emberi jogok hazánkban [Human Rights in Hungary]. Edited by **Katonáné, Soltész Márta**. Budapest, 1988.
- Emberi jogok [Human Rights]. Edited by **Halmai, Gábor, Tóth, Gábor Attila**, Budapest, 2003.

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---

- **ERÉNYI, TIBOR:** A vérvörös csütörtök, 1912. május 23 [Blood-red Thursday, May 23 1912]. Budapest, 1952.
- **ERÉNYI, MIHÁLY:** Fejezetek a rendőrség történetéből [Chapters from the History of the Police], Pécs, 1994.
- **FALUHEGYI, FERENC:** Magyarország közjoga [Common Law of Hungary], Pécs, 1926.
- **FARKAS, JÓZSEF:** Agrárszocialista mozgalmak 1980–1907 [Agrarian Socialist Movements, 1980–1907]. Szeged, 1968.
- **FÁBIÁNNÉ, KISS ERZSÉBET:** Az országos rendőrség ügye az 1848–49-i szabadságharc alatt [Issue of the National Police During the Freedom Fight of 1848–49]. In.: Levéltár Közlemények [Archives Proceedings], 1974.
- **FÁBRY, SÁNDOR:** Az alföldi munkásmozgalom [Labour Movement in the Great Plain], Budapest, 1895.
- Fegyver és lőutasítás a magyar királyi rendőrség számára [Weapon and Firing Instructions to the Hungarian Royal Police]
- **FEJTI, GYÖRGY:** A gyülekezési és egyesülési jogról [On the Freedom of association and Association]. In.: Magyar Ifjúság [Hungarian Youth], 1988/30.
- **FEKETE:** A nyilvános gyülekezések és politikai egyesületek rendőri joga [Police rights in Public Assemblies and Political Societies] In.: Jogtudományi Közlöny [Bulletin of Jurisprudence], 1879.
- **FERDINÁNDY, GÉZA:** A magyar alkotmányjog tankönyve [A Handbook of Hungarian Constitutional History]. Budapest, 1911.
- **FÖLDESI, TAMÁS:** Emberi jogok [Human Rights]. Budapest, 1989.
- **FÖLDESI, TAMÁS:** A polgári engedetlenség – az emberi jogok „mostohatestvére” [Civil Disobedience – The Stepsister of Human Rights]. In.: Acta Humana 1991.
- Földmunkás és szegényparaszt mozgalmak Magyarországon 1848–1948 [Digger and Peasant Movements in Hungary, 1848–1948]. Edited by **Pölöskei, Ferenc, Szakács, Kálmán**, Budapest, 1962.
- **GAÁL, JENŐ:** Az alföldi munkásmozgalom [Labour Movement in the Great Plain], Budapest, 1895.
- **GABONA, BÉLA:** A magyarországi agrár-mozgalom története 1890–1900 [History of Hungarian Agrarian Movements, 1890–1900]. Budapest, 1934.
- **GERELYES, EDE:** Budapest munkásmozgalma 1919–1945 [Labour Movement in Budapest, 1919–1945]. Budapest, 1952.
- **GONDA, JÓZSEF:** A tüntetések tapasztalatai Budapesten [Experience from Demonstrations in Budapest], In.: Belügyi Szemle [Interior Review], 1989/8.
- **GYÁNI, GÁBOR:** Fővárosi zavargások a dualizmus évtizedeiben [Commutations in the Capital During Decades of Dualism]. In.: Adatok, források és tanulmányok a Nógrád Megyei Levéltárból [Data, Sources and Studies from the Archives of Nógrád County], 1990.
- **GYARMATI, GYÖRGY:** Március hatalma, a hatalom márciusa [The Power of March, March of the Power]. Fejezetek március 15. ünneplésének történetéből Budapest [Chapters from the History of the Celebration of March 15], 1998.
- **HOFER, TAMÁS:** Harc a rendszerváltásért a szimbolikus mezőbe 1989. március 15. [Struggle for the Change of the Regime in the Symbolic Field, March 15 1989]. Budapesten. In.: Politikatudományi Szemle [Review of Political Science], 1992./1.

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---

- **HŐSÖK TERE '88.** június 27 [HEORES' SQUARE, June 27 '88]. Edited by **Varga, Csaba**, Budapest, 1988.
- **HALAS, LAJOS:** Az R. gárdától a munkásőrségig [From the R Guards to the Labour Guards], Budapest, 1986..
- **HOLLÓ, ANDRÁS:** Állampolgári jogok Magyarországon [Civil Rights in Hungary]. Budapest 1979.
- **HOLLÓ, ANDRÁS:** Alapjogok és védelmük [Fundamental Liberties and their Protection]. In.: Világosság [Light], 1988.
- **HERENDI, KÁROLY:** A gyülekezési jog a kiegyezéstől az alkotmány megszületéséig [The Freedom of association from the 1867 Settlement to the Drafting of the Constitution]. In.: Állampolgári alapjogok és belügyi szervek [Fundamental Civil Rights and Bodies of Interior]. Edited by **Uttó, György**, Budapest, 1988.
- **HOLLÓS, ERVIN:** Rendőrség, csendőrség [Police and Gendarmerie], VKFZ Budapest, 1971.
- **KABOS, ERNŐ:** A vérvörös csütörtök ötvenedik évfordulójára [For the 50<sup>th</sup> Anniversary of the Blood-Red Thursday]. In. Párttörténeti Közlemények [Proceedings of Party History], 1962.
- **KAHLER, FRIGYES–M. KISS, SÁNDOR:** Kinek a forradalma? Erőszak szervezetek 1956-ban [Whose Revolution? Force Organizations in 1956]. Budapest, 1997.
- **KATONA, GÉZA:** Közbiztonság-védelem Magyarországon az I. Világháborúig [Protection of Public Safety in Hungary Until WWI]. Budapest, 1984.
- **KAVEGGIA, BÉLA:** Munkásmozgalmak és államrendészet [Labour Movement and State Law Enforcement]. Budapest, 1912.
- A kelet-európai diktatúrák bukása. Dokumentumgyűjtemény, 1985–1995 [The Fall of Eastern European Dictatorships. A Collection of Document, 1985–1995]. Compiled by **Pándi, Lajos**, Szeged, 1996. I
- **KENEDI, JÁNOS:** Kis állambiztonsági olvasókönyv [A Small Textbook of State Security]. Budapest, 1996. Vol. I–III.
- **KESERŰ, ISTVÁN:** A felszabadult Hungary rendőri, határőrizeti szerveinek megalakulása és ténykedése a népi demokratikus forradalom időszakában [Establishment and Operations of the Police and Border Guard Organizations of the Liberated Hungary During the Period of the People's Democratic Revolution]. Budapest, 1987.
- **KESERŰ, ISTVÁN:** A magyar rendvédelmi szervek a húszas években [Hungarian Law Enforcement Organizations in the 1920s]. Budapest, 1994.
- **KOLÁTH, GYÖRGY:** Gyülekezési jog, rendezvénybiztosítás [Freedom of association, Security of Events]. In.: Belügyi Szemle [Interior Review] [Interior Bulletin], 2003/10.
- **KILÉNYI, GÉZA:** Egyesülési jog, gyülekezési jog [Freedom of Association, Freedom of association]. In.: Világosság [Light], 1988.
- **KMETTY, KÁROLY:** Magyar Közjog [Hungarian Common Law]. Budapest, 1902.
- **KOVÁCS, ANDOR:** Az angol és a magyar gyülekezési jog párhuzama [Parallel Features of the English and Hungarian Freedom of association]. Budapest, 1906.
- **KOVÁCS, ISTVÁN:** Magyar államjog [Hungarian Constitutional Law], Szeged, 1989.

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---

- **KULCSÁR, KÁLMÁN:** Az egyesülési és gyülekezési törvény [The Freedom of Associations and Assembly]. In.: Magyar Jog [Hungarian Law], 1989/2.
- **KRÉMER, FERENC:** A rendőrhatalom természete társadalmi szerep és foglalkozási kultúra [The Nature, Social Function and Employment Culture of the Police Power]. Budapest, 2003.
- **KÖVENDY, KÁROLY:** Magyar királyi csendőrség [Hungarian Royal Gendarmerie], Toronto, 1973.
- Konfliktus, konszenzus, kooperáció [Conflict, Consensus, Cooperation]. Edited by **Horváth, Csaba**, Pécs, 1997.
- **LADÁNYI, KÁROLY:** Interjú a gyűlések, felvonulások szabályozásáról [Interview on the Regulation of Meetings, Processions]. In.: Belügyi Szemle [Interior Review], 1988/8.
- A magyar forradalmi munkásmozgalom történetét [History of the Hungarian Revolutionary Labour Movement]. Budapest, 1966.
- A magyar munkásmozgalom történetének válogatott dokumentumai [Selected Documents of the Hungarian Labour Movement], Budapest, 1951–1969. Vol. I-IV.
- A magyar polgári rendvédelem a XIX–XX. században: a magyar büntetés végrehajtás, csendőrség, határőrség, koronaőrség, rendőrség vám- és pénzügyőrség [Hungarian Civil Law Enforcement in the 19–20<sup>th</sup> Centuries: Hungarian Prison Service, Gendarmerie, Border Guards, Crown Guards, Policy, Customs and Excise Office]. Edited by **Boda, József**, Budapest, 2004.
- A magyar rendőrség a közvéleményben [The Public View on the Hungarian Police]. Edited by **Bars, Tomaj**, Budapest 1993.
- A magyar rendvédelem története [A History of the Hungarian Law Enforcement]. Edited by **Parádi, József**. Budapest, 1996.
- A magyarországi szocialisztikus munkásmozgalmak az 1907. évben [Socialistic Labour Movements in Hungary During 1907]. Budapest, 1908.
- A magyarországi szocialisztikus munkásmozgalmak az 1912. évben [Socialistic Labour Movements in Hungary During 1912]. Budapest, 1913.
- Március 15-i spontán tüntetések az állampárt idején [Spontaneous Demonstrations on March 15 in the Age of the State Party]. Published by **Kenedi, János** In: Kritika [Criticism], 1995/4. Pest, 1913.
- **MEZEY, BARNA:** A rendvédelmi jog általános jellemzői a harmadik század fejlődésében [General Characteristics of the Rights of Law Enforcement in the Development of the Third Century]. Hely és év nélkül [w/o place and year].
- Munkásmozgalmak 1848–49. Iratok a magyar munkásmozgalom történetéhez [Labour Movements 1848–49. Documents to the History of the Hungarian Labour Movement]. Materials compiled and introduction written by: **Mérei, Gyula**, Budapest, é.n.
- **MOLNÁR, KÁLMÁN:** Magyar közjog [Hungarian Common Law]. Budapest, 1929.
- **MALATINSZKY, JENŐ:** A gyülekezési, egyesülési sajtójogra vonatkozó jogszabályok [Regulations on the Freedom of association, Association and Press]. Budapest, 1926.
- Az MJSZ Elnökségének vitaülése és állásfoglalása az egyesülési és gyülekezési szabadságról szóló törvénytervezetről [Conference and Position of the Board of MJSZ

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---

- on the Draft Bill on the Freedom of Association and Assembly]. In.: Magyar Jog [Hungarian Law] 1988/10.
- **NAGY-JUHÁSZ, ISTVÁN:** A rendőr fegyverhasználati joga [The Rights of the Police to Use Weapons]. Bp. 1997.
  - A Népszava naptára [Népszava Calendar].
  - **ORMOS, EDE:** A szocializmusról, különös tekintettel a hódmezővásárhelyi munkáskérdésre [On Socialism with Special Respect to the Labour Issue of Hódmezővásárhely]. Budapest, 1986.
  - **ÓRY, KÁROLY:** A Belügyminisztérium és szervei az egypárti diktatúrától az 1956-os forradalomig [The Ministry of Interior and its Bodies from the One-Party Dictatorship to the Revolution of 1956]. Budapest, 2001.
  - **PÁSKÁNDY, JÁNOS:** Egyesületi (egyesülési) és gyülekezési jog szabályok kézikönyve [A Handbook on the Regulations of the Rights of Association (Coalition) and Assembly]. Budapest, no date
  - **PECZE, FERENC–BIANCHI, LEONARD:** A gyülekezési és egyesülési jog szabályozása a dualizmus korában különös tekintettel a munkás- és nemzetiségi mozgalmakra [Regulations on the Freedom of Association and Assembly in the Age of Dualism with Special Respect to Labour and Nationality Movements]. In.: Jogtudományi Közlöny [Bulletin of Jurisprudence], 1963.
  - **PORTA, DONATELLA DELLA:** A tiltakozások rendőri kezelésének kutatása. Nyugat-európai minták összehasonlító perspektívákban [Research on the Handling of Protests by the Police. Western European Models in a Comparative Perspective]. In.: Tüntetés, rendőrség, demokrácia [Demonstration, Police, Democracy]. Edited by Szabó Máté, Dominique Wisler. Budapest, 1999.
  - **RÁCZ, GYÖRGY:** A büntetőjog szerepe a sztrájkprobléma megoldásában Budapest [Function of Criminal Law in the Resolution of the Strike Problem in Budapest]. w/o year
  - **REKTOR, BÉLA:** A Magyar Királyi Csendőrség oknyomozó története [A Pragmatic History of the Hungarian Royal Gendarmerie]. Cleveland, 1980.
  - **REMETE, LÁSZLÓ:** Barikádok Budapest utcáin [Barricades in the Streets of Budapest]. 1912. Budapest, 1912.
  - Rendőri eljárás körébe vágó újabb rendeletek és utasítások gyűjteménye [A Collection of New Decrees and Orders in Association with the Procedures of the Police]. Compiled by Rédey, Miklós, Laky, Imre, Budapest, 1909.
  - A rendőrség társadalmi szerepe [The Social Function of the Police]. Edited by Kozány, Andrea, Budapest, 1999.
  - **RÉDEY, MIKLÓS:** A gyülekezés joga. [The Freedom of association] In. Rendőri Lapok [Police News], 1894.
  - **RÉNYI, JÓZSEF:** A gyülekezési jog. [The Freedom of association]. Budapest, 1900.
  - **RÉVÉSZ, MIHÁLY:** A magyarországi munkásmozgalom története 1867–1913 [A History of the Labour Movement in Hungary, 1867–1913]., Budapest, 1913.
  - **RÉVÉSZ, T. MIHÁLY:** A gyülekezési jog magyarországi fejlődéséhez [On the Development of the Freedom of association in Hungary]. In.: Ünnepi tanulmányok Kovács Kálmán egyetemi tanár emlékére [Anniversary Studies for the Memory of Kálmán Kovács. University Professor]. Budapest, 2005.

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**SET UP FOR THE INVESTIGATION OF THE VIOLENT ACTS OF 23 OCTOBER**  
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---

- **ROCKENBAUER, ZOLTÁN:** Így tüntetett a FIDESZ [How FIDESZ demonstrated]. In.: Tiszta lappal A FIDESZ a magyar politikában [Tabula rasa – FIDESZ in Hungarian Politics]. Edited by **Bozóki, András**, Budapest, 1992.
- **RÓTH, MIKLÓS–SZERDAHELYI, SZABOLCS:** A Kossuth-téri sortűzper [The Line-Firing Trial of Kossuth Square]. Budapest, 2006.
- **SÁRI, JÁNOS:** Alapjogok. Alkotmánytan [Fundamental Rights. Constitutional Studies]. Budapest, 2000.
- **SASHEGYI, OSZKÁR:** Munkások és parasztok mozgalmi Magyarországon 1894–1867 [Movements of Workers and Peasants in Hungary, 1894–1867]. Iratok, Budapest, 1959.
- **SIMON, PÉTER:** A századforduló földmunkás- és szegényparaszt-mozgalmi 1891–1907 [Digger and Peasant Movements at the Turn of the Century, 1891–1907]. Budapest, 1953.
- Sortűz a HM előtt [Line-Fire in Front of the Ministry of Defense]. Edited by **Horváth, Lajos**, Budapest, 1992.
- Sortűzetek 1956 [Line-Fires, 1956]. Edited by **Kahler, Frigyes**, Lakitelek, 1993. I-Vol. III.
- **SZABÓ, ANDREA:** A politikai tiltakozás elemzésének módszertana [Methodology for the Analysis of Political protest]. In.: Politikatudományi Szemle [Review of Politology], 1998.
- **SZABÓ, ANDREA:** Az elit támogatta és nem támogatta tiltakozások a sajtóban [Protests in the Printed Press Support and not Supported by the Elite]. In. Európa Unió- regionalizmus – szuverenitás [European Union, Regionalism – Sovereignty]. Edited by **Beszteri, Béla**, Székesfehérvár, 1998.
- **SZABÓ, IMRE:** Az emberi jogok [Human Rights], Budapest, 1968.
- **SZABÓ, MÁTÉ:** Társadalmi mozgalmak szektorai és tiltakozások kultúrája Magyarországon [The Sectors of Social Movements and the Culture of Protests in Hungary], In.: Politikatudományi Szemle [Review of Politology], 1993/3.
- **SZABÓ, MÁTÉ:** A szabadság rendje – Társadalmi mozgalmak, politikai tiltakozás, politikai szervezetek a magyarországi rendszerváltás folyamatában [The Order of Freedom – Social Movements, Political Protest, Political Organizations in the Process of the Hungarian Change of the Political Regime]. In.: Politikatudományi Szemle [Review of Politology], 1995/4.
- **SZABÓ, MÁTÉ:** A tömegdemonstrációk és a rendőrség Magyarországon a demokratizálódás folyamatában [Mass Demonstrations and the Police in the Process of Democratization in Hungary]. In.: Új rendészeti tanulmányok [New Studies on Law Enforcement]. 1995/1.
- **SZABÓ, MÁTÉ:** Rend és szabadság a magyar demokráciába: a tömegdemonstrációk [Order and Liberty in Hungarian Democracy: Mass Demonstrations] In.: Jogállam [Constitutional State], 1997.
- **SZABÓ MÁTÉ:** Gyülekezési jog és problémái [Freedom of association and its Problems]. In.: Acta Humana, 1998.
- **SZABÓ MÁTÉ:** Társadalmi mozgalmak és politikai tiltakozás [Social Movements and Political Protest]. Budapest, 1998.

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---

- **SZABÓ MÁTÉ:** A tüntetések kezelése a Kádár-rendszerben [Handling of Demonstrations Under the Kádár Regime]. In.: Belügyi Szemle [Interior Review], 1999.
- **SZABÓ MÁTÉ:** A tüntetések rendőri kezelésének normái a Kádár-korszakban, (1957–1989) [Norms of the Handling of Demonstrations by the Police Under the Kádár Regime (1957–1989)] In.: Tüntetés, rendőrség, demokrácia [Demonstration, Police, Democracy]. Edited by **Szabó Máté, Dominique Wisler**. Budapest, 1999.
- **SZABÓ MÁTÉ:** A tüntetések rendőri kezelésének normái a Kádár-rendszerben (1957-1989) [Norms of the Handling of Demonstrations by the Police Under the Kádár Regime (1957–1989)] In.: Politikaelméleti tanulmányok Schlett István 60. születésnapjára [Studies of Political Theory for the 60<sup>th</sup> Birthday of István Schlett]. Edited by **Bihari Mihály, Cieger András**, Budapest, 1999.
- **SZEBERKÉNYI, LAJOS ZS.:** Tömegmozgalmak az alföldi parasztvárosokban [Mass Movements in the Peasant Townships of the Great Plain]. Budapest, 1913.
- **SZEKERES, LÁSZLÓ:** Tüntetések 1988-ban [Demonstrations in 1988]. In. Magyarország politikai évkönyve 1988 [Political Calendar of Hungary, 1988]. Edited by: **Kurtán, Sándor–Sándor, Péter–Vass, László**, Budapest, 1988.
- **SZIKINGER, ISTVÁN:** A tüntetések és rendőrség 1988 [Demonstrations and the Police, 1988]. In.: Magyarország politikai évkönyve 1988 [Political Calendar of Hungary, 1988]. Edited by **Kurtán, Sándor–Sándor, Péter–Vass, László**, Budapest, 1988.
- **SZIKINGER, ISTVÁN:** A gyülekezési jog [The Freedom of association], In.: Rendészeti tanulmányok [Studies on Law Enforcement], 1992/3.
- **SZIKINGER, ISTVÁN:** Rendőrség a demokratikus jogállamban [Police in a Democratic Constitutional State]. Budapest, 1998.
- **SZIKINGER, ISTVÁN:** A gyülekezési jog szabályozásának mai kérdései: jogi szabályozás és intézményi környezet a rendszerváltás után [Hot Issues of the Regulation of the Freedom of association: Legal Regulations and Institutional Environment After the Change of the Political Regime]. In.: Tüntetés, rendőrség, demokrácia [Demonstration, Police, Democracy]. Edited by **Szabó, Máté, Dominique, Wisler**. Budapest, 1999.
- **SZIKINGER, ISTVÁN:** A gyülekezési törvény módosítása elé [To the Modification of the Freedom of association]. In.: Belügyi Szemle [Interior Review] 2003/10.
- **SZÜTS, KORINA:** A gyülekezési jog különös tekintettel a rendőrség szerepére [The Freedom of association with Special Respect to the Function of the Police]. In.: Belügyi Szemle [Interior Review], 2003/10.
- **TAJTI, ERZSÉBET:** Sortűz Tiszakécskén 1956-ban [Line-Fire in Tiszakécske in 1956]. Tiszakécske 1995.
- Tanulmányok az agrárszocialista zendülés 70. évfordulójának emlékére [Studies for the 70<sup>th</sup> Anniversary of the Agrarian Socialist Riot]. Battonya, 1966.
- Tüntetés, rendőrség, demokrácia [Demonstration, Police, Democracy]. Edited by **Szabó, Máté, Dominique, Wisler**, Budapest, 1999.
- Új társadalmi mozgalmak és politikai tiltakozás [New Social Movements and Political Protest]- Edited by **Felkai, Gábor**, Miskolc, 1995.
- **VADNAI, ANDOR:** A gyülekezési és egyesülési jogról [On the Freedom of association and Association]. In. Budapesti Szemle, 11892.

**COMMITTEE OF CIVIL JURISTS**  
**SET UP FOR THE INVESTIGATION OF THE VIOLENT ACTS OF 23 OCTOBER**  
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---

- Válogatott dokumentumok az orosházi munkásmozgalom történetéből 1868. október 4. -1944. október 6 [Selected Documents from the History of the Labour Movement in Orosháza, October 04 1868–October 06 1944]. Edited by **Formann, István** Orosháza, 1984.
- **VÉCSEY, TAMÁS**: A gyülekezési szabadság a mai alkotmányban [The Freedom of Association in our Today's Constitution]. In. : Budapesti Szemle, 1884.
- A vérkereszttség napja, 1912. május 23-ról, Budapest, munkásainak forradalmi napjáról összegyűjtött néhány cikk [The Day of Blood Baptism. Articles Collected from the Revolutionary Day of the Workers of Budapest, May 23 1912]. From **Friedrich Austerlitz, Oszkár Jászi** and **Zsigmond Kunfi**. In.: Világosság [Light], 1912.
- Vezérfonal a csendőrnek ellenszegülési esetben követendő magatartására nézve [Guideline to the Conduct to be Followed in the Case of any Counteraction to the Gerndame]. Kolozsvár, 1878.

## Chapter V

### INFRINGEMENTS OF THE FREEDOM OF ASSOCIATION, FOCUSING ON THE VIOLATIONS COMMITTED BY THE POLICE

#### PROPOSALS OF THE COMMITTEE AS REGARDS THE AMENDMENT OF LEGISLATIVE PROVISIONS IN CONNECTION WITH THE POLICY OF THE POLICE CONCERNING THE FREEDOM OF ASSOCIATION

##### 1. Introduction

We think it is necessary to survey the most outstanding examples of the police's violations of the freedom of association since 1997, and the internal controversies of the legislative provisions regarding the subject matter in order to understand the nature of police activity against the participants and demonstrators of the mass events in the autumn of 2006.

The issue is justified, hence the Gönczöl Committee does not list the infringements committed during the recent demonstrations by the police, however, these have caused 'storms' in the media, and refer directly to the fact, that the police has not mastered the – at the most in phrases – behaviour reflecting the theory of "we serve and protect" requirements fixed in the human rights conventions. The Hungarian police clearly cannot meet in every respect the expectations of a constitutional state as regards the legislative provisions ensuring the emergence of freedom of association with guarantee. In Hungary, 16 years after the change of regime numerous unprofessional and against the law proceedings can be experienced from the police in connection with one of the most important human basic right, the freedom of association.

##### 2. Infringing or solicitous police proceedings in demonstrations

The 2.3 point of GBJ gives a 2 page long analysis in the freedom of association and demonstration culture chapter on the happenings of taxi blockade in 1990. The report states on page 70 in the second paragraph that demonstrations have ceased. The 2.1.3.3 point of GBJ the Gönczöl committee establishes the following on page 44: "Life was relatively peaceful between the two scandals, until the parliamentary elections of 2002. From time to time there were street demonstrations, but the events never went to such extremes, that police intervention should have taken place."

The GBJ vaguely withholds the fact that, the police proceedings in the field of freedom of association have been labelled as unlawful by the courts, and have been well- grounded criticized by the side of advocacy groups – Magyar Helsinki Committee, Nemzeti Jogvédő Alapítvány, Társaság a Szabadságjogokért. The majority of the referenced cases have been accommodated to us by the Nemzeti Jogvédő Alapítvány. Their homepage ([www.nemzetijogvedo.hu](http://www.nemzetijogvedo.hu)) offers insight to the detailed exposition of the cases.

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The GBJ did not even mention the events of 3 November, 1997, when the METÉSZ demonstration was dissolved with force, where the police acted aggressively – for instance against Gegely Pongrácz, ‘56 freedom fighter – causing serious bodily harm to many of the demonstrators. The Metropolitan Court later allocated, that the dissolving of the demonstration was in itself unlawful. Remarkably sad picture of the demonstration remains in the memory of many people, when members of the reserve police humiliated an elderly, praying woman while dragging her on the ground.

The event evoked such a big echo, that the Parliament established a committee of inquiry.<sup>91</sup> The task of the committee was to reveal the happenings and circumstances of the events held on 3, November, 1997, which led to the active participation of the police, furthermore to reveal whether police activity was absolutely lawful, was the activity valid in the, and after the event against the participants. The committee compiled a report, although the parliamentary debate was cancelled due to the expiry of mandate of that parliament.

It seems that this referred “amnesia” did not only affect the Gönczöl committee, but Gábor Kuncze at that time Minister of Internal Affairs, who reminded on 24 September 2006 in the “A szólás szabadsága” television programme – referring to the METÉSZ demonstration in 1997 – that during his time in the Ministry “the police lawfully dissolved an illegal demonstration”, for which he was without grounds criticized, though “the police did nothing there”.

In connection with this matter we have remind you to the fact, that – in accordance with the announcement of the Független Jogász Fórum – the Metropolitan Court allocated in its final judgement: the Budapest Police Captaincy dissolved unlawfully the assembly –though not subject of prohibition - in he parking lot of Műcsarnok between 11-12 o’clock as part of the traffic slowing, alerting demonstration announced by METÉSZ to 3 November 1997

The Supreme Court allocated in its final judgement in the case of Gyula Zacsek – who claimed for reimbursement in a state administration tether lawsuit – that the police in the course of the unlawful dissolving, as the organiser of the event hurt his personal freedom and dignity, therefore the Budapest Police Captaincy was obliged to pay 1 million Hunagrian forints non-financial compensation.

From the above mentioned facts it is clearly visible that the police had problems in connection with the freedom of association well before 2002. Then and since then at the reign of left-wing-liberal governments.

The events of 4 July, 2002, when demonstrators closed Erzsébet bridge protesting against the abuse of the clearance of elections follow the course of the above mentioned cases. On the spot not long after the start of the event one of the police officers pointed his gun, to the stupor of the participants, to one of the demonstrators, nevertheless the risk of attack against the police, or defiance was not present. On Kossuth square, at the non-violent spontaneous

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<sup>91</sup> 122/1997. (XII. 18.) Parliamentary provision concerning the establishment of a committee of inquiry liable for the investigation of the prohibited event of 3 November, 1997, announced to be held in Budapest, based on the freedom of association law of 1989. III. law 8. § (1) para 9. §- (2)

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assembly after the event members of the reserve police – using tear-gas grenade and truncheon – dissolved the assembly in violent street fight, causing injuries. It is also memorable, when a photo-reporter was hurt, while working by the police. Troopers violently “with full gas” drove into the mass of people on Bajcsy-Zsilinszky road, but the massive crowd intercepted the attack, however many people suffered serious injuries during the intentional police attack. Furthermore the police was hitting and kicking those who came in their way, many people tripped over, and those lying on the ground were beaten up. More than 20 people were arrested, proceedings were taken in effect against them for disorderly conduct. The courts taking part in the offence cases cancelled the proceedings, so did they in the case of that young man, who was taken to court because of tilting and pulling elements of the cordon in Kossuth square.

The Gönczöl-committee remembers to the incident – which generated serious echo in Hungary and abroad – strongly euphemistically that “the crowd was marching to the direction of Astoria, finally at around midnight order was restored.” (GBJ page 70., 2<sup>nd</sup> paragraph)

On 1 December, 2002. – as it came to daylight hours before the event, that Adrian Nastase Prime Minister of Romania was going to give a party in Budapest, in Hotel Kempinski on the anniversary of the unity of Transylvania and Romania, and among the guest were Péter Medgyessy at that time Prime Minister of Hungary – hundreds of demonstrators assembled in Erzsébet square to express their opinion against this act, humiliating national pride. (It is well-known that Medgyessy was present, and was peacefully clinking glasses on the occasion, which is a sad date for the Hungarians).

The spontaneous and peaceful assembly was dissolved by the police, against which three participants – after losing the lawsuit aiming to investigate that the dissolving was unlawful – turned to the European Court of Human Rights to allocate, that the Hungarian State violates the 11<sup>th</sup> article of the Roma pact, when it orders the dissolving of any preliminary not announced demonstration even when the possibility of unlawfulness does not occur. In the proceedings which are now in the second phase, the Hungarian State has already explicated its views. Decision can be expected in the near future, where the Strassburg based court will probably allocate in accordance with the Oya Ataman vs. Turkey case (Chamber Judgement, 5. 12. 2006, detailed description of the case can be found in the 10<sup>th</sup> point of the 3 chapter of the report.) that the dissolving of spontaneous assembly - if only the fact that the event is not announced preliminary – violates the 11<sup>th</sup> article.

In February 2003, the peace demonstration against the war of Iraq was banned by the BRFK stating that it would disproportionately offend traffic – though the march would have taken place only on pavement. Subsequently, the Metropolitan Court changed this decision because of unlawfulness.

The practice of police towards demonstrations changed drastically, to undesirable directions since 1 July, 2003 when Péter Gergényi was promoted to Budapest police superintendant The new police leader promised politics free, neutral legal construction and application of law, however it is clear that he could not keep his word in many cases.

The anti-governmental demonstrations by the Lelkiismeret 88 Team was unlawfully dissolved on 1 December, 2003 by the police, nevertheless the demonstration was announced lawfully,

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and no prohibition resolutions were made, and therefore the dissolving, and the emergency provisions lacked legal base. 51 people were taken to the police. The chair of the organization brought a suit against the allocation of the unlawful dissolving, which he won in the first phase, and in the verification proceedings.

As the case bears special importance, the essence of the case must be detailed:

The anti-governmental demonstration of Lelkiismeret 88 Teamt was unlawfully dissolved on 1 December 2003 by the police, nevertheless the demonstration was announced lawfully, and no prohibition resolutions were made, and therefore the dissolving, and the emergency provisions lacked legal base. 51 people were taken to the police. The chair of the organization brought a suit against the allocation of the unlawful dissolving, which he won in the first phase, and in the verification proceedings.

As the case bears significant importance, the essence of the case must be detailed:

*The Lelkiismeret '88 Team organised a demonstration on 1st December, 2003 in Buda, Gesztenyés kert, marching to the house of that time Prime Minister. The aim of the event was to express their protest against the nation humilitating clinking of glasses between the Romanian Prime Minister and Péter Medgyessy one year earlier. The police was present with great force, dissolved the demonstration, 51 people were taken under arrest. The traffic in Buda was numb for many hours, because of the intensive action of the hundreds of police officers. Later the Buda District Court suspended the offence proceeding against the arrested, paying attention to the dissolving lawsuit. Later the suits were ceased, with one exception. The court declared in these orders, that: „the basis of the launch of offence proceeding started by the police is totally without grounds.” Furthermore: „ The way of police activity, the way of proceedings against the citizens who lived with their constitutional rights, the involvement of the reserve police against peaceful demonstrators, for mere political reasons, the total blocking of the demonstration at all costs is unacceptable form the side of the police, and questioned the nature of a constitutional state.” „ Backed up with testimony, the police proceedings were made in order to prevent the event.”*

Imre Kocsis, the organizer of the demonstration was given lawful warning in accelerated proceedings after 72 hours custody, and because of abuse of freedom of association – non-validly – was fined for 80 thousand HUF. [Later, after the expiry of 2 years lapse the offence proceedings for the abuse of freedom of association was ceased, the sequestered flags and transparents had to be given back]

The unlawfulness of the dissolving, The allocation of the Metroplotian Court concerning the unlawfulness of the dissolving was grounded by the fact, that no permission was given to Imre Kocsis, the announcer of the demonstration, to keep the event in front of Péter Medgyessy that time Prime Minister of Hungary, which was accepted by the Metropolitan Court. After some days Imre Kocsis announced similar demonstrations – though differing in subject, location, number of participants and time span. The BRFK did not bring formal prohibition regulations on the new announcement.

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The Supreme Court in supervising proceedings declared, that the verdict of the Metropolitan Court was well grounded and legal as concerning the lawfulness of dissolving of the demonstration, furthermore it is the duty of the police to proceed among the barriers of legal regulations, in case one of the most important democratic basic right, to secure the freedom of association. As the police considered equal the previous announcement of the organizer with the later versions, though the announcement was similar but not identical with the earlier spot, number of participants, time, it broke its obligations regarding the freedom of association. The police did not declare prohibition resolution, therefore the demonstrations could have been kept. The demonstration did not lose its peaceful character, though the leaders and organizers of the event formed definite opinion in connection with the police and government, as the nature of political demonstrations involve this form of opinions. The Supreme Court stressed, that it is not lucky from the side of the demonstrators to blackguard the police, however the behaviour was understandable, as the demonstrators stayed on the spot believing their presence was lawful, therefore the police actions were unlawful. In case a demonstration loses its peaceful nature, the police must request the participants to restore the peacefulness of the event, and if no change is experienced, the police must refer to the loss of peacefulness two times before the start of dissolving. No such action was reported. The defence of the police stating that the grounds of the dissolving was the fact itself, that 70-80 demonstrators were present instead of the announced dozen was found groundless by the court. According to the right of assembly, and the court such circumstances do not justify the dissolution. The possibility of and method of dissolving and prohibition is strictly laid down in the legal regulations; this principle was seriously violated by the BRFK. The Supreme Court declared, that the reason for dissolution shall not be sought afterwards, but in the process of judging the demonstration, and on spot keeping the legal guarantees. (Supreme Court Kfv. 39.077/2006/6.)

A guiding decision was made in connection with one of the most important basic constitutional right, the freedom of association – which, hopefully – must have strong effect on the practice of police.

The courts have ceased the investigation against the leaders of police in connection with this issue concerning the abuse of freedom of association and misuse of authority, on the other hand the complainant applied supplementary impeachment, so the proceedings are in progress.

At the time of the unlawfully dissolved demonstration the participants were unlawfully deprived of personal freedom, humiliated their human dignity, and were obstructed from practising the freedom of association guaranteed in the European Convention of Human Rights, therefore they can rightfully claim compensation for state administrative claims. The more than 30 aggrieved represented by the lawyers of National Foundation for the Protection of Rights offered an extra-judicial agreement, which was turned down by the BRFK against legal reality, and did not wish to take part in any discussion on the matter, so the aggrieved are going to start lawsuit concerning compensation for state administration claims.

Unfortunately the legal consequences of this serious and milestone demonstration are dealt with only seven words in the Gönczöl report, and imputed the demonstration, faultily, to the organisation of a political party. (GBJ para 3. p. 70. )

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The demonstration of Lelkiismeret 88 Team, on 23 May 2004 was prohibited on the basis of a contently faulty – and unfortunately accepted by the court - 2004. május 23-ára resolution, in which the legal base of the decision was a weeks earlier inoperative legal regulation. By joining the European Union the freedom of assembly was modified (Gytv. 8. § (1) para) in terms of prohibiting a demonstration on traffic interests. Four proceedings out of six arrested participants were ceased – in lack of offence - , one person was sentenced for ten days of imprisonment (legally) because he was holding a historic Hungarian flag (a Hungarian dynasty, the Árpád striped red-white flag) on spot. The four acquitted turned to the Human Rights Law Court with the prohibition of the event without legal base, the one person arrested handed in lawsuit renewal and constitutional complaint, as he possessed video tapes as evidence showing their innocence, which the court did not take into consideration. Stemming from the same case the four acquittes started a compensation lawsuit against BRFK for unlawful detention, which they won legally – the details are given in the 6<sup>th</sup> chapter of this report, under the compensation heading, because of its eminent importance. .

In the case of the convicted in the first instance, who were arrested without any explanation or reason, taken from Erzsébet square, the Metropolitan Court carried out the supervision and in its 14.Szf.74/2004/8. order – by which the proceedings were ceased due to lack of offence – theoretically declared, that in an unlawful demonstration the mere participation does not conflict, with the abuse of freedom of assembly laid down in Sztv. 152. § and the offence of rioting in accordance with 142. § only in case the protestant carries out extra bearing of the case, for instance as the organiser of the event. The 7th chapter of the report deals with the juridical practice in connection with jurisdiction in the autumn of 2006.

Shortly after the case above in May 2004 the police intendant of Budapest prohibited the demonstration of the BAUMAG victims unlawfully referring to an out of date regulation on traffic interests.

In September 2004 – four months after the outdated of the freedom of assembly – Péter Gergényi, police superintendent of Budapest, again prohibited 5 demonstrations on traffic interests – absurdly on pedestrian traffic interest - announced by the Magyar Jövő Team. The Társaság a Szabadságokért advocacy organization objected to the action in its proclamation on 29 September, 2004, pointing to the fact, that, “it is revolting and against the idea of constitutional state, if the police superinendant refers to an outdated freedom of assembly after 5 months of the modification. Simply it was out of question that pedestrian traffic could have been secured on other route. The prohibition of a hungarist demonstration in this way – however many people agree with the decision – is the trampling upon democracy and constitutional state.”

([www.tasz.hu/download/nepszabadsag%20nyilatkozat.pdf?id=13203&time=1172021452&op=cont](http://www.tasz.hu/download/nepszabadsag%20nyilatkozat.pdf?id=13203&time=1172021452&op=cont))

The Lelkiismeret 88 Team did not get possibility on 10 December 2004, to protest against march to the home of the Prime Minister (Ferenc Gyurcsány). Two – for the governmental manipulation of referendum - of five announced demonstrations were prohibited by the police. The police acted this time against the law: seven people – among them the leader of

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the organisation – were arrested on Argit Bridge, and against them for the abuse of freedom of association and rioting offence proceedings were taken into effect, all ceased later, as the involved proved to be innocent. The court on the second phase explicitly allocated, that the arrest of the leader of the organisation was done under invalid data, and claim therefore the constraint action against him, and three day long imprisonment was without any grounds, and against the law. The prohibition of the event was justified by the police with the explanation, that it is forbidden to demonstrate near or at the home of the Prime Minister, because it would result in the distraction of traffic in some extent. Nevertheless this regulation was outdated by 1 May, 2004, since on the basis of abusing traffic interest a demonstration can only be banned if no other option can be secured for the traffic, though there would have been other option in this case. The first compensation trial was made on this occasion by the police to claim compensation against the organiser of the event – around 400.000 HUF – which would have been intended to be received from the organizer, because he organised the event under legal ban, therefore he is liable to pay for the cost of police mobilization.

Later – as it was proved that, that against the prohibition the event was not held finally under the regulations of the freedom of association, the legal procedure against Imre Kocsis was ceased on the abuse of freedom of association, therefore the BRFK lost every kind of legal ground to the compensation.

It is astonishing, that two proposals on the legal supervision of two prohibited demonstrations, and the three day delay of the handing in was turned down by the Metropolitan Court lawfully, with reference to the fact that from Imre Kocsis – who could only lodge an appeal against the prohibiting police resolutions – it would have been expected to lodge the appeal instead of dealing with his own offence proceedings during the three day arrest. This verdict brought in the second phase points to the fact, that the most detrimental legal consequence of the unlawful police action against Imre Kocsis was not dealt with. With other words the supervision of the police resolutions brought on the unlawfully prohibited demonstrations, were countermined by law abusing police behaviour. Imre Kocsis turned to court in connection with this case, in order to validate his claim of compensation regarding the abuse of his personal freedom and human dignity. The lawsuit is in progress, the first day of the trial is about to take place in February 2007.

Connected to the unlawfully dissolved events two years earlier, the Lelkiismeret 88 Team announced similar demonstration as of those in 1 December 2003, in November 2005, in order to test the development ability of the police on the field of freedom of association. The modification of the law gave greater importance to the issue, as since 1 May, 2004 in the circle of possible causes of prohibition the old version of “disproportionate abuse of traffic interest” was replaced by “in case traffic cannot be routed to other direction”. The effective regulation only allows prohibition of an event on traffic issues, if there is no objective possibility to route traffic in other direction.

The Budapest Headquarters of the Police applied its well-tested arguments of “disproportionate abuse of traffic interest” and prohibited the event, which would have involved the march of 300 demonstrators, the prohibition resolution was passed – the order was brought one day after the planned date of the demonstration by the Metropolitan Court – with reference to the inability of the proposal to counter-prove the police fiction. For instance – as it may happen, that some demonstrators step off the pavement – half-lane closure is

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needed, and traffic cannot be secured on other route. By stating this the Court classified the question professional, whether the march of 300 people on the pavement at 9 o'clock in Buda – this time of the day the traffic is expected to be light – can create a situation in which traffic – even is partly obstructed form – cannot be routed on other roads.

Péter Gergényi police superintendent has brought resolutions in connection with three later announcements – prior to previous prohibition, but different in other factors, such as number of participants, time, etc- , not surprisingly with prohibition content. The event with the participation of 100 people in Gesztenyés kert was approved, provided the circumstances are in order, was held – with massive police inactive participation. The changed routine of BUDAPEST HEADQUARTERS OF THE POLICE proves, that two years earlier their practice was wrong and unlawful, when the three later announced events were dissolved.

The complainant, in his motion for appeal lodged against one of the injunctions, requested the appointment of an expert and the conduct of a judicial survey. In its ruling no. 13. Kpk. 45.115/2005/3. dated 5 December 2005 annulled the second injunction of Chief Commissioner of Police, which forbade a 45-minute marching of 100 persons on the sidewalk that commenced at 9 p.m. It was the second time during the tenure of the Chief Commissioner of the Police that a police decision banning a political organisation had been repealed. The other ruling in favour of a demonstration was the one made in connection with the peace demonstration against the war in Iraq; however, at the time a former reason for prohibition under the Act on Assembly was applicable (disproportionate obstruction of traffic).

The final ruling of the court stated unequivocally that the police were wrong in believing that the participant of the demonstration on the sidewalk would necessarily walk on the road and, as a result, one lane should be cordoned off. Although, in the case of a demonstration that is formally announced, the police are entitled, for reasons of security, to cordon off one of the lanes of a dual carriage way, this does not prevent the police, given the short time of the demonstration, from ensuring that, by means of taking the necessary measures, traffic is undisturbed. Such traffic-related measures are no different from those customary in the case of accidents in Budapest, road construction or any other obstacle to traffic or the impact thereof. Given these circumstances, the injunction was wrong in assuming that the demonstration would block public transport. Judicial control worked in this case as well. The demonstration formally requested was permitted. As the ruling of annulment was passed after the date of the planned demonstration, pursuant to Sub-section (3) Section 9 of the Act on Assembly, the demonstration banned unlawfully was allowed to be held at any time with the proviso that notification had to be provided 24 years ahead of the planned date.

**3. Unlawful and contestable measures of the police in connection with the ban on and the arrangement of announced demonstrations; shortcomings and errors of the law**

In its supporting argument underpinning its injunctions pertaining to the ban on demonstrations, the Budapest Metropolitan Office likes to cite “the inproportionate obstruction of traffic”, which, with effect from 1 May 2004, is no longer a reason for banning, in the supporting arguments underpinning its decision (they claim, for instance, that “... *current traffic in the metropolis cannot handle motorcar demonstrations entailing the use of road block.*”). Sub-section (1) of Section 8 of the Act on Assembly has replaced Point a) Sub-

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section (1) Section 147 of Act XXIX of 2004, pursuant to which on 1 May 2004, "and/or would cause disproportionate obstruction of traffic" was replaced by "or no other itinerary can be designated to handle traffic".

With this the legislator expressed, as mandatorily applicable to all law enforcement organisations, thus the police force, that the constitutional principle that the freedom of peaceful assembly can be restricted only under exceptional circumstances and only to an extent that is absolutely necessary.

The underlying reason for the change in the statutory regulation was that the disproportionate obstruction of the traffic is a phrase with two broad meaning for the police to interpret, which may also give rise to arbitrary interpretation, and thus allowed for the possibility that events falling under the Act on Assembly could be banned. In contrast, the currently effective reason for restriction rules, *ab ovo*, any interpretation that may serve as a reason for speculation, abuse and ban.

The effective regulation only allows the prohibition of a programme for reasons of traffic considerations if indeed there is no objective possibility for diverting traffic to another route (e.g. the single bridge of a town divided by a river is closed all along for the purposes of the reported programme).

It is no accident that the original attribute has been deleted from before the word 'traffic': traffic secured along a different route is not required to be unimpeded and undisturbed, the only requirement is that anyone can travel from one part of the town to another. It is inherent in the regulation that the freedom of association as a parent right guaranteeing the freedom of opinion may to some extent entail the restriction or infringement of others' interests related to unimpeded and undisturbed traffic.

The effective text of the Act on the Freedom of Association fails to provide for any restriction in this respect, and consequently, the programme cannot be prohibited for reasons of extreme difficulties in securing traffic even if it was the actual and true case. The Act on the Freedom of Association uses this completely objective category because one of the most significant fundamental rights cannot be left to the police for consideration as they tend to misuse this power.

At this point mention should be made of the fact that despite the above-referenced amendment of the the Act on the Freedom of Association effective as of 1 May 2004, decree 15/1990. (V. 14.) BM on the tasks of the police in relation to securing the order of events has not been amended in adjustment is a serious legislative deficiency – which, however, does not relieve the police from its responsibility as an official body acting in this matter.

According to this the police – paying attention to the 8 § of freedom of associating – gathers information whether the planned time and spot of the event does not endanger seriously the operation of lawcourt or representation body, or does not abuse of traffic interest in a disproportionate way.

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*We therefore propose , that this anti-constitutional situation must be terminated by the minister, modifying the 15/1990. (V. 14.) BM provision 4. § (5) paragraph.*

In a democratic constitutional state it is inconceivable without consequences, that modifying a legal regulation which would let practising a constitutional basic right like this more widespread is not followed by the instant executive steps. The referred BM resolution has not been modified since its creation , however the freedom of associating has been modified four times. In the light of these facts it is worth considering how the state power relates to the question of ensuring democratic freedom rights, if the freedom of association did not consider necessary the modification, which would be the duty of the ministry. According to the law creating regulation this anti-constitutional lawcreating mishap, is the responsibility of the actual minister of internal affairs and minister of justice.

The professional misguidance of BRFK in its resolutions prohibiting demonstrations, and the anti-constitutionally arbitrary efforts to limit the freedom of association are proved by such statements, in which the police makes obviously invalid allocations, that in case the route of the demonstration was blocked, the distortion of public transport and private vehicles is impossible, or “the distortion of BKV buses is impossible both physically, both in terms of traffic policy.

Or “because of the demonstration all roads of the neighbouring area should be necessary closed, in this case the traffic using these roads would be made impossible”.

The last sentence besides it is invalid in most of the cases is rather dangerous, as with reference to this the law creator going against its own intention to expand the circle of freedom of association, would be entitled to prohibit any demonstration organised to any place, in any time in the inner districts of Budapest, or anywhere else.

The freedom of association is the most striking realization form of expressing opinion. In the course of practising freedom of association, the demonstrators practice their freedom to express opinion, in order to let other citizens know about their views on any question of public interest. This right can be reasonably practiced in the territory of Budapest, mainly in the inner districts, as there is possibility to let other people hear the constitutionally expressed opinion.

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It can be observed that, disregarding extreme locations, if the appropriate roads policing is used, it is usually possible to secure motor car and pedestrian traffic along different roads in the periods reported for such programmes. Interestingly enough, the police is usually capable of performing such organisation moving enormous numbers of staff and grandiose organisation in case a Government programme is arranged on Chain Bridge closed for a whole day to traffic, or a procession to the indignation of many people is made along a road that is a backbone of Budapest during the daytime.

The police likes to classify the diversion of traffic to other routes as a professional issue and refer to the opinion of their own roads policing division as on an expert opinion. The nature and short deadline of amicable procedure initiated for the revision of a prohibiting resolution has considerably confines the possibility of providing expert evidence, and as far as we have been informed, the Metropolitan Court has never allowed this possibility, or performed on-site inspection, which is a permissible means of proof under Article 188(1) of the Civil Procedure if the direct inspection of a person, object, fact or venue is required for the establishment of an essential condition. As a refreshing exception, in the week started on 12 February 2007, the Metropolitan Court adopted an order declaring the prohibiting resolution of the Budapesti Chief Commissioner of Police null and void on the basis of photographs depicting the venue of a demonstration along an access main road.

In addition, in the prohibiting resolutions of the police the mistake is regularly made that the holding of the demonstrations is at the indicated place and time is prohibited despite the fact that Article 8(1) of the act on the Freedom of Association unmistakably provides that only the *place* or *the time* of the demonstration indicated in the application can be prohibited. Therefore, the text and the spirit of the law are both violated if the holding of an event is prohibited for the reason that on a part of the road the programme may disturb traffic. The official body of the police is only allowed to apply restrictions to the extent necessary. Even if it is true – but in most cases it is not – that traffic cannot be ensured on another route, the police would only be entitled to prohibit the time of the demonstration, as the conditions cited as a reason are not in place do not hold say after 21.00 or 22.00 hours at night.

This official method of restricting rights fails to provide opportunity, for instance, for the relocation of a demonstration reported on Kossuth Square and prohibited for reasons of jeopardising the operation of Parliament to other arts of the downtown or in, say, Hűvösvölgy in Buda, at the originally indicated time.

*It is recommended that the police should immediately stop its current practice of prohibiting the holding of the reported demonstrations at the place and time indicated in the application instead of prohibiting the place or time of holding the demonstration.*

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In their rulings, courts have pointed out on several occasions that the official bodies of the police frequently fail to give an appropriate information on the opportunities open to legal remedy in their prohibiting resolutions, and do not call the applicants who act without the assistance of a legal advisor or representative to the fact that the applications for a legal remedy must be submitted to the official body of the police. This is tantamount to restricting the opportunity to legal remedy as defined in Article 57 of the Constitution. If for lack of warning the applicant submits his application for revision to the court, he loses time as the court will forward the application to the police, and the application may be delayed by as much as even two days, and just as in a case that happened this year, the court decision may be adopted on a day following the date of the demonstration.

*For this reason it is recommended that the police should promptly abandon its current occasional practice of failing to call the attention of the applicant in a remedy information that the application for remedy should be submitted to the police and not the court.*

It is also reasonable to require the police to emphatically call the applicant's attention the prohibitory resolution to the fact that as the organisation that has adopted the resolution is the county (metropolitan) chief commissioner of police, an application for the revision of the resolution should be addressed to the county (metropolitan) chief commissioner of police instead of the county (metropolitan) headquarters of the police. This is because if the application is submitted to the wrong addressee, it is refused, and thus persons not well-versed in legal matters may be inequitably deprived of their right to legal remedy. In several recent cases the refusal was made with only the Budapest Headquarters of the Police indicated in the heading, without any reference to the fact that the refusal had actually been issued by the chief commissioner of police.

The relevant decree 15/1990 (V.14.) BM of the Minister of Interior is in conflict with Article 8 (1) of the Act on the Freedom of Assembly, as the latter assigns the competence to decide on prohibition to the police as a body, while Article 2 (1) of the decree of the Minister of Interior provides that the leader of the competent headquarters of the place of the event is entitled to judge the application for holding an event on public area (hereinafter: event subject to reporting).

Pursuant to Section III of resolution 1/2003 of the Administrative and Civil legal unit on the delegation and exercise of the powers of an administrative body, if the leader of an organisation specified in a statutory regulation has the power to judge an appeal against a resolution adopted by an administrative body, the leader of the particular organisation must be indicated as defendant in an action initiated for the revision of the administrative resolution.

Pursuant to Article 5(1) of the decree of the Minister of Interior, the leader of the organisation in charge of defending public order must submit the report along with the expert opinions, the data specified in Article 4(5), and the minutes taken of the consultations with organisers and other documents to the leader without delay. Within 48 hours from receipt of the report, the leader shall decide on the eventual prohibition of the event, or take a stand in the issue if holding the event corresponds to the statutory regulations of the Act. Pursuant to the

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provisions of Article (2) decision on the prohibition of the event may be adopted by the leader in an administrative resolution.

Article 8 of the decree of the Minister of Interior, however, provides that if in the course of a judicial revision of the resolution prohibiting the programme and in an action initiated for the establishment of the unlawfulness of dispersion, the court considers it necessary to hear the parties, the police must be represented by a person appointed by the leader. Thus, instead of the leader of the police, the statutory regulation considers the police as a body to be in administrative legal relationship.

It follows from the above that for instance on the territory of Budapest, the leader of the Budapest Headquarters of the Police (BRFK), the Chief Commissioner of Police is entitled adopt resolutions, but paradoxically, in an amicable procedure módon a bírósági felülvizsgálatra irányuló nem peres eljárásban a rendőrség, mint szerv vesz rész kérelmeztként.

*The above inconsistency is in gross violation of the Constitution, as it prevents the citizen exercising his freedom of association from clearly understanding who the other person with whom he is in legal relationship, and thus the prevailing conditions affect the exercise of legal remedy. For this reason we recommend the immediate termination of this situation by an amendment of the statutory regulation concerned.*

Pursuant to point df) in Section (1) of Article 72 regulating the content and form of a resolution in Act CXL on the general rules of official administrative procedure and services, the payment obligation required in the resolution and duty charged for appeal can also be apid electronically and the persons charged with it must be informed of this fact. According to the reasons given by the Minister in attachment to this statutory regulation, the purview of the resolution must also include the deadline set for appeal or claim and the organisation where it must be submitted, as well as the amount of duty charged for it. If the above are correctly interpreted, the legal remedy clause of the police resolution should include a statement of the fact that although in a judicial revision procedure no duty had to be paid (as it is free of duty on account of its subject-matter), in the case of an unfavourable court ruling, the applicant must expect to pay a specified amount of duty (currently HUF 16,500) and the police counsel's fee (currently HUF 10,000 per case).

*We recommend that the above described practice should be changed, what is more, it seems to be justified to conduct the judicial procedure against a prohibitory order made in connection with the exercise of the freedom of association free of charge.*

At certain political programmes certain groups of participants may repeatedly howl down government politicians, catcall them, or erupt their speeches with shouts. In March 2005 it turned out that the police identified the "hard core" of such a group, who participated in several such events and regularly whistle. The question arose: is the police entitled to identify such persons, archive shots and establish if the particular persons also participate in other events – or is this to be considered as targeted data collection in conflict with the Act on the Protection of Personal Data and the Police Act? Pursuant to the relevant statutory regulations and data protection commissioner Attila Péterfalvi, such a procedure violates the law.

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Article 42 of the Police Act provides that the police may take visual and acoustic recordings of any person affected by the police action, his or her surroundings, and any significant condition or aspect of the police action or any object related to it, however, such recordings as well as the personal data included in them can only be used in the procedure initiated for crime or offence committed on the site of the event, and exclusively for the purposes of identifying the wanted person. Another restriction is that if no criminal or administrative procedure has been started on account of the event recorded on the visual or acoustic recording on the site of the event, and if the data included in such recordings do not represent permanent value, the visual and/or acoustic recording must be destroyed no later than six months after the date of the event. Thus, if the police archives such recordings taken of the demonstrations and stores them for several years despite the fact that the statutory requirements are not met, the police violates statutory regulations.

At this point it must be noted that a single person's acts cannot be considered as demonstration in any interpretation whatsoever, and so if a person 'demonstrates' alone, he or she cannot be made responsible for the violation of the freedom of association. In November 2004, the competent police headquarters imposed a fine of HUF 40,000 on N.Á.Sz., who demonstrated alone in front of the seat of the Duna TV, on account of the injuries suffered by his family in Transylvania, currently a part of Romania. The court changed the decision and ordered the return of the banner confiscated from the man. It was established that the man did not abuse the right of free association, and had not committed any offense, as "a single person's acts cannot be considered as demonstration in any interpretation". Demonstration is the act of several persons regulated by the Act on the Freedom of Association. The Metropolitan Court recently awarded indemnification for the injured person for his unlawful detention.

In light of the above it is no wonder that the citizens who have suffered the actions of the police seek remedies at courts in increasing numbers, as it is just natural among the conditions of the rule of law in a democratic state, and the actions and reflexes that determined police actions and stance taken against demonstrators in the autumn of 2006 are far more clearly understandable.

**CHARACTERISTIC FEATURES OF THE VIOLATION OF HUMAN RIGHTS BY  
THE POLICE, PROSECUTORS AND COURTS IN CONNECTION WITH THE  
SEPTEMBER AND OCTOBER 2006, REMEDIES AND INDEMNIFICATION**

“Under a government which imprisons unjustly, the true place for a just man is also a prison”  
Henry David Thoreau

**1. Introduction**

In the introduction to this report in section 3 describing the tasks set for our committee, it is pointed out that as we focus on the protection of human rights, the investigation of persons responsible for the infringement of human rights is of primary significance in the rehabilitation of the victims and prevention. The case descriptions attached to this report are meant to reinforce this focus in attitude, as they provide outsiders a glimpse behind statistics, the often undesirable issues, from the perspectives of the victims and based on their wording.

We have already made reference to the fact that in the report of the Gönczöl Committee, unfortunately, the analysis of the human rights of the people concerned was pushed to the background. The infringements on human rights are mentioned only in Section 3.3.7 of the GBJ (pp. 169-170) under the title “Civil Complaints”, as a mere communication of positions received from human rights associations, without any analysis. The Gönczöl Committee failed to make statements or even recommendations regarding the violation of human rights.

In Chapter III, a detailed description is given of the fundamental human rights and freedoms which are fully enforced in a democratic state built on the rule of law, especially in disputes on public life. In addition to these, international human rights agreements and domestic statutory regulations guarantee the rights to human dignity, personal freedom and personal security and prohibit inhuman and humiliating treatment and punishments by providing detailed lists.

In the course of the police, prosecutor and court procedures launched in connection with the protests started after the publication of a speech by Prime Minister Ferenc Gyurcsány at Balatonöszöd on 17 September 2006, numerous constitutional principle, statutory regulation and the provisions of international treaties protecting human rights. As a result of the 2006 autumn events many people rightfully cast doubt on whether the principle of the rule of law is actually realised in practice in Hungary. The disproportionate and frequently unnecessary dispersals, abuses, unjustified assaults, violence and forcible measures taken by the police, the pre-trial detentions often ordered without lawful grounds between 18-21 September and 23-24 October substantiate the suspicion that the majority of these events were retaliations against people who expressed their criticism against the Hungarian Government.

For this reason in November 2006, the UN Committee Against Torture (CAT) expressed their concern, as indicated in Chapter III of this report.

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In this period, the policemen of the Hungarian Police and persons wearing police uniforms committed crimes in large numbers and violated the statutory requirements pertaining to the police.

The unusual situation can in no way justify violation of the lawful order either by citizens or by forces charged with maintaining public order. Policemen cannot place themselves above the law and take measures in revenge or use violence exceeding the force required for and proportionate with the particular measure, and they are especially forbidden to apply cruel and humiliating treatment. If this is allowed, people may become victims of autocracy at any time.

Obviously, the police may have been especially encouraged by the fact that they did not wear the identification sign required by Section (1) of Article 20 of the Police Act on their uniforms, and they wore ski masks, which decreased their criminal and disciplinary amenability. This extremely important question is tackled in Chapter VII of this report.

The large number of peaceful demonstrations on 4 November 2006 – including those which were held otherwise than previously reported – proved that if the police acted in the spirit of statutory regulations and in compliance with them, controlled and self-disciplined, the large number of infringements like those committed in the autumn of 2006, and especially on 23 October, can be avoided. This time the police used the so-called soft-cap tactics, well proven in Scandinavian countries, to accompany and control demonstrations, including those which departed from the previously reported scripts, and did not trigger conflicts that would escalate violence by aggressive intervention.

According to the currently available information, more than 171 cases have been reported against policemen who have committed abuses during action, but only some 30 of them have been suspected so far.

One can completely agree with the following ideas of lieutenant-colonel Dr. László Csendes in his study on “The Police and Gypsies”, published on the website of the National Headquarters of the Police:

“The Constitution sets forth: ‘The fundamental task of the police is to protect public security and internal order’. However, pursuant to the provisions of the Police Act, the ‘police shall respect and defend human dignity and protect human rights’. The attitude of the police to human rights is determined by these two expectations. On the one hand, they must fully comply with the constitutional requirements, and on the other, they have to do this without violating the fundamental rights of individuals. To put it in another way, the police is required to protect the fundamental rights and simultaneously fully observe them. It is not easy to meet both expectations. We are aware of the fact that legal instruments have pivotal significance in the performance of tasks, however, it is an indispensable precondition that the policeman who actually performs the tasks should be suitable for the enforcement of the legal directives. In the course of his work, he must decide on his own when he differentiates between ‘lawful’ and ‘unlawful’, and if he is indecisive, his action will also be uncertain. The conflict between right and order can be solved by discretion, which may facilitate fast and resolute decision-making. This is because the legal knowledge of a person, in this case the acting policeman, is limited, for the most part confined to the solution of routine tasks.

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This may be an explanation for unlawful measures, which may, in turn, raise the issue of difference between judgement by statutory regulations and judgment by consciousness of rights. However, according to certain statements the indicator of unlawful actions is the initial situation that the policemen consider that world surrounds them hostile (see István Szikinger: *The police and crime*). Undoubtedly, there are policemen – but not the police as a body – who do have this attitude: they consider deviant persons, troublemakers, those who break the rules and commit crimes as enemies who must be disciplined and they think repression is the only solution against them. For this reason they only accept strict (aggressive) and angry (impolite) action as the only proper way to ‘make order’ and enforce the law. With his behaviour he wishes to emphasise the opinion of the society and his contempt of, anger and vexation felt because of criminals. This is why I think the underlying reason for such unlawful or professional mistaken measures is, in most cases, rather a confusion of functions and lack of proper training than prejudice or discrimination.

I give the same explanation for the fact that there are still policemen in the executive staff who voice the opinion that the rules of criminal procedure impede rather than facilitate the policeman’s work. Even though the policeman’s task is to meet the requirements and have them respected, and not to create their system of their own.”

Unfortunately, in many respects the above opinion was confirmed by the police actions experienced in September and October 2006. Nevertheless, as explained in Chapter I of this report, police leaders and the political leaders in control of the police can be clearly blamed for the large number of infringements the policemen - characterised by the above features – committed as a result of their superiors’ encouraging influence.

Following the September demonstrations, disquieting signs suggested that the procedures undertaken to call people to account for their actions end up in disproportionate retaliation. During the 2006 autumn demonstrations, several hundreds of people were arrested, criminal or state administrative procedures were initiated against most of them, and a conspicuously high number of forcible measures unlawfully restricting personal freedom, primarily pre-trial detentions, were ordered.

## **2. Violations of law during arrests and captures**

The most frequent and most serious violations of law by the police occurred during or after troop dispersion. Then, a very high number of measures were taken by the police during which policemen acted in an abusive and inhuman manner against persons at or in the vicinity of the venue of protests. It must be pointed out that the provision of law concerning the usage of law enforcement tools, as set forth in detail in Chapter VII of the Report, cannot be disregarded even when taking measures against a person participating in an unlawful protest.

The above mentioned chapter of the Report discusses the infringements committed during troop dispersion. Here we investigated how the police acted when capturing persons for the purpose of taking them to the police station.

While taking such "demobilisation" measures, various acts of violence were applied, including the kicking of the head and the upper body by boots, hitting the skull by loaded clubs, brutal application of handcuffs. Not to mention the foul talk that characterized the

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policemen taking action, which cannot happen under the rule of law. The cases published in Part 1 and Part 2 of the Appendix represent only the sponce of the iceberg, as there were almost one thousand complaints of which our committee obtained knowledge. Due to fear from the authorities, many did not contact the human rights organizations, which means that the extent of latency is rather significant in this context.

It is necessary to quote the most important provisions of law concerning the use of enforcement measures by the police:

**The Law on the Police**

Section 15 (1) The police measure cannot cause a disadvantage that is obviously disproportionate to the lawful objective of the measure.

(2) From among several possible and suitable police measures or law enforcement measures the one to be applied should be the one which ensures the meeting of the objective and has the least risk of causing restriction, injury or damage.

Section 16 (1) The policemen may apply a law enforcement tool only if the conditions required by law are met. The law enforcement tool should not be used if resistance has been broken and the success of the police measure may be ensured without the application of such tool.

(3) The policeman cannot apply torture, forced interrogation, cruel or humiliating methods, and must reject any such instructions. The policeman is obliged to take action to prevent such behaviour against any person acting that way, regardless of his/her position, rank or person.

Section 17 (2) If law enforcement tools are applied in the course of taking police measures, causing of injuries and the causing death should be avoided. A person suffering injuries in the course of taking measures, assistance should be provided as soon as possible, and, if necessary, the policeman should ensure that the injured person is given medical treatment, and the relatives or other people having a relationship with the person concerned are notified if he/she has been taken to a hospital.

*Order 3/1995. (III. 1.) BM of the Ministry of the Interior on the Service Regulation of the Police (RSZSZ):*

Section 51 (2) The policeman shall respect the rights concerning bodily integrity when using law enforcement tools, and may endanger bodily integrity only to the extent absolutely necessary.

Section 52 (1) The order of applying law enforcement tools must be progressive: a harsher tool may be applied only if the application of a less harsher tool has not achieved results or has not seemed enough to achieve the required result.

It is easy to conclude that the serious and sometimes permanent injuries were caused not by the above regulations but persons wearing police uniform infringing these strict regulations knowing that they cannot be identified.

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Clause a) of Section 33 (1) of the Law on the Police rules that the policeman shall capture and bring to the competent authority the person caught at committing an intentional criminal offence, in order to take further measures. Clause f) of Section 33 (2) rules that "in order to ensure public safety, the policeman may take such person to the authority or the competent organisation who continues committing an offence regardless of a warning, or against whom the procedure may be carried out immediately." Clauses a and b of Section 76(1) of Act LXIX of 1999 on Offences rule that "the police may take to the offence authority, court or medical organisation a person who continues committing an offence regardless of a warning, or against whom the procedure may be carried out immediately."

**In order to comply with its obligations concerning public safety, the police, obviously, are entitled to capture such persons but capture is not part of calling to account, and cannot involve actions of reckoning and revenge.**

It may be concluded that many times none of the conditions determined by the general and specific regulations concerning capture were met and in the case of many persons captured the measures involved unnecessary and disproportionate brutality.

The issue of indemnification relating to unlawful measures will be discussed later in this chapter.

The police action in the autumn of 2006 not only infringed certain provisions of law applicable to the police but also several provisions of the Penal Code. On 5 December 2006, the National Legal Aid Foundation made charges for criminal offences committed probably by policemen in 20 cases. The relating investigation by the Investigating Prosecutor's Office of Budapest is in progress, and the investigation into supposed military crimes is being carried out by the Investigating Prosecutor's Office of Budapest. It is reasonable to review these cases, in view of the structure and statements of the said criminal charges:

#### 1.1

In several instances persons were hurt and beaten unlawfully, and in several instances persons were abused after they stopped resistance and were in a condition incapable of protecting themselves. Such cases occurred at the archways of Madách Square in shots made by Hír Tv where the captured person is brought to the ground and then, for unknown reasons, several members of the moving police line kicked him (<http://www.youtube.com/watch?v=U5QfzdK6bU8>). Some of the cases set forth in the Annex of the Report confirm such occurrences, and the world wide web has further videos at: <http://www.youtube.com/watch?v=D0CUZ86YwSA>, and at <http://www.youtube.com/watch?v=r7lomdMrlS0&NR>, taken between 4:40 and 4:45.

These actions are infringements under Section 226 of the Penal Code on abuse in the course of official procedures.

#### 1.2

If the police action infringed Section 226 of the Penal Code on abuse in the course of official procedures, then a cumulation may take place with the offence of light bodily harm under

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Section 170(1) of the Penal Code if injuries healing within 8 days have been caused and the afflicted person files a private request for prosecution, or with the offence of serious bodily harm under Section 170(2) of the Penal Code if injuries healing beyond 8 days have been caused. If the bodily harm was caused for malicious motive or aim, or if bodily harm is caused to a person incapable of manifestation of will or incapable of protecting himself/herself, then even a light bodily harm qualifies as a criminal offence, which is liable to prosecution ex officio, and no private request for prosecution is needed to be attached to the charge.

Several persons suffered permanent disability or serious deterioration of health condition due to police actions infringing Section 170 of the Penal Code on serious bodily harm, for example several persons suffered eye injuries and other serious injuries due to shots by the police. The malicious motive or aim of deterrence and intimidation may be established, in my opinion.

1.3

In addition it is well known that the police abused a well-known MP, Máriusz Révész. As the aggrieved person qualifies as an official under Clause a) of Section 137.1 of the Penal Code, this abuse is an infringement of Section 229 of the Penal Code. In view of the fact that the number of policemen taking measures against the crowd in the streets was several thousand and the actions and abuses always involved a group consisting of at least 3 persons, and as the policemen held with themselves tools capable of causing death, in order to fight resistance, as evidenced by the high number of those suffering critical injuries, the offence committed was aggravated.

The persons giving the orders and the commanders of the actions are perpetrators as "group leaders" of the aggravated criminal offence under Section 229 (3) of the Penal Code.

1.4

The police beat two priests, including Jesuit priest László Vértesaljai, who wore an easily recognizable priestly robe. This was a criminal offence of violence against public official under Clause j) of Section 137 and Section 230 of the Penal Code.

1.5

The police infringed the regulations on the application of law enforcement tools, such as fire arms (rubber bullets and tear gas canisters) when they frequently shot at head level with both fire arms, at close range, directly endangering human life and health, infringing Section 171 of the Penal Code. The level of their culpability is at least gross negligence but may rather qualify as potential intent. The usage of ASP baton in the framework of taking police measures (<http://www.youtube.com/watch?v=r7lomdMrlS0&NR>, at 3:18-3:22), and throwing of stones by the police at protesters (<http://www.youtube.com/watch?v=r7lomdMrlS0&NR> at 4:22; <http://www.youtube.com/watch?v=LAScfmyy4HE>; <http://www.youtube.com/watch?v=QApXu1SoYYU>) are other instances of the commitment of this criminal offence.

1.6

In several instances persons injured by police measure were left behind without providing for medical aid, and in other cases injured persons were given medical aid only with a significant

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delay, or no medical aid at all, upon taking them into the police station. There is a suspicion beyond reasonable doubt that such policemen committed the crime of failure to provide medical aid required under Section 172(3) of the Penal Code as professional policemen are obliged to provide help under Section 17(2) of the Police Law. The occurrence of such actions are confirmed by videos available at: <http://www.youtube.com/watch?v=D0CUZ86YwSA>

1.7

The police prevented a great number of peaceful civilians in attending lawfully announced events or going home from such events, infringing Section 174 of the Penal Code.

1.8

With regard to certain actions, also the crime defined by Clauses b) and e) of Section 174/B (1) of the Penal Code, that is violence against members of national, ethnic, racial and religious groups, may have been committed. Such cases included the abusive treatment of Attila Bankó, drummer of the band Kárpátia, who suffered serious physical violence at Párizsi Kávészó in Rákóczi Street, although he gave no reason for it, and was left there without providing for help. The musician wore a T-shirt with the ancient Hungarian Turul, a mythological bird, a symbol of the Kárpátia band, and the word "Kárpátia", the name of the band that is involved in the preservation of Hungarian national traditions. The band recently had a concert at the Trianon Palace in Versailles, France, on 4 June 2006, protesting against the injustice of the Paris peace treaty. The most recent record of the band, already known at the time of the action, included a piece entitled "I want to hear names" is about the perpetrators of the communist regime, quoting freedom fighter and current MP Mária Wittner's "indictment". The band Kárpátia symbolises the way people committed to Hungarian national values, people with a proud Hungarian identity think. The circumstances occurring right before the crime indicate that the victims were abused specifically because of their Hungarian nationality, as the perpetrators' attention was taken by the said T-shirt, which represented the aggrieved persons' affiliation with the Hungarian nation, and this was what incited the violence, which had no other reason.

1.9

Members of the police committed several crimes in office, at least they infringed Section 225 of the Penal Code (official misdemeanour).

1.10.

The occurrences on 23 October infringe Section 228/A (1) of the Penal Code concerning the freedom of association and assembly, which rules that anyone *unlawfully* hindering *others* in exercising the Freedom of Association by *violence* or threat commits a crime and may be punished by deprivation of liberty up to three years. This crime is committed by persons unlawfully hindering others in exercising their Freedom of Association and assembly by violence or threats. It may be concluded that the perpetrators unlawfully hindered the persons going to the demonstration, which was duly announced and was not prohibited, to exercise their freedom of association recognized and guaranteed by the Constitution and by several international treaties.

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The police hindered the protesters in exercising their constitutional freedom of association. In this case, violence was a physical action against the aggrieved persons, because, in lack of a prohibition, the police had no right to take measures against the protesters and was not entitled to drive out the crowd, and apply law enforcement tools against the arrested persons. Violence means physical violence against persons. Consequently, the action of the police was violent, in the sense mentioned by the law.

The term used in Section 228/A(1) of the Penal Code, "unlawfully hinder", includes all activities that hinders or prevents, even temporarily, the exercise of the Freedom of Association and assembly of others.

The procedure of the police obviously hindered others because who were not able to go to the venue of the event were prevented from exercising their freedom of association. The same applies to troop dispersion applied against persons participating in the announced and non-prohibited event, or people leaving such event in groups. An example for the former one is the prevention of the Kossuth Square protest, and an example for the latter one is the events after the rally at Astoria.

1.11

On 23 and 24 October 2006 more than one hundred persons were captured and may were.

In several instances (e.g.:

<http://www.youtube.com/watch?v=uCPuswctnjU&mode=related&search;>

<http://www.youtube.com/watch?v=0YOwrL69wwM>) captures and arrests were applied against peaceful by-passers without any justification, in breach of Section 228 of the Penal Code prohibiting unlawful detention, and the charge of aggravated offence is well-grounded because of malicious motive and aim, the abuse of detainees, and the serious consequences.

1.12

As the policemen knew or should have known in several cases that the attacked persons committed nothing that would deserve taking measures, still they captured and detained them to initiate a procedure against them. This established at least the negligent form of Section 234 of the Penal Code concerning false charge, but even wilfulness cannot be excluded. The aggravation under Section 233(2) may also be established, unfortunately, in several cases.

1.13

The policemen who were not involved in the capture of innocent persons but saw the action, may be charged, in our opinion, by the crime of suppressing extenuative under Section 243 of the Penal Code.

1.14

However, the policemen who covered their colleagues who were physically abusing handcuffed persons lying on the ground from cameras and from eyewitnesses, as shown also on television recordings, infringed Section 244 of the Penal Code on the crime of connivance because they intended to wreck criminal procedures to be initiated by the aggrieved persons or other citizens.

1.15

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The commanders giving instructions to take measures against the peaceful protesters used foul language and extreme style and expressions against their subordinates, and the policemen executing the orders did the same with each other, as shown by witness reports. The policemen instigated each other against the protesters and encouraged each other to use physical violence and to beat up the demonstrators. These actions infringed Section 269 of the Penal Code on excitation to hatred against a community because they incited hatred against certain groups of the population, which resulted not only in a specifically dangerous situation but also in violent activity.

1.16

According to several witnesses the police took away their flags, threw them on the ground and trampled on them. The demeaning treatment of the national symbols committed before a big audience infringed Section 269/A of the Penal Code on the offence against national symbols.

1.17

The police measures and attacks against innocent, peaceful by-passers, elderly people, women, young adults and children were extremely antisocial and violent, and were not only capable of causing indignation and panic but actually caused indignation and panic. Even those policemen who did not commit serious crimes were guilty of ruffianism, an infringement under Section 271 of the Penal Code, and in view of the fact that nuisance was committed by groups of policemen and the action of the police seriously disturbed public order, aggravated offence may be established.

1.18

The documents of a girl captured on the Danube embankment at dawn on 24 October were thrown in the river by the policemen identifying and abusing the girl. This was a criminal offence infringing Section 277 (1) of the Penal Code (misuse of documents).

1.19

Policemen taking brutal measures wore no identification badges required by Section 20(1) of Act XXXIV of 1994 on the Police ("In the course of taking measures the policeman shall be identified by his uniform and identification badge or the duty card"). This is an offence infringing Clauses a) and b) of Section 277/A(1) of the Penal Code (forging individual identification mark). Section 25/A of the Implementing Regulation concerning the Penal Code rules that "for the purpose of Section 277/A of the Penal Code, an individual identification mark is a marking suitable for the individual identification of objects whose possession or proper usage is subject to official permit under law, where the marking of the producer or the authority is placed on the object concerned, or a part of the object concerned". A police uniform is not used properly if worn by civilians. Such uniform may be worn exclusively by policemen authorized and obliged to wear it. Therefore, the removal of the individual identification mark of the police authority from the uniform ("the object or a part of the object") (Clause a) of Section 277/A(1) of the Penal Code), or the usage of a police uniform from which such identification mark has been removed (Clause b) of Section 277/A(1) of the Penal Code) is a criminal offence.

1.20

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With regard to police supervisors, there is a suspicion beyond reasonable doubt that they failed to perform their duties and failed to take the necessary measures to prevent the criminal offences and breaches of duty committed by their subordinates as listed above, failed to take the necessary measures to call such subordinates to account, and failed to take the necessary measures to deal with the disturbance threatening the order and discipline within the policemen on duty, as well as the public order, committing thereby the *military* crime of failure to take measures under Section 361 of the Penal Code. As the criminal offence committed had a significantly adverse affect on the activity of the policemen on duty, the discipline, and the public order, therefore it qualifies as a crime. The supervisors were at least negligent and in this case also negligence is indictable under the law. Section 122(1) of the Penal Code rules that the penal provisions of the Penal Code relating to military crimes apply also to policemen.

1.21

On the other hand, there is a suspicion beyond reasonable doubt that the police commanders breached their supervisory obligations by failing to supervise the performance of their subordinates on duty, which had a significantly or very significantly adverse affect on the activity of the policemen on duty, and the discipline, committing thereby the offence or crime of failure to supervise (Section 362 of the Penal Code).

With regard to the person of the perpetrators it must be noted that the persons giving the orders are responsible for the individual crimes as indirect or sole perpetrators, and the policemen on duty that acted partly without orders are responsible as perpetrators.

### **3. Infringements of rights during public prosecution and court procedure**

Related to the demonstrations a criminal procedure due to affray, nuisance or violence against public officials or offence due to riot was initiated against nearly 500 people, which are mostly processes against persons who do not jeopardize the social order, they were only at the site of the demonstrations and did not commit any act of violence. There are worrying signs that indicate that criminal procedures against suspects detained connected with the demonstrations might result in an unfair sanctions.

Different legal aid organisations, like Hungarian Helsinki Committee, the National Legal Aid Foundation and the Company for Freedom Rights made and make efforts to provide help for those taken under prosecution in connection with the demonstrations. In most – nearly 60 – cases the attorneys of the National Legal aid Foundation take the necessary steps.

The majority of the suspects were first put into a preventive arrest, until now; however, the violent measures constraining personal freedom were abolished in most cases. In criminal procedure only a few final decisions were made until now in cases which were initiated according to the rules of placing the trial to court.

Thus most of the problems arose in connection with preventive arrests.

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Pursuant to par. 129 sec.(1) of the Act No. XIX of 1998 on criminal procedures preventive arrest is the judicial deprivation of the personal freedom of the accused before the final peremptory decision is made. Pursuant to the Act par. 136. sec.(1) the court, the prosecutor and the investigation authority have to make efforts to make the term of the preventive arrest as short as possible.

Pursuant to par. 129 sec. (2) of the Act a preventive arrest of the suspect in a procedure of crime which is to be punished with imprisonment is authorized if the suspect can be reasonably incriminated with a crime which can be punished with imprisonment and at least one of the reasons below is actually present:

- a) absconded, run away or tried to run away from court, prosecutor or investigation authority or a process was initiated against him during the prosecution due to a new crime which is to be punished with imprisonment,
- b) due to the danger of his run away or absconding or due to other reasons it is reasonably to suppose that his presence in the procedure is not to be guaranteed in a different way,
- c) it is reasonably to suppose that if s/he is left at large, s/he could circumvent, encumber or endanger the production of evidence by influencing or intimidating witnesses, by destroying, falsifying or concealing demonstrative evidences or documents,
- d) it is reasonably to suppose that if s/he is left at large s/he would accomplish the crime attempted or prepared, or would commit an other crime which is to be penalized with imprisonment.

In connection with the demonstrations in Budapest the courts ordered the preventive arrest of 150 detained persons (6 women and 144 men): the overwhelming majority of the suspects detained in masses were taken into a preventive arrest without any appropriate evidences and prudent acting, with no reasonable investigation.

Even within that it is shocking that between September 21-23, 2006 courts made decision on the prosecutor's proposal on taking into preventive arrest of 138 persons detained in connection with the demonstrations in Budapest. Out of that 129 persons were taken into preventive arrest (this is a 93 percent ratio!), the prosecutor's proposal was completely denied in 6 cases, in 1 case it was forbidden to leave the domicile, in 2 cases house arrest was ordered.

An easier violent measure (house arrest and ban to leave the domicile) instead of preventive arrest was in general ordered for those "lucky" persons who were injured by the ill-treatment of the police to such an extent that, that the decision was taken due to their health condition.

Despite of the above mentioned prescriptions of the rules of law it was a clear phenomenon that the public prosecution proposed the violent measure of preventive arrest for persons who were not guilty or were only to a negligible extent endangering the society even according to the evidences available for the public prosecution, although the necessary and reasonably evidences were not there. Preventive arrest - even if for a short term – can cause irremediable damages for a young man who lives under orderly circumstances, has a working or pupil or student relationship.

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The overwhelming majority of suspects taken into preventive arrest are passive, external bystanding persons who were at a wrong place at a wrong time, live among orderly circumstances, have a normal life (students, pupils, having a working relationship), having a clean record, having nothing to do with the violent acts. Many of them were taken under the measures on their own, whereas in the prosecution they found themselves together with other persons whom they did not know earlier as “criminals acting in group”.

Part of the suspects of damaging the Soviet monument for example figures only on the photographs taken besides the obelisk and there is no relevant evidence that they had committed anything at all. It is to be mentioned here that not long ago a person produced a HUF 1 million damage to the monument and he was left for final probation, thus the real weight of the act is not significant.

The real weight of the acts, the personal circumstances of the suspects and the well-foundedness of the suspicion was in general not investigated. It seems so that until the search after further persons whose name turned up as potential suspects in connection with the occurrences of the last days and investigations related are not accomplished, the majority of the people arrested – irrespective of other significant factors - will be kept in custody. It is a question when the search after other people and investigations will be accomplished since preventive arrest may last even for three years. Maintaining of the preventive arrest might cause irremediable damages for young people living under orderly conditions, having pupil, student or working relationship.

The conditions of ordering preventive arrest, as a violent measure to restrict the personal freedom without adjudication (i.e. the danger of running away, hiding, the danger of preventing the success of the investigation by influencing the witness, conspiracy with the accomplice, hiding or destroying real evidences, the danger of repeating the crime) is examined in the majority of cases by the courts not personally, concerning the given suspected person whereas at least one of the conditions of ordering preventive arrest against the suspect shall be evident really and not with abstract probability.

Since on submitting proposals the public order is already returning to normal, it is even more absurd that preventive arrests are ordered with referring to that during the next mass demonstrations expected the suspects who spent already many days in arrest and experienced the rudeness of police acting would commit violent crimes.

One can say in general, that those who in connection with demonstrations and rioting were incriminated with committing any crime that is to be penalized with imprisonment on the basis of police reports and police witnesses as the sole evidences were - with a few exceptions – put into preventive arrest, irrespective of the relevant circumstances.

The legal aid organisations, the National Legal Aid Foundation, the Hungarian Helsinki Committee and the Company for Freedom Rights called the attention in their public letter sent to József Petrétai, minister of justice, Zoltán Lomnici, the chief judge and Ervin Belovics, the deputy of the chief public prosecutor to these abnormalities on September 22, 2006.

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“Please take all possible measures in order that severity of law shall be applied to those only who really served it and preventive arrest which is a violent measure restricting personal freedom to the highest extent shall be applied in cases only when it is really necessary”.

Many were confident that the Municipal Court will correct the first instance decrees on preventive arrests and in procedures on stating criminal liability the principle of conveyor experienced will not prevail. Fortunately this really happened and only in 20 percent of cases was this violent measure heavily constraining personal freedom without jurisdiction maintained and in about 80 percent of cases suspects was released.

Second instance decrees removing preventive arrest state in general that proposals of the prosecutor did not include real information concerning the fact why is in the present stage of the criminal procedure the highest level violent measure preventing vindication necessary. In the case of a very high number of arrested persons even the precondition of the well-founded suspect, i. e. of the violent measure restricting personal freedom was missing.

In decree Bnf 14. No. 1960/2006/ 2 – which modified the first instance decision on the preventive arrest of 19 persons on September 22, 2006 – the council of the Municipality Court acting stated: “The first instance court did not realize that reasonable doubts are to be raised against the well-foundedness of the prosecutor’s proposal to order preventive arrest... It would have been the legal obligation of the judge of the investigation to state that there are contradictory evidences in the case... Further on, it would have been the obligation of the prosecutor to communicate the facts correctly and personally in a detailed and explained form which prove that in case of the well-foundedness of the suspicion the criminal procedure against the suspect can not be continued successfully without violent measures. The prosecutor did not come up with this obligation.”

The Municipality Court pointed to the fact that the basis of referring to fleeing and hiding can not be the punishment of the act the suspect is accused with as evaluated by the prosecutor. On applying the violent measure besides the punishment of the act the content of the punishment expected should be analysed as well and all of that should be compared with the personal, property, family and other contacts of the suspect in a detailed form, inclusive the behaviour shown by the suspect during the procedure until now. Erroneously, in most of the cases the first instance courts did not investigate these viewpoints or they evaluated them incorrectly.

Decrees stated in many cases that referring to the danger of preventing the evidences or causing difficulties in the process of providing evidences is unfounded since suspects became participants of the event as members of a spontaneously formed group, they are not in contact with each other, and there is not a person or a proving evidence there which the suspects could influence; the public prosecutor did not prove that even with data referring to that.

Further on, it can be highlighted in these decrees that the violent measure that restricts the personal freedom the heaviest way – the minimum length of which being 30 day, the longest term 3 years – can not point to destroying the suspect’s existence, can not act as an advanced punishment and can not serve the convenience of the investigating authority by guaranteeing

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the presence of the arrested person at the acts of investigation by this way without the real danger of fleeing or hiding.

The second instance decisions of the Municipality Court reflect the sense of individual evaluation and differentiation, the principle of necessity and proportionality, reinforcing the credit and confidence of many people in independent courts. It is satisfying that the principle of correction which is the general idea of legal remedy is working. We can only hope that the Municipality Court will continue with this practice and so it will prevent the realization of the principle of conveyor experienced in connection with the first instance courts ordering preventive arrests and, that the first instance courts and the public prosecutors will evaluate the decisions of the Municipality Court as a good example. The fact that in any of the 29 criminal procedures initiated against 35 persons detained on September 23 a preventive arrest was ordered refers to that.

Legal protection organisations reported that the protecting activity is made significantly difficult by the fact that policemen committing atrocities are hard to identify and that evidences to prove the innocence of the suspects are scarcely available. In many cases the only (blaming) evidence is the report and allegation of policemen heavily injuring the suspect.

In many cases the right to protection, the principle of the “equality of weapons” was hurt. So it happened in many cases that the suspects did not get the possibility to explain their protection and give their evidences against the blaming allegations of the witnesses of the police (which executed the measure restricting the personal freedom of the suspect – in some cases even against the law), or the public prosecutor and court acting give extraordinary importance to the allegations of this evidently prejudiced witnesses. This is an incorrect practice because the policeman - who at that time acts even against the law - on making allegation – either deliberately or by instinct – tries to minimize or even hide his criminal liability. It happened several times that the acting bodies did not insist upon getting the “conclusive” recordings of the closed circuit cameras or the submitting of the recordings by the bodies concerned.

It is a repeated claim that persons detained were not allowed or with a significant delay only to take up contact with the solicitor. It was a big hiatus too that solicitors ordered to suspects detained did not appear at the hearings before the court held on ordering preventive arrest thus many of them were left without any defence.

It happened several times that the suspect without solicitor – giving in t the persuasion of the prosecutor and the judge - did not give notice of appeal against the decree of ordering preventive arrest. That happened in the case of G.F. as well, and when the second instance decision of setting free those who went to law – because of the lack of well-founded suspicion - on October 4, 2006, his solicitor – referring to that - submitted an application in vain for setting free which according to the law should have been evaluated out of turn, the court did not decide upon it within 8 days. Finally, the public prosecution decided on the abolishment of the arrest ordered against law on October 12. This meant for the person related 8 more days unnecessary restriction of his personal freedom. To the complaints concerning the procedure the unsatisfying and general answer was given that nothing has happened against law, why the suspect did not give notice of appeal...

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Pursuant to par. 133 sec. (1) of Be. the court investigates the proposal for the abolishment of the preventive arrest and makes a decision on that. Pursuant to par. 136, sec. (1) of Be., if the suspect is in preventive arrest, the procedure shall be executed out of turn.

According to the data available until now public prosecution and police ceased procedures against several suspects and courts acting in cases of offences released finally the majority of those under procedure for rioting i.e. procedures against them were ceased without any legal consequences.

#### **4. Infringements of right committed in detention-rooms of police and in detention facilities**

Out of the data from listening to victims our committee had to draw the consequence that unfortunately those very worrying events, injuries by the police and circumstances of detention - which were hardly shown by the media – like humiliating, inhuman treatment, in some cases even acts which realize the international legal definition of torture, were still happened during the arrest and detention in the detention-rooms of the police and in the detention facilities. The investigation of these acts is under way. It seems in many cases the reference was the case Ireland contra United Kingdom (1978). During the recent violent measures of the police the act of the authorities which was not in line with the principle of necessity and proportionality – or even subsidiarity – was beyond doubt behind the framework of law.

As a characteristic case here is an excerpt from an accusation made for such a violation of law which the legal protection organisation Company for Freedom Rights submitted to our committee:

“In the yard of the detention facility which is in the inside of the building opposite to the entrance in Nagy Ignác utca, on the order of the guard everybody had to go down on the knees and lean his head against the wall, his hands behind. We had to wait until approx. 30-45 minutes in this position whereas we were all the time insulted. After that we were taken into a part of the building opening from the yard where we had to line up at the wall side by side in a way that we had to stand with straddled legs turned to the wall with hands behind and lifted up to the middle of the back, with our head leaning against the wall. We had to stand in a distance from the wall that our weight was held by our head leant against the wall. If somebody was found his legs are not straddled enough, his feet were kicked off. Standing at the wall in this position lasted about one hour. After that we went one by one into a smaller room where we had to unclothe.”

An other general complaint learned by the National Legal Protection Foundation contains the following:

“From here we were taken into the prison distributor in Nagy Ignác utca (which is at Markó utca). We were met here in a way that people with handcuffs were pulled down one by one from the patrol-wagon to the pavement of the yard, from which many were injured and than we had to go on our knees and strike our head against the wall. In the meantime we were

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greeted. "From now on you are detained; you might not see the face of anybody. You are in prison, you are arrested!" After being on our knee we were pulled up and taken to a corridor where our legs were kicked into a straddle stand, forced into a position that we had to bend forward and lean our head against the wall with hands handcuffed behind. We were kept 4 hours in this position. Many were badly off. There was someone who suffers in diabetes, got comatose and the ambulance had to take him away. Than we were searched one by one, some people said later on that they were kicked in the stomach or beaten by hand."

Many dozens of complaints on treatments like that arrived: the majority of the complaints criticized the treatment in the Detention Facilities in Nagy Ignác utca and some police detention rooms. This treatment is not allowed and might not be allowed by prescriptions of legal rules neither concerning police detention rooms, or the fulfilment of punishments and measures. Being on knees, standing for a long time against the wall in a very difficult position, the humiliating, inhuman treatment hurting human dignity meant physical pain and mental shock to those related. It is obvious that these and other similar treatment of handcuffed and broken persons detained could not serve security reasons.

One member of the committee (Tamás Gaudi-Nagy) acting as a solicitor experienced personally treatment like that, i.e. forcing three people (one of them with severely hurt leg) to stand against the wall on the corridor at the first floor of the BRFK building in Gyorskocsi utca on September 23, p.m. After intervening at the officer in charge this practice was finished, the wall of the corridor however was blood-stained in the height of heads, referring to the fact that it can be supposed that this was not an individual case.

Phenomena mentioned are totally incompatible with the principles related and prescription of rules of law.

Decree-law No. 3 from 1988 on the announcement of the international agreement against torture and rude, inhuman and humiliating treatment, concerning section 5 of the Universal Declaration of Human Rights and section 7 of the International Covenant on Civil Rights and section 3 of Roman Treaty on human rights and the protection of fundamental freedom rights (announced by the Act No. XXXI of 1993) which unanimously declare that nobody can be tortured or punished by rude, inhuman or humiliating way and prescribes that all the participating countries have to provide for that from the point of view of their criminal law all torturing acts shall be evaluated as a crime.

Paragraph 54, sec.(2) of the Constitution – in consensus with the international agreements – states that nobody can be subjected to torture, rude, inhuman, humiliating treatment or punishment.

It is necessary to find and impeach the responsible persons of these and similar acts which are able to shake the confidence of masses in legal safety and legal statehood, however it is extraordinary difficult since these offences were committed in closed rooms, and in the worst cases - with injuries and tortures – nobody was present besides the party suffering and those committing the crime.

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In connection with ill-treatments at detention facilities we have to refer to the unbroken practice of court related to the European Court of Human Rights in Strasbourg – in connection with section 3 of the Roman Treaty – pursuant to which the burden of evidence is put on the authorities if during the detention a detained person who was healthy earlier, shows outward signs of injury. In the lack of properly founded reasoning the state related is responsible for the injuries. (Some reference points: EsenYaz vs. Turkey July 22, 2003, Selmouni vs. France July 28, 1999)

Many find the Ribitsch case also as a determining decision. The court in Strasbourg wants fundamentally not supervise the decisions of the national administration of justice which however does not mean that it accepts automatically in all cases the national decisions as the basis of its own decisions. Mr Ribitsch stated in the case mentioned that during his arrest the detectives assaulted him. After his release laboratory evidence was taken from his injuries. As to the allegations of the detectives which were more or less contradicting the injuries came not from assaults but by Mr Ribitsch falling to the earth on getting out of the car. Austrian authorities discharged policemen due to the lack of evidences. The court in Strasbourg however stressed that it is not disputed that the injuries of the detained person were caused during his detention which would require a throughout explanation on the side of national authorities. Statements of the Austrian authorities concerning the injuries were not convincing enough. (Ribitsch vs. Austria December 4, 1995)

*To avoid situations like that or to reveal them a closed circuit video camera system should be equipped, the records taken by which would not be handled by the institution concerned but for example by the public prosecution and the recordings should be kept at least for six months. We especially propose the realization of this solution as soon as possible. This is justified also by the fact that following the atrocities not a single record of the present video camera-system was found concerning the period related.*

Furthermore it was a general complaint that against the rules of law related it was not ensured for the detained persons to give their votes on the municipality elections on October 1. Decree of the Ministry of Justice on the implementing of imprisonment and preventive arrest No. 6/1996 (VII.12) par. 248 “the person in preventive arrest can exercise its voting right in the institution”.

Most complaints arrived from relatives of detained, arrested persons who learned in many cases only after several days, after searching in all possible institutions in which institution their relative who was arrested in the demonstration or was taken away from the home is staying, what procedure is initiated against him and which measure was effectuated against him. This of course hindered family members to ask for legal defence of an authorized solicitor thus the right of persons under procedure for defence was hurt. The detention institutions were not prepared to satisfy the enhanced demand for information, in many cases they give information on the whereabouts of the person looked for to solicitors and family members only after waiting for hours. Many family members felt that the beloved relative fall into a bottomless and dark labyrinth of Kafka, where no way is out but even to find them is impossible. This feeling caused enormous mental suffering to relatives, not to mention the situation that the treatment of the relations of life of persons taken away from their civil life seemed to be an unsolvable task.

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Among the IT solutions of our days this information system functioning in a “medieval” way is unacceptable.

*In our opinion it is necessary and we propose to set up an efficiently functioning and client-related centre to handle the information concerning persons who were taken under violent measures which constrain personal freedom and to supply information with proper guarantees. This is required by the principle of a civilized, democratic statehood.*

It happened generally too that despite of court decisions prescribing immediate release, announced during the day the suspect in preventive arrest was set at large only hours later. We want to remind that the European Court of Human Rights, in the case of QUINN vs.France (registration number: 18580/91) stated that even a few hours of illegal detention hurts section 5 of the covenant on human rights and the defence of fundamental freedom. In this case the court compelled the state of France to pay altogether sixty thousand francs to compensate the non-material damages of the applicant.

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## **5. Legal remedies and indemnification**

This chapter is devoted to the legal remedies and indemnification available for the people who suffered infringement of their lawful rights.

### *5. 1. Legal remedies*

It is considered as an important civil right instrument, also in order to prevent similar events in the future, that the victims of violence by official persons should actually use the legal remedy offered in statutory regulations.

For this reason it is recommended that those who experienced or suffered police violence in September and October 2006, should endeavour to find witnesses and visual evidences (photographs, films) and – whether he has found them or not – report the crime against an unknown perpetrator to the Investigating Prosecutor’s Office of Budapest or attend in person and have their experiences recorded in minutes. In the report, please, specify the venue, the date and time and give as many details of the conditions (especially descriptions of the perpetrators and their actions) and any eventual evidences (witnesses, photographs, video shots, objects etc.), and request that the perpetrators should be called to account for their actions. Please, specify your contact particulars. In such a procedure, the reporting person – as injured party – may use a legal representative.

In addition, complaint may also be lodged against an injurious police measure. As the activity of the police is fundamentally regulated by the provisions of criminal and state administration procedure, a claim for legal remedy on account of the police action and the application of forcible means can be enforced in the framework of state administrative or criminal procedure following the police action and falling in the competence of the police. Thus if a state administrative or criminal procedure is started against the injured person, complaint may be lodged on account of the injurious measure against the resolution which has closed the police procedure in an application for legal remedy. In any other case, the complaint may be filed to the leader of the police unit which performed the action within 8 (eight) days from the action and no appeal lies against such a decision.

Although at several places the Gönczöl Report mentions the need to reform the procedure of lodging complaint against police actions (GBJ p. 96 and p. 170), its is not included among the highlighted statements and recommendations. According to p. 170 of the GBJ, the reason why the reform should be recommended is that although – in contrast to the proposal – the currently effective complaint procedure provided in Article 92 of the Police Act does extend to the police action found injurious by the person subject to it, such a procedure can only be enforced within the framework of the state administrative or criminal procedure following the police action and falling within the competence of the police.

On p. 94 of the GBJ a description is given of the effective complaint procedure, which is regulated in line with the “reform recommendation”, thus the GBJ is completely in conflict with its own statements.

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The proposal made on p. 96 of the GBJ can also be supported, as it recommends that in addition to the person who has suffered the injury, all other persons should be entitled to the right to complain whose right or lawful interest has been affected by the police action or failure. The differences between the complaint procedure of the police and state administrative regulation need to be eliminated.

As for lack of an identification sign the police unit of the perpetrating policeman cannot be clearly identified, it is recommended that the complaint could be filed in a registered letter with an acknowledgement of receipt simultaneously to the Budapest Police Headquarters as well as the Security Policing Service considered as an independent legal person and in control of reserve policemen.

Such a complaint may be lodged by the person who has suffered the injury during an action. The complaint must be judged and reasons must be given by the leader of the police unit in charge of the particular measure within 15 days from receipt. An appeal lies against his resolution within 8 days from its announcement. The appeal must be addressed to the superior authority and filed to the police unit that has judged the complaint. Within 15 days from receipt of the appeal, the superior authority may approve or change the resolution adopted at first instance or declare it null and void. The resolution adopted by the superior authority is a state administrative order and as such, its judicial revision may be requested – in compliance with the regulations pertaining to the revision of state administrative resolutions – by the person entitled to lodge the complaint. If the 8 days' deadline is missed, within 8 days from the last day of the missed deadline, an application for a certificate may be submitted giving reasons for missing the deadline or specifying the obstacle that has prevented the party from the submission of the application for revision. Such an application for a certificate is approved or refused by the leader of the unit conducting the procedure.

If the interested party became aware of failure or the obstacle was removed only subsequently, then the deadline is calculated from the moment of awareness or the removal of the obstacle. No application for failure certification can be submitted after three months have passed from the failure.

The party who lodges complaints or makes a report must expect the examination of his own action and he is required to make a statement during the hearing of witnesses under pain of the legal consequences of bearing false witness. The person submitting a complaint or report may not suffer any disadvantage whatsoever on account of lodging such a complaint or making such a report. For this reason, it needs to be lodged or made in the interest of the vilified people and in order to prevent police abuse.

The injured and the witnesses are recommended to carefully read the minutes taken by the authority of their statements before they sign them, including the so-called formalities regarding their personal conditions, circumstances and warnings by the authority. Witnesses and injured persons may request the confidential treatment of their data. If the injured persons and witnesses think that during the measure considered unlawful they have suffered financial or non-financial ("moral") damages, and subsequently they wish to enforce their claims thereon, they are recommended to answer with a definite "yes" to the question "Have you suffered losses or damages?" even if at the moment they have no clear position of the determination of the accurate amount of damage or loss.

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*5.2 Indemnification*

A person who was restricted in his personal freedom, assaulted or toward whom disproportionate measures were taken during a police action which resulted in injuries, or suffered humiliation of his human dignity, may initiate action pursuant to Article 349 of Act IV of 1959 (Civil Code) against the police unit which has caused the damage at the competent county (metropolitan) court for the indemnification of damages caused in state administration procedure.

Consequently, the opportunity of indemnification is available for the people who had been arrested on the venue of or in connection with demonstrations, but subsequently the criminal or administrative procedure started against them was terminated. Naturally, those who have been injured during disproportionate and unnecessary measures are likewise eligible for indemnification irrespective of the fact if they had been called to account or not.

It is important to know, however, that in the case of an exaggerated claim, the additional cost charged on the unapproved part of the claim and due to the damaged party may be high. The injured party must provide evidence for damage and its extent.

Pursuant to section (1) of Article 349 of the Civil Code, liability for damages caused within the jurisdiction of government administration is established only if the damage cannot be abated by common legal remedies or the aggrieved person resorts to the ordinary legal remedies for the abatement of damages.

The legal grounds of the indemnification claim for damages caused within the jurisdiction of government administration is that the police acts within the jurisdiction of government administration when it takes measures. In line with position PK 42 of the Supreme Court of Justice, for the purposes of Article 349 of the Civil Code, the police is considered as government administration, and for this reason if policemen arrest a person unlawfully or cause injuries during assault, these are considered as causing damage during organisation and measures while exercising public power.

For the indemnification of damage caused by the police, ordinary legal remedy is available. Complaints are not considered to be ordinary remedy.

Pursuant to the reasons given by the minister for the Civil Code, the government has its functions performed by its employees in government organisations. However, the responsibility of such employees is special because in contrast to the employees working in state administration and jurisdiction, increased requirements can be made.

The indemnification of damages caused in state administration is subject to the following:

- unlawful conduct
- damage (in connection with a state administrative activity)
- causality
- guiltiness
- the damage could not be recovered in a standard remedy procedure
- the damaged person has not used the means available in a standard remedy procedure.

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According to the prevailing judicial practice, when damages caused within the jurisdiction of government administration are assessed, the relevant regulations must also be taken into consideration (BH. 1998. 534).

Pursuant to the principle rule of responsibility under civil right regulated in Article 339(1) of the Civil Code:

*A person who causes damage to another person in violation of the law shall be liable for such damage. He shall be relieved of liability if he is able to prove that he has acted in a manner that can generally be expected in the given situation.*

Section (1) of Article 355 of the Civil Code reads:

*The person responsible for the damage shall be liable for restoring the original state, or, if this is not possible or if the aggrieved party refuses restoration for a substantiated reason, he shall indemnify the aggrieved party for pecuniary and non-pecuniary damages.*

Ugyanezen § (4) bekezdése szerint

*On the grounds of indemnification, compensation must be made for any depreciation in value of the property of the aggrieved person and any pecuniary advantage lost due to the damage as well as the indemnity or costs necessary for the attenuation or elimination of the pecuniary and non-pecuniary losses sustained by the aggrieved person.*

By now judicial practice has developed a firm framework for the actions initiated against the police for indemnification for unlawful arrest, detention and health injuries. Here are a few exemplary decisions awarding indemnification and other consequences under civil law in order to enforce the fundamental principles of the rule of law in cases where it was subsequently proved that: the police had restricted the personal freedom of a person who had not committed an offence and there had been no lawful ground for the arrest of such a person or his subsequent detention.

In a ruling adopted in the case of plaintiff Dr. Gyula Zacsek, the acting council of the Supreme Court, as court of second instance, chaired by Dr. Pál Solt established that the Budapest Centre of the Police had violated the right of Dr. Gyula Zacsek to personal freedom and human dignity when he was unlawfully taken to the police station from a public area not constituting the venue of a rally on 3 November 1997. In view of all the conditions and in adjustment to the significance of the infringement, the Supreme Court increased the non-financial indemnification adjudged by the court of first instance from HUF 500,000 to HUF 1 million. (Pf. IV. 26.728/2001/8.). The case is described in detail in Chapter V herein.

The final and binding order made by the Board of Justice of Budapest on 12 September 2006 awarded Imre Kocsis and companions a significant amount of indemnity (HUF 1 million to Imre Kocsis and HUF 500,000 to three other persons each, as non-financial indemnity and interests) and compelled the Budapest Police Headquarters (BRFK) to pay the legal fees on account of the unlawful police measures taken on Erzsébet Square on 23 May 2004. The case is described in detail in Chapter V herein.

The Board of Justice established that a police action was lawful if it is justified, necessary and proportionate, and if it is not, then the police must pay indemnification for the violation

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of the right to personal freedom. Thus the final and binding order provides guidance for those who suffer injury: The police must indemnify the persons affected by police action damaging human dignity and restricting personal freedom also in the case of an administrative procedure. (Board of Justice of Budapest 1. Pf. 20.493/2006/8)

In its final and binding order adopted on 9 november 2006, the Board of Justice of Budapest changed the ruling of the Metropolitan Court, which refused the claim and found that the unlawful police actions at Kvassay Bridge violated the law on 2 October 2003, and compelled the Budapest Police Headquarters to pay HUF 500,000 and interests to one of the injured parties in addition to the reimbursement of the legal fees they had incurred. On 2 October 2003, at the Kvassay Bridge on the Csepel Island, a few peaceful Hungarian citizens met at the Weiss Manfred Hospital to participate in the demonstration against the planned closing of the hospital. Similarly to the demonstrations by millions of other citizens, that demonstration was also followed from the very first moment by increased interest on behalf of the police. Following unceasing harassment by the police, finally ten persons were arrested, taken to the police station and adjudged in accelerated procedures on 3 October 2003. They included László M. Kőszegi, a reporter of Hungária TV, who performed press work and could prove his identity by a press ID card.

All of them were released from the charge of breaking peace. In the court's opinion a police action is a flagrant injustice in conflict with the standards of the rule of law if a person is arrested and detained without good and legitimate reasons and is taken away from a public area open to anyone. The Board of Justice established that the police action against the injured person (thus arrest and detention) were obviously unlawful, as he was not even demonstrating, nor did he commit any unlawful act, but merely stayed near a Hungarian flag on public area (Board of Justice of Budapest 2.Pf.20.910/2006/5)

With a view to these preliminaries and the requirement that state administrative organisations should set an example in compliance with the law, it is alarming that in the above two cases the Budapest Police Headquarters refused to perform the above two orders and in an application for revision, they requested suspension of the execution. As suspension is an exceptional legal institution, in such cases it is ungrounded. For this reason, in compliance with the provisions of the act on foreclosure, the injured parties who had won the actions submitted prompt collection orders to the debit of the bank account held by the Budapest Police Headquarters and collected the indemnification due to them.

In such cases two argumentations collide, and usually the second wins.

According to the police state kind of argumentation, sufficient reason is provided for restricting anyone's personal freedom if the person has not yet committed an offence but – in the police's opinion – he has the idea of doing so, although he has not started the offence. And if an independent court establishes that the person affected by police action has not committed offence or crime, the police actions directed at the restriction of his personal freedom do not lose their ground, and for this reason no indemnification is justified, as he is considered to have given reason for the police action.

In contrast, the argumentation based on the rule of law says that if police forces of the government uses forcible measure (captures, arrests or detains persons), but subsequently an independent court finds that the person against whom such action had been taken had not committed offence or crime, the police actions restricting the freedom of the person shall also

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lose their legal ground and the released persons are entitled to indemnification. Article 55 of the Constitution declares: anyone who has been a victim of unlawful arrest or detention is entitled to indemnification.

These decisions are reassuring for everyone so that no one should be afraid to express their opinions and exercise their freedom of association, as if the police happens to act unlawfully against him, he is entitled to satisfaction and indemnification.

Undoubtedly, it is difficult to identify the police units which caused damages in the cases filed for indemnification in connection with the police actions performed in the autumn of 2006. As it is well-known, in addition to the staff of the Budapest Police Headquarters, the Security Policing units and county troops were also put into action. During action the police broke the wrist of L.Z., captured on 19 September 2006, near the Kossuth Square, and also caused other injuries to him, but later the suspicion of crime was dropped. This person offered an amicable agreement to the BRFK, but the police centre answered cynically: they requested him to specify exactly which police unit acted against him.

Such an answer is unacceptable as it is well-known that one of the most frequent complaints was that the policemen acted without identification signs, and their faces could not be recognised because of the ski masks they wore. In addition to the policeman, even the unit that should be filed for causing damages is difficult to recognise. A briefing prepared for such cases on the police report to be made of all forcible actions against injured persons should specify who acted and on behalf of which police unit. Such a document is due to any and all persons under procedure or suspected.

An indemnification claim is made more difficult by the fact that procedures are extremely slow: on average all known cases took two years, and require a lot of energy and substantial contribution by jurists. In these actions the police typically always disputes everything despite the available convincing evidences. The above facts deter many people from enforcing their claims, and as a consequence, the injured persons are not indemnified, and financial responsibility will not keep the administrative body that had violated the law from similar actions.

In clearly grounded indemnification cases, it is anyway justified to reach amicable settlement directly between the parties or by way of intermediaries.

In our opinion, the affected police unit would behave in a responsible manner if it would make serious efforts for indemnifying the injured persons in the optimum way, as soon as possible, in amicable ways outside court, even if it had made extraordinary mistakes and violated the law at several points.

The later such indemnities are paid, the more costs, interests and burdens are incurred by the police unit, and ultimately the taxpayers.

*It is recommended that the state should indemnify the injured persons – perhaps by way of an organisational unit set up for this purpose – in the framework of an amicable settlement, and offer agreement to them instead of making such tortured people's situation even more difficult by actions taking several years. When the number of infringements is so high, the principles of the rule of law require that – by the analogy of amnesty general and general liability – the state should provide for the effective rehabilitation of the injured persons in ways different*

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*from ordinary procedures – even by setting up a sepcail purpose organisation – as soon as possible and in an equitable manner.*

*Further more, it is also recommended that the cost sensitiveness of the police units and the responsible persons should be increased in connection with the damages they cause: by reasonable and optimum regulation it should be achieved that the police unit compelled to pay indemnification as well as its leader and the policeman who actually caused the damage should be made undertake the financial consequences of their unlawful conduct.*

## CHAPTER VII

### LEGAL CONDITIONS FOR THE EMPLOYMENT OF POLICE TROOPS IN CROWD DISPERSAL

*“The helpless, handcuffed arrestee is wriggling on the ground,  
while the giant with in a mask, helmet, face guard, greaves and nailed boots,  
equipped with a shield, a machine gun, a revolver, a viper, a baton and pepper spray is overtopping him.  
Hitting him.  
Hitting him again.  
Shooting a rubber bullet into his eyes from a distance of five meters  
Kicking him.  
Slandering him.  
Spitting at him.” \**

Gáspár Miklós Tamás in the 16 November 2006 issue of *Népszabadság*

1. The rights of the political power in a democratic constitutional country, including the rights related to the operation and supervision of the police

Pursuant to a fundamental provision of the Constitution, Hungary is a republic, where supreme power is vested in the people, who exercise their sovereign rights directly and through elected representatives. The etymological content of the word “and” is unambiguous: these two forms of the people’s power are in a coordinated relationship, and therefore, no order of the two can be established for them with the dogmatic interpretations used in theoretical methods of jurisprudence.

The validity of this interpretation is also proved by the fact that in case of the verifiability of a different position, “citizens' control” would be out of the question. The identification of one possible method for the exercise of the people’s sovereign rights in the Constitution is made necessary by reason of the efficient operation of legislature, the chief organ of state power.

The task of the continuous control of legislation in the life of the state is not conceivable either theoretically or in practical terms by way of the direct participation of individual personalities collectively constituting the people’s power. The fundamental requirement of the democratic operation of the state with a multiparty system is that the political party endowed with the executive power for a parliamentary cycle cannot exercise direct control in any organ of the state enforcing public power.

This constitutional provision of general validity is the guarantee for ensuring that the government standing on the top of the system of public administration cannot abuse its power

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to distort the operation of the legal state for its own benefit, to usurp state power permanently, or to possess such power exclusively.

At the same time, it is also an incontestable requirement, however, that in order to protect public safety and internal order, and sometimes even to enforce the same, all governments of the democratic constitutional state need bodies of law enforcement, among which the most important is the police.

Pursuant to the provisions of the Constitution, the government has the necessary authorization for supervising the bodies of law enforcement, including the police.

Some dogmatic analysts sense “de facto” contradictions between the provisions of Article 3 (3), mentioned above, and paragraph *h*) of Article 35 (1) of the Constitution, because an idiosyncratic feature of our political life is the very market political aspect of the government, and thereby the powers of “de jure” indirect supervision called for in the Constitution is, in actual fact, manifested in a powerful and direct way in case of the police exercising public power. This way, the Police Act is under actual party influence and supervision. The accuracy of this evaluation is not mitigated by the provision of Article 2 (3) of the Police Act, whereby the police shall proceed uninfluenced by any political party in fulfilling its tasks.

## **2. The tasks, organisation, legal status and control of the police**

The constitutional substantive law pertaining to the entire system of the police is stipulated in Act XXXIV of 1994 on the police (the “Police Act”), while the most important procedural rules are set forth in Decree of the Ministry of Interior no. 3/1995 (III.1.) BM, as well as the Service Regulations of the Police (RSZSZ).

Among the diverse tasks of the police, as set forth by the Police Act, the following should be mentioned: the protection against acts which imminently endanger or harm the life or bodily integrity or the security of property with respect to persons of particular importance as well as all other natural persons; guarding any designated facilities.

The law also requires the police to respect and protect human dignity and human rights, and to carry out its tasks, as already mentioned above, in a manner uninfluenced by political parties.

In the following we shall review the infinite debate conducted in the issue of the **political direction** of the operation of the police and the statements arguing a denial of the powers of the government in this respect.

Under the important rules provided in the chapter of the Police Act on the direction of the police:

- the **government** shall **direct** the operation of the police through the minister of the interior (due to the recent changes in the governmental structure, the minister currently in charge is the minister of justice and law enforcement);
- the **Prime Minister** shall appoint and relieve the national chief of police on the recommendation of the minister of interior;

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- the **minister of interior** shall represent the police at sessions of the National Assembly and the government, regulate the activity and operation of the police by issuing decrees and by other means of state control, exercise the employer's right over the national chief of police, as well as appoint and relive his deputy;
- the **minister of interior** shall provide for supervision over the police;
- **in his capacity of directing the police, the minister of interior** may **determine police tasks** and **issue instructions** to the police for the **executions of the government's decisions with respect to the protection of public security and internal order**;
- the **minister of interior** shall determine the trends in the instruction, training and in-service training of police officers;
- the **minister of interior** may issue **individual (case-by-case) instructions** to the police through the national chief of police.

For the task of evaluation undertaken by our committee, it is important to refer with due emphasis to the fact that the national chief of police, in his capacity as **director** of the police, may issue **binding instructions** to the organs of the police, and shall ensure the enforcement of the provisions of law and the tasks defined by the government supervision.

This regulation of the Police Act defines the hierarchy of the chain of command in the police: the capital city and the county chiefs of police are subordinated to the national chief of police, who also exercises the employer's right over them.

The rules highlighted above leave no doubt with respect to the fact that the national chief of staff and the senior officers of the police in the rank of generals are existentially in an absolute state of dependence from the governing power of all times.

The other effective element of political influence exercised by the government is the provisions of the government affecting the level of material and technical supply given to the police. It is a fact that the situation of the police is deteriorating from one year to the next: they are regularly underfinanced, and the changes initiated and accepted by the governments in power offer only short-term, frequently only superficial or apparent solutions, aimed immediate favourable changes in the public opinion, facilitating the winning of the next elections.

The existential dependence of the top leaders of the police and the material dependence of its entire organisation provide compelling means for exercise of total political influence, with a view to which the provision of the law requiring a complete lack of political influence can be regarded as unfounded.

In order to provide information on the relevant provisions of law necessary for evaluating the justification for the employment of police troops against protestors spontaneously assembling in the capital city after the Ószöd speech of the Prime Minister came to light, as well as the "abuses of police power" in the course of the execution of such operations, or to be more precise, the behaviour and conduct of the police in mass, prosecutable under criminal law, as well as to be able to assess the wilful and illegal acts of the trained police forces, apparently conducted in the framework of a uniform procedure, as necessitated for the raising and correctly evaluating political responsibility for such "abuses", also with a view to the political

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control exercised in the given case by the head of the government, it is indispensable to become familiar with the relevant provisions of the Police Act.

The report of the Gönczöl committee (hereinafter: GC) admits that the citizens in public areas were not aware that in case of their **disobedience** to the call to disperse their assembly and leave the area, a “legal and necessary” consequence may be the brutal and bloody employment of police troops for crowd dispersal on the “operative” area, used against any person in such public areas, even including the use of force capable of causing serious injuries and grievous bodily harm inflicted by the police officer thus “authorised by the law”, who, on the basis of the powers granted by Section 60 (2) of the Police Act, cannot be held accountable for such acts.

**Our Committee of Civil Jurists finds this interpretation of the law fundamentally erroneous.**

The validity of our position is also proved by the fact that police officers identified as perpetrators have been called to account for their acts as suspects.

The contradiction identified in the legal issue of responsibility makes it necessary to review the legal frameworks of the issue at hand.

### **3. The general principles and rules of the operation of the Police**

In the course of the performance of his duties in service, the police officer shall, in obedience to his superior in command, protect public security and internal order even at the risk of his life, if necessary. The police officer may and shall only deny the execution of the instructions of a superior in command if the execution of such instructions would constitute a criminal offence. **It must be always possible to determine the individual responsibility of both the issuer and the executor of instructions.** The law includes detailed provisions for the procedure to follow in case of an unlawful instruction.

A police officer’s **obligation to take action** fundamentally depends on whether he is acting **individually** or as in **police troops**.

Under the rule prescribing the **principle requirements for the application of means of coercion** in the course of police measures:

- in urgent cases requiring intervention, the police officer shall be under the **obligation of taking measures** even if he is not on duty;
- a police measure shall not cause a detriment out of proportion with the lawful objective of the measure (**requirement of proportionality**);
- **means of coercion** shall only be used under the conditions determined by the Act, and the use of coercive measures shall be discontinued once resistance is broken or the effectiveness of the police measure can be ensured without it;
- the rules for the introduction and applicability of individual means of coercion shall be determined by the minister of interior;
- **the police office shall not apply torture, interrogation under coercion, cruel, inhuman or degrading treatment:** instructions for the use of such measures must be

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denied, and the police officer is required to take measures against anyone using such behaviour, irrespective of the service assignment, rank or person using it.

**4. Under the rule prescribing the common principles and cogent (unconditionally applicable) rules for measures and means of coercion:**

- the Police may **only restrict the rights to bodily integrity and personal freedom in accordance with the provisions of the Act;**
- **if means of coercion are applied, causing an injury or death shall be avoided;** in case of injuries, the police officer shall secure **medical aid** and ensure that a **relative of the person injured is notified;**
- **everyone shall submit to a lawful police measure and obey the instructions given thereby; in the course of police action, its lawfulness shall not be challenged,** unless such unlawfulness is manifest and can be determined **beyond any doubt,** without consideration (**the exception of just protection**);
- in the case of **resistance against the lawful measure** taken by the police officer, **the measures and means of coercion determined in the Act may be applied.**

A 2006. Related to the lawfulness of the crowd dispersal measures applied by police troops in September and October 2006, due to the exceptional importance of this aspect, we wish to quote with due emphasis that, **pursuant to Section 20 (1) of the Police Act, in the course of an action, the police officer shall be certified by his uniform and identification badge, or his service certificate.**

Under the guidelines of the Constitutional Court's Decision no. 54/2000 (XII.18.) AB, applicable to all natural and legal persons: "In the course of measures taken, members of authorities shall act publicly, as representatives of the state. **The right of such official persons to take measures shall be certified by their uniforms or certificates. The uniformed members of the professional and contractual force, however, conduct their activities** not as a faceless mass, but rather as **officials entitled to exercise public authority, whose individual identifiability ensures that they can be called upon to personally account for their acts.** It is a **lawful interest of citizens** subjected to measures by the authorities **throughout any measure taken** they be aware of the individual identity of the person conducting such measure with respect to them, **as this is the only way in which the citizens' right to complain and have legal redress can be guaranteed.**

**At this point it should be noted that the Gönczöl committee in the substantial part of its report did not even mention the above decision of the Constitutional Court, which is otherwise of fundamental importance.**

**On the basis of the provision of law above and the decision of the Constitutional Court closely related to its interpretation and binding upon every natural and legal person, the police officers must wear badges for the entire duration of the measures taken, which**

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**certify that they act in the capacity of official persons and make it possible to identify them personally.**

The majority of those in police troops instituting measures in the public areas of Budapest since 17 September, wearing so-called exercise (deployment) uniforms instead of their regular uniforms, still do not wear their identifying badges. As far as the police troops employed for the dispersal of crowds in September and October of 2006, no police officer was observed to be wearing such badges.

Several attempts have been made for “explaining” this permanent illegal position both from the side of politics and the law enforcement profession.

In connection with the attempts of legal dogmatic aspects, creating confusion in terms of legal interpretation, it should be pointed out: the police act, including its provision requiring police officers to wear, in combination with their uniforms, a badge certifying them as acting in official capacity and also personally identifying them, was passed as a two-third qualified majority act. Any amendment of this act would also require such qualified majority support.

The provision of the Police Act on authorisations entitles the minister of interior to establish, among other things, the rules pertaining to the wearing of the uniform by way of a ministerial decree.

The scope of such authorisation clearly does not include the right to change the wearing of the identification badge. The ministry also publicly refuted that a ministerial decree had been issued in this subject.

In his statements given in television interviews after the crowd dispersal operations on 23 October, the police chief of Budapest initially claimed in connection with the identification badges missing from the exercise uniforms of the executive police force that they had “fallen off”; subsequently an attempt was made to legalise the absence of the badges with an order to dispense with the use of the same, issued with reference to the content of the uniform code of ORFK instruction no. 12/2006.

The legal grounds of this claim are not even worth examining.

Pursuant to Article 1 (2) of Act XI of 1987, as amended, on the legislative procedure, a lower-level provision of law cannot contradict a higher-level provision of law. The provision of an act passed with qualified majority can only be overwritten by a norm of identical quality, which means that a ministerial decree, let alone the instructions of the national police chief cannot change such provisions.

It should be underlined, however, that the national chief of police, in his instruction no. 15/2006, modified the uniform code.

Accordingly, it is not mandatory to wear the identification badge on the uniform worn for instruction, training and in-service purposes. **It is forbidden, however, to dispense with the wearing of the identification badge when the police officer is involved in the performance of activities related to the conduct of activities under state or public powers.**

**In violation of the rule of hierarchy of legal provisions**, however, section 30/B of the above instruction provides that in case the placement of the identification badge on the uniform or protective gear of the police force engaged in the performance of special tasks (especially in exercise uniforms, due to the protective gear worn by members of the police troops), then individual identifiability must be provided by some other, suitable means. In the interest of

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the above, a number or other code suitable for individual identification must be placed on the protective gear (helmet) or the uniform.

Among its general principles and rules, the police act authorises the police officer to hold persons caught in the performance of wilful criminal offences captive and to deliver such persons, as is the case also with respect to other situations, to the competent authorities.

A noteworthy part of the Act include the provisions authorising the police to **close an area** as a security measure, to prevent anyone from entering or leaving the same, and to oblige the persons within such area to leave.

As administrative and implementing provisions of this right, the provisions in Section 20 of the RSZSZ should be mentioned, which allow the temporary closing of areas **in the course of the travel of protected persons or securing events**, as well as areas in the vicinity of **protected facilities and buildings. When the cause for ordering such closing of areas ceases to exist, however, the restriction must be lifted.**

The administrative rules under which are the Kossuth Square is closed on a continuous bases to this day are lower in the hierarchy of laws and other provisions, which is proof for their illegality. Section 10 of Chapter III of the report contains further details on this issue.

5. The legality of means of coercion, and the legal application thereof

The police act contains an **itemised list** of the **means of coercion**, the application of which to extent justified an in the manner prescribed should be regarded as **legal**.

**The application of means of coercion not listed in the act qualifies as illegal coercion.**

Since it was the legal position of the Gönczöl committee that the quick recognisability of the legality of police measures is an important interest of society, in the following we shall provide an overview of the most frequently used coercive measures.

A uniformed police officer with an identification badge or an officer in civilian clothes using his certificate to prove that he acts in official capacity may:

- use bodily coercion to break resistance in the course of the measures;
- put **shackles** on a person to be restricted in his personal freedom in order to prevent him from harming himself, attacking, escaping, or to break his resistance;
- **use regulation chemical or electric shocking devices, police truncheon (baton) or flat sword** in order to avert an **attack directly endangering** the life or bodily integrity of others or his own or the security of property, as well as to break **resistance** to a lawful action taken by the police;
- use **regulation rubber bullets, pyrotechnic device, tear gas grenade, capturing net, irritant gas or water canon**, to avert an **attack directly endangering** the life or bodily integrity of others or his own or the security of property...;

The highest-level, **general purpose procedural rules** for the implementation of the norms of substantial law regarding means of coercion are included in the RSZSZ.

According to the special regulations, in the course of the lawful performance of his service duties, the police officer:

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- shall enforce his measures, and in the interest of that, he may use means of coercion after prior warning;
- in the course of the application of the means of coercion, the police officer shall **respect the rights associated with bodily integrity, and may only endanger the same to the smallest extent necessary.**

After the use of means of coercion, the supervisor of the **police officer shall examine the necessity and lawfulness of the measure taken, as well as the observance of the requirement of proportionality.**

**The supervisor shall prepare a report of his findings.**

**In case of unlawful use of a means of coercion, the supervisor shall initiate a procedure against the police officer concerned, which shall be appropriate to the seriousness of the case at hand.**

The RSZSZ sets forth as a **requirement** that the different means of coercion must be used gradually, meaning that more serious means can only be used if the use of previous ones in the above order proved to be ineffective, or their ineffectiveness can be foreseen.

Among its interpreting provisions, the RSZSZ defines the concept of “**resistance**”, as used in the Police Act, as any **purposeful activity involving the exertion of physical force** that hinders the police in commencing, continuing or completing a lawful measure to be taken. Specifically, it means the use of **physical violence or threatening** against life or physical integrity for the purpose of **hindering** a police officer in entering, staying or leaving somewhere, or in restricting someone else in his personal freedom, or **executing a measure.**

Pursuant to the rules defining the frameworks in which the individual means of coercion can be lawfully used, **bodily coercion** shall be used if, due to the superior strength of the police or the condition or behaviour of the person subjected to the measure does not justify the use of a more serious means of coercion.

The rules of using **shackles** are complex and manifold. In case of the scope of persons identified in the Police Act, the use of bodily force is justified, in particular, against persons whose conduct is violent and disorderly, and who cannot be otherwise compelled to discontinue such conduct. In addition, shackles can also be put on persons who attack a police officer in the course of taking a measure, or a party assisting or contributing to such efforts, or persons who are captured for the well-founded suspicion of having committed a criminal offence, or those whose resistance against a lawful measure cannot be broken by bodily coercion. **Pursuant to the specific rules of execution, shackling shall be executed with the regulation shackles specifically intended for this purpose.** In case such shackles are not readily available, the provisions do not permit the use of any other means for the same purpose. Section 54 (3) of RSZSZ, however, **specifically forbids the use of thin metal or plastic wires**, as such devices may, by their very nature, cause bodily injury.

It is expressly forbidden, therefore, to use plastic “quick-shackles” or cable-strand bundlers to use for the purposes of shackling, as the use of these devices cause much more pain and suffering than shackling with the use of the regulation (metal) press-stud shackles. In connection with the above, it can be stated that on several occasions the police used humiliating and sadistic methods against persons already “rendered harmless.” Under the Police Act, shackling shall be executed with the regulation shackles specifically intended for this purpose. In the absence, failure or damage, of regulation shackles, other devices suitable

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for this purpose may also be used, but it is forbidden to use thin metal or plastic wires, and other means causing injury by virtue of their very nature.” The use of plastic cable-strand bundlers, therefore, violates to different provisions of law related to shackling at the same time. Since it is not included in the list of regulation police devices, which is attached as Annex 1 of decree no. 24/2002 (BK 17) BM, plastic quick-shackles or cable-stand bundlers are not regulation devices at the police, and so their use was unlawful in each and every case.

**Shackling that causes pain or injury without any reason, for the purposes of humiliation by the very nature of such act, is also forbidden.**

Pursuant to the interpretive definitions of the text of the provision of law, **the shackling of a person into a lying position shall not qualify as inhumane and degrading only** if such shackling was necessary due to an attack or violent conduct by such person.

In its definition of devices that can be used by the police officer on his own decision or at the order of his supervisor, the RSZSZ mentions chemical devices, electric shocking devices and the police truncheon or baton, as well as the tonfa, as well as any other device the effect of which is identical with the regulation police truncheon.

**The flexible leaded stick, generally referred to as the “viper”, however, is not a device that can be legally used for the purposes of crowd dispersal.**

The way in which regulation devices used for hitting can be utilised in a manner respecting the rights to bodily integrity and endangering the same to the least necessary extent, which is thereby the way required to be used lawfully in the course of duty by a police officer, is that **the device should be used for hitting the limb used for attacking.**

**Any hits aimed at the head, hip, chest or abdomen should be avoided.**

**As a general rule, no devices suitable for disabling or inflicting injury, as listed in the act, shall be used after the discontinuation of the attack or the breaking of the resistance.**

In the evaluation of the lawfulness versus the inadmissibility in a democratic, constitutional state of the bloody and brutal crowd dispersal operations carried out by police troops in the months of September and October of 2006, a government versus opposition polemics is dominating the communication of communities sensitive to political efforts.

For the evaluation of the acts of the innocent persons becoming involved in the events taking place in the public areas, as well as the acts **of the active participants**, which were of diverse motivation, and **certainly require criminal analysis**, as well as for the assessment of the crowd dispersal operations by police troops and the lawfulness of the application of means of coercion in the course of the same, it is particularly important to survey the rules of the lawful execution of these measures of force with the gravest consequences against the chronology of the events.

**The constitutional conditions for the use of police troops is included in the Police Act** by way of an itemised, comprehensive and taxative list, delimited by substantial law, which cannot therefore be extended.

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In the course of our analysis, special attention should be paid to the fact that **police officers may be used as troops:**

- **in the case of the perpetration of an offence aimed at changing the constitutional order by force (punishable under Section 139 of the Criminal Code);**
- to terminate events endangering the life or safety of persons or property on a mass-scale, or to prevent such events and to apprehend the perpetrators;
- **to maintain the order of an event under the act on the right of assembly or any other important event;**
- to guard and protect a protected person .... or a facility of outstanding importance for the functioning of the state; to secure a large area, etc.
- **in the course of using police troops, areas may be closed down from pedestrian and vehicular traffic.**

The **procedural regulations** for the use of **police troops** are included in the **RSZSZ**, which is issued in the form of a ministerial decree, as well as in other lower-level rules, typically in **executive instructions of ORFK**, more limited in their status as publicly accessible documents. From among those in this latter category, of **particular importance** is ORFK instruction no. 11/1998 (IV.23) on the issuance of the **Troop Service Regulations of the Police of the Republic of Hungary**, in connection with which the Gönczöl committee also concluded that **many of the 448 sections** of which, also covering the activities of the police as troops and crowd dispersal, which are **not publicly available also contain public interest information**. Citizens with a low sense of danger and limited legal background should also be familiar with the most important provisions of this document regulating the procedures followed by the police.

This critical statement constitutes a recognition of the fact that **a person subjected to a measure for the protection of order ordered by a one-person commander of such troops on site, which is closely tied to the occasion at hand, and therefore, cannot be calculated in advance in terms of the specific place and time, cannot possibly be aware of the danger directly threatening him in terms of his personal freedom, human dignity and the biological injury to his physical integrity**. It is clear that such persons are defenceless in the face of police violence lawfully inflicting injuries.

Pursuant to the restrictive interpretation of the **RSZSZ**, the use of police troops in case of the perpetration of an offence aimed at changing the constitutional order by force may be ordered by the national police chief **on the basis of a decision made in accordance with the constitutional rules of the law**. This subtle reference, in effect, is defining the **political decision** necessary for the issuance of a police-professional executive order.

From the entire legal environment of the relevant body of substantive and procedural law, it can be inferred that **the national police chief is not entitled to make the above political decision**. The rights and obligations of the national police chief are limited to the police-professional execution of the decision. **Consequently, the party entitled to the political decision that is kept from publicity is the government itself, the body in charge of the direction of the police.**

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This conclusion of ours also coincides with the conclusion of the evaluation of the continuous and unlawful keeping of Kossuth Square closed down, whereby **the erroneous decisions of the police in the application of law** fundamentally derived not from the errors or deficiencies of the act on the right of assembly, but from mistakes in the interpretation of law and the **mistaken assumption of the political deliberation (cf. the last paragraph on page 75 of the Gönczöl report).**

It clearly follows from the provisions of the RSZSZ that **in cases not affecting the operation of the political bodies of the democratic, constitutional state, and only pertaining to the other, taxatively listed cases serving the interests of public safety and law enforcement,** the ordering of the use of police troops by the national and the other police chiefs and captains on their respective areas of competence is authorised **also without political authorisation.**

From among the complex rules applicable to the use of police troops, special mention should be made that the **police troops** (with the exceptions specifically defined in the provision of law) **have rights and obligations identical with those of individual police officers with respect to the police measures and the use of means of coercion.**

In the course of such measures, **the limitation of the rights to bodily integrity, personal freedom** and other rights mentioned in the law, as well as the regulations applicable for this purpose must be **defined by the superior ordering the use of police troops in a separate measure.**

An ignored, **unlawful negligence** committed during the autumn events taking place on public areas, which **evidently was not kept in silence by accident,** was that **means of mass communication were not used** to inform the celebrating citizens of the fact that **the employment of police troops may take place.** The superior who orders the use of **police troops** may only **dispense with** the provision of such information by way of the media in situations when the provision of such information would jeopardise the effectiveness of the police measures.

Such interests, however, in the context of 23 October 2006 cannot even be raised.

With respect to the provision of the Police Act whereby events under the act on the right of assembly or any other important event may also be secured with the use of police troops, the RSZSZ authorises the chief of the police to identify the area where the more thorough checking of any person entering is mandatory.

The most marked means of ensuring public safety and internal order is the forced dispersal of crowds with the employment of police troops.

The legal grounds for crowd dispersal are included in the itemised reasons for which such measure can be ordered, the available means of coercion and the rules of execution in the given area and time, in case of fulfilment the rules of preliminary warnings serving as justification for the lawfulness of the measure, while the required manner and order of the procedure is specified in the Service Regulations.

In order to become fully familiar with the entire legal environment, our Committee requested and received detailed documentation complete with annexes from Dr. László Bene, police lieutenant general and national police chief, which documents also extend to the essential

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content of the ORFK instructions and measures of limited publicity. Our committee used the information thus provided in the preparation of the present report, and with a view to our internal fact-finding investigation, we also indicated our readiness for direct consultation in order to discuss various approaches of legal interpretation.

**According to the theses of substantial law with respect to crowd dispersal the police may conduct crowd dispersal operations against crowds unlawfully assembled or conducting unlawful behaviour, provided that such crowd fails to obey the order to peacefully disperse, with the use of the means of coercion specified in the relevant chapter of the act, and with advance warning of the use of the same.**

**The lawful means of crowd dispersal:** water canon, pyrotechnic devices, irritant gas, capturing net, or measures taken on horseback or in vehicle formations.

**In case of acting in police troops, police officers shall follow the instructions issued by the commanding officer of the police troops.**

A special provision of the Police Act with respect to the employment of police troops for the purposes of crowd dispersal, namely that the police does not examine the individual responsibility of those on the site of the operations constitutes a subject of harsh legal, social and political debates due to its very nature violating basic constitutional principles, as well as its application in a manner not permissible in a democratic, constitutional state. A marked element of the above is the quotation chosen as the motto of this chapter, borrowed from a piece of journalism.

The outstanding significance of this special norm in the given case is given by the fact that the police leaders use it as the grounds for establishing the legality of the crowd dispersal operations in a manner violating the rule of the order that the different means of coercion must be used gradually, to be discussed in more detail below, by way of the immediate use of more powerful means of coercion including the use of brutal bodily violence, rubber bullets, as well as tear and irritant gas grenades.

It is conspicuous that even though it was used in the course of crowd dispersal by way of the employment of police troops, the above-mentioned rule of Section 60 (2) of the Police Act is not discussed in the course of the legal interpretation of the instances of the “abuse of police power” or the explication of the extending interpretation of that rule. In evaluating the issues raised with respect to the right of the authorities to use coercion against the community of people, one can only wonder about the peculiar legal interpretations provided by the police generals, not elaborated on publicly.

The detailed rules of the RSZSZ contain provisions with respect to **the procedure and the manner of execution of crowd dispersal.**

In the interest of becoming familiar with the rules of conduct applicable to crowd dispersal operations that the general public is not conscious of, but the authorities intervening in the events with the use of force and means of coercion are required to follow, the following should be noted:

- in case of events falling under the scope of the act on the right of assembly where the police is involved in the securing of order, the commander of the operations is entitled

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- to order the dispersal of the crowd, provided that the conditions set forth in the relevant provisions of law are satisfied;
- when the relevant provision of law requires that the police disperse the crowd, or in case the conduct of the crowd is unlawful, the commander in charge of the police troop on site shall take measures for the dispersal of the crowd;
  - **the call of the police for the dispersal of crowds, with the use of a sound amplifier device if possible, must be repeated at least twice; in the last call thus announced, warning of the impending use of the means of coercion must be given.**
  - **in the call given, the direction for leaving the site must be given, and sufficient time must be provided for leaving.**

The **police troops** may use the following **means of coercion** against the crowd, also in compliance with the rule whereby different **means of coercion must be used gradually**.

- **bodily coercion in case of passive resistance;**
- **police truncheon, chemical device, irritant gas, electric shocking device, shackles, service dog on leash and water cannon in case of active resistance**
- **pyrotechnic device, the shooting of rubber bullets, operations from horseback or executed in vehicle formation for the dispersal of crowds can be used to break the resistance of armed crowds!**

The circle of the means of coercion to be used is defined by the commander of the police troops.

As a matter of course, this right only extends to the **definite list of devices allowed by the law**, and only with the **requirement that the different means of coercion must be used gradually**.

By reason of the close relevance to the subject at hand we have already indicated that, pursuant to Section 4/A of the troop service regulations, the commander briefing the police troop, prior to the employment of the police troop, shall call the attention of the police officers in the troops that **they can only keep with them regulation means of coercion introduced as standard service equipment in the course the police troop operation**.

With a view to this rule, **the mere possession of the “vipers” kept and also used by many police officers, as well as the failure of their superiors to take measures for the immediate correction of this unlawful situation are both serious violations of the law**.

The application of the special provision of crowd dispersals by police troops executed on the anniversary national holiday on the public areas declared as **“police operation areas”** also gave rise to intensive debates of legal interpretation.

The fact is that the Police Act, the RSZSZ or any lower police regulations contain no definition for the term mentioned above.

**The concept of “operation area” and the content thereof, as a concept of tactics**, is defined in Act CV of 2004 on the National Defence Forces as a term of tactics meaning the geographical area and the airspace above it where the specific military operations of the opposing parties take place or the threat thereof is in place, or which is an area endangered by reason of the armed conflict of such opposing parties.

At the request of our committee, Dr. József Petréttei, minister of justice and law enforcement, responded in a letter that it was in order to ensure the security of the VIP

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participants at the commemorative events and the worthy celebration of the national holiday that, due to the high security risks involved, the police chief of Budapest declared Kossuth Square as an “operation area”.

Naturally, he was unable to define the legal grounds for the above: according to the information provided by him, **the expression “operative area” is the name commonly used in police jargon** for the area closed by the police pursuant to Section 46 of the Police Act.

The polemic around the concept of “**operative area**” is far from being a mere **problem of semantics**. Using this interpretation **lacking any foundation in legal norms**, the police authorities, think (even currently?) that legal grounds for the extremely brutal, inhumane and bloody measures, also causing serious and permanent health impairments, at the same time harshly violating human dignity and the rights of individuals, which they are actually required to protect, are in place.

The RSZSZ mentions that the detailed, formal rules of the application of police troops are included in a separate instruction.

This administrative type of rule is the above-mentioned **Troop Service Regulations** of limited publicity, issued in ORFK instruction no. 11/1998 (IV.23).

The publicity of this regulation consisting of 448 sections is so much limited, that it was not available in its entirety to our committee either.

However, we found sufficient the references of the expert reports prepared by retired police general Mihály Vörösmarti that informed us on the personal, material, training, commander’s level of preparedness and other important preconditions necessary for the competent performance of police troop operations. From among these we specifically deal with the rule whereby the strength of the central police troops is provided by the organisational unit of Policy Security Service (REBISZ), which is under the direct control of the ORFK.

It was from this report that we became aware that **the use of water cannons as well as weapons suitable for firing rubber bullets and tear gas grenades can only be authorised by the national police chief or his deputy**.

With a view to the statements of the commander of internal competence and of the police chief of Budapest assuming responsibility as the one-person commander of the police troops on 23 October, and also to the important facts gathered from the mass media whereby Dr. László Bene was in Brazil on the day concerned on official business, we can state that the head of the police, as well as his deputy, incidentally a criminal expert after the reorganisation, did not take over the powers of controlling commander that day. On the basis of the above, it is not clear what serve as the legal grounds for the following:

- the **police chief of Budapest** took over the one-person commandship of the police operations;
- why it was not his deputy in charge of public security affairs, Dr. Lajos Lapid who exercised the professional control;

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- how the use of REBISZ forces was possible **in the absence of the national police chief**; and in fact, how in the absence of the two top leaders of the law enforcement organisation from the events it was **possible to arm the troops with water cannons, and weapons suitable for firing rubber bullets and tear gas grenades, when in fact only they could have issued the necessary permits**;
- and finally, what is the special reason for the police troops **wearing the hand-held vipers, as well as machine carbines with armour-piercing and fragmentation rifle-grenades, unlawful means of crowd dispersal, with a purpose of intimidation.**

In addition to the above, the public also has not received a reassuring answer to the question as to why lieutenant colonel Gábor Mittó, appointed on 18 September 2006 as the commander in charge of securing Szabadság Square, did not take over the control of the police troops and what legal consequences ensued from this fact.

#### **6. The unlawful aspects of the crowd dispersal by police troops on 23 October 2006**

With a view to the norms of substantive and procedural law reviewed above in detail, as well as the taxatively listed conditions and the requirements of the lawful manner of the application of the same, and especially in comparison of the same against the actual practice of the crowd dispersal operations as shown in the electronic media, we can conclude the following by way of legal evaluation:

- in the interest of ensuring public safety and internal order, the freedom and the right of assembly of citizens, it may be necessary to organise and deploy the police in the form of police troops;
- the crowd dispersal operations required by law or becoming necessary as a result of the events may, by reason of the unlawful application of means of coercion and the use of such means of coercion and weapons not listed in the act, **render a lawfully commenced measure into an unlawful one.**

**Typical cases of the unlawful application of the means of coercion defined in the act include:**

- instructions by the commander of the police troops on site for the use of bodily coercion, then force with the use of means of coercion, and finally weapons suitable for inflicting bodily injuries against members of the crowd putting up passive resistance, active resistance or armed members of such crowd, in a manner violating the requirement that the **different means of coercion must be used gradually**;
- **shackling with the use of means forbidden for the purpose, in a manner that is degrading, constituting torture or causing unjustifiable pain**;
- **the use of rubber bullets against an unarmed crowd or against persons not in a crowd or peaceful passers-by, for example in the area of the Astoria (despite the ban in Section 68 (5) of the RSZSZ)**;
- **the use of rubber bullets aimed and fired at the genital area, abdomen, upper body, neck area or head**;

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- failure to issue a warning by the police with respect to the impending use of police troops by way of means of mass communication, but especially the use of a sound amplifier device if possible, repeated at least twice and with the required content, as well as providing sufficient time and opportunity to comply with the call to leave the site;
- the application of the procedures of **capturing and arrest in case of disobedience** of police instructions in itself and otherwise in the absence of an offence;

It is an established fact that, contrary to the official reports, the police only had a “sound cannon” of 600 watt output, the sound intensity of which was not suitable for communicating an official warning in the background noise of the crowd.

*We recommend that sound amplifying devices be purchased that can render the calls given in case of the deployment of police troops clearly audible to those on the scene.*

**The position of the Gönczöl committee is that the relevant rules of procedure in effect, as well as the troop service regulation, contain no mandatory rules pertaining to the firing of rubber bullets, as such procedure does not qualify as the use of firearms. By extension, the same also applies to the firing of gas grenades.**

**The report presents this absence of a rule as an influencing circumstance that can be used for excluding legal accountability. One could also consider such aspect as being motivated by the principle set forth in Section 60 (2) of the Police Act, discussed above, authorising the police officer to use force.**

**Our civil committee also disagrees with these legal interpretations.**

**The special provisions of the law, with marked terseness, only sets forth that “in the course of using police troops, the police shall not be obliged to examine the individual responsibility of those present at the scene.”**

**In case of the close analysis of the content of this legislative item of non-categorical phrasing, no conclusions can be drawn with respect to content authorising for the use of force.**

In the summary offence cases of the Metropolitan Court of Budapest commenced for violations of the provisions of the act on the right of assembly, the court consistently used the interpretation that, contrary to the **mistaken interpretation of the “operation areas”**, as the term is used in police jargon, **as public areas declared as territories “under the jurisdiction” of the police, constitutionality is not suspended and the fundamental rights of the citizens are in fact also valid here.**

**As a consequence of the special guiding legal interpretation of the judgements applicable to crowd dispersal operations, it must be stated that according to the RSZSZ, police troops**

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**cannot be used against those disobeying police orders, while in case of passive resistance, active resistance and resistance by an armed crowd, measures of force can only be used with attention to the requirement that the different means of coercion must be used gradually, as required by Section 68 (5).**

Pursuant to the proper interpretation of the definition of the misdemeanour of maltreatment in official procedure given in Section 226 of Act IV of 1978 on the Criminal Code of Hungary, a person acting in official capacity and inflicting bodily harm on another will be considered to have committed this criminal offence also if not causing a biological injury to such person. **The above act does not constitute a criminal offence only in case the person acting in such official capacity is authorised or required to use forced measures, and the injury caused is proportionate to the force necessary for ensuring the success of the measure.**

With a view to the obligation to protect human life, bodily integrity, as well as human dignity and human rights, **Section 226 of the Criminal Code, however, does not exempt from criminality in case of police acts causing biological injury or damage inflicted or caused in the course of such official measures.**

On the basis of the legislative environments and their correct interpretation, therefore, the legal position whereby the acts of police troops, **at the command of their superiors** and engaged in crowd dispersal operations, causing bodily harm or biological damage is presumed as exempt from criminal liability is totally unfounded.

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For such interpretation of legal liability, the principles of “personal responsibility” and “lack of exemption by reason of higher order”, as used by the committee of the UN General Assembly in 1950 in the course of the Nuremberg trials and raised to the level of international legal criteria, also serve as supplementary legal grounds.

In the chapter of the Gönczöl committee on the use of the means of coercion (page 92, Section 2. 4.5), it is mentioned among certain provisions of the troop service regulations of outstanding importance that the Police Act **does not consider the use of rubber bullets and gas grenades as the application of firearms**, in spite of their suitability for causing serious bodily harm, as was the case during the crowd dispersal operations during the autumn of last year when several serious injuries did in fact occur. The report also criticises the fact that while the **troop service regulations** do prescribe the manner in which the much less dangerous police truncheon can be used, at the same time, the same regulations **contain no rules for the application of rubber bullets and gas grenades fired from weapons**.

We agree with the recommendation of Gönczöl committee that the **application of devices shot from explosive weapons should be regulated in accordance with the strict rules applicable to the use of firearms**, and further that it is necessary to **inform the population** of the minimum **rules of guarantee** necessary for judging the lawfulness of the given measure involving the application of such devices and thus the right to legal redress.

At the same time, we claim with full certainty that **a police officer trained in the uses of firearms and instructed to shoot rubber bullets** must be aware of the **high penetrating force** of such rubber bullets fired at targets **within a range of 50 metres**, including the serious, even fatal injuries that such hits may inflict. Therefore, a police officer trained and conscious of the rules of his profession must, even in the absence of detailed rules for the application of such devices, be aware that in order to fulfil the obligation for the protection of life and bodily integrity, shots fired as aimed at the trunk, neck or head areas of the human body are strictly forbidden. **Police officers shall be responsible for any biological injury or damage thus caused, on the basis of the commission of the criminal offence, as defined in the Criminal Code, for at least with the eventual intention.**

On the basis of experience in the field of judgements in criminal cases against life, we have reason to claim that the two devices discussed above are **capable of taking human life**. It an infrequent but certainly possible scenario, **the hitting of the anatomical point called the vagus may cause a reflexive stopping of the hear, and therefore, immediate death**. A similar neural formula is also located in the abdominal cavity.

The likelihood of a reflexive stopping of the heart, therefore, should not be underestimated and considered only as an abstract and remote danger.

On the basis of the effect mechanism reviewed above, even despite the absence of detailed regulations to this effect, the firing of rubber bullets at the upper body and head of persons subjected to crowd dispersal operations must be regarded as forbidden, just like the similar use of gas grenades that also have a significant force of impact when fired. Therefore, the police officer shall have **criminal liability for injuries serious, permanent injuries or deterioration of health caused by shoots fired as aimed at the head or upper body**.

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It should be mentioned here that **a police officer committing the criminal offence of maltreatment in official procedure for nefarious reasons or with special brutality may be held accountable pursuant to the provision for more aggravated criminal offence entailing a more serious punishment.**

In the autumn of last year, and especially on 23 October, several injuries were caused by devices shoot from firearms, the exact number of which is not clearly known due to the fear of the victims of such injuries of being called otherwise accountable for their acts, but the number of serious injuries thus caused (including cerebral injuries and loss of vision) were also significant. The details on these cases are included in Chapter II of our report.

These cases are not simply abuses of police power, but criminal acts prosecutable under law. The lack of identification badges on all police officers acting in the police troops significantly hindered the ability to call into account the perpetrators of such criminal offences.

It should be concluded from the above that the removal of the badges serving the purpose of evidencing status as acting in official status and also enabling personal identification did, in itself, have a negative influence on the sense of responsibility of certain members of the police force.

On the basis of several recorded images of the electronic media, the conduct of the police force employed included, in a conspicuously unified and conscious manner, using maltreatment with the application of tonfa and disabling gas, whereby citizens out for celebrating peacefully walking by with the national flag or other national symbols were attacked in a targeted way, wrestled to the ground, and then the hands of such citizens laying face down were twisted behind their backs and tied with the use of plastic quick-shackles, banned according to the Service Regulations, people on the ground were kicked: in other words, the crowd with “dispersed” with the application of various methods of maltreatment. Serious objections can be raised against this practice.

**These criminal acts, prosecutable under the criminal code, serve as grounds for drawing conclusions with respect to instructions by the commanders of these police officers for maltreatment involving the “abuse” of police power, taking advantage of the harmful psychological condition of the police officers with respect to the apparent lack of responsibility due to the absence of identification badges.**

Any trampling on or otherwise damaging the Hungarian flag, the use of derogatory expressions in connection with it shall constitute the criminal offence of inciting against a community, violating Section 269 of the Criminal Code, as well as the misdemeanour of violation of national symbol, in violation of Section 269/A of the Criminal Code.

**The personal criminal liability of the commander in charge of briefing the police troops in case of acting as an abettor for the commission by police officers in a police troop of act ordered to the prosecuted under the Criminal Code, as well as the criminal liability of the person in the hierarchy of the commanders actually committing an offence by way of wilful failure to demand a report and to perform a checking after the performance of a forced measure should be established with respect to the criminal offence of harbouring a criminal, in a qualified case as committed by an official person during his procedure, in accordance with Section 244 (3) b) of the Criminal Code.**

## **7. Restriction of the right of assembly and the liberty of opinion in the autumn of 2006**

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To judge the lawfulness of the **trooped crowd dispersals** in September and October 2006 applied against **spontaneous attendees, demonstrators not announced in advance**, as well as the persons attending lawfully **notified celebrating events or their illegal manner, one needs to have knowledge on the relevant governing laws, the resolutions of the Constitutional Court for the interpretation of such laws, as well as the adjudicative practices of the consistent interpretation of laws as reflected in effective court orders.**

To the above-mentioned communities, the following overview is offered towards the correct interpretation of the events:

Gytv. – in line with the provisions of the Constitution, as well as the international uniform declaration of Civil and Political Rights – **declares that the right of assembly is a basic liberty behoving to anyone**, which is also recognized by the Republic of Hungary, and thus it shall be **exercised in an undisturbed manner** – as not to be disturbed by others.

In the framework of exercising the right of assembly, **peaceful assemblies, processions and demonstrations (events) may be held wherein the attendees are free to declare their own opinions. The attendees of such events are entitled to make any other party concerned aware of their jointly established positions.**

**The exercise of the right of assembly may not effectuate any crime, or invitation to commit a crime, and may not be to the prejudice of the rights and liberties of others.**

Pursuant to the provision of the taxative list of the Act, the effect of the Act does not involve meetings belonging to the scope of competence of the Act on elections, as well as religious ceremonies and processions, cultural and sporting events, family events.

The provisions of the Act offer detailed definitions on the rules of the organization and holding of such events, as well as the rights and obligations of the organizers of the event and the police forces acting for the security of the same.

**As considering the substances and limits of the right of assembly, the Constitutional Court has given interpretative guidance in several cases.**

In the early stage of its adjudicative practices, it did determine that the **obligations of the state** in the sustenance of basic liberties were not restricted to its abstaining from the violation of such liberties, but **includes its duty to provide for the conditions required for the enforcement of the same.** (Resolution 1991, 64, 297, 302 by the CC)

**The right of assembly** – similarly to the freedom of thought, conscience and religion – **is close related to the liberty of opinion.** Without the aspect of organizing, holding and attending meetings, or without the right to obtain information and share the same with others, the opportunity to be acquainted with various attitudes, obtain information and share the same with others, or the formulate opinions jointly with others would be hard to implement. (Resolution no. 55/2001 by CC)

In several resolutions, the Constitutional Court has referred to the historical experience that whenever the liberty of opinion was restricted, social justice and human creativity were actually harmed with the reduced opportunity to evolve the abilities being inherent in mankind.

Such detrimental consequences tend to surface not only in the lives of the individuals, but also in that of the society, and lead to a dead-end street of the development of mankind as generating a series of sufferings. (Resolution 1992, 167, 170-171, 2000, 14 by CC)

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On 23 October 2006, the manner of performing the most characteristic instrument of law-enforcement – called trooped crowd dispersal – did surprise everyone, its unprecedented brutality was rather shocking.

In the above chapter wherein GBJ evaluates the application of coercive means, a realistic approach could be read on the fact that they knew: **the violent crowd dispersal to be performed in the face of the wide public, in public spaces would generate very passionate reactions**, and the related events would be subsequently assessed by the professional and democratic public.

On 23 October 2006, several locations in the public places of Budapest witnessed trooped crowd dispersal. The chronological and factual description of the historical events taking place in the given time and place is not to be discussed in this chapter.

As without the details of the fields of effectuation, individual cases or examples, it is sufficient to note here that according to the conclusions of the special expert opinions that cannot be included in this report, yet are acceptable to us there were plenty of arrestations that unlawfully restricted personal freedom, followed by pre-trial imprisonments ordered by the investigation judges of the competent courts of justice with 30-day deadlines.

According to the information provided by the dr. László Csere, the National Commander of the Prison Service, between 21 September and 21 November 2006, the Prison Institution of Budapest received **6 women and 144 men. From among them, following 28 September 2006, 148 persons were released on the basis of the associated resolution of the prosecutors or the modified resolution of the Court of Justice of Budapest as Court of the Second Instance** (9 persons were released after the announcement of the peremptory resolution made in the course of the respective hearings at court).

The resolutions of the Court of Justice of Budapest of the Second Instance superseded the orders of the courts of first instance with a view to the lack of the lawful, special reasons of the prescription of pre-trial imprisonments; nevertheless, in 8 cases prohibition was imposed on any departure from the respective places of residence with the related details to be found in Section 3 of Chapter VI of this report.

Owing to its importance and significance, it is to be emphasized that the **Court of Justice of Budapest** revising the court decision of first instance made in the procedure at the competent courts of assize in the related offence cases **consistently – in line with the judicial practice having been followed for years – judged the legal approach to be mistaken that the unlawful exercise of the right of assembly could qualify as the misuse of the right, and therefore an instance of the disturbance of order.**

Such a mistaken approach would mean such restriction on the right of assembly to an unacceptable extent that would be to the contrary of the intentions of the legislators, and in such cases the unreasonable extension of the police sanctions to be applied; consequently, the legalization and concealed evasion of the limited potentials precisely defined in Section (1) of Article 14 of Gytv.

As a foundation of the corrected legal standpoint, they have referred to several resolutions by the Constitutional Court that consistently determined the constitutional conditions of the

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restriction of such rights, and thus stating that the restriction of the fundamental right could be held within the constitutional framework only if such a restriction did not pertain to the imprescriptible essence of the fundamental right. If it proves to be unavoidable, i.e. it is justified by coercive reasons, and the restriction is not disproportionate to the aim to be achieved (e.g.: Resolution 20/1990 (04/10) by CC; Resolution 1990 69 71 by CC; Resolution 7/1991 (28/02) by CC; Resolution 22, 25, 22/1992 (10/04) by CC; Resolution 1992.122, 123 by CC)

**Pursuant to the theoretical position of Resolution 13/2001 (14/05) by the Constitutional Court on the permitting activities of the authorities, general reference to public safety may not be specified as the reason of the restriction of any fundamental right.**

The interpretative adjudicative practice by the Court of Justice of Budapest indicate that pursuant to the legal circumstances as concerning the **misuse of the right of assembly** being subject to penalization under Article 152 of Act LXIX (Sztv.) of 1999 on offences only the responsibilities of **persons organizing or holding** events without notification or as deviating from the related notification may be ascertained, and such illegal conduct may be penalized by means of imposing fines.

**No offence is defined against persons appearing at or attending such events; the sole presence is thus deemed as a conduct not to be punished in accordance with the associated intent of the legislators.**

The consequence of the “ex-lex” situation of **any event held without notification or as deviating from the related notification** is that is without the guarantee of the state (to be provided by way of the police) to ensure the **undisturbed procedure** of the meeting.

The “immaterial sanction” of this irregular law enforcement is justified by the fact that without any additional conduct the sheer presence does not mean such a level of threat to the society that should be penalized. In such cases (the person subject to the procedure continues the offence in spite of the related warning), there is **no legal basis** for the arrestation as defined in Point f) of Section (2) of Article 33 of Rtv., **because no offence is effectuated, and thus the officially acting person cannot demand from anyone to “stop” the same.**

Within the framework of the interpretation of the law, the uniform practice of judgement also explains that this approach to legality is not to the contrary of the norms described in Section (1) of Article 14 of Gytv. as concerning the applicability of dispersal by the police in the case of the infringement of the right of assembly, because pursuant to Article 47 and 59 of Rtv. to the dispersal of any crowd gathering in an unlawful way coercive means may be applicable as observing the proportionality required by Article 15.

There is a basic difference between the **enforceability of actions by the police ensured for any such cases, and the culpability of any disobedience thereto.**

**The underlying reason is that disobedience can be penalized in a very limited scope, only in specific cases.**

In accordance with the adjudicative practice by the Court of Justice of Budapest, within the framework of the **offence of the disturbance of peace** the law does not allow the unlawful restriction of the right of assembly.

This interpretation is also supported by Section (4) of Article 8 of the Constitution, which defines the **fundamental rights** whose substances may not be suspended or restricted even in extraordinary and distress situations, emergencies. (Resolution 55/2001 by CC)

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With reference to this very principle, the proposal of the Gönczöl Committee on the so-called law-enforcement distress situation can be negated, as it would push our legal system to an unconstitutional direction, towards a police state. (Section 8 of p. 187 in GBJ)

The adjudicative practice of the Court of Justice of Budapest takes a position in each instance of the exercise of the right of assembly by examining the issue of the inevitable conflict with originating from the state of necessarily prejudicing the rights of others.

As a resolution of the conflict it has highlighted that the Constitutional Court in its guidelines unambiguously explained that **each commotion, demonstration, even is necessarily perceived as a “disturbance of peace”** with a view to the fact that temporarily it will irritate persons and the aggregates of persons who do not identify themselves with the same, and hinder them in the exercise of their certain rights (e.g. free movement, recreation...etc.). **Nevertheless, such a “disturbance of peace” is a part of the substance of the communal enforcement of rights, and the associated general and constitutional interests are stronger, more weighty than certain, independent liberties, rights of the individual.**

In Pont b) of Section (1) of Article 142 of the Act on Offences, the **interests protected** by means of the relevant legal circumstances **are not individual interests or the sanctioning of the violation of such rights**, but the entire, effective legal environment (in particular in the ministerial justification of Sztv., comments to Sztv. and conclusions explained in the related literature) **as to be ensured even by means of enforcement towards the effectiveness and efficiency of lawful and well-grounded police actions applied in connection with any extraordinary event that threatens the safety of private persons and properties, and thus requires law-enforcement interventions.**

Examining the effectuation of the offence defined as the disturbance of peace, the court of justice have been to find answers to two basic questions:

- what was the purpose of the policemen or other official personnel staying at the respective locations, in case there occurred any extraordinary event that threatened the safety of private persons and properties, and thus required law-enforcement interventions,
- whether the person subject to the procedure counteracted the official personnel in charge in the course of their activities for the elimination of the threats.

In such instances, law-enforcement measures become so important, significant and necessitated that the legislator does not only permit the use of coercive measures to be performed by the official personnel, but **separately sanctions any disobedience to the personnel!**

In the light of the governing adjudicative law interpretation reflected in the judgements of the court, in connection with such importance it is also to be noted that under the correct substantial construction of the entitlement to act for the enclosure of areas from personal and motorized traffic the aims specifically described in Article 31, Section 1 of Article 46 and Point g), h), i), j) of Section 1 of Article 58 of the Act allow the restriction of constitutional rights solely in order to ensure fundamental rights. In such instance, the starting point is that the enclosure of the area has been effectuated lawfully and with proper reasons. In these

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cases, the perpetrating conduct involves the offence of the disturbance of peace if the perpetrator deliberately penetrates to the enclosed area to threaten the protected interests, in spite of the prohibition by the police.

Finally, it is important to highlight that **under Section (2) of Article 142 of Sztv. the offence of the “disturbance of peace” is also committed** whenever one fails to comply with the safety instructions of the organizers or the police. **This act may not be penalized with immediate imprisonment, and the judgement of the same does not belong to the competences of courts.**

With a view to the foregoing, the proposal on making the acts of the persons who attended the demonstrations in an unlawful manner culpable conducts as described in Section 13 on page 172 of GBJ can be strongly disapproved. It is to be noted here that in offence cases courts of justice make their decisions by means of orders rather than of judgements – as it has been specified in the referenced part of GBJ. The implementation of this proposal would result in an absolutely inadmissible restriction of rights, as well as conflict with the Constitution.

We trust the President of the Republic of Hungary that in case such a modification is proposed in the Code of Offences, he will rely on the constitutional means in his power, including the return of the bill for re-discussion or the initiation of preliminary control of norms with the Constitutional Court.

**8. Experience of criminal procedures launched in connection with the events in the autumn of 2006:**

With the approach of a criminal lawyer and as based on the firm evidence furnished by the contents of the objective television recordings, it can be ascertained that in the multitude of policemen deployed for the trooped dispersal of the crowd there occurred some demonstrators who showed conducts that can be associated with the legal circumstances of certain crimes.

The acting civil participants of the events are suspected or charged with the criminal act of vandalism being eligible for 3 years of imprisonment in case the perpetration of the said crime was effectuated in groups and in a manner severely disturbing public peace, in conflict with Section 1 of Article 271 of the Criminal Code and as described in Point a) and b) of Section 2 therein; or alternatively with the criminal act of violence against official personnel in groups and in arms being eligible for 5 years of imprisonment, in conflict with Section 1 of Article 229 of the Criminal Code.

In the light of the information provided by the defence lawyers of the suspects involved in the procedure in association with the actions of the police, quite surprisingly the prosecution also charges the persons having been active at the Headquarters of the Television and subsequently entered the building with the disturbance of the operations of public-utility plants in conflict with Section 1 of Article 260 of the Criminal Code. In any qualified instance of such a crime, the perpetrator is threatened to be sentenced to very serious imprisonment up to 15 years.

According to the current state of legal circumstances, the contents of the perpetration conducts are still rather obscure. At the same time, it is a fact that the Channel 1 of the Hungarian Television was broadcasting in correspondence with its original program schedule throughout the entire period of the siege, and sometimes it also reported on the events taking place in the front lobby in so-called cut shots. Under such circumstances, our committee does not intend to take any position in the issue of legal responsibility.

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In its resolution no. 14/2000 (20/03), the Constitutional Court repeatedly referred to the fact that **“any criminal prosecution shall be conducted strictly within the prevailing material and procedural limits, under the relevant conditions, and the risk of the inefficiency of criminal prosecution shall be borne by the state. Such allocation of risks is also manifested in the constitutional guarantee of the presumption of innocence (Section 2 of Article 57) as a separate rule.”**

As corresponding to the emphatic guidance by the Constitutional Court, any unlawful conduct by civil persons shall be evidenced by the authority, and the consequences of any inefficiency due to the insufficient evidence shall also be borne by the authority.

Owing to the actual perpetration of the said crimes, Our Committee of Civil Jurists has evaluated certain experience of the judgments of first instance that have been arrived at in the so-called In-Court procedures **exclusively on the basis of law dogmatics.**

Without ignoring the political crisis situation generated mainly by economic reasons, as perceiving the proceedings in the procedural stage of first instance that has negatively influenced public trust in judicial judgments and the violation of substantive law, we have initiated a legal unity procedure of the Criminal College with the Chairman of the National Judicial Council, dr. Zoltán Lomnici.

This initiative has been primarily justified by the fact that due to the rather phantasmagoric, meditative and boundlessly ampliative judgment the contextual framework of the **means suitable for taking human life and serving as a basis of the perpetration “in arms”** under Section 4.b of Article 137 of the Criminal Code should be set against a uniform and lawful adjudicative practice as a theoretical question. The legal unity procedure complying with the lawful requirements, as well as the making of the legal unity resolution as a result have proved to be indispensable.

The righteousness of our initiative has been confirmed by the erroneous qualification of the **“arms”** that in the explanation on page 72 of the report by the official committee has been referred to as objects having been found in the tents of the Kossuth Square and being **“means suitable for taking human life or causing injuries”**, which then ignores the provisions of Point a) and b) of Section 4) of Article 137 of the Criminal Code.

Among the factual information compiled by our Committee, there are a large number of complaints of the violation of law in relation to the conduct of court procedure and resolutions made in the course of such **“in-court”** procedures at the Central Court of the Pest Districts that are regulated in Chapter XXIV of the Criminal Procedure.

As a common point of the grievances, the acting judges usually rejected the proposals of the defence lawyers towards the efficient conduct of the procedure, as grossly infringing the constitutional fundamental right for defence. They have failed to evaluate thoroughly the detectable contradictions of the statements that were made by the policemen giving incriminating evidence when qualifying the same as immaterial elements by routine and meaningless argumentation; as to be presented in details in the concrete case, the answers to the charges of the defendant who recognized his aggressor in the policeman witness, and

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confirmed his injuries with documentary evidence attached to the documents of the procedure were turned down by the judge who warned the defendant in a threatening manner in the given situation, saying that: the right of defence does not involve the charging of the witness with the perpetration of crimes as without any legal consequences. The trustworthiness of the policeman witnesses was in general regarded as beyond any doubt. The defendants concerned perceived the court procedure that did not even strive for maintaining the pretence of equitableness, objectivity and thus fair criminal procedure as an instance of “**martial law**”.

According to the position of our Committee of Civil Jurists, in the case of the above-mentioned proceedings, in the demonstrative stages thereof the conduct of the court proceedings curtailing the constitutional liberty of defence does violate the “**equality of arms**” as specified in Article 5 of the European Convention of Human Rights, as well as “**fair proceedings**” as required in Section 1 of Article 5; the formerly effective formal norms, the regulatory principles specified as orders in the norm disposition of the modified Act XIX of 1998 on criminal proceedings as a consequence of the Convention of the Protection of Human Rights and Fundamental Freedoms signed in Rome, as well the evolution of law affecting the prevailing practice of the European Court of Human Rights in Strasbourg wherein the criminal liability shall be decided upon in the court proceedings by respecting the principle of immediacy with the **contradictory principle** having a major role, including the **parties’ rights of disposal**. In addition to criminal proceedings deemed as basic types, as **maintaining the dominance of the court procedure**, simplified proceedings shall be established; such simplified procedures shall feature the **differentiated judgment of any case**.

The defects and deficiencies of the court of first instance throughout the activities of the investigations of the cases and ascertainment of the circumstances potentially have serious consequences on the final, effective decision – and such mistakes are quite frequently cannot be eliminated in the proceedings of second instance, either, because Section (1) of Article 315 of the Criminal Procedure declares the principle of non-deviation from the legal circumstances obtained in the course of the proceedings of first instance as a core principle. The adjudicative practice connected with this principle recognizes any negligent, roughly-made “judicial consideration” in relation to the conclusive force of the evidence as a reason of insubstantiality on the basis of the taxation set forth in Section (2) of Article 351 of the Criminal Procedure. The actual review by the court of second instance is often characterized by the fact that the defensive appeal based on insubstantiality is evaluated by the judicial board as argumentation challenging the consideration of the evidence, and therefore the judgment by the court of first instance is not corrected. Thereafter, in any review proceedings this omission cannot be made good due to the non-deviation from the absolute legal circumstances. A judgment of first instance coming into effect can also have other detrimental consequences, such as the judge of the proceedings of first instance is to ensure the correctness of judgment, while upon the professional qualification of the judge the affirmation of the decision of first instance is deemed as a positive element.

In the application of **substantive law**, **the mistakes of the adjudication in conflict with the so-called live law as concerning the basic cases of the crime of violence against official personnel**; the boundlessly ampliative interpretation of the qualified instance of “**perpetration in arms**” can be perceived as separately coinciding mistakes in certain

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judgments. The erroneous assessment of the legal circumstances of substantive law that can be regarded as a **typical mistake due to its being repeated** several times are to be demonstrated with the analysis of the following judgment.

It was these documentary evidence and personal statement on the legal proceedings that encouraged our Committee to take part as listeners in the public hearing of certain crimes as the only available means of civil control; in order to ensure that in the course of the review of the decisions of first instance how the court of justice sees the procedural mistakes presumed by us, and in cases proved to involve well-grounded suspicion how much the court acts for the elimination of the mistakes: the correction of the errors in terms of procedural and substantive law.

On 6 December 2006, in accordance with Act LXIII of 1992 as data of public interests we requested information from the Chair of the Court of Justice of Budapest and the Director of the Criminal College on the cases being in progress at the Court of Justice of Budapest acting as the court of second instance, the foreseen timing of the court proceedings: we also indicated the intents of certain members of our Committee to take part in the proceedings as listeners.

Unfortunately, the parties contacted failed to take our constitutional rights seriously. In spite of our demands urging proper responses, we have not been provided with any answer in violation of Section (2) of Article 20 of the Act.

On 26 December, 2006 we appealed to the general public of the printed press: we indicated the unlawful situation. As a result, at 8.45 the following day we were informed by means of e-mail that at the Central Court of the Pest Districts the so-called “in-court” proceedings had been completed; due to the related appeals 5 cases were awaiting for court proceedings of second instance at the Court of Justice of Budapest; the actual date for the commencement of such proceedings – as extraordinary proceedings had been ordered – had not been set, yet.

With respect to this information served, the **“in-court” proceedings** following the violent incidents on 23 October 2006 **were ultimately closed down**.

Due to the traceability of mistakes in the application of law throughout these criminal proceedings and in protection of the lawfulness of judicial judgments, we deem an evaluation process and proper measures by the head of **administrative law** as necessary in order to renew the knowledge of the judges concerned in the associated legal materials in the framework of retraining at the Judicial Academy. Such a move seems to be indispensable, because base-type cases waiting for court proceedings are ahead of their start-up in the near future, and any repeated mistake having actually been made in the application of law would shake public trust in the fair and unbiased procedures by the judges.

The required respect for any decision by the judges is in general expectable.

In constitutional states, however, objective professional criticism on a dogmatic basis is allowable, moreover desirable.

On the other hand, any condemning professional value judgment should be connected with the decision(s) of the judge(s); it would be a mistake to condemn the courts of justices in a corporative manner, which is indeed a preferred reaction of the general public – especially in the case of judges making the decisions without publishing their names.

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In order to present via a concrete case the defects and deficiencies mentioned in their generality in the foregoing, having the prior written consent of the two defendants who were subjected to court proceedings and sentenced in the framework of simplified procedures as required for the handling of their special personal particulars and the publication of the same the following description is to be given on the dominant court hearings of the criminal procedures and the associated decisions:

In the criminal case that was in progress at the Central Court of the Pest Districts under case number **7.B.VIII.22.056/2006**, on 2 October 2006, the District Attorney of Budapest VIII tried the first defendant, Dániel Dukán and second defendant Gábor Bódis who had been first in criminal custody and then in pre-trial imprisonment at court.

In its decision, the court proved them guilty in the crime of violence against official personnel committed in joint offence, in group and in arms: therefore sentenced Dániel Dukán, first defendant to imprisonment for 2 years and 6 months, while Gábor Bódis, second defendant to imprisonment for 2 years and 10 months; both of them were prohibited to exercise public affairs for 3 years.

In the light of the regulatory principles of the criminal proceedings with a view to the gradually dominating court procedure in the simplified proceedings the court of justice effectuated material violation of the procedural law.

In addition to the above-mentioned new regulatory principles, the modification of the procedural rules was also required by the separation of the tasks of the participants as a priority, as well as the precise definition of the duties of the policemen, the prosecutor and the judge.

In connection with the powers of the acting judge in the conduct of the proceedings, such changes in base-type procedures allow only in the preparative stage for the court proceedings for the court to establish any qualification deviating from the charge itself (Section 1 of Article 270 of the Criminal Procedure).

As narrowing the formerly effective powers for the conduct of the court proceedings, with the close interpretation of Section 1 and 4 of Article 321 of the Criminal Procedure in the court proceedings of first instance, just after the hearing of the pleadings, claims and the last words, and its withdrawal to council for the purpose of making the decision, but still before the making of its peremptory decision the court is in the situation to ascertain the possibility of deviation (to both direction) from the respective qualification of written accusation of the act subject to charges.

Article 516 of the effective Act on court procedures specifies the trial at the court:  
The provisions of this Act shall be applied with the deviations described in Chapter XXIV.

As such a deviation, Article 521 of the Criminal Procedure states that in the case of trial at court the provisions of Chapter XII as concerning the preparations of the court proceedings shall not be applicable.

This legal environment makes it evident that in the said simplified procedure the court is authorized only by Section 4 of Article 321 of the Criminal Procedure, and just after their withdrawal to make the decision to establish any deviation from the actual charges.

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According to the minutes of the procedure No. 2, the prosecutor put forward the charges verbally. On the merits, he propounded the ascertainment of the criminal act of vandalism in group, as seriously disturbing public peace described in Section 1 and Pont a) and b) of Section 2 of Article 271 of the Criminal Code, as well as their being sentenced to imprisonment suspended in its enforcement for a probation period.

In the next step of the proceedings, the judge made a decision under serial number II wherein he declared that as deviating from the verbally propounded charges the act imputed on the defendants may as well be qualified as the criminal act of violence against official personnel in group and in arms, in conflict of Section 1 of Article 229 of the Criminal Code And described in Section 2 therein. He also declared that no appeal may be launched against the decision.

Naturally, he did not name the basis of this provision in terms of procedural law, as no reference could be found in this respect.

As it is also stated in HVG Orac Kft's publication, in the volume entitled "Comments on Criminal Procedures for Practical Application" by dr. György Berkes: since the condemning decision made in *Strasbourg in Dallos / Hungary*, in 2001, legislators have been acting with extreme circumspection in connection with the establishment of any qualification that deviate from the charge, and that is the reason why the decision was made in the preparative phase of the court proceedings.

In the given context, the regulation means the court of justice – **still prior to the making of the respective decision** – is obliged to inform the prosecutor and the defender appropriately on the option to qualify the act to be judged as *deviating from the original charge*, and in such cases the court of justice may adjourn the proceedings towards the proper preparation of the parties concerned.

In the presented case, neither the prosecutor, nor the defendants and their layers getting into a "de facto" trap asked for the adjournment of the court proceedings. The decision of these latter parties could have been influenced by the situation of the imprisoned defendants, the impossibility to draw the facts being subject to the charges under the disposition of any more severe qualifications, the consistency of the position of the prosecution in terms of substantive law (their final proposal was put forward in the same manner), the intent to avoid the threat of actual imprisonment, as the realistic hope to be released with the making of the resolution of first instance.

In the light of the minutes of proceedings, it can be perceived that the conduct of the proceedings by the judge strove for the justification of the declared legal position. He heard the factual defence of the defendants who did not admit their guiltiness; in several cases he responded to the statements on the falsity of the evidence given by the policeman witnesses and the assaults suffered from the same policemen in a threatening manner under the given circumstances, by emphatically warning them on the legal consequences of false accusation. There was no reaction in the conduct of the proceedings to the statement of the first defendant that the injuries suffered from the assaults of the witness, Norbert Balázs were also confirmed by the photo attached as page 13 to the investigation documents.

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These elements of the court proceedings of first instance establish the dogmatic ascertainment that in the course of the proceedings the guarantee principles were prejudiced.

The prosecutor acknowledged the decision that deviated from his final proposal, and then proposed the maintenance of the pre-trial imprisonment of the defendants.

As a summary description of the material historical events it is to be mentioned that: on the day of the court proceedings of first instance the Council of dr. Gábor Somogyi at the Court of Justice of Budapest ordered the termination the pre-trial imprisonment of both defendants with immediate effect with a view to the complete lack of the special conditions thereof, ascertaining the mistaken argumentations of the reasons as being beyond legal means and inapplicable to evaluation. Nevertheless, the resolution was delivered to the District Attorney only in two days (on 4 October 2006).

The conducting judge and the parties did not become aware of this decision; the pre-trial imprisonment of the defendants having been maintained even after the announcement of the decision of first instance was finally terminated by the Council of dr. László Péntek at the Court of Justice of Budapest. They were actually released on 26 October 2006. **They were in prison for 36 days.**

Nevertheless, the **violations of substantive law** are much more serious than the infringement of the norms of procedural law.

To establish our dogmatic criticism, we are the recall the statement of the facts from the decision of first instance:

“Around 2.50 a.m. on 20 September 2006, as members of an aggressive group of cc. 30–40 people who were throwing various objects at the deployed policemen and showing vandalistic conduct in the intersection of Rákóczi Street and Szentkirályi Street, District VIII of Budapest Dániel Dukán, first defendant threw a glass object and then a smoke candle towards the policemen, while Gábor Bódis, second defendant threw a stone taken from the ground and then a metal anti-parking pole lying on the ground at the policemen. None of these object hit the bodies of the uniformed policemen. After the above-mentioned acts, the defendants went to Szentkirályi Street where they started to call down the policemen. By their conduct, the defendants with numerous unknown associates of their seriously disturbed public peace, and hindered with their violence the action of the policemen deployed to counter them.”

The structure of the written decision, however, rather confirms that due to his unpreparedness for the compilation of the written summary the judge tended to report on such historical event accepted as creditable in the part on the overview of evidence and the conclusive values that at the time of the writing of the decision surfaced in a posterior manner, and therefore they were missing from the former written structure and the description of the historical facts. Disrupting the systematic unity of the expected structure, he included certain statements of historical facts in the so-called consideration part.

Therefore, from the description of the historical events by Tamás Szabó and Norbert Balázs witnesses having been qualified as creditable evidence it can be regarded as a realistic fact that at the intersection of Rákóczi Street and Szentkirályi Street they were on concealed

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criminal lookout with two other policemen with the task of identifying people committing crimes. In civilian clothing, they mixed with the demonstrators, followed the conduct of the demonstrators being present who – inter alia the defendants – believed them to be their associates until the final stage of their capture. Perceiving emotional and volitional similarities, the second defendant warned Tamás Szabó several times to shove on the hood in order to prevent policemen from “videoing” him.

From the evaluation of the two policeman witnesses, it can be ascertained as an **important fact even in terms of substantive law** that the police used **trooped forces**. For any inefficiency of the demand to leave the location, the group was threatened with the dispersal of the crowd. The police row awaiting for command at the place of their deployment was situated farther away from the intersection of Szentkirályi Street; from among the people withdrawing to Szentkirályi Street believed to be a good way of escape the two defendants went out to the cross-roads on several occasions, and watched, informed the demonstrators where the policemen were. As occasioned one of such observations, Dániel Dukán threw probably a bottle and a smoke candle towards the charging policemen, while Gábor Bódis acted similarly with a stone and an anti-parking pole having already been broken down. These objects hit the ground well ahead of the aligned policemen. (In the court proceedings Norbert Balázs mentioned 70–80 meters, while according to Tamás Szabó the policemen were lucky to be even farther away. The explained their delay in arresting the demonstrators with the fact that being far away from the uniformed policemen they had to consider safety reasons.)

When the hedge aiming at dispersing the crowd passed by the intersection of Szentkirályi Street the defendants called those still being there – among them the policemen under pretence – to go back to Rákóczi Street, and get to the back of the policemen.

The written evaluation of the decision itself mentioned just some of all the relevant legal circumstances as evidenced by the policeman witnesses. According to the detailed contents of the minutes of proceedings, the two defendants left towards Rákóczi Street by themselves, and they were arrested only when only the four policemen under pretext and these two remained at the site: there, they could not see any other civilian (see par. 2 of page 10 of minutes of proceedings no. 2.; par. 2 of page 14). After presenting their police IDs, Gábor Bódis “surrendered himself”, while Dániel Dukán attempted to run away.

In the practice of courts of justices involved in the review of conclusive resolutions, the error conflicting with the requirements of systemized, written judgments is a typical phenomenon known in association with the huge workload shouldered by local courts.

Formerly, when the Supreme Court acted in its authority as a body of review of second instance, it established the normative practice that towards proper revision it regarded conclusive fact findings put down in any part of the judgments to be historical factual statements, and handled the same as the basis of the evaluation in terms of substantive law upon making the decision on the merits.

The multitude of decision of first instance, the above-mentioned typical editing errors, as well as their handling in this respect are absolutely required for the lawful evaluation of the judgment analyzed in our case in terms of substantive law. The omission of the description of the event actually causing the acts offending–threatening the official personnel in close

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correspondence with the **historical facts**, the findings of the proceedings that do not present any criminal act that would be material as concerning the comparison with the disposition of the legal circumstances, but rather can be considered as an **opinion** on such a deficiency that in the lack of the actual facts having a causative relations to the relevant legal issue fails to establish that “the defendants with a large number of their unknown associates ... prevented the measures of the policemen that intended to act against them.”

A crucial **error** of the judgment of first instance in terms of **substantive law** that the acts of the defendants did not effectuated the **basic case** of the crime of violence against official personnel as it would be punished in accordance with Section 1 of Article 229 of the Criminal Code

The underlying reason is that there is not factual basis to the premise that the targeted throws would have hindered the action of the policemen being in the process of the dispersal of the crowd. The throwing of some glass object, stone picked up, anti-parking metal pole towards the police troops does not generate any other objective effect, but the perceptibility of perturbation activities.

Under the special rules pertaining to the orientation of such aggregations, the deployed police troops were waiting for the commands of the local commander; the commencement of the dispersal of the crowd needed to be preceded by lawful warning, and the execution of the dispersal of the crowd could be started upon the next command in the light of the inefficiency of the warning.

The application of the most characteristic coercive procedure could be solely induced by the disobedient reactions to the warning to leave the area by the crowds staying in the depths of the public space.

There is no factual basis for the assumption that the throws by the two defendants would have in connection with their persons influenced the commander of the troops in making the policemen wait, and then launching their actions.

According to the information derived from the mutually confirmative witness reports having been accepted as credible evidence as written down in the closely interpreted historical facts, the two defendants did not even have physical contacts with the **two policemen having been obliged to act on their own** in any police measure pursuant to the taxative commands of the service regulations of the police specified in Article 6 of Chapter 6 of the Act on the Police in connection with and behaving like cooperative demonstrators, who in reality were witnesses involved in criminal observations up to the events, the final phase when their actual identities were revealed, and thus **were not involved in any police troop, even order to act as a part of the same**, and in addition to the lack of physical contacts they **did not indeed establish any remote psychical contact to influence the will of action**, not in any extremely broad sense of the word, that would otherwise be not acceptable in criminal dogmatics.

Thereafter, the interpretation of substantive law by the court of first instance relies on a rather enigmatic solution, as while the judge tried to find, and then actually applied the governing special decision having been published under no. BH. 1979. 398. in the qualifying case of “perpetration in arms” for the purpose of having proper information on the normative adjudicative practice – although in a specifically narrow meaning –, he did not use the same option for the clarification of the perpetration conducts indicated in the disposition of the basic case of Article 229 of the Criminal Code for the punishment of the violence against official personnel.

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When lawfully judging the accused conduct, the court is to decide in comparison with the so-called live law. In accordance with the associated definition of the Constitutional Court, live law is made up of the legislative references on the provisions of punishment, the guiding case-by-case decisions for the interpretation of the application thereof, the positions maintained under the competence of the Criminal College of the Supreme Court, as well as the contents of resolutions on legal unity.

The most frequently adopted conduct of the crime described in Section 1 of Article 229 of the Criminal Code is the prevention of official personnel from acting in lawful procedures by means of violence or threatening, or the compelling of such personnel to act. The published literature on the normative judgments that are explanatory of the substantial effectuation of material and immaterial conducts is of full value.

Under number **1999.437-I** of the **Court Resolutions** – hereinafter referred to as HB – publishing the normative resolution of the Supreme Court made under no. Bfv. IV. 779/1998 in a revision procedure in association with the interpretation of law by lower courts of justice: “the crime of violence against official personnel is effectuated if the perpetrator – either directly, or indirectly – actively counteract, hinder, impede such official personnel in their lawful actions by means of physical power.”

With respect to the essence of evaluation in terms of substantive law, the accused was not willing to abide with the demand of the policemen deliberately; when holding his two arms two policemen wanted to escort him to the building of the police station, he resisted the escort, and made an attempt to escape from the arrest, and then tried to push away the policeman acting for handcuffing with his back and hip. The action could be effectuated only by the joint effort of the two policemen.

The Supreme Court that established the guiltiness of the accused, and judging the revision application put forward by the defending lawyer against the effective judgment that had imposed the relevant punishment ascertained: from among the three-form perpetration action of the legal circumstances of the crime designated as violence against official personnel as defined in Section 1 of Article 229 of the Criminal Code, in the case in question the imputation may be based on the fact of hindering with force, violence. In themselves, disobedience, passive resistance, the non-compliance with the order do not provide sufficient basis for the ascertainment of the crime of violence against official personnel. Violence should manifest in the use of physical power against any person, i.e. violence directed at the body of the official personnel, and thus effectuated either directly, or indirectly. In case such violence is effectuated against any action by the official personnel, it hinders, impedes and thus antagonizes the same, it actually fulfils the first instance of the legal circumstances of the crime contemplated herein.

In the given case, the accused antagonizes the measures by the policemen with active counteraction, violence, and therefore his conduct effectuated the first instance of the legal circumstances.

The consistent adjudicative practice can be examined from judgment no. Bfv. II. 2286/2003 made in the framework of revision proceedings by the Supreme Court as published under no. **BH. 2005.339**.

“The crime of violence against official personnel is effectuated – by means of antagonizing official personnel in their lawful actions – if such antagonizing is achieved by the use of violence or threats.”

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In the light of the conduct by the perpetrator qualified as the charge itself, the accused threw his jacket held on his arm at the face of the acting policeman, and ran away. As modifying the decision of acquittal by the court of first instance, the court of second instance has ascertained the guiltiness of the accused in the crime of violence against official personnel, and imposed the related punishment. According to the legal reasons, one element of the legal circumstances, i.e. violence, violent conduct should not be of such nature, degree and effect that would lead to the full-scale submission of the will of the offended party, his the overbearance, and should not necessarily involve the infliction of injuries, either. It is sufficient if the official personnel is restricted in their conduct corresponding to the will of such official personnel.

If the conduct is manifested in the use of physical power that – either directly, or indirectly – affect the body of the official personnel, this fact is sufficient for the ascertainment of the perpetration.

In its judgment no. Bfv.II. 2286/2003 made in the course of a revision procedure upon the relevant proposal by the defending lawyer, the Supreme Court acquitted the accused from the charge of the crime of violence against official personnel in the lack of the associated crime. According to the legal reasons, the court of second instance was mistaken when in the given case had ascertained antagonizing with violence. The relevant law for the effectuation of such an action does not indeed require the presence of such violence that would submit and overbear the will of the offended party, nor the infliction of any injury.

It is not sufficient, however, if the perpetrator restricts the official personnel just in the conduct of their will.

Antagonizing (restriction) and violence are not synonyms.

An act restricting the official personnel does not necessarily mean violent action at the same time. Antagonizing may be implemented without any physical effect, even by means of distracting the attention of the official personnel. A key factual element of this crime, however, the mode of perpetration: the use of violence or threatening. In the revised case, the effectuation of any threatening did not occur, while antagonizing with the use of violence cannot be ascertained on the basis of the normative historical event. The law does not provide for the definition of violence. In the light of the prevailing adjudicative practice, violence can be defined as such a conscious effect of specific nature by means of using physical power directly at the person concerned or indirectly as mediated by some thing that is to be examined and judged in the light of all the circumstances of the actual case. The intensity of not a move with the use of power by the accused, nor the weight and nature of the mediating thing, the mode of application, the consequential effect exercised on the offended party, or any other insignificant influence effectuated such a degree of violence that the prevailing adjudicative practice would qualify as the perpetration of violence.

On the other hand, it was beyond doubt suitable for distracting the attention of the offended party, and for a short while antagonized him in lawful action.

The accused had this very intention: his purpose was to withdraw himself from the scope of the procedure, and gain sufficient time to escape.

In the lack of violence, threat as required by the legal circumstances, solely the action to distract attention does not serve as a basis for the ascertainment of the crime of violence against official personnel by the accused, and therefore the judgment of the revising procedure provided for acquittal from this charge in the lack of proper crime.

The third instance of the basic facts as specified in Section 1 of Article 229 of the Criminal Code on the effectuation of forcing the official personnel to act is associated with

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the normative case decision no. Bf. III. 2838/1993 by the Supreme Court published as **BH. 1995. 330.**

“The crime of violence against official personnel by means of forcing the official personnel to act is effectuated of such official personnel as a consequence of violence or threat is compelled to execute the actual action in accordance with the determined will of the perpetrator and not their own.”

According to the relevant legal reasons, violence against official personnel – as indicated by the very name of the crime – can be effectuated with violent conduct exclusively against official personnel; violence against any thing may qualify as this crime if the violence is transferred from the thing to the person. Therefore the violent conduct against the police car did not effectuate this crime.

The position of the court of first instance is mistaken in claiming that the use of additional police forces due to the ineffectiveness of the primary action by the police effectuated any “forcing to act”. This variation of Section (1) of Article 229 of the Criminal Code could be ascertained if the official personnel is forced to act as corresponding to the will of the perpetrator, and not their own, and therefore such action may not be deemed as lawful, though formally might involve irreproachable actions. In such cases, there is no need to act in fact, under force or threat the official personnel abandons their lawful passivity. As a consequence, the rejection of obedience or counteraction against the official personnel may not be regarded as a conduct that would fall within the scope of the definition of “forcing to act”. Even if the official person acts under the influence of such actions.

For the analysis on the effectuation of the crime of violence against official personnel as described in the basic case of Section (1) of Article 229 of the Criminal Code and relying on the so-called live law, and with a view to the legal literature of adjudicative practice, on a dogmatic basis it can be ascertained: Dániel Dukán and Gábor Bódis, the defendants’ conduct that was made a subject of accusation, and described in the historical facts of the peremptory resolution of the “simplified” court procedure did not effectuate the basic case of the crime of violence against official personnel. Towards dogmatic correctness, it is also to be noted that the legal position of the judgment by the court of justice ascertaining the qualified case of the perpetration of the said crime “in arms” is unlawfully erroneous.

In the legal reasons of his judgment, the judge referred to Point b of Section (4) of Article 137 of the effective Criminal Code stating that the crime is committed “in arms” when the perpetrator towards the surmounting of counteraction or the prevention of the same carries any instrument that is objectively suitable for the extinguishment of life – as well as to the heading of the normative basic case no. **BH. 1979.398.** that analyzes the substantive contents of Point b) of Section (3) of Article 115 of Act V of 1961 alongside with Section 3 of Article 137 and Section 2 of Article 229 of Act IV of 1978, wherein the ascertainment of the perpetration of the crime „in arms” does not require the theoretical principle of the instrument being suitable for taking life to be used in a manner that is suitable for taking life. He pointed out that in accordance with the judicial (or to be more precise adjudicative) practice street cobbles, glass pieces that can be used for hitting, throwing, the infliction of stabs, burst injuries, stick or club (metal pipe) and the half-a-kilogram heavy metal case that had not even been far listed in the written judgment were all instruments that were objectively suitable for taking human life. They are all obviously belong to this scope of concepts.

The judge used the BH publication as the basis of his legal evaluation in a peculiar way, with the application of the above-mentioned narrowing. Examining the said publication

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further, from the detailed reasons he could have been aware of the fact that as early as in 1961 pursuant to Article 115 of Act V any crime was deemed to have been committed in arms of “..... the perpetrator **carries** any instrument being suitable for taking human life; **in addition**, under the guidance of the adjudicative practice **for the purpose of using the same as required**”.

In spite of the several alterations of the substances and structure of the criminal law in the form of various legislative acts, the crime of violence against official personnel is deemed as a basic case, and the disposition of the qualified case thereof alongside with the associated adjudicative practice has not been subject to changes.

If he had been to obtain in-depth information, he could have found the joint position no. 61 of the Criminal and Military College of the Supreme Court that sets the carrying of instruments being suitable for the extinguishment of life at the time of the perpetration of the crime as a criterion, which act at the same time should be purposeful, and involving some interest of use as required.

Etymologically, “carrying” is an unambiguous concept: it expresses material holding at least for a short while.

Due to the alterations of substantive law following social changes and the making of positions by the Colleges becoming unnecessary, thereafter it was the Supreme Court to provide for the positions of the Colleges that were retained in effect, and gradually incorporated into substantive acts and procedural legislation with the preservation of their permanent value in the dispensation of justice. Such positions include, for instance, position no. 61 of the College, wherein as adjusted to its contents **Point b) of Section 4 of Article 137 of the effective Criminal Code Calls for purposeful and properly time-proportionate holding by the perpetration of the crime in connection with the instrument being suitable for taking life.**

**Bottles, stones, etc. having been picked up and immediately thrown – even with a targeted move – in the lack of the preventive, purposeful holding do not offer adequate legal basis for the qualification of the perpetration “in arms”.**

At the same time, according to the uniform dogmatic position of our Committee, (for the absolute correctness of press news) the **boundlessly ampliative interpretation of the concept of instruments being suitable for taking life as based upon meditation**, independently from the actual state can be perceived as gravely problematic in formal accusation and the simplified procedure of judgment.

This problem can be properly perceived in the judgment described here as an example. The risks of such phantasmagoric conclusions being irrespective of all and any reasonable limits can be demonstrated with the example that in the event of the **sufficiency of hypothetical suitability** an amputated artificial leg after its being detached could as well be accepted as a hitting instrument being suitable for taking life as the air rifle that is mentioned in publication no. BH. 1979.398, and serving as a factual basis of the application of the serious, qualified case for its suitability for hitting; even a person carrying a plastic bag could be deemed as a perpetrator “in arms”, as it is widely known that with such an “instrument” criminal acts have actually been committed deliberately, or under negligence.

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We have been informed from the case contemplated in the highlighted and analyzed judgment, as well as from the press releases pertaining to the simplified proceedings that persons throwing stones, cobbles picked up from the ground qualified as regularly “armed” perpetrators; furthermore, on one occasion the court of justice of second instance made a affirmative resolution. Due to the narrowed channels of information flow, the provision of news-ban by the Chairman of the Court of Justice of Budapest we are not able to serve with the indication of concrete cases.

With respect to the described, boundlessly ampliative interpretation our Committee is initiating that towards the theoretical control of the prevailing adjudicative practice of the courts the Supreme Court should offer in the **legal unity procedure** a framework of interpretation for the uniform practice of adjudicative judgments in connection with perpetration “in arms” similarly to the dogmatic and substantial norms of all the three basic cases of violence against official personnel with respect to the reasons specified in point a) of Section 1 of Article 439 of the Criminal Procedure

In Section 3 of Chapter VI of the report, our Committee discusses the long series of unlawful resolutions that tend to restrict personal freedom by the investigating judges of the district courts, as well as the judgments that can be regarded as extremely unlawful or even typical in the so-called simplified procedures that suggest direct influence by the superiors. This suspicion was also be perceived by the press, and interviewed dr. Tibor Bodor, head of the team in this context. In this communication, he did not admit any influencing briefing, but referred to the fact of some joint thinking.

The near future must witness the conduct of regular procedures for the court proceedings of the civil, accused perpetrators of the events in the public spaces of Budapest between 18 September and 23 October 2006. In the light of the heightened attention of a multitude being unsatisfied with the political public life, in connection with the charges occurring in relation to the servile adjudicative practice of the judges and towards the **preventive protection of the preservation of public trust in courts of justice** in the face of the mistakes of a minority group of judges, we are also initiating that the Chairman of the National Council of Jurisdiction acting in its administrative authority, as properly relying on the function of the Academy of Judges having been established under the leadership of dr. Pál Solt, Chairman with considerable financial contribution for the purposes of the training and retraining of judges should orientate the head of the professional trial group and the judges concerned to retraining towards the refreshment of their knowledge on substantive, procedural and live law.

Now, following our condemning criticism in a series of professional issues, we are to express our pronounced respect to the councils of second instance of the Court of Justice of Budapest for their consistent adjudicative practice in making the decisions that were to correct the unlawful resolutions of the investigating judges, reviewing the unlawful resolutions adopted in the offence cases belonging to the competence of the courts of justice, as well as in restoring lawfulness.

## CHAPTER VIII

### **DISAPPOINTMENT, FEAR AND HELPLESSNESS IN THE AUTUMN OF 2006 - THE OCCURRENCES IN HUNGARY IN SEPTEMBER-OCTOBER AS VIEWED BY A PSYCHOLOGIST**

"You cannot undo something that has actually occurred but you may prevent such occurrences in the future"  
(Seneca)

#### **1. The indirect antecedents of the occurrences on the day of the 50th anniversary of the revolution and freedom fight in 1956**

Emotions are sometimes stronger than the law. Modern psychological tests endeavour to measure not only the intelligence quotient but also the presence and quality of emotions, that is the emotional quotient. Emotions have a strength: they may be weak and they may be quite powerful and may incite action. They may accompany personal feelings but may be manifested within communities, families and even nations.

In your psyche there are capabilities called defence mechanisms that help bear passionate emotions. In the case of communities, the psychological defence mechanism of undoing something serves the resolving of emotional tension.

On 17 September 2006 there was anger, disappointment, fear and helplessness in the entire society. The publication of the Balatonöszöd speech in the press caused a rather unusual situation. By delivering this speech, the Prime Minister went beyond the tolerance level of most of the people hearing/reading this speech. Both the content and the style irritated the emotional and intellectual world of the society. The leader of the country cannot afford lying, and if he lies he cannot afford such obvious publication of his lying. The exemplary conduct of the Prime Minister is a basic requirement even under the current value crisis in Hungary. The bawdy talk uncovering deception shocked the members of the society and caused a **moral panic**. Even the sympathizers of the Government coalition were confused because the lies referred to the method of Government activities and had economic implications. The conduct of the Prime Minister made the people face the facts and realize where the lack of norms may lead to.

Accordingly, a moral panic broke out in Hungary on 17 September 2006. It started with a public feeling and confirmed the fears about the reform ideas of the Government. Anxiety was spread among many, due to the collective conduct of masses. However, the spread of anxiety would not have occurred and could not have been maintained without the help of the media, especially the help of the electronic media and the means of telecommunication. The publication of the speech made the Prime Minister the bogey-man.

The desire to get rid of him made the people go to the streets. By calling the spontaneous protest at Kossuth Square an "election meeting", the Budapest Police Commissioner practically "permitted" the dissatisfied mass to express opinions.

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The person of Ferenc Gyurcsány was exposed to cross-fire. The crowd replied to the verbal aggression of the Prime Minister in similar style and made a mock of him in various slogans. The fact of lying was in connection with the person of the Prime Minister. The suspected danger has become real after the blunt speech and was acknowledged as a threat to the common ethics in terms of both content and style. (If the Prime Minister lies, then anyone has the right to do the same, and surely all politicians lie.) The publication of the speech provided an opportunity for the press to compete for media consumers. They provided various interpretations of the events on the basis of trying to satisfy their owners.

The panic even increased from the afternoon of 17 September and reached its peak when the headquarters of MTV [Hungarian State Television] was stormed on 18 September. The bogey-man was still the Prime Minister but also the public service television, as the main voice of those in power, became an enemy. In addition, MTV rejected to read out the petition of the protesters. The verbal aggression of the crowd increased but there were no signs of physical violence. It was in the interest of the Government to point out a new enemy that is more threatening than Ferenc Gyurcsány. The demonizing of the adverse party is a well known and well-tried method of the current Government. The accessories of the protest, the national tricolour, and especially the Arpad-stripe flags, provided the obvious solution. The number of radical extreme right protesters had to be increased by the help of the media, and the peacefully demonstrating civilians were mentioned as sympathizers of the extreme right. The peaceful demonstration attracted more protesters, and the rising crowd was alarming for the coalition, which decided to deter the people. The breaking up of the Kossuth Square protest would have caused public outcry, so such actions by the protesters were needed that would make the people indignant, especially those getting their information only from certain interpretation of the events by the media. That would provide a reason for the authorities to take strict measures and the lawmakers to address the situation with sharpening the laws. In this manner the responsibility could be shifted from the Prime Minister to the "hooligans", and the people would definitely demand the politicians to "do something"!

The essence of the dilemma relating to the autumn incident is that you should have chosen between two bad things: to abide by the person of the lying Prime Minister, or face the legal consequences of civil disobedience, in lack of a constitutional solution.

It was essential for the Government to make the leaders of the protesters seem to be dangerous extremists that threaten the society with fascism as an alternative to the current Government coalition. The carriage by the media of the storming of the MTV headquarters helped the Prime Minister to point out that the actual "bad boy" is not himself, or not only himself, but the radical protesters, or the persons depicted as radicals. The amateurishness of the protesters at Kossuth Square greatly helped the media activity of the Government.

While the left-liberal politicians are trained by professionals for making statements, the Kossuth Square protesters get advice mostly from non-professionals.

After the storming of the headquarters of MTV, there were two enemy images competing with each other, and their assessment mostly depended on the intensity by which members of the public focused on which media: Although the free access to MTV and the commercial

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channels was in favour of the Government coalition, the intensity of the events and the dissatisfaction that manifested in protests in the streets of Budapest and also in rural towns made it necessary for the Government increase the number of those wishing to end the civil disobedience and make peace. The mass communication method of the Government was as follows: increase the threat of the enemy and create new threats. Simultaneously the deep regret expressed by Ferenc Gyurcsány, and his grand display of promises generated a mood of sympathy with him. The Prime Minister seemed very human while his adversaries seemed a faceless mob. By this time the disappointed and desperate FIDESZ sympathizers longed for the rally scheduled for 23 September. Many wanted the president of the party to lead the protesters but they accepted that the Kossuth Square will be governed by the civilians for a few days. When the Government spokesman announced that the rally was cancelled because of the threat of extreme right hooligans, many rightist voters fell into apathy and accused Viktor Orbán, or at least the extreme right, for such cancellation. The balance changed and the groups of scapegoats created by the left wing became stronger and more populous in numbers. The rightwing was more and more identified as extremists due the public service advertisement made after the storming of the MTV headquarters. By their lack of interest, the commercial channels made the still peaceful Kossuth Square protests unimportant. The only exception was the manhunt on 19 and 20 September, of which a short coverage was broadcast by several commercial channels that interpreted the police measures as addressing the scandalous behaviour of the extreme right.

The elections on 1 October brought real solution or joy to neither party. It was not a coincidence that the independent mayor candidate supported by the right was not able to win in Budapest because the focus of the autumn events was Budapest. The people of Budapest were mostly ready to get convinced to vote for a mayor, calling himself a liberal, who created sham peace in its own interest. In spite of the conspiratorial moral panic incited by the coalition parties, the election campaign in Budapest was not satisfactory for the Government parties. After the peaceful Fidesz rally on 6 October, the cooperation between politicians and the civilian elite was at its peak until 23 October. Each day a Fidesz member spoke at the "big stage", in unison with a patriotic personality or a dignitary rejecting his socialist past, speaking before or after the Fidesz politician at the "small stage". The protests were peaceful, the policemen made friendship with the protesters, and even staged their own protest on 14 October. The landslide victory of the biggest opposition party counterbalanced the "betrayal" nature of the cancellation of the rally scheduled for 23 September. The speeches at the stages raised at Kossuth Square practically set the threat of the extreme right at rest.

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The majority of the people wanted peace and would have let themselves convinced that civilian disobedience is rather inconvenient but then came the further cassette scandals. That made the civilian society realize how easily it may be manipulated. The general mood became again tense but the verbal aggression did not change into physical violence. The nation was confused and was in a deep identity and value crisis while preparing for the holiday. However, in spite of the media manipulation, the attempt to overemphasize the role of the extreme right failed. A part of the society stood up and rejected the immoral laws and measures, as well as the accusation of collective guilt because of a small number of radicals. By that time the population of the country broke into four parts:

1. the Fidesz camp that made occasional protests,
2. those permanently protesting in Budapest and in rural areas,
3. the disappointed voters of the current Government, who mounted occasional protests,
4. those wanting peace at any price and being against civilian disobedience.

People wanted to enforce their basic human rights, their rights to access medical services, education and work.

**2. The direct antecedents of the occurrences on the day of the 50th anniversary of the revolution and freedom fight in 1956**

The start of the celebration of the 50th anniversary of the revolution and freedom fight in 1956 was unusual, as compared to what has been a custom since the change of the political system.

The following phenomena raised solemn questions:

1. the non-public nature of the event,
2. one-day visits by many foreign delegations,
3. low level of media publicity.

On 23 October people wanted to celebrate regardless of their party affiliation. They wanted to remember the heroes of 1956. The antecedent was that the Government coalition, wishing to calm its conscience, prepared the country for the holiday rather properly. The event was preceded by the showing of films and the release of various historical documents, published primarily by the public service television, HírTV and Duna TV.

Most people would choose the Kossuth Square as the venue of a celebration. Many wanted to express their gratitude to the heroes at the Fidesz rally. The media called the attention to the importance of the dignity of the celebration days before. Their essential message was that it is necessary to separate the contents of 1956 and 2006. They pointed out that historical events need to be accurately analysed. Such part of the people that felt deceived by the Prime Minister would have liked to connect the historical events and the current occurrences.

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Many concluded that the marked difference between the two eras was only in the freedom of expression made available after the collapse of the communist regime. Many shared the opinion that it was only publicity that restrained the coalition from applying the brutal methods of ÁVH [“State Defence Office”, the brutal secret police of the communist regime] in the course of the occurrences in September-October 2006. The authorities are not allowed to physically abuse people as in the 1950-ies and 1960-ies but the psychological terror and the fear from insecurity made the society neurotic. A part of the people became almost paranoid due to fear of losing their job. The new tax laws may result in the failure of many small and medium enterprises. The closing down of schools may result the eventual lagging behind of those in need of catching up, while the reform of the health-care system made access to medical services more difficult - also in terms of administrative procedures. The humiliating measures of the Government did not make the people depressed, it even strengthened civilian courage. Therefore, the coalition took up again its well-tried weapon: the designation of the opposition and the right. The published statements of the Government right before 23 October concerned not those intending to celebrate but the hooligans who were supposedly going to disturb the holiday. The only reference was the storming of the headquarters of MTV. The chain of events at Kossuth Square held in good spirits made this fear-based communication and references to the need for strict police measures unreasonable. Therefore, even harsher measures had to be taken to deter peaceful protesters from getting involved in any more demonstrations and all the people celebrating the anniversary from protests.

In spite of the promise of the Budapest Police Headquarters, the protesters were ousted from Kossuth Square and even its vicinity on the pretext of the expected presence of the 50 foreign delegations. The measure was justified by a few cutting tools found in the tents of the protesters. As the previous occurrences were peaceful before the Parliament building, this measure was unnecessary. At dawn the police ousted the persistent protesters from Kossuth Square in a humiliating way. This measure played a decisive role in the events of 23 October. I have already analysed the moral panic during the autumn events. The Government tried to mitigate the anger of the people by contrasting the alternative offered by itself and the threat posed by the extreme right. The occasion was given because the crowd celebrating the 50th anniversary of the revolution in 1956 was going to be spectacular, even without media distortion. While it was mostly Budapest residents who participated in the Kossuth Square protests, the celebrating crowd at the public ceremonies on 23 October included many people from rural areas, ethnic Hungarians from neighbouring countries, and also foreigners. It was not difficult to provide an image of the crowd as a threatening mob. The Government had closed down the square before the Parliament building at dawn, designated it as an operational area, and kept the crowd away from it on the pretext of damage that have been caused by the protesters, and on the basis of a suspicion that related to the Kossuth-Square protesters. The cordon is a symbol of dictatorship, bars stand for prisons, and such images increased the distance between the Prime Minister and the people, the law-makers and ordinary citizens. Consequently what was meant to be security measures was actually means of deterrence, and intimidation. The closing down of Kossuth Square made not only the people taking a long journey to celebrate but also the policemen frustrated. The atmosphere became more aggressive and tension grew between civilians and the police.

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It resulted in cross-talk with the policemen because the frustrated people expressed their feelings by verbal aggression. However, a professional policeman can never react aggressively, physically or verbally, in such situations. He is obliged to handle the situation. Analysing the occurrences from the viewpoint of "good manners", it may be concluded that some of the people, striped of an opportunity to celebrate the holiday, used foul language but this may never be a true basis of taking disproportionate police measures. Even in the morning may were abused physically by the police as a result of such cross-talk. The overreaction on the side of the police began to question the existence of the rule of law. Tension grew further because people have learnt since the collapse of the communist regime that exercising the right of assembly belongs to essential civil liberties. The people celebrating the holiday walked the streets in groups, together with their friends and family members. Many gathered at Corvin lane, which became a significant venue of the events at noon and in the afternoon.

The Fidesz rally began at 4 p.m. It should have been secured by the police, as required by the law. During the cultural programme and the speech of the Fidesz President, which was followed with attention by the participants of the rally, some demonstrators injured by police brutality already reached Astoria. Dispersion of the crowd began right after the end of the programme. Around 50-60 thousand people were crushed together at the corner of Astoria and at Rákóczi Street, which means that the majority of the participants of the Fidesz rally wanted to go home immediately. However, Astoria metro station was closed and the way towards Deák Square was also closed because many came from that direction towards Astoria, driven by policemen-like persons clothed in blue fatigue-clothes. The civilians and families with small children and elderly people were terrified.

Some spectators took the attitude of condemning the victims, saying that whoever is irresponsible enough to have gone to celebrate after what happened at dawn at Kossuth Square, deserves to become a victim of police brutality. The train of thought was based upon the supposition that a part of the people foresaw that the Government would take disproportionate measures to discourage the people from further expression of their opinions. Many said that the peaceful demonstrators were guilty of becoming victims because they should not have participated in the celebrations after what was forecast. Some go further and designate the people celebrating the national holiday as psychical accomplices because they encouraged the radicals by their very presence and their verbal manifestations.

The creation and maintenance of the panic needed stronger and stronger stimuli. If the "hooligans" are mixed with the peaceful crowd, then the crowd becomes even more threatening. Such mixing was enforced by reducing the number of venues and the available space.

The process was strengthened by the change of the intent of those celebrating in a dignified manner as a result of the events. There were some who intended to celebrate but as a result of the changed situation became radical demonstrators. At the rally at Astoria the principle "divide at impera" was applied. The radicals and the previously peaceful men that became protesters blamed those keeping their calm and the Fidesz for not doing anything against the already brutally acting policemen.

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The confusion, in other words the process of spontaneous mixing of the peaceful crowd and the radicals may be questioned from the viewpoint of police experts because a helicopter hovered over the well-defined groups of people, and therefore the radicals could have been identified and taken out from the crowd by the police. It is concluded by the analysis of the processes that the police did not endeavour to separate the groups with different intents. The Gönczöl Committee's Report mentions several times that the police tried twice to prevent the mixing of small groups of protesters, manageable by the police in theory, and the members of the peaceful rally. However, no such signs were seen and the Gönczöl Committee provided no evidence.

The main reason of the escalation of the events was the mixing of the groups of people and the overreaction of the police. The hurting of innocent, helpless persons caused mass hysteria, and also the marginalization of some. After a time, the various groups of people could be identified. Some escaped, some still remained, and many helped the injured. The unarmed crowd did not understand why such disproportionate police measures had to be taken and questioned whether such actions were lawful. On 23 October 2006 the political power was manifested in armed policemen wearing no identification badges, which further confirmed the doubt, in the mind of the people, whether what was happening was lawful. The man of the street and those watching television at home saw that smaller and smaller unarmed groups faced a big crowd of policemen wearing masks but not identification badges.

In view of these facts, the psychologist has made the following conclusions:

1. The increased brutality and apparent senselessness of the actions reveal that what happened was not simple aggression but so-called frustrated aggression or destructive aggression (in the sense used by Ammon). It is likely that there was a false command given not at the place of the operation but at a separate place during the period of training. When those acting aggressively were faced with persons that were not their enemy, they got frustrated.

2. The incitement of collective destructive aggression requires an image of the enemy and an expected award. A specific target is definitely required for inciting aggression. In the first place it may be stated as a hypothesis that such target was the extreme right, the Fidesz or the person of Viktor Orbán himself. A resisting, evil gang was depicted before the eyes of the policemen, which gang should be dispersed to avoid any future attack, and to take revenge for the many policemen injured at the storming of the MTV headquarters. This latter motivation was confirmed by eyewitness reports, according to which the policemen used expressions referring to revenge and hatred against Fidesz while attacking civilians. The content of the preparation course might have been the projection of the image of the enemy, the projection mechanism itself, and the "suspicion campaign technique".

3. In order to identify the causes of the occurrences it is important to analyse how the participants (both organizations and individuals) reacted afterwards.

The Prime Minister and his subordinates pretended for a few days as if nothing had happened, and then they appointed a Government-dependent inquiry committee.

*The police commander first asked for retirement, then he was awarded a medal at the proposal of Lord Mayor Gábor Demszky. The public service media was hesitant.*

*In Parliament, MDF condemned the way the police handled the situation and Ibolya Dávid proposed that the closing event of the celebration of the anniversary of the 1956 revolution should be held by paying homage individually and not collectively or by a rally.*

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*The Prime Minister* accepted the advice and closed the series of commemorations on 4 November at the monument raised at Dózsa György Street in spite of the protests of some organizations of the revolutionaries of 1956. He was accompanied only a few of his faithful men, and held a carnation in his hand. The two ends of Dózsa György Street were closed by a police cordon and no ordinary citizen was able to get close. The policemen and the cordon was a symbol of fear.

The day of 23 October 2006 entered the history of Hungary as the defeat of democracy. After taking measures to isolate and alienate people and determine their behaviour, the Government restricted the nation's freedom of action on this day. The hidden threat included in the measures of the coalition became real danger by verbal abuse, and causing physical harm and damage. The abusive talk of the policemen insulting the celebrating people, and the brutal actions hurting them, were obvious means of flaunting the power they had. One of the most shocking manifestations was the desecration of the national symbols. But what good is in the police harassing people, and applying psychological and physical terror? Why did the Hungarian police turn against Hungarian civilians? Whose interest is it to wreck the process of policemen and civilians making friendship at Kossuth Square? How could policemen, who had been trained to be sensitive for social issues behave in such manner on 23 October?

In the autumn of 2006, various spontaneous and conspiratorial panic situations alternated in Hungary. The actual brutal police action on 23 October 2006 established the vision of a police state for a long time. It is a well-trying method of a dictatorship to threaten people with the police and the armed forces. The coalition, experiencing several times the strong opposition of the civilian society, could feel itself safe only if it creates tension between the armed forces, the police and the members of the society. The proof of Government-led power distribution is the forced amalgamation of justice and the police: the Ministry of Justice and Law Enforcement.

The occurrences on 23 October 2006 showed that people only have a sham freedom. The day of the 50th anniversary of the revolution and freedom fight of 1956 started as a day of get-together of Hungarians because after the autumn events the solemn mood united the nation. However, the Government had no interest in strengthening civilian courage. It wanted to exercise unlimited power over impersonal citizens. The evidence is: the Government's intention to cancel interest representation organizations and making the life of civilian organizations more difficult by tax laws. The risk to financial survival, maintained by psychical terror, was accompanied by the fear from physical retaliation on 23 October 2006. In order to prevent the repeat of the autumn events, a thorough investigation must be carried out and the so far non-effective symptomatic treatment must be replaced by consistent root cause therapy.

The Committee of Civil Jurists analysed the circumstances of the autumn events simultaneously with the Gönczöl Committee. However, the civilian members of the former committee also took into consideration the statements of the victims and eyewitnesses, and were committed to reveal the truth without party affiliation.

Our activity has not been finished by the publication of the Report.

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In our opinion, our efforts will be fruitful if future generations conclude that the history of the 21st century could be finally measured by human standards.

## CHAPTER IX

### GENERAL AMNESTY

The issue of general amnesty was raised by several parties, including the National Legal Aid Foundation, whose president, Dr. Zsolt Zétényi, prepared and submitted to the President of the Republic in December 2006 a draft on a law on general amnesty, similar to Act V of 1991 on the Application of General Amnesty, which was passed in relation to the events of the "taxi blockade" in 1990. According to the draft law on general amnesty, the participants of the protests would be granted impunity, similarly to the participants of the taxi blockade in 1990.

The reasons for the draft said that "there was a protest wave in Hungary between 18-25 September 2006, and on 23 October 2006 based on well-known facts. Some participants of the events committed unlawful acts relating to the proper, constitutional exercise of the freedom of association and the right to free expression of opinion by mass disturbance in the evening of 18 September. A small number of people, as part of the crowd, committed criminal offences. Thereafter, and partly simultaneously, harsh police measures were taken that intimidated many. The penal and offence procedures proved to be incapable of establishing public calm and social peace. The Parliament has the opinion that the free exercise of the expression of opinion and the freedom of association is essential in a democratic society based on the rule of law, cannot infringe the freedom and rights of others, and cannot involve a crime or a call to commit a crime. The essential requirement of a state based on the rule of law is the determination of infringements and calling to account of culprits, on the one part, and the establishment and protection of common good and social peace."

The Gönczöl Committee reached the conclusion, categorically and giving laconic reasons, that the general amnesty is not advisable (Clause 6, page 181 of the Gönczöl Committee Report):

"However, the two situations are not comparable. When streets were blocked previously, no violent actions were taken against persons and property, and there were talks between the demonstrators and the authorities. General amnesty was, therefore, reasonable. However, general amnesty may not be granted to the violent culprits of the autumn of 2006 because of the nature and seriousness of the actions committed."

On the basis of thorough analysis it may be easily concluded that the said arguments are baseless and the due and reasonable application of general amnesty should be considered.

The two events were similar because for many groups of the society the limits between lawfulness and unlawfulness became obscure for a few days as a result of the public outrage caused by the Government. The people protested with elementary force but the actions of the participants should be considered with discretion.

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It is a fact that the blockade, blocking traffic in almost the entire country, caused much more significant damage, up to billions of forints at that time, than the protests in the autumn of 2006, and as a result, the number of culprits of serious crimes, threatened by imprisonment up to 5 years, was much higher in 1990 than in 2006.

Although most of the penal procedures started in relation to the events of the autumn of 2006 have not finished yet, the available data show that the great majority of the detainees committed no crimes or offences. The summary closed penal and offence cases, including the great number of cases of terminating the investigation, prove that the overwhelming majority of the detainees did not commit the crime or offence for which they were arrested.

However, the active participants of the blockade committed the crimes (e.g. disturbance of public service operation, coercion, limitation of personal freedom) in which regard they received amnesty.

The raising of the issue of general amnesty is reasonable because no enforcement measures limiting personal freedom were taken against the culprits of obvious crimes committed during the taxi blockade, and not many procedures were launched against them. In the wake of the events of the autumn of 2006 almost half thousand procedures were started, in most cases against persons who were innocent but whose innocence is very difficult to prove, as discussed above, and because of the court practice of accepting the witness reports of policemen who were involved in the measures and, consequently, could not be impartial. Therefore it is expected that they will suffer serious punishments although they did not commit the crime they are charged with.

The threat to the society of the suspected crimes and offences committed by the persons indignant at the speech of the Prime Minister is obviously less than the acts of those motivated by egoist economic interests, and not by moral outrage, and who blocked the life of the entire country and hindered millions in their free movement.

The obvious misleading of the voters, admitted by the Prime Minister himself, shook the trust in the political system and the rule of law in the mind of many citizens. According to our legal traditions and also Section 2(2) of the Constitution all power in the Republic of Hungary belongs to the people that exercises sovereignty by elected representatives and also directly. The protests, which have become an everyday event after the Balatonöszöd speech, may be considered as a manifestation of the principle of the people's constitutional sovereignty. The exercise of the right of peaceful rally and the expression of opinion may contribute to the restoration of the legitimacy of the political regime and the compliance with the constitutional principles.

The message of the disclosed speech was understood by many that the Government is capable of telling lies in order to get the power and they do not hesitate to do whatever is needed to remain in power. Such people concluded that this conduct (exclusive exercise of power) should be countered by the exercise of the right of resistance.

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Section 2(3) of the Constitution, a current interpretation of the principle of "ius resistendi" of the Golden Bull, rules that no one may obtain or exercise power in a violent manner, and no one may exercise power exclusively. Everybody is entitled and obliged to act lawfully against such attempts.

While in 1990 the police denied to perform their lawful obligation concerning the restoration of public order, in 2006 the police acted with unprecedented cruelty and in an inhuman manner during troop dispersions, where several hundred people suffered physical and psychical harm.

The argument of the Gönczöl Committee that the continuation of the negotiations has a significant relevance to general amnesty is groundless. The Gönczöl Committee disregarded another important part of the facts of the case: The protesters at Kossuth Square wanted to publish their demands in the Hungarian State Television in the form of a petition on 18 September. Therefore they initiated talks with the management of the public service television but their request was rejected. According to the facts of the case, as recorded at page 109 of the Gönczöl Committee, Péter Gergényi instructed a group of 12 policemen at 21:45 to oust from the headquarters of the Hungarian State Television the members of the delegation trying to hand over the petition and commence talks. The management of the Hungarian State Television but and also the Government refrained from holding any talks with persons and organizations representing the protesters.

In the course of the manhunt on 19 and 20 September, and then on 23-24 October, the persons subject to police measures were not in the position to hold negotiations: they were happy to go unpunished and all they wanted was to survive with as little suffering and injuries as possible the rage of persons wearing police uniform. In view of this, it is neither correct nor elegant to reject the possibility of general amnesty with reference to the argument that, unlike at the time of the taxi blockade, there were no negotiations between the parties in 2006.

With regard to the exercise of the power of pardon it is not the behaviour relating to the crime that is relevant but the nature of occurrences and events (significantly influenced by state bodies towards the incitement of conflicts) leading to the action, and whether the motivation of the actions is in relation to public interest.

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This is the very issue that reveals one of the most significant self-contradiction of the Gönczöl Committee Report: there is an insurmountable logical gap between the laconic rejection of the idea of general amnesty and the disproportionate lengthiness of discussing the historical, social and socio-psychic antecedents of the case in half of the Report, and the analytic conclusions at page 49 of the Report, according to which the society may not be held responsible for the events of the autumn of 2006, because the various political organisations (including the Prime Minister and the police) have outstanding responsibility for the occurrences. These circumstances all mitigate the responsibility of the individuals, especially in view of the fact that the individual acting under mass psychosis in the framework of a process called by the Gönczöl Committee Report as "mass hysteria", and under the effect of the many times unlawful measures of the police is much less in charge of his own actions than the individual conspiring with his fellows to enforce his economic interests and blocking the life of a country "with calm head".

**We believe that the issue of general amnesty for actions relating to the (at times and at places improper) exercise of the freedom of association and the right of expression of opinion on 18-25 September and 23-24 October 2006 is an issue that significantly affects and concerns the current Hungarian society.**

**In order to achieve social reconciliation and a kind of compromise and psychological relief, it is desirable to discuss the issue with responsibility within this circle, and make a decision accordingly. In recent months both the unity of the nation and the democratic operation of the executive power and the law enforcement system went through serious challenges, and their consequences may cause permanent damage if no remedy is provided. General amnesty is one available remedy.**

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**APPENDIX No 1.**

**Representative victim research on the mass infringement of law committed by the law enforcement forces and penitentiary organisations in Budapest in September and October 2006**

**The subject and method of the research:**

Our purpose is to understand the circumstances of arrest and detention, the activities of policemen and penitentiary staff based on accounts of the detainees. In order to inform the detainees, we have sent a randomly selected group of former detainees identifying themselves as victims (10 persons) an intelligible information leaflet on the rights of detainees. (Hungarian Helsinki Committee). After they have studied it, we have asked them to answer the following question: Did they experience any deviation from the provisions of law at the time they were arrested and detained? If so, what was it, and what was the deviation? Each of the following respondents was detained in connection with the events of 18-21 September.

Each of the following respondents was detained in connection with the events of 18-21 September.

**I. Livia**

Section 4

“...may apply physical coercion, gas spray, rubber baton, handcuff ...”

-The policemen also used an ASP baton. Not on me, but on Milán. I saw and heard them being extended.

“... The use of coercive a measure is preceded by warning.”

-I was not warned. They started to beat me up right away.

“On being put in the detention room, I am supposed to receive information on the expected duration of the procedure.”

-After one or two days, I received a paper stating 72 hours.

Section 7

„Healthy ones must be separated from ill ones.”

-My cellmate (Erzsébet) had pussy furuncles, which hurt her very much. She coughed, and suffered from indigestion and incontinence. One night we rang to signal these and she was taken for a medical examination. It was stated she was not infectious. On the day of my release I heard she would be transferred because she was infectious.

-On being admitted in the institute in Nagy Ignác utca, I was forced to kneel next to a person infectious with tuberculosis.

Section 8

Bath: I did not have a bath for 7 days. The doctor particularly called my attention to clean the wound and the surroundings to prevent infection. My hair was easy to break because of the clotted blood, and I smelled very unpleasant. On multiple occasions, I inquired on a possibility to have a bath, and I always met rude and rejective answers. In my cell in solitary confinement, I did not have hot water.

Section 9

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Request form: I never received one. I was told it was finished. I wanted to request a bath, a phone call and a visit by my pastor.

Keeping contacts: I was not allowed to make phone calls.

Letters: I could not buy envelopes and stamps, but I received both from my cell mates, and I wrote home a letter. I was home before my letter arrived, because my correction officer went on holiday, and I think she only posted my letter afterwards.

Section 11

Keeping contact with the defence lawyer: After my lawyer left, I was left in the visit room for an hour.

Section 16.

„If I have money or other objects on me on admittance, a record must be made of it, and they must be deposited.” Then...”returned”.

-My bag, belt, shoelaces, documents and jewels were deposited. My perfume and foundation cream were “discarded”! I was told it was because those are made of glass. However, they left my blusher with me, although it also had a mirror. Laura was next to deposit objects, and saw a young black haired policewoman picking up my perfume from the floor saying: ”-well... Calvin Klein? I could have that!”

Section 17

“If I state that my injuries were caused by assault, a record must be entered on it!”

-It was entered in a large log-like book, but it has „disappeared” since!

Light, airing: Hardly any light came in, and sometimes I could not see the other end of the room because of the smoke, although the window was open throughout.

Meals: Lunchtime is officially 45 minutes. This never lasted that long.

„I am entitled to have hot water on a continuous basis.”

-In my cell in solitary confinement, I did not have hot water.

OTHER:

-I was not allowed to vote.

-I was undressed.

-In the penitentiary institution, I was forced to lean with my head against the wall for hours while spreading my legs, and being roughly kicked about. (with my head injured.)

-I was forced to hold an iron door with my nails, and if I let it go, someone kicked into the door.

-On our arrest, we were handcuffed irregularly. They were so tight that my hand was injured and it bled. I was beaten (until I collapsed), although I put up no resistance. (I even raised my arms.) After being handcuffed, I was hit in the back.

-I was made to kneel for hours.

- A sequence number was written on my skin (with a green felt tip pen)

-It was hours before the lawyer was allowed to come in to me.

-My presence was denied at the police department in each district. My parents did not find me.

-In the hospital, my parents were told that I was drunk and fell off the stairs and that is why my head broke.

-On my hospital treatment, the policemen watched me receiving antitetanic vaccination, and they were laughing about me having to lean forward with my pants off.

From the Police Department of the 8<sup>th</sup> district, I was transferred to Gyorskocsi utca. It was not communicated either with my parents or my lawyer, and the police were unwilling to tell.

When I was being transferred in the evening, the two transport vehicles started to race. I was shaken up, handcuffed (we crossed multiple red lights).

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**2. Dániel**

(because of his absence, his father answers the questionnaire, then later he himself, too)

1, Despite the rules and his multiple requests, the injuries he got on arrest were not seen or examined by a doctor. His facial injuries are clearly visible on the photos taken on arrest. His elbow was x-rayed after a month, but he still has not received the laboratory evidence. His face has healed but his left elbow is still sensitive.

2, He was not allowed to inform his relatives about his arrest and detention. The police informed his brother at dawn on 20.09.2006.

3, His private defence lawyer was not informed about the trial held on 22.09.2006 ordering his preliminary arrest for 30 day. On the family's inquiry, the venue and time of the trial was only revealed in the morning of 22nd, and the private defence lawyer was unable to get there.

4, Being a non-smoker, he was put in a cell with smokers despite his request.

5, He was transferred from Budapest to Sándorháza as a preliminary detainee, without any information given to his family, which presented difficulties of personal encounter.

6, As a preliminary political detainee, he had to share a cell with felony convicts, where he was exposed to permanent humiliation.

7, His phone money was deducted from his account for two weeks, specifying his transfer as the reason.

8, His personal belongings seized by the police and kept in a nylon bag have still not been returned to him despite the first instance court ruling.

9, He was prevented from practising his religion for a month.

I lived in humiliation by the police initially, then also by the guards (mental assault in addition to the initial physical assault), I was prevented from practising my religion, I was not even allowed to write a letter to my lawyer (who was appointed by court during the arrest), and I was constantly threatened by various allusions.

In Budapest, I got to a mass-like gathering only on one occasion in the prison chapel. In the first week, the priest was not sent to my cell (although I expressed my request at an early date), then, I cannot remember the coincidence that prevented it. I do not know whether they did not want to or simply could not find a catholic priest in Sándorháza (although in theory each prison has a priest, if I know well), but I surely asked in vain. To be honest, they were a bit perplexed by my requests, mentioning their unnecessariness. I guess they are not too often asked for a facility to confess and attend a mass. I do not even know what was and what was not true of all they said, but once I was taken to a discussion rendered by some church named Christ's love (or something similar), where I was practically alone, sitting and listening to some guy declaring himself a prophet, and singing... The situation was slightly comical as on another occasion they also made me run about the building chasing a priest, and telling at the end that he had left (they may have been making a fool of me). When I attended the celebration of 23 October in the dining room, I managed to sneak up to the pastor unnoticed, and mention this to him, who promised to visit me at the weekend, but fortunately it never happened, as I was released that Friday.

It was often mentioned that everyone deserved his fate, and why I must rebel. I was laughed at for being a university student and founding my career with this, and that I would surely not be employed anywhere. On admission, each of us was kicked, our heads were pressed to the wall, and were made to crouch naked, used abusive language, e.g. "fag rebel, why don't you bark now" and "gay humour" on us among them. From this point of view, the admission was the worst part of it. One time in Markó utca, for instance, after I got a blow on my nails with an

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iron door handle, I was forced to bend over a chair naked after being undressed and made to crouch several times, one of them started to yell out to the corridor “call the gypsy Gazsi, there is someone here needing a good f\*ck in the a\*s” – or something similar.

Then, turning to me, he said “you idiot, don’t you know that we bring everyone to the prison to have them f\*cked by someone. You are disgusting, I don’t even want to touch you, get out of here”. I am sorry for the abusive words, I am only quoting them. You can imagine the amount of hatred, fear and pain that I accumulated, which still makes my eyed water, let alone innocent in that situation.

Not much after I was arrested, I was told it was not worth refusing to sign anything, because it would only worsen my case, and I was also made to believe that, for instance, if I did not sign the extension of my detention without any objection, I would only worsen my situation because instead of being released in 3 days afterwards, I would have to stay for at least 8 days while my appeal to the court would be processed. At times they said it was not recommended, to certain persons that if they wished to sleep they would have to sign various documents. I also had some objections, after which the guard opened up to me in my cell at night saying “what you can do now is to sign this”. It is difficult to explain these things in writing, and is also lengthy. I did not have any knowledge on law at the time of my arrest (not even now), and I had some trust in the police despite of the events (although I did not have much else around me, and my trust has completely evaporated by now). AS my lawyer was not allowed to visit me, and my cellmate was just as unfortunate as I was, I could not have been cleverer. I did not dare to complain in the first days, and I could have been made to sign my death sentence considering the circumstances and fear I was in, while indeed I did not meet anyone that could have protected me. I was not read out my rights, and although I received the booklet, nothing applied to me. It was never said specifically that they would beat me up if I did not sign off, or the like, but in that situation, the allusions were clearly suggesting so, or they just relied upon our fear.

**3-6. Andrea, Gábor, Zsolt and Csaba from Hatvan**

**ARREST AND DETENTION, SECTION 4**

- When the police run us down, we were not called upon to do anything. Only when we were being floored was roughly the following heard: lie down on the ground, back with your hands. On the first location after we were arrested (Aradi utca) we were not informed of the expected duration of our detention – No information was received either on the reason for arrest and detention. We were not provided an opportunity to notify our families.

**ARREST AND DETENTION, SECTION 5**

- Gábor did not receive any document of his head injury having been attended to.
- We did not dare to report the assault we suffered in the police car, we only filed a complaint in our confessions
- We did not dare to complain about the assault suffered during detention - 22.09.2006 Markó utca – because we were afraid of retaliation, which we were threatened with verbally.
- The “30-day” trial we were not informed to notify out families, and they did not do so either
- We were found by MP Ilona Ékes on 26.09.2006, who informed our families, lawyers of where we were taken
- Andrea was the only one to meet our lawyer in Gyorskocsi utca, when two policemen were continuously staying in the room while they spoke

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**7. Gábor**

1. On my admission to the police detention room, I was made to sign a paper stating that I had been arrested for disturbance, and could be detained for a maximum of 10-12 hours (Unfortunately, I forgot the exact duration). This document disappeared by the next day, however, and I was told I never signed it. At that point, the issue is raised on what grounds I had been detained in the first 10 hours, as I was only suspected with gang rowdyism from the next morning on.

2. No legal protection whatsoever was provided during the interview. I was not provided the possibility to call a lawyer by phone. After my parents hired a lawyer, he was not let in to visit me, what is more, they consciously lied about my whereabouts, and our lawyer was „driven off” rudely and in a humiliating way.

3. During the preliminary arrest, I could not exercise my right to vote. This right may not be provided in case of local elections, but it was not clear for me from the regulation.

4. I am adding this as a note only: I was informed that on admission, detainees are undressed but keeping their underpants on, whereas in our cases, everyone was fully undressed, and made to crouch. I do not believe this is the routine procedure.

**8. János**

In my case, roughly everything was regular, less one or two exceptions. Reading through our rights and obligations, I did not see specified for how many hours one had to lean one's head against the wall with legs wide apart, or if the accused had to be undressed and made to crouch naked in the body search room, for how long one had to kneel in the yard, and if there is no toilet in the detention room, how often the accused is to be allowed to go out. Finally, I did not see written why the detainee's handcuffs are not adjusted if the detainee suffers and asks so.

*At the police department in Zugló, I had to lean my head against the wall to support myself for approximately one hour, and in Markó utca for roughly 1.5-2 hours.*

*In Markó utca, I was fully undressed just like everyone else, and made to crouch several times.*

*In the yard of the Markó utca building, I had to stay kneeling for about an hour, never sitting back, because if someone sat back, he received corporate punishment.*

*In Zugló, we were allowed to leave the detention room to go to the restroom approximately once every three hours.*

*On my arrest, I think the speedcuffs were tightened more than necessary (when I hissed in pain, the female riot police officer tightened them even more). When we were heading for the prison transport vehicle, I felt them to be too tight. In the car I begged them to adjust the speedcuffs (by that time there were about 6-7 police officers in the vehicle),but they did not. After we arrived at Zugló, I immediately told the officer that took me out of the vehicle to do so, then I told everyone I could on our way in, but, unfortunately, none did. Then my speedcuffs were removed as the penultimate one, as a result of which both my wrists were swollen, and my left hand was insensitive for one week.*

What happened irregularly are as follows:

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-No lawyer was present at my interview (although I never requested one in that condition)

-I was not taken to fresh air during my 72-hour detention (although I did not request that, either).

-On my preliminary arrest, I was prevented from practicing my right to vote, which I did not request again, because in that situation this was not a key issue)

P.S. It is an unrelated but very interesting thing that I have recalled recently. When we were interviewed in Zugló, the female detective interviewing me said (not literally, but roughly) „*I am sorry you have been brought in, but you will be sentenced to 1-2 years because the power will set an example*”.

These are not the exact words, but the point is correct.

### **9. Tamás**

On 23 September 2006, I was dragged out of my bed at 04.25 a.m. by plain clothed police officers, in connection with the September events. I wanted to make a phone call, but I could not (I was not allowed to notify my lawyer through my friend). I was taken to Tolnai József utca, where I was still not allowed to make a phone call, however, they called my friend from my phone, who later contacted my lawyer. Then I was taken to the jail in Gyorskocsi utca. The next day, on a Sunday I was taken again for a trial held in Tolnai József utca. In the police car, plain clothed policemen in their early twenties, talking in a very primitive style, mentioning God's name in negative contexts on multiple occasions, cursing. Being a believer, I am extremely sensitive to this, so I asked them not to use the Almighty's name. This was just adding fuel to the fire! After that, curses multiplied. On the first instance trial, to my surprise, the defence lawyer, who – as it turned out later – was notified by my friend, did not show up. I indicated dr. László Grespik and dr. Tamás Gaudi Nagy as defence lawyers. The abovementioned gentlemen were not informed of my whereabouts, even on their inquiry, so they could not have been able to come to the trial.

After the trial, I was taken to preliminary arrest, and with nine others I was taken to the penitentiary institution. Having been pushed out of the prison transport vehicle, we were told that we were under arrest, and not to look in either way (right or left!). Then, we were forced to the wall on our knees. This movement made some of us hit our heads in the wall, as we were handcuffed, and this prevented us from balancing. Many of us landed on the ground injuring our knees on rocks till they bled. Then, we had to wait in the same posture and with our heads turned to one side for about 30 minutes. After all these, we all were lead to a corridor, where we were made to stand against the wall. We all were forced to stand with our legs unnaturally akimbo. Our hands were handcuffed, and we had to force our heads down to our chests and press them against the wall. This resulted in all our weight pressed on to our heads. We were made to stand in that posture for approximately 4 hours (no mistake!). Some of us were sick, I almost passed out. My throat went dry, I was streaming with perspiration, and when I mentioned I was sick, first no notice was taken of it. Only when I reported the second time was I taken to the medical room, where it was established that my blood sugar level dropped to 2.4. I was attended to, and when my blood sugar level reached the normal 5.4, I was "allowed to return" to the corridor, having been handcuffed again. One of the detainees, being diabetic, fell into a coma, and lost consciousness. An ambulance was called, and he was taken away. Our detainees, I can clearly recall the face of one, were kicking our legs to their liking, depending on whether they thought the width we spread our legs was sufficient. In the body search room, where we were fully undressed, some of us were kicked and beaten up. In the corridor, we could clearly hear the typical noises of blows. The blowmarks on my mates' bodies were still visible on 4 October, the day I was released. The marks of the handcuffs were also visible (and

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felt) on our hands for a long time. During the evening, we were transported to the penitentiary institution of Venyige utca, where the detainers mockingly called us "young revolutionists". Our detainers denied us the possibility of keeping contacts (phone calls) on many occasions on the grounds that we did make mistakes on completing the relevant forms.

My pastor called the prison, inquiring if he could visit me. He was told certainly he could. The next day, on 3 October, when he visited me in the prison, he was told he would not be admitted. The pastor is called Loránt Hegedűs jr. On 4 October, I was released. Currently, I am still under procedure.

#### **10. Milán**

in the evening of 20.09.2006, I met my friends in the city. We went to Kossuth tér, where we spent 1 hour in the peaceful crowd. We listened to the speakers, and then headed for home. This happened after 11 p.m., when the last underground, bus and tram were no longer in service. Nothing else was left but the night services. At that time, we headed for Nyugati tér, as this is where we could take the night services we needed, because we had agreed to sleep at my place. When we arrived, a wall of police was standing across the boulevard. After 30 minutes, it was clear that the night buses are not in service, so we started out walking towards Blaha Lujza tér, hoping that the night buses would be in operation from there. We started walking on the boulevard, where peaceful passers-by were held up by the police three times. When we got to Oktogon, events took speed. The police shot tear gas grenades in the crowd. At that point we thought we could take shelter in the small streets behind, and get away from the events, but grenades were also thrown in side streets. At that time, we were running, because we were suffocating from tear gas, and saw bleeding people from the direction of the boulevard, and we also kept running. We got in front of Rókus hospital, where we caught our breaths. In the meantime, we saw that the night service we could have taken turned back without passengers on it. Five minutes later, when people were pouring out of the small streets, we took to running again. At that point, one of the people gathered around us entered a building with the gate opened. We also entered to take shelter in there while the police leave. We hid in a bin storage room, where the police opened up on us. They dragged us out without any warning. They hit us many times with batons, ASP batons and fists. Then, as it later turned out, we were dragged into the building of the Hungarian Radio, where we were forced to kneel for 1.5 hours. At that point, many of us were assaulted and kicked. We were taken to the police department of the 8<sup>th</sup> district. After we arrived, we had to kneel for a while, handcuffed. After 20 hours of detention in the jail, we were transported to Gyorskocsi utca. The next day, the female judge did not pay any attention to the lawyer, and issued the 30-day ruling immediately. After the trial, we were taken to Nagy Ignác utca, where we were treated in a humiliating way on the arrest processing, and some of us were assaulted on the body search. After that, we were detained for 14 days in Gyorskocsi utca, together with felony convicts. After being released, I was sentenced to home confinement.

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**APPENDIX No. 2.**

**Case descriptions related to the events of 23-24 October 2006**

	<b>Date and time</b>
J. R., a member of the foreign representation staff confirmed that they received a warning by phone from a secret service officer that violent conflicts will take place (!) on 23. They were told to go out to the street at their own risk only.	before 23 October
A. L, a lady calling us left in the morning towards Kossuth tér to pay a tribute. On the Boulevard, the small company proceeding peacefully was attacked by the police without any warning. A young boy was seriously assaulted. The lady also gave an account of it on Kossuth Radio.	in the morning of 23 October
É. H. is a mother of 5. They wanted to view the celebration in front of the parliament building in the morning of 23rd with the children, not knowing that it is not possible at all. They were driving along Teréz körút in the morning, when they saw that a small group of people, middle-aged and elderly peaceful persons proceeding with flags are being beaten up by the police. Getting as far as Szabadság tér, they also stood uncomprehending before the police atrocities seen in the streets nearby.	in the morning of 23 October
I. G. left for America in 1956, lived there for 40 years, and then returned home. In the morning of 23rd, he/she intended to walk towards the Parliament building beyond the corner of Falk Miksa and Markó streets, but was not allowed to, and the street crossing was protected with a barbed wire. An American couple also turned back indignantly. The police took a photo of them. He/she objects to the procedure, and is willing to testify as a witness!	in the morning of 23 October
I. S. is an elderly, well-to-do gentleman, who was prevented in the morning of 23rd from proceeding near Kossuth tér with many others. Without any warning, a hard blow given by a (female!) police officer floored him. Early in the afternoon, he experienced in Bajcsy-Zsilinszky út that the police, using rude language, were driving peaceful people. He/she also heard police officers speaking a Slavic language.	in the morning of 23 October
A young man, Gy. M. on 23 October would have headed for Kossuth tér in his car. He was stopped at the TV building. He posted the Hungarian flag on his car at Nádor utca. A police van stood behind him, then the police also cut his way from the front. He was dragged out of the car. Although he was not beaten, abusive language was used on him, and he was made to stand against the wall, and a police officer twisted his arms. His details were recorded, he was threatened, and gas was sprayed in the interior of his car. He had a medical status issued on his injury. A stranger has also made a recording of his assault, which is in his possession. He reported it, and has been summoned as a witness.	in the morning of 23 October

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<p>On 23 October, riot police officers were standing in the vicinity of Nádor utca, an eye-witness, Zs. F. testified. A group was going in that direction, headed by a drummer. The police jumped on the drummer, then pushed him in a police car, then there is no knowing of what happened to him. The drumsticks were left on the street, the witness took a photo of them. What happened to the drummer? The witness would be willing to testify in person.</p> <p>Another eye-witness, F. I. also reported the case witnessed in Nádor utca to the Public Prosecutor's office (a young man marched heading a small team, drumming at about 9.30 a.m. on 23 October, towards the government celebration to be held on Kossuth tér).</p> <p>A fax has been received from Pécs from a lady, Cs.Sz., describing that they had arrived by car in the vicinity of Kossuth tér around 11 a.m. on 23rd, where they parked their car. They left their car and headed towards the Parliament building, when a police officer appeared and hit the lady's arm without anything asked. She was assaulted with a telescopic stick-like object. Bad black and blue bruises are visible on her arm. She has photographic evidence.</p> <p>A lady, Zs. H., intended to take Alkotmány utca at 9.30 a.m. on 23rd towards Kossuth tér. She could not. Delegations in cars were passing by in front of them. Some demanded that the government should step down. At that point, and without any warning, a riot squad started to drive them towards Falk Miksa utca from behind. A female riot police officer was filming them all the time. She ran to the Danube bank, to see if it was safe over there. The riot police were also driving peaceful passers-by and mums with prams towards Margit bridge. They were roughly pushing them forward with their shields. The Bulgarian television took them on camera and broadcast them live. She would be willing to testify</p> <p>A pastor, L. H. filed a complaint on behalf of the Reformed parish of Szabadság tér, submitted to the CID of the Budapest prosecutor's office. The believers leaving the 10 o'clock sermon on 23 October were locked up in the church by the police wearing ski masks, and were kept detained for 2 hours there, while an elderly gentleman was hit till bleeding in front of the believers, then he was pushed into the police car and taken away. Their photographic and demonstrative evidence are held by the parish.</p> <p>A lady, J. G., intended to go to Kossuth tér in the morning of 23rd for the celebrations, but Falk Miksa utca was also closed, undisclosed by the news. The police were pushing people, and she could only pass by towards the Boulevard. She reported it to the Police Department, which was forwarded to the CID of the Budapest prosecutor's office</p>	<p>in the morning of 23 October</p>
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<p>Around 3 p.m. on 23 October in Alkotmány utca, A. P. and companions were demanding the government to step down. They got within the police fence, where the police let them in. They were standing eye-to-eye with the police at a distance of 0.5-1 m. The people were holding each other's hands. The first file of the police wall hid behind their shields, and the second file started to hit them. Tear gas grenades were also thrown towards them. The witness was caught, and injured at several points. He/she was detained in Gyorskocsi utca for 1 hour, and then taken to János Hospital, where his/her injuries were treated, and he/she holds an examination report. Hír TV stores specific recordings on the case; the witness is requesting help to obtain these.</p> <p>A.K. is a young man from Transylvania. On 23 October, he and others wanted to get from Corvin köz to Kossuth tér with the celebrating crowd and his friend. They were stopped by a police fence at the corner of Szalay utca and Falk Miksa utca. They intended to light up a candle on the square to commemorate the day, but were called on by the police not to do so. Despite that, they insisted, and were pushing around the police fence in indignation. The police picked them out of the crowd, and started to hit and kick them. They put up no resistance. They were pushed into a police van. Another arrested youngster was very sick in the car. The police officers refused to take them to hospital despite their request, only after they powerfully kicked the car. Finally, they were taken to the institution in Fiumei út, then Gyorskocsi utca. They were interviewed as suspects, and are charged with gang rowdyism.</p> <p>In the morning of 23rd, the witness, I. V. was about to leave for Kossuth tér with his/her friend, where they were not allowed to enter due to the closures. Then they headed for the Basilica, where the peaceful crowd was being squeezed out by the police. The crowd headed fro Corvin-köz from there. Decent citizens, no disorderly elements. After celebrating there, they wanted to get back via Bajcsy Zsilinszky út to Kossuth tér, while people were gathering at Astoria for the rally of Fidesz (the conservative party). They proceeded on, but noticed the police fence at Báthory utca. They approached the police roughly at a distance of 100 m, who at that point started to shoot tear gas grenades at them, without any warning. Injuries were caused at this point. He/she is willing to testify.</p> <p>The lady, M.L., and her friends were about to go to Kossuth tér from Károly köz. The police attacked them at the Basilica. They stood innocent opposite them. Her daughter was hit by a rubber bullet, but she was not injured as her coat shielded her. She wrote a letter to the President of the Republic.</p> <p>The witness I. S. and his/her friend joined the procession towards Kossuth tér at Astoria at around 15.30 p.m., and heard the explosion of the tear gas grenades. They saw that the police closed József A. utca towards Roosevelt tér, and also caught youngsters. Police officers were also standing a couple of meters away from Síp utca, but they gave no warning to anyone on which way to proceed.</p>	<p>early in the afternoon on 23 October</p>
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The daughter-in-law of a lady, A. I., was peacefully heading towards the rally of Fidesz, with her young child at 4 p.m. on 23rd, when she reported to her from Deák tér that the police have deployed tear gas grenades against the crowd. Starting from 4.30 p.m. she was also standing in front of Filmmúzeum (a former cinema) with her friends. She testifies that rubber bullets had been shot as early as during the rally, the mental and physical pressure was high, and that none of the police officers wore visible identification.

in the afternoon on 23  
October

R. Sz. as an innocent witness to the events from Budapest wrote an resentful letter to the President of the Republic László Sólyom. He/she proves that the police inconceivably drove demonstrators to the venue of the rally, much before it ended. Peaceful demonstrators were proceeding from the direction of Deák tér, not throwing stones, only demanding that the government should step down.

in the afternoon on 23  
October

At 4 p.m. on 23 October, R. B. experienced the following near Alkotmány utca. Joining a small group, he stood innocently in the crowd, when he noticed the police approaching them. Looking round, he saw an elderly man with his head bleeding, trying to get up from the ground, and he helped him. Seeing the police approaching, he started to run. He was caught up with, his body was hit multiple times, then his hands were handcuffed behind his back, and he was pulled into Alkotmány utca. He does not remember much from this point on, but remembers hearing a female police officer using abusive language on him, while he was beaten constantly. First he was taken to the ambulance, then to the ambulance station in Markó utca, and transported on to Honvéd Hospital, and finally to Gyorskocsi utca. He was released on 26th. He was seen in a cover photo of Magyar Nemzet (a right wing national daily) in those days, a young man being beaten by the police with an ASP baton. He reported the case to the CID of the Budapest prosecutor's office (31 October)

in the afternoon on 23  
October

On 23rd, he/she and his/her friend wanted to go home from Fidesz' rally, when they had to flee from the charge of the mounted police at about 5.30 p.m. He/she was swept along by the crowd, he/she fell, and suffered deep bruises on his/her arm. He/she saw the police shooting bullets and tear gas grenades at innocent people. With difficulties, they managed to flee into a house on Károly körút, where they spent hours, afraid to leave. He/she only saw a doctor the next day. He/she testifies that excessive police power was used before the rally was over.

at around 6 in the  
afternoon on 23  
October

On 23rd, Z. Sz. and his wife were standing in the crossing at Astoria, and headed towards Deák tér after the rally. They saw no disorderly people, only peaceful demonstrators. Fleeing police attacks, they ran into a beer house in Dob utca, where entered a man with his head bleeding. On his friend's phone, photos evidence heavily bleeding injuries of a man. He is willing to testify if necessary. He holds photos as proof of the events.

at around 6 p.m. on 23  
October

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At about 4 p.m. on 23 October, a gentleman, F.S. with his wife and two friends headed towards the Fidesz rally on Bajcsy Zsilinszky út. They were carrying Hungarian flags. The police started to drive people towards Deák tér, without a warning, and shot rubber bullets at them. He was injured very early on his left side and left thigh. He was taken to the hospital in Péterfy S. utca, and was immediately operated on. He holds medical reports, and has reported the case to the Prosecutor's Office. Unfortunately, no photos and recordings are available to support his case, only his friends can testify to what happened. Afraid that his wife might get injured, too, he sent her home immediately when he was injured. As recalled by his neighbours, police officers were lurking near his flat on 30 October.

at around 6 in the  
afternoon on 23  
October

He/she arrived on 23 October from Corvin köz to Deák tér with his company after 4 p.m. When the police shot rubber bullets at the celebrating crowd without a warning, he was about to help an elderly man injured on his arm, when he was shot on his left temple. The police caught him, and took him to Markó utca for an interview, with his head bleeding, and only then to Honvéd Hospital, where the wound was stitched up. He holds medical reports, and has reported the case to the CID of the Budapest prosecutor's office.

at around 6 in the  
afternoon on 23  
October

Zs. B. was at Fidesz' rally near Deák tér on Károly körút, where at about 17.00 p.m., he/she was shot by a rubber bullet on his/her left eye as a result of excessive police force used. He/she was taken by the ambulance parked near Dohány utca to the hospital in Péterfy utca, where he was operated on and kept as an in-patient until 2 November. He/she holds a medical report. His/her vision has probably been permanently impaired, his/her pupil does not react to light. His/her nasal bone was broken without a displacement. He reported the case to the Prosecutor's Office.

at around 6 in the  
afternoon on 23  
October

G. V. testifies that they only got as far as the former Filmmúzeum from Astoria after the Fidesz rally, when the galloping mounted police deterred peaceful celebrators. They hit the flag out of a person's hand with a naked sword. A pram was pulled up to the pavement in the last moment. He/she would testify to confirm that the police pushed the demonstrators onto the peacefully celebrating crowd.

at around 6 in the  
afternoon on 23  
October

During Fidesz' rally, the police attack could be heard (explosions of tear gas, shots) at the front of Károly körút. At the end of the rally, they advanced directly on the crowd, shooting and throwing tear gas grenades, driving the peaceful gathering towards Astoria, M.L. said. They weathered the events fleeing in a gateway on Károly körút, then on into the yard. They could only cross over to Buda via a long diversion. His/her eye needed treatment for days. He/she would testify. They witnessed police brutality on Károly körút. The crowd was pushed onto them as early as during Orbán's speech, tear gas was shot at them, and they heard shots, L.B. states. They themselves heard police officers speaking a foreign (Slavic) language, being rough on them.

at around 6 in the  
afternoon on 23  
October

at around 6 in the  
afternoon on 23  
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<p>On 23rd, during the rally, P. T.'s experience was that the police deliberately responded with excessive brutality to the peaceful demonstration of a non-provocative and non-revolting group, and pushed the crowd towards Astoria, before the large crowd dispersed. He/she addressed the Office of the Parliamentary Commissioner.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>On 23rd, prior to the rally, he/she wanted to head for Deák tér, however, fled in Dob utca because of the police attack. Noticing that many people ran into the street, he/she looked back, and got a shot in the inner corner of his/her eye. He/she passed out. An ambulance took him/her to the Honvéd Hospital, where he/she was released on 27<sup>th</sup> October. He/she reported the case to the Prosecutor's Office.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>An employee of the Radio reported that the windows of the Hungarian Radio building were covered with metal plates prior to the holiday, and they worked in the dark. Access was only possible through the cargo gate. the police officers on duty there telling stories related to what was seen on TV on 23rd.</p>	<p>before 23 October</p>
<p>S.D. attended the Fidesz rally. He/she was beaten up by the police at the tram station at Astoria, although he/she only stayed there as a peaceful civilian. He/she suffered a rib fracture, and holds a medical report. He/she considers then case outrageous, and has reported the case.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>An innocent young man A. P. heading for the Fidesz rally fled the aggressive police driving the innocent crowd from Deák tér into a gateway with some strangers. They attempted to endure the charge. They even closed the gate. The police might have noticed them, and broke the huge gate weighing hundreds of kilograms on them, immobilised them using tear gas grenades, then hit them indiscriminately. He/she has hospital reports on serious injuries. He/she returned to the spot, and found the huge gate completely renovated. He/she has photos on his/her phone. He/she is looking for witnesses, and is willing to testify. This case took place at 26 Károly körút. He/she has reported the case to the prosecutor's office.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>A short, kind lady in her forties, K. T. headed for home with her family after the rally towards Deák tér. Her husband was left behind in the crowd, and she and her daughter tried to get through the crowd hand in hand. Suddenly, a charge of the mounted police came upon them, and without warning, the police started to hit the crowd passing by. The mother got a severe blow on her right shoulder, which was swollen and black and blue. She has a medical report to evidence her injury, and is willing to testify.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>Peacefully going home on Károly körút, T.M. and his/her friends fled behind a gate, which the police broke, and they assaulted the people taking refuge there. On his/her phone, he/she has a few photos on the event, and is willing to testify.</p>	<p>at around 6 in the afternoon on 23 October</p>

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<p>F. K. is a decent father of 2, and he was heading for home on Rákóczi út after the rally, where he was beaten up, arrested and taken to Gyorskocsi utca by the police. As he refused to sign a document stating that he was not assaulted, he was only released on 26th. He has photos. He is suspected with gang rowdyism. He filed a report with the prosecutor's office.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>F.S. and his wife came from Tatabánya to attend Fidesz' commemoration. After the rally, they were also attacked by the police on Károly körút. A tear gas grenade went off next to his wife. The lady was on a long sick leave, could hardly see and had a pain in her eyes. They both are willing to testify to excessive force being used.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>P. B. was near Astoria at the Fidesz rally, then headed for home via a small street. Without warning, the police shot a tear gas grenade at him/her and those surrounding him/her. The crowd swept him/her along, he/she fell, then got a blow on his/her head from a police officer. He/she fled with a lady. An ambulance attended to them at the Synagogue. After the police car started off, a police officer also hit the ambulance door, as he/she wanted to open the door but it was locked. The police were wearing masks, and no badges. The ambulance staff are willing to testify. The person has medical reports on the injury.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>This case happened to K.S together with the abovementioned man. Neither of them attacked the police, and had to flee the charge of the mounted police. He/she heard no call to disperse. The police officers used abusive language on them. He/she had a serious head injury, and is willing to testify. Also has medical reports on the injury. Has filed a report with the prosecutor's office.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>A. Sz., a delicate nice elderly gentleman with his head bandaged complained that he had got a rubber bullet on the top of his head when he was fleeing the police's driving operation near Astoria directly after the rally. He was assisted to get to Rókus Hospital, where an ambulance transported him to Péterfy Hospital. There he was treated. He was unwell but walked home, and arrived by 9.30 p.m. He was summoned as a witness by as early as 9.30 a.m. the next day. He is sure the hospital gave his details out. He only found the letter at about noon, thrown into his mailbox without an envelope. He files a report with the prosecutor's office.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>Right after the Fidesz rally held on 23rd, they were on their way home on Károly körút when the police charged at them. Á.R. with his/her 16-year old daughter fled into a building. They suffered no injury but they consider the experience as revolting, and he/she is willing to testify to what happened around them.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>V. K. was heading for the Fidesz rally with his/her 14-year old son. During the Martens speech, they were standing at the SZDSZ park. They saw the forced line up at Dohány utca. During Orbán's speech, the crowd was being driven onto them. An atmosphere of was felt. There was no information as for where to go. They experience</p>	<p>at around 6 in the afternoon on 23 October</p>

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atrocities but were not injured. He/she is willing to testify.

On 23 October, after the Fidesz rally, A. G. and his/her friends were headed for a friend living nearby. They entered the building, which is at 13-15 Károly körút. The peacefully celebrating participants of the rally were driven by the police using tear gas and bullets. One policeman blew the gate in, behind which they were taking refuge, and sprayed gas on them, directly in their faces. They are willing to testify.

at around 6 in the afternoon on 23 October

A.N.Sz. was at the Fidesz rally at the corner of Károly körút and Kossuth L. utca. At 5.45 p.m., he/she wanted to get home by underground, and headed for Deák tér. He/she was also reached by the police attack, and he and others got into a staircase (cannot recall the number of the building), where they spent over an hour, afraid to leave. After them, some others also took refuge there from the police. is willing to testify, if necessary.

at around 6 in the afternoon on 23 October

A. I. Sz. stayed at a friend's place on 23rd at 4 Rákóczi út. They watched the rally and what happened after that from there. The celebrating crowd was unable to disperse after the rally, as it was to be seen that the police pushed there the crowd forced from Deák tér. Before the event was over, bullets were shot, and the police intervened roughly. He/she would testify.

at around 6 in the afternoon on 23 October

A letter signed by celebrating participants (49 persons) from Székesfehérvár was sent to testify to the atrocities experienced at Astoria. The group suffered no injury but they are willing to testify to the use of excessive police force.

at around 6 in the afternoon on 23 October

On 23 October, L. Sz. took part in the Fidesz rally on Rákóczi út near Astoria. 10 minutes after the event was over, they started to proceed slowly on a Rákóczi út. This is where he/she got shot by a tear gas grenade exploding on his/her hand. His/her right hand was seriously injured, with fingers broken, and an injury caused by a rubber bullet in his/her ribs, and a tear gas grenade also hurt his/her right thigh. They had to take a long detour to get back to the car on József körút, then to the traumatology where he was treated. There were police officers in ski masks in the hospital, too. He/she got home by car at night. The neighbours said that police cars stopped by their house multiple times. he/she filed a report with the prosecutor's office. he/she has medical reports on his/her injuries.

at around 6 in the afternoon on 23 October

On 23 October, A. H. stayed on the second floor of 10 Károly körút after the Fidesz rally, because she did not get any further on her way home. The police sprayed tear gas into the building through the gate, and they could hardly breathe. She is also asthmatic. She only had the courage to leave the building at about 9 p.m., and took a long detour to get to Buda, her husband collected her by car. She testifies that the

at around 6 in the afternoon on 23 October

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police attacked during the rally, too, and drove innocent people towards Astoria.

- K. S. filed a report with the prosecutor's office against police atrocities suffered on Károly körút after the Fidesz rally. She is a young woman, beaten up by the charging police. She heard curse words, and then her head, back and shoulders were hit. She had a 1cm deep injury on her head. She was treated by the ambulance parked near the Synagogue, and then taken to Péterfy Hospital. There she was photographed by photographers from Blikk (a tabloid), who claimed to hold a permission. Issued by whom? She filed a report with the prosecutor's office, and was summoned by 30<sup>th</sup> October to Tolnay utca. Her details were probably disclosed by the hospital. at around 6 in the afternoon on 23 October
- A retired Hungarian married couple living in Germany and sometimes here in Hungary, L. D. and his wife were waiting for the police charge to end for two hours after the rally in a coffee bar in the front part of Károly körút. They were outraged at the events. They would testify. at around 6 in the afternoon on 23 October
- During the rally, P.S was standing precisely in the Astoria crossing on 23rd. At the end, they would have started off towards Deák tér, but they noticed that the crowd was flowing backwards, fleeing. They smelled strong tear gas, burning their eyes. He and his wife were trying to hurry towards Kossuth L. utca as fast as possible, and then crossed to Buda. He testifies that the rally was not over yet when ominous signs were felt. at around 6 in the afternoon on 23 October
- In the morning of 23 October, J. Cs. walked towards Kossuth tér. Near Vígsház (theatre) and Honvéd utca, he witnessed brutal police conduct between 10 and 12 o'clock. A crowd of approximately 50-100 persons were dispersed by the police. Later in the afternoon, he/she attended the Fidesz rally, and then headed towards Deák tér. He was forced by the charge of the mounted police to return towards Dohány utca. He/she claims that the charge of the mounted police took place on Károly körút at 17.55 p.m. Is willing to testify. at around 6 in the afternoon on 23 October
- A number of people withdrew to 26 Károly körút directly after the Fidesz rally, so did G.J., too. Suffering from the tear gas and intimidated by the police, they were waiting to leave the premises. He/she is willing to testify. at around 6 in the afternoon on 23 October
- On 23rd, after the Fidesz rally, P.V. got as far as 13-15 Károly körút, when reached by the police charge. Tear gas was sprayed in his/her eyes at close quarters, and it is only incidental he/she was able to evade a hit by a rubber baton. He/she took refuge in a restaurant in Dob utca (Dohány utca Il Terzo Cerchio Ristorante Pizzeria) where the staff helped him/her. He/she is willing to testify. at around 6 in the afternoon on 23 October

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<p>This gentleman is an elderly physician. G. Sz. suffered injuries on his arm, upper body and head after the rally on 23rd, as a result of police brutality, as an innocent participant of the celebration. He filed a report with the prosecutor's office. His injuries are evidenced by colour photographs.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>During the rally on 23rd, they met provocateurs on Károly körút, but were not deceived by their request. Seeing the ominous signs, K. S. and his/her friends headed for Astoria when the rally ended, then for Blaha Lujza tér. However, the crowd was approaching the nearest underground station. They heard the shots from the back-street, but managed to get to Blaha. They testify that there was not possibility to leave the rally peacefully in multiple directions.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>L. T. and his wife after the rally on 23rd got only as far as Dohány utca from Astoria, when the charge of the mounted police approached them. No instruction was given to leave the premises, or no emergency route was offered. They were hurrying towards Astoria in a shower of tear gas and rubber bullets, and then left the premises towards Ferenciek tere. His wife suffered for a long time from the gas she inhaled.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>At around 18.00 p.m. on 23 October, he/she was called on by the police at the corner of Károly körút and Dob utca to leave the premises, but at that moment G. F. was already pulled to the ground from behind. He/she was beaten and kicked. His/her hands were tied up behind his/her back with plastic handcuffs, and then taken to Gyorskocsi utca. He/she was only taken to János Hospital from there, where it was established that he/she had fractured the right fibula and a phalanx on this/here middle finger on his/her left hand. He/she got home still that night. He/she was absent from work for weeks. Has filed a report.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>64-year old lady, I.K.. with her son were on their way home after the rally when they met the charge of the mounted police. They could hardly get out of the horses' way, and the son was slightly still hit by a sword, where he started to bleed. They had difficulties leaving the premises through the route Dohány – Síp - Kossuth L. utca. They were outraged at the events. She is willing to testify.</p>	<p>after 6 in the afternoon on 23 October</p>
<p>After the rally on 23rd, they were trying to proceed towards Deák tér, but in less than a minute, the crowd was running frightened towards Astoria, afraid of the tear gas and rubber bullets. They are willing to testify to police brutality based on what they saw there.</p>	<p>at around 6 in the afternoon on 23 October</p>
<p>I. Sz. and his/her son were walking towards Deák tér after the rally. On crossing Dob utca, they noticed the charge of the mounted police. It is a wonder they were not affected by the atrocities, but he/she saw how many were injured and in what way. They were trying to go back, but got only to Erzsébet bridge by hurrying along Kossuth L. to cross to Buda. He/she is willing to testify.</p>	<p>at around 6 in the afternoon on 23 October</p>

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A person's mother came to file a report with us. The offended was treated in hospital (Péterfy) for multiple days. His/her eyes were injured, near Síp utca in the evening of 23rd, being an innocent onlooker to the events. His/her vision was seriously impaired, and will only be able to see using spectacles. An ambulance took him/her to the hospital, and the police interviewed his/her as early as the next day. He/she filed a report with the prosecutor's office.

after 6 o'clock in the  
afternoon on 23  
October

I.S. attempted to leave the premises of the rally held on 23rd riding a bicycle towards Deák tér, but the rally was hardly over when shots and tear gas grenades were coming towards Astoria. The peaceful crowd was astonished to see. At that point, he/she set off towards Blaha Lujza tér. In Rákóczi út, speakers with megaphones tried to make the crowd stay, then youngsters wearing masks started to build a fence, closing Rákóczi út. Going on, the police started to shoot tear gas grenades from a side street to the left without warning, although there was not trace of any violence there. Shop windows were broken as a result of the shots. He/she was not injured, but testifies to the above.

at around 6 in the  
afternoon on 23  
October

On 23 October 2006 at around 18:45 p.m., he was at the corner of Dohány utca and Síp utca, going home from work. Approximately 20-30 uniformed police officers wearing protective helmets were turning from Dohány utca, from the direction of the Synagogue, to Síp utca, then lined up. The first file knelt down, then started to shoot tear gas grenades into Síp utca. At that point Károly K. was about 5 m from the corner, and the police must have seen him. Behind him, the street was completely empty, with no-one around him within a range of 50 m. He stood near the wall of the building next to him, waiting for the police to finish shooting tear gas, but they were firing without interruption. At that point, he produced a white kitchen towel from the pocket of his denim jacket, which he took home from the café to be washed, and waving it towards the police as a white flag, he called out to the police "do not shoot", as he wanted to leave. As he took one step, a police officer standing facing the former Metró Klub, turned towards him, and fired a shot at him at the height of his head, without warning. The rubber bullet hit him directly at the external corner of his eye, and it immediately started bleeding heavily. A police officer approached him, and yelled at him to move back out of there. Károly K. started to run back in Síp utca, but he was still being shot at, hit by five rubber bullets from behind. He called an ambulance for himself. Presumably, he had suffered permanent impairment of vision, and on 21 November 2006, his retina was operated on.

at around 18:45 p.m.  
on 23<sup>rd</sup> October

On 26 October 2006, we filed a report with the CID of the Budapest prosecutor's office. An anonymous report can be read on Index (website), and a witness that was in Síp utca at that time has called having read it, and agreed to testify.

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At about 19.30 p.m. on Monday 23 October, he was on Múzeum körút in Múzeum pastry shop with his friends, and when he saw the emerged situation, he decided to make a report to Tilos Radio. He put on a yellow visibility jacket, and standing in the street, watched the events unfold. He wanted to take photos of the wall of policemen, and for that purpose, he proceeded with his arms up at times to signal his peaceful intentions, or looking through the camera at times to show his intentions clearly, and to check the distance and angle necessary to take the photos. At that point, he was hit by three rubber bullets. The first two got him on his belly close to each other, while the third one on his uncovered neck. There was no-one staying nearby, and he was hit not incidentally but deliberately, aimed at him, despite the visibility jacket.

at about 19:30 p.m. on  
23 October

No warning was addressed to him personally, or to the press workers. Before and after the events, a megaphone was heard at a certain times, but maybe because of the distance and the whistles and shouting coming from the direction of the demonstrators, the contents were inaudible.

Lőrinc T. filed a complaint with the chief commissioner of police of BPH, which was ex officio transferred to the CID of the prosecutor's office.

At 9 in the evening on 23rd, at the corner of Báthory and Honvéd streets, police officers were playing with ASP batons. The two young men, V.L. and A.B. reported it calling 112, and then they wanted to report it in person at the police department in Kecskeméti utca. There the police did not allow them to do so, and they were sent away, with the recommendation that they had better forget it. They are willing to testify.

in the evening of 23  
October

Leaving a commemoration held near Egyetemi church, E.Sz.L. and his/her friend saw a police car driving in a one way street, and also angry police officers getting out of it, who then beat up a peaceful young man passing by, without warning. Before that, they threw a tear gas grenade in his direction. He/she would be willing to testify.

in the evening of 23  
October

His/her mother reported yesterday. A.P. is a history major at the university. He/she suffered serious bruises, and will probably never be able to see with his/her left eye, only large spots. His/her mouth was torn. One of his/her incisors fell out by the root. His/her injuries were treated at the eye clinic in Tömő utca and in the Honvéd Hospital. He/she was an innocent remote onlooker on Múzeum körút, taking photos at about 9 p.m., when he was attacked.

in the evening of 23  
October

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On 23rd, during Viktor Orbán's speech, I. Sz. and her friend were on Múzeum körút in front of the university. Then they walked about in Ráday utca with her friend. At about 8 p.m., they returned to Kálvin tér. To escape the police, they turned to Kecskeméti utca, not knowing that it was the "wrong" direction. At Irányi utca, a police van approached them opposite the direction of the traffic. The police officers got out of the car, and pushed the young lady aside, who fell, and her friend lied on her to protect her, but her hand had suffered a serious injury by then. Lying on the ground, they were sprayed with tear gas. They are outraged at this treatment. Her hand was plastered (by the way, she is a piano teacher), she has medical reports, and was treated at the traumatology in Fiumei út.

in the evening of 23  
October

At 9 p.m. on 23 October, B. V. and a friend wanted to go home from Király utca. At Deák tér, they were held up by the police. Some people were let through, but they were not, and he said in vain that he lived in that direction. He showed his identity card. He was still not allowed to cross, what is more, a young officer spat at him. Those on duty here were not wearing a ski mask, and so were easy to recognise. He asked the name and title of the police officer using abusive language on him and humiliating him, in vain, no response was received. Later, his superior told which staff they belonged to. The identity of the perpetrator can be clearly specified. He filed a report with the prosecutor's office.

in the evening of 23  
October

After the Fidesz rally, L. G. met a friend on Nagyváradi tér, then returned to Astoria at about 9 p.m. Then he was at the crossing of Rákóczi út and Nyár utca when hit by a rubber bullet. The attack came from the direction of the police wall. He walked to the hospital in Péterfy S. utca with a serious injury on his temple. His eye injury requires a further operation, He was released from hospital on 2 November. Has filed a report with the prosecutor's office.

in the evening of 23  
October

A. Cs. was shot with a rubber bullet at about 9.30 p.m. after the Fidesz rally on a corner of Rákóczi út in the direction of Blaha Lujza tér, approximately from 15 metres in the left eye and his face bone. He was operated on on multiple times, and released from the hospital on 22 November. A number of photos were taken of him, being treated by the ambulance staff on the premises. The bullet hit his healthy eye, which meant that he entirely lost his vision, as he was blind to the other eye since birth. He filed a report with the prosecutor's office.

in the evening of 23  
October

A gentleman of English and Hungarian citizenship. On a video recording, he was clearly visible proceeding peacefully with a large flag in his hand. The police let him pass the fence, however, a few metres away, others cruelly immobilised him, and lead him towards a police car.

in the evening of 23  
October

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- L.M. came from Kazincbarcika with his wife for the holidays. At 10.30 p.m. on 23rd, a hardly dragging, weak homeless person was seriously assaulted by the police officers closing the small streets near Corvin department store. He was floored with karate kicks, and hit with batons. The man collapsed, and then no-one knows what happened to him. Even the worst case is conceivable. He is willing to testify. in the evening of 23 October
- O. V. did not participate in the rally on 23 October, but met a friend in József körút that night. At about 22.30 p.m. he/she started walking home towards Oktogon. The police approached him/her, and he/she was frightened, seeing the wall of policemen closing in, and wanted to take refuge through the gate of 52-56 József körút. The police followed him/her, and did not let him/her. His/her left hand was hit. Abusive language was used on him/her, and he/she was handcuffed, his/her fingers twisted. He/she was taken to Gyorskocsi utca, and released on 26th. After his/her release, he/she received a summon to the prosecutor's office by 2 November by phone. in the evening of 23 October
- K.K. stayed with friends in Blaha beer house at about 11 p.m. on 23rd. Did not participate in the rally. Suddenly, the police started pushing them out to the street, beating up everyone. His/her head was lacerated at a length of approximately 8-9 cm. His/her friends pulled him/her out of there. He/she was unwell, but they walked to Baross utca then drove to the traumatology in Fiumei út, where his/her injury was treated, and he/she went home. Has filed a report with the prosecutor's office. at night on 23 October
- B.Sz., a young man arrived at Nyugati railway station late night on 23 October from Dobogókő, where he worked as a waiter in Pilis Hotel owned by the Ministry of the Interior. He was walking home at 11 p.m. with others, when the police shot tear gas grenades at the crowd near Wesselényi utca, without warning. One landed right next to him. He wanted to stamp it down and extinguish it, but it exploded at that moment on his left, and seriously injured his left thumb and index finger, and had splinters shot in the outer side of his left leg. He was taken to Merényi Hospital in Gyáli út, where two of his fingers had to be amputated, and the foreign bodies were removed from his leg. The next day he was interviewed by the police in the hospital, where he lay half dazed and in a state of shock. He left the hospital on 2 November. His serious injury on his hand causes absence from work to him, probably permanently, as he is left-handed, and works as a waiter. His witnesses are strangers, passing by. He filed a report with the prosecutor's office. at night on 23 October

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At 1.30 a.m. on 24 October 2006, he/she wanted to go to a restaurant with P B. They were in Várház körút when demonstrators were rushing towards them, with the police after them. They stood close to the wall, to let them pass by. At that point, a police officer walked up to him/her, and started to hit and kick him/her without a word, and he/she was sprayed. When lying on the ground, multiple police officers kicked him/her, and stepped over him/her. After a while, a police officer helped him/her up, and he/she was allowed to leave the premises freely. As he/she could not see properly due to the spray, he/she entered a pub to go to the restroom, and wash his/her eyes. In a quarter of an hour, the police dashed in, handcuffed him/her, and took him/her to Gyorskocsi utca, where he/she was also interviewed on gang rowdiness. When released, he/she went to see a doctor to have his/her injuries examined.

at about 1 a.m. on 24  
October

During the Fidesz rally, G.G stood by the entrance to Hotel Astoria. Then, he/she went to Ráday utca with friends, then to Ferenciek tere via small streets at about midnight. He/she took photos. A tear gas grenade exploded in his/her vicinity, then a rubber bullet hit him/her. He/she was injured on his/her right face. The police caught him/her, and hit him. He/she suffered back, arm and head injuries. Finally, he/she was even spat at, and used abusive language on. He/she has a medical report available. Wrote a 2-page letter of complaint back in Gyorskocsi utca, which was subsequently denied. Has filed a report.

at about 1 a.m. on 24  
October

On 23 October, I. S. was heading for home from Mammut shopping mall. At around 0.30 a.m., he/she was attacked by police officers near the pharmacy in Szondi utca. He/she had nothing to do with the previous night's riots. He/she was not told to leave, they simply advanced on him/her, and hit his/her head and legs with a hard and oblong object. He/she was kicked. He/she put up no resistance. Result: fractures in the skull and in the shin. In Honvéd Hospital, his/her injuries were diagnosed, and an X-ray was taken, but only bandages were wrapped around them, then he/she was sent home. It was only the next day that he/she was plastered in the institution in Fiumei út. His/her injuries were healed in over 8 days. A stranger accidentally recorded the case on video, so the injured has reliable evidence. he/she filed a report with the Metropolitan prosecutor's office.

at about 1 a.m. on 24  
October

A.Cs. was staying in Blaha beer house at 11 p.m. on 23rd, when the police advanced on them, and chased them out to the street. They had nothing to do with the demonstration. Getting out to the street, a wall of policemen started to beat and kick them, and they were shot rubber bullets at them. Two rubber bullets were removed from his/her right elbow at the surgery of SOTE (Mária utca), and another 11 shots and a 20cm long haemorrhaged mark of a blow is seen along his/her backbone. Colour photos evidence brutal police action. He/she files a report with the prosecutor's office.

at night on 23 October

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Chased out of Blaha beer house, and beaten up with his/her friends, Sz. October  
T.'s right eye was seriously injured. He/she has medical reports and  
colour photos as evidence

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**APPENDIX 3.**

**Questions of the Civil Lawyers' Committee to Minister Petréttei, and Chief commissioner of police Bene**

30 January 2007

Dr. József Petréttei  
Minister of Justice and Law Enforcement  
and  
Dr. László Bene  
National Chief Commissioner of Police

Budapest, 30 January 2007

Dear Minister Petréttei,  
Dear Chief Commissioner of Police Bene,

we have formed a committee of seven of civil lawyers to investigate the violence on 23 October 2006 in Budapest. Our aim is to unveil objectively and accurately the details of the regrettable events of the national holiday, and the 'siege of the Television Headquarters' on 18 September coming before, and all the events occurring thereafter. We wish to clarify related responsibility, and make recommendations so that nothing similar can take place in Hungary in the future.

Our Committee is independent from the government and from any political party.

In order for us to deliver our task it is indispensable to receive factual and accurate information in conjunction with the Police' activity in the period in question, thus especially on 23 October 2006 in Budapest.

We now seek your cooperation to this end with regard to the principles established in the Constitution, and legislation on public information. We pose our questions in the same letter to both Mister Minister, and Mister Chief commissioner of police. We request most respectfully due to the complexity of the questions and problems raised that you ensure to us an opportunity of meeting yourselves personally Mister Minister, and Mister Chief commissioner of police. That would give us a possibility of a more thorough, more in-depth professional consultation avoiding possible misunderstandings, and mistakes.

Our committee performs its work in the spirit of full transparency, and accountability for the civil society. We will therefore publish our present letter and the answer received on our website at [www.oktober23bizottsag.hu](http://www.oktober23bizottsag.hu).

The following are our requests and questions:

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**I. THE STATUTORY BASIS OF POLICE ACTION**

1.) Our committee would like to see clearly *the statutory basis of measures/action by the Police on 23 October* with special regard to the constitutional principle of the rule of law. By 'statutory basis' we also mean the professional and technical standards aimed at implementing the Police Act (PA) and the Service Regulations and filling their provisions with content. Part of these is not available to the public, even though their content should not be 'secret' in a democratic rule of law. We therefore request that you forward to our committee the available ministerial instructions as well as instructions by the National Police Headquarters (NPH) and the Budapest Police Headquarters (BPH), circulars on methodology, and other possible standards providing guidelines concerning the following areas:

- detailed rules of the *size of force* to be deployed; What international/European standards do the Hungarian Police recognise with regard to crowd dispersion techniques, tools, and methods? What international and national standards specify the coercive tools and methods allowed for employment and the technique of their employment in the course of crowd dispersion by law enforcement action? We would like to familiarise with the content of these documents.
- *What are the procedures for determining hierarchy, and responsibility* in crowd dispersion and in employing collective police force?
- standards determining the *equipment and identification* of police officers
- standards concerning the *method and conditions of training* of police officers deployed in crowd dispersion and collective police action.
- *the conditions of catering/accommodation* and work of the police officers deployed collectively in crowd dispersion with special regard to the officers brought on location from the countryside (how long are allowed on duty without rest, what accommodation they receive, etc.)

**II. PREPARATION BY THE POLICE AND THE NATIONAL SECURITY FOR 23 OCTOBER 2006**

1.) What cooperation was there between the government and the police while preparing for 23 October? Did the Prime Minister or the Minister of Justice and Law Enforcement or any member of the government give any instructions to police managers, and if so to whom exactly and with what content in conjunction with police action related to 23 October?

2.) What preparatory measures restricting fundamental citizens' rights were taken in preparation for 23 October from a national security point of view? Who and on what grounds allowed wire tapping with special regard to the fact that on the basis of information disclosed to the wide public it is apparent that even a MP was subject to tapping? Was there judicial control to these decisions?

**III. QUESTIONS CONCERNING THE DEPLOYMENT OF COLLECTIVE FORCE AND THE POLICE FORCE ACTUALLY DEPLOYED**

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- 1.) Who, when and on what grounds ordered the deployment of collective force on 23 October 2006?
- 2.) How many people were summoned on duty from the Police in the interest of the 23 October collective deployment? Exactly who of these came from the Budapest Police Headquarters, and how many from Law Enforcement Security Service (LESS), or other police organisations (countryside county headquarters, etc.)?
- 3.) How many staff members deployed (absolute numbers and percentages) had had training in collective crowd dispersion?
- 4.) Did the force deployed receive collective crowd dispersion training prior to their deployment? Were they informed of the experience of crowd dispersion operations by the police between 19-21 September in the light of fierce criticism raised by legal protection [?] organisations (TASZ, Hungarian Helsinki Committee, National Legal Protection Foundation, etc.) voiced as a result of contravening the requirement of necessity, proportionality, and progressivity?  
Was staff to be deployed instructed at the pre-deployment briefing to comply fully with principles of necessity, proportionality, and progressivity, and – given the fact of the national holiday – with any other requirements?  
In sum: what was the content of the instruction given to the staff to be deployed?
- 5.) What general conditions characterised the accommodation and catering of the police staff to be deployed? Was there a maximum set to the number of hours spent on deployment, and if so did police officers receive the corresponding amount of resting time? Does police management have any knowledge on any individuals or any groups among the staff to be deployed using alcohol or some other narcotic drug, and being under the effect of these while on deployment? Is any investigation in progress in conjunction with that?
- 6.) Did the incumbent chiefs of staff gain sufficient conviction (and if so how) on whether the staff to be deployed are psychically, physically, and professionally suitable to deliver their tasks?
- 7.) Was the attention of the staff to be deployed called to the fact that a duly announced, i.e. lawful event attracting a particularly large crowd was going to be held in the afternoon of 23 October around the Astoria?
- 8.) What tasks did the law enforcement commissioner appointed by Police have in conjunction with securing the Fidesz event on 23 October? Did he maintain on-going contact with the event managers and the top management of the Police?
- 9.) Who and when gave instructions to refrain from using the police badges, and to use the masks preventing identification?  
Is the mask ('ski-mask' covering the face of the police officer rendering his face unidentifiable) a standard item in the tool set of the police, and if so, since when and on the basis of what statutory provision?

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10.) We have received several reports on non-Hungarian speaking police officers among those deployed on 23 October in Budapest. Does Police management or government have knowledge of any non-Hungarian, i.e. foreign police officers deployed? If so what is their explanation for that? Is there another explanation for the reports by citizens regarding the use of a foreign language?

11.) It is commonly known that privately owned security guard companies independent from the Hungarian Police also performed some tasks regarding the management of the celebrations on 23 October. Could employees of these security firms perform functions that are the exclusive competency of the Police based on applicable legislation? To put it differently: what was the exact description of the tasks of these security firms? Did the staff of these security firms to the best knowledge of Police management apply any coercive action or tool against citizens on 23 October?

12.) By today we know from judicial decisions that in the course of the September-October events on the streets of Budapest there were police officers in plain clothes among the crowd. What was the exact duty of the staff in plain clothes? Did 'police officers performing covered criminal surveillance' display exemplary behaviour when not taking immediate action upon noticing unlawful behaviour but acting as demonstrators playing up the mood of 'demonstrators'? (That's because such action qualifies as abetment.)

13.) The Police's Service Regulation provides: 'Planned application of collective force must be announced also on mass media. Departures from that requirement are only allowed if such announcement would jeopardise the effectiveness of planned police action. Such announcement must be initiated by the leader ordering the application of collective force.' (article 67, paragraph 5).

Did the announcement through the mass media take place as prescribed, and if so, when and in what way?

**IV. QUESTIONS RELATED TO THE POLICE SECURITY OF THE COLLECTIVE CELEBRATION ORGANISED BY FIDESZ AT ASTORIA, AND TO COLLECTIVE FORCE/COERSION APPLIED AGAINST PERSONS PLANNING TO LEAVE.**  
**QUESTIONS RELATED TO COLLECTIVE FORCE/COERSION APPLIED AGAINST PERSONS FORCED OUT OF KOSSUTH TÉR.**

1.). Did the sub-unit commanders of the staff deployed – including the lowest levels – have a street plan and a programme (as announced) of the Fidesz event? Police surveilled the venue for the whole duration of the Fidesz event from helicopter. Did the policeman on duty on board the helicopter provide on-going information to the leaders, commanders in charge concerning the movement of the crowd, and thus did he report the fact that the rally came to an end around 18 hours, and the crowd headed home in directions including Deák tér? How could it happen that the force deployed used particularly powerful tools and methods of crowd dispersion against a peaceful crowd on their way home from an announced lawful rally (teargas, charging by mounted police, beating with sword blade, shooting rubber bullets, etc.)?

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- 2.) Who, when and for what reason gave orders to the mounted police to charge against the crowd leaving the lawful rally on Károly körút from Astoria to Deák tér with the purpose of dispersing it?
- 3.) Why did the policemen force the demonstrators trying to access Kossuth tér, later forced out of Alkotmány utca to move toward Astoria? Why did the police keep demonstrators forced out of Alkotmány utca from leaving the venue toward the Nyugati tér flyover, or the direction of Nyugati tér? What was the purpose of the police's crowd dispersion action launched from the Nyugati tér flyover?
- 4.) What measures did the police take in order to protect the participants of the event lawfully announced and completed around Astoria from the subversive individuals, and to keep demonstrators forced out of Alkotmány utca to 'mix' with the crowd heading home from the lawful rally?

**V. QUESTIONS CONCERNING THE COERCIVE TOOLS/MEASURES APPLIED**

- 1.) Was there warning, and if so how many times with sufficiently loud technology prior to the deployment of coercive tools as required by 51 (1) of the Police Act toward the crowd moving from the lawfully announced event completed at Astoria toward Deák tér?
- 2.) Did the police comply with the requirement stating 'it is prohibited to restrict the crowd in leaving the venue' regarding those leaving the lawfully announced event at and around Astoria moving toward Deák tér (59 (3) of the Police Act)?
- 3.) Who, when and for what reason gave orders to use rubber bullets and who would have had authority and responsibility to terminate with immediate effect the use of rubber bullets due to statutory conditions not being in place or ceasing to exist (e.g. absence of an armed crowd)?
- 4.) What is the lawful and regular manner of using rubber bullets or tear gas as set out in training manuals and instructions with special regard to the trajectory of the bullet, the minimum distance of use, and shooting accuracy? Who and for what reason gave orders to shoot rubber bullets and tear gas grenades at head and upper body height as video footage proves? Is that technique/method in line with applicable national and international standards of the police profession, and with human rights?
- 5.) What kind, what quality, and what brand of tear and irritative ('pepper') gases did police use on 23 October 2006 in Budapest? Did these comply with applicable national and international standards? What is the Polices' source of procurement of these tear and irritative ('pepper') gases?

**VI. THE ASSESSMENT OF POLICE ACTION ON 23 OCTOBER 2006 TO DATE BY POLICE LEADERSHIP AND GOVERNMENT. LESSONS TO BE LEARNT, AND PREVENTION OF FURTHER OCCURRENCES**

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- 1.) What is the current assessment of police and/or government of police action on 23 October, and previously to that on the night of 19th and 20th in the light of investigations already completed and those presently in progress?
- 2.) What are the most important lessons to be learned by Police and government in conjunction with the police action in Budapest in September-October, and what changes are you planning to introduce concerning crowd dispersion and the relevant tools and methods, and concerning applying collective force?
- 3.) Please inform our committee and the Hungarian public on the strategies with which and the way in which the Ministry of Law Enforcement and Police prepare for bringing security during the festivities on 15 March in harmony with international human rights and professional law enforcement? Is it expected that the charging of mounted police at the celebrating crowd, and 'hitting with sword blade', shooting aimed rubber bullets at head height, and other outstanding coercive methods will be repeated?

We would like to thank the Police for expressing its willingness to cooperate with our committee through their spokesperson in the press. We look forward to receiving their response with respect and interest, and hope for an opportunity of personal consultation.

As our committee has neither infrastructure nor a secretariat of its own we kindly request that you forward your answers preferably in electronic format to the address of Krisztina Morvai at [kmorvai@axelero.hu](mailto:kmorvai@axelero.hu).

We further request that you send your answers preferably within a short period to our committee so that we can complete our investigation – to serve also the interests of the Police – and make our constructive recommendations.

Thanking you for your cooperation, respectfully yours

Dr. Miklós Völgyesi  
Retired Head of Council of the  
Penal College of the Supreme Court,  
co-chair of the Committee

Dr Krisztina Morvai  
lawyer, senior university lecturer  
co-chair of the committee

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**APPENDIX 4**

**Answer by Dr. Bene László national chief commissioner of police** to the questions of the Committee of the Civil Jurists

**(15 February 2007)**

**Dr Krisztina Morvai chairperson**

**Dr Miklós Völgyesi chairperson**

Civil lawyers' committee

**B u d a p e s t**

**Dear Mme Chairperson,**

**Dear Mr Chairperson,**

I would like to provide you with the following information concerning the questions in your letter addressed to the National Police Headquarters (NPH).

**I.**

**STATUTORY BASIS OF POLICE ACTION**

Available ministerial instructions, orders by the National and Budapest Police Headquarters (NPH, BPH), methodological circulars, and possible other legislation providing guidelines concerning the following areas:

**Detailed rules of applying collective force. What international/European standards do the Hungarian police recognise with regard to crowd dispersion techniques, tools, and methods? What international and national standards specify the coercive tools and methods allowed for employment and the technique of their employment in the course of crowd dispersion by law enforcement action? We would like to familiarise with the content of these sources.**

**what are the procedures of determining hierarchy, and responsibility in crowd dispersion and in employing collective police force;**

**standards determining the equipment and identification of police officers;**

**standards concerning the method and conditions of training of police officers deployed in crowd dispersion and in collective police action;**

**the conditions of catering/accommodation and work of the police officers deployed collectively in crowd dispersion with special regard to the officers brought on location from the countryside (how long are they allowed on duty without rest, what accommodation they receive, etc.)**

- *The detailed rules of applying collective force* are provided in article 58 of Act XXXIV of 1994 on the Police (hereinafter: AP), and the in article 67 of Ministry of the Interior decree 3/1995. (III.1.) on the Service Regulations of the Police (hereinafter: SRP) as well as the following internal rules applicable to manpower (the

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titles of standards whose publicity is limited by section (3) of article 19 of the Act on National Security, and on section (5) of Act 86 of the AP are underlined):

- Joint measure of the NPH Public Security Directorate and the NPH GIF Directorate 11/2000 (IX. 26.) on the maps to be applied in the course of tasks to be resolved through collective police action;
  - NPH measure issued for the implementation of the security plan of the national events of the Republic of Hungary on 15 March, 20 August and 23 October 34/2004 (X.19.)
  - NPH order on the modification of some NPH standards concerning the handling of mass demonstrations 15/2006. (XI. 3.) NPH;
  - 11/1998. (IV. 23.) NPH order on the issuing of the Troop Service Regulations of the Police of the Republic of Hungary (hereinafter: Troop Service Regulations)
  - 15/1995. (IX. 28.) NPH order on the issuing of the Canine and Equestrian [?] Service Regulations of the Police of the Republic of Hungary;
  - 23/1997. (XI. 27.) NPH order on the issuing of the Shooting instructions applicable to the Police of the Republic of Hungary;
- the standards governing the operation of the Police of the Republic of Hungary are in line with the EU requirements of legal harmony on tools [?], techniques and methods of crowd dispersion, and any regulations take place in the light of the foregoing;
- *the detailed rules of crowd dispersion* are determined in article 59 of the PA, and article 68 of SRP;
- *hierarchy of control and responsibility in the course of crowd dispersion by collective police action* – in addition to the relevant provisions of the PA, the SRP, and the Troop Service Regulation – is subject to the following internal standards (the titles of standards whose publicity is limited by section (3) of article 19 of the Act on National Security, and on section (5) of Act 86 of the AP are underlined):
- 5/2005. (III. 19.) NPH order on the organisational and operational regulations of the National Police Headquarters;
  - 42/2005 (IX. 29.) NPH measure on the order of maintaining contact with the press, and on the uniform provision of information;
  - 22/1999. (XI. 15.) NPH order on the duty service of the police, and the reporting obligation to be performed with its help.
- *Standards concerning the equipment, and identification of police officers* (the titles of standards whose publicity is limited by section (3) of article 19 of the Act on National Security, and on section (5) of Act 86 of the AP are underlined):
- Article 20 of the PA, and article 7 of the SRP;
  - 12/2006 (IX. 27.) on the issuing of the Clothing Regulations of the Police of the Republic of Hungary;

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- 34/2000. (X. 12.) NPH measure on the working clothes, protective clothing, and individual protective gear of the commissioned staff of the Police.
- 2/2006. (II. 13.) NPH order on the specification of the Police' standards concerning weapon and chemical protection supply plans and reserves of the same.
- *Standards related to the methods and conditions of training:*
  - Joint measure 4/1998. (VII. 31.) by the NPH Public security directorate, and the Personnel service manager concerning the staff of the companies of troop service, the requirements for sub-units, the order of preparing, and further training of staff;
  - 5/2005. (II. 03.) NPH Law Enforcement Security Service (LESS) measure concerning the application, and storage of armoured transport vehicle, and water canons, and the training of their operating personnel;
  - 7/2007. (I. 09.) NPH LESS measure concerning the implementation of the training tasks of the LESS;
- *Standards concerning providing for and the working conditions of police officers ordered to serve in collective action (the titles of standards whose publicity is limited by section (3) of article 19 of the Act on National Security, and on section (5) of Act 86 of the AP are underlined):*
  - Articles 84-86 of Act XLIII of 1996 on the Service relationship of the commissioned members of armed forces (hereinafter: CMA) on duty time, and articles 87-88 on excess service;
  - 17/2005. (XI. 5.) NPH order on the duty time of the commissioned members of the Police, and on service time rosters

In order to facilitate the work of the Committee I attach the NPH standards not under the restrictive effect of section (3) of article 19 of the Act on Data protection issued in conjunction with the questions in your query.

**II.**

**PREPARATIONS BY THE POLICE AND THE NATIONAL SECURITY FOR 23  
OCTOBER 2006**

**What cooperation took place between the government and the police in gearing up for 23 October?**

As with each national holiday, 23 October 2006 was also under the coordination of the Prime Minister's Office managing the role of authorities and organisations involved. The coordination committee included one leading member of the Police. Information flow was continuous, and all tasks of the police in conjunction with the festive events were prepared in line with previous agreements.

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In order to enable the festive events to celebrate the national holiday on Kossuth tér, and to prepare the required security operation by police we began discussions on 16 October with the representatives of demonstrating organisations with a view to ensuring sufficient security to foreign delegations coming to Hungary.

**Did the Prime Minister or the Minister of Justice and Law Enforcement or any member of the government give any instructions to police managers, and if so to whom exactly and with what content in conjunction with police action related to 23 October?**

- There was no special requirement expressed by either the government or the Police regarding the national holiday. All authority of control related to the Police was determined in articles 4-6 of the PA.

**What preparatory measures restricting fundamental citizens' rights were taken in preparation for 23 October from a national security point of view?**

- Article 74 of Act CXXV of 1995 on the National security services defines the concept of 'national security interest'. There were no restrictions on basic citizens' rights in the light of that for reasons of national security.

**Who and on what grounds allowed wire tapping with special regard to the fact that on the basis of information disclosed to the wide public it is apparent that even a MP was subject to tapping? Was there judicial control to these decisions?**

- The information was not generated in the course of the secret intelligence function established in chapter VII of the PA.

**III.**

**QUESTIONS CONCERNING THE EMPLOYMENT OF COLLECTIVE FORCE AND THE POLICE FORCE DEPLOYED**

**Who, when and on what grounds ordered the employment of collective force on 23 October 2006?**

- On the days prior to our national holiday there were rallies held on a continuous basis in line with the Act on the Freedom of association and recognised by the police. However, due to foreign delegations arriving to participate in the state ceremony it became necessary to search the area for security purposes. In conjunction with that necessity agreement was reached with demonstrators and the Police concerning the temporary evacuation of the square. At 02.00 hours on 23 October the Police began the security search of Kossuth tér. The majority of the 3-400 demonstrators still on the square left voluntarily while some passively resisted police action thereby the demonstration ceased to be peaceful as provided by the Act on the Freedom of association. Persons refusing to leave were subjected to personal coercion and were forced out of the square following verbal instruction, and so the event was dispersed.

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In the course of the search significant amounts of tools/equipment constituting particular jeopardy to public security were found piled up. In order to ensure the security of foreign protected persons the Police closed off the whole square.

- In spite of repeated announcement on national media that no civilians other than those specifically invited are allowed to attend the state ceremony on Kossuth tér, several hundreds of people attempted entry to the venue. A crowd of about 150 gathered in the crossing of Nádor utca and Garibaldi utca trying to disturb the ceremony by shouting and whistling. They were shaking the police fence in an attempt to remove it thus trying to enter the area.
- They remained unwilling to terminate that behaviour, so at 09.26 they were made to disperse by bodily coercion. during that period, at 09.25 a crowd of 100-150 people appeared at the crossing of Szalay utca and Falk Miksa utca trying likewise to disturb the state ceremony by shouting. Following relevant instructions the crowd was dispersed at 09.40.

At 10.42 a crowd of 100 appeared on the traffic lanes of Nyugati tér holding up the traffic, and refused to use the pavement despite specific instructions, and were therefore dispersed.

- At several points in the inner city various unannounced demonstrating groups gathered. One of these, counting about 1000 demonstrators united around the Basilica at around 11.30. The crowd chanted slogans and began to move toward the Astoria occupying the whole road reserved for traffic, then turned to Rákóczi út, then to József körút, and arrived in Corvin köz.

In spite of the legal conditions being present through lack of previous announcement, the Police – exercising a high degree of tolerance – failed to intervene it being a holiday, and because the crowd was peaceful and cooperative, and so the Police secured the crowd as they moved along.

- From that area, when the event was over, part of the crowd moved toward Bajcsy Zsilinszky út along József körút, and around 15.00 hours arrived at the police fence set up in the crossing of Alkotmány utca and Bajcsy Zsilinszky út. The moving of the crowd – in breach of Act III of 1989 on the Freedom of association (hereinafter: FA) – had not been announced. Yet the police did not launch an action of dispersion partly because the participants were not aggressive, and partly because we assumed that it was in fact a spontaneously gathering set of groups accessing the venue of lawful, announced events.
- The size of the crowd grew dynamically reaching about 2000 by 15.15, and made forceful entry to the area protected by the fence where two police officers were injured one of them with a knife.

Police force was re-deployed in order to handle the situation, and obeyed dispersion orders from the Budapest Chief commissioner of police on each location in view of articles 58-60 of the PA, articles 67-68 of the SRP, and article 14 of the Act on the Freedom of association.

**How many people were summoned on duty from the police in the interest of the 23 October collective deployment? Exactly who of these came from the Budapest Police**

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**Headquarters, and how many from Law Enforcement Security Service (LESS), or other police organisations (countryside county headquarters, etc.)?**

- Performing the tasks of securing the events of 23 October there were 750 policemen available from the staff of the LESS, and 1500 from the county police headquarters, and 600 policemen from the staff of that Budapest Police Headquarters all from the public order and the traffic sections of their respective agencies.
- It was necessary to concentrate that size of force because there were a total of 59 rallies announced by various municipal, NGO, and other organisations on top of the state ceremonies in Budapest. There were an additional 53 foreign delegations visiting requiring continuous securing of their movements between their accommodations and the venues they attended. Plus the delegations participated not only in the state ceremonies, but were also invited to a variety of events by their respective embassies, and international organisations which again required further manpower.
  - The commander of security decided at 15.15 mindful of the events at Alkotmány utca that they would redeploy forces and rearrange tasks. The sub-units were concentrated from public area staff, event security staff, and those guarding protected persons.

**How many of the staff deployed (absolute numbers and percentages) had had training in collective crowd dispersion?**

**Did the force deployed receive collective crowd dispersion training prior to their deployment?**

- All police officers involved in the events had the professional qualification and education required for their rank as Act XLIII of 1996 on the *Service relationship of the commissioned staff of armed organisations (SRA)* and Minister of the Interior decree 9/1997. (II. 12.) BM on *Some issues concerning the service relationship of the staff of agencies under the Minister of the Interior, and of members of the fire brigade operated by municipalities, and on the procedure of human resources management* appointment to a particular rank is conditional upon acquiring the relevant qualification. Students graduating from the Police Academy, or from the Vocational School for Law Enforcement receive training in troop service and pass an examination.
- We have implemented several measures over the last years in order to improve the effectiveness of companies of troop service in counties. We have placed great emphasis on implementing the training established in the joint measure of NPH Public Security Directorate and NPH SZFV 4/1998 (VII. 31.) issued as a guideline concerning the staff of troop service companies, requirements for sub-units, and the order and the subjects of the training, and further training of the staff. In order to increase the practical proficiency of our staff annual preparatory training sessions are held (the last one in the spring of 2006) under the leadership of LESS training personnel.

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**Did the force deployed receive collective crowd dispersion training prior to their deployment? Were they informed of the experience of crowd dispersion by the police between 19-21 September in the light of fierce criticism raised by legal protection organisations (TASZ, Hungarian Helsinki Committee, National Legal Protection Foundation, etc.) as a result of contravening the requirement of necessity, proportionality, and progressivity?**

- Findings of various law protection organisations, and investigative committees were continuously processed and assessed following the events in September. We communicated the relevant experience to our staff, and managers took the necessary measures to eliminate the deficiencies identified.

**Was staff to be deployed instructed at the pre-deployment briefing to comply fully with principle of necessity, proportionality, and progressivity, and – given the fact of the national holiday – to any other requirement?**

**In sum: what was the content of the instruction given to the staff to be deployed?**

- The commander of the security operations held an information session to the commanders of the sub-units, then the commanders of the service groups gave a detailed description of the current situation along with a technical analysis, setting out the tasks of the service groups, the order of cooperation and communication, the security rules to be observed, the times of readiness, and the limits and standards of the financial resources available.
- It was the task of the commanders of the service groups to communicate to their subordinates the regulations concerning the application of coercive tools – necessity, proportionateness, and progressivity.  
In the course of the information sessions the commanders called the attention of their staff that there were several events to be held in Budapest, and the party event announced to be organised at and around Astoria was one of particular significance, emphasizing that upon taking any action they should be as much as possible mindful of the nature of the festival and the elevated emotional state of the celebrating crowd.
- Observance and enforcement of the constitutional and statutory principles of legitimacy, objectivity, proficiency, proportionality, progressivity is a requirement for all organisational units of the police upon taking action and upon applying coercive measures including collective action.

**What general conditions characterised the accommodation and catering of the police staff to be deployed?**

- The police force concentrated and summoned from the countryside for extraordinary events are accommodated through a central orders by the BPH, and the NPH. The relevant staff of the BPH with residences outside Budapest were put up at resting facilities at the district police headquarters.

The staff summoned from the country were accommodated in police owned facilities (NPH Law Enforcement Agencies Training Centre Vágóhid Utca, NPH Training Directorate Dunakeszi, LESS Kerepesi út, BPH dormitories, etc.)

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Those participating in the security operation received all the statutory catering (three meals per day, mineral water, tea, etc.)

**Was there a maximum set to the number of hours spent on deployment, and if so did police officers receive the corresponding amount of resting time?**

- Service time and resting time are provided in the MPA and other regulations (Minister of the Interior decree 9/1997. (II. 12.) BM on Some issues concerning the service relationship of the staff of agencies under the Minister of the Interior, and of members of the fire brigade operated by municipalities, and on the procedure of human resources management, and Order 17/2005. (XI. 5.) NPH on the duty time of the commissioned members of the Police, and on service time rosters.
- Due to the exceptional task and situation we could not ensure the statutory resting time to all sub-units. All excess service was later compensated for.

**Does police management have any knowledge of any individuals or any groups among the staff to be deployed using alcohol or some other narcotic drug, and being under the effect of these while on deployment? Is any investigation in progress in conjunction with that?**

- Article 105 of the SRP regulates the manner of taking up duty, and defines the state suitable for taking action. It states that the police officer is allowed to take action and be on duty, if he/she is appropriately trained, healthy, and is not under the lethargic effect of either alcohol or medication, narcotic drug or any other drug.  
We did not experience any infringement on discipline of that nature during commander controls in the period indicated.

**Did the incumbent chiefs of staff gain sufficient conviction (and if so how) on whether the staff to be deployed are psychically, physically, and professionally apt to deliver their tasks?**

- Joint decree 21/2000 (VIII.23.) BM-IM-TNM on the medical, psychic, and physical aptitude of commissioned, public and civil servant staff of the armed forces, and the statement of their loss of earning capacity, and on the use of the Ministry of Interior's health service (hereinafter: joint decree) regulates the procedures for establishing the medical, psychic, and physical aptitude of the staff.

In accordance with the content of the joint decree the police agencies perform annual aptitude tests of their commissioned, civil and public servant staff. The psychic aptitude test of the commissioned staff takes place at set intervals for specific age groups (once each 3 years up to 40 years of age, once each 2 years between 41 and 50, and annually above 50), and physical (fitness) aptitude tests are performed annually under the age of 50. Thus knowing the results of the test each commander in charge of their staff and each commander-in-chief is aware of the current physical, health and mental state of their subordinates.

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**Was the attention of the staff to be deployed called to the fact that a duly reported, i.e. lawful event attracting a particularly large crowd was going to be held in the afternoon of 23 October around the Astoria?**

- Following up on the answer to the previous similar question, the staff to be deployed collectively was given all necessary information at special briefings concerning the situation as it evolved, and concerning all relevant detail regarding their tasks, which included the fact of the event organised by FIDESZ MPSZ.

**What tasks did the law enforcement commissioner commissioner appointed by Police have in conjunction with securing the Fidesz event on 23 October? Did he maintain on-going contact with the event managers and the top management of the Police?**

- The tasks of the law enforcement commissioner are laid down in article 12 of decree 15/1990. (V. 14.) BM. The law enforcement commissioner appointed for the rally performed his tasks in compliance with applicable legislation, i.e. he was in permanent contact with the organisers of the event, the head of the private security firm hired by the organisers present on location, the commanders of the Police force securing the perimeters of the event, the security command post, and the mobile leadership point, and the commander of the security operation.
- Both the law enforcement commissioner and the commander of the security operation were in constant communication with the persons in charge of the FIDESZ-MPSZ event and updated one another on most recent information.

**Who and when gave instructions to refrain from using the police badges, and to use the masks preventing identification?**

- It was a result of an incorrect construal of the relevant standard that not each police officer wore an identification badge. After the case, the chief commissioner of police took extraordinary measures to change the relevant internal standard, and to provide a spot on action gear for the identification badge and the embroidered identification sign.

**Is the mask ('ski-mask' covering the face of the police officer rendering his face unidentifiable) a standard item of police gear, and if so, since when and on the basis of what statutory provision?**

- The NOMEX hood has been adopted as a regular item pursuant to Section 29 of the appendix (standard for the commissioned staff of Police in terms of working clothes, protective clothing and individual protective equipment) to NPH measure No. 34/2000. (X. 12.) on the standard of working clothes, protective clothing and individual protective equipment, and pursuant to Subsection 2 (uniform-like working clothes and individual protective gear and its ornaments) of Section IV (products and equipment items for uniforms) of Chapter A) (a list of statutory products and tangible assets required by an approval by the Ministry of the Interior) of Appendix No. 1 of

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the Decree issued by the Ministry of the Interior No. 24/2002. (BK 17.) on the Regulatory Rules of the Ministry of the Interior, the commissioned staff of Police.

**We have received several reports on non-Hungarian speaking police officers among those deployed on 23 October in Budapest. Does Police management or government have knowledge of any non-Hungarian, i.e. foreign police officers deployed? If so what is their explanation for that? Is there another explanation for the reports by citizens regarding the use of a foreign language?**

- Either on 23 October, or in earlier times, no members of foreign law enforcement organisations have been involved in police assignments of security or crowd management.

**It is common knowledge that privately owned security guard companies independent from the Hungarian Police also performed some tasks regarding the management of the celebrations on 23 October. Could employees of these security firms perform functions that are the exclusive competency of the Police based on applicable legislation? To put it differently: what was the exact description of the tasks of these security firms?**

- The security staff carried performed their functions in line with the provisions of Act CXXXIII of 2005 on the rules of personal and property protection activities and private investigation. Based on the authorities provided by the law, the organiser assigns security firms to act as the security staff. To our information, the civilian security firm was employed by the event organiser to maintain order and assist with tasks of organisation.
- The Police did not use services of security firms; no assignments were specified for them, and no authority rights had been transferred to them.

**Did the staff of these security firms to the best knowledge of Police management apply any coercive action or tool against citizens on 23 October?**

- We have no information on any staff member of any civilian security firm participating in administering the events having exhibited unlawful conduct.

**By today we know from judicial decisions that in the course of the September and October events on the streets of Budapest there were police officers in plain clothes among the crowd. What was the exact duty of the staff in plain clothes?**

- The criminal investigation staff working on the premises participated in securing the events. Their assignment was to investigate upon persons that committed unlawful acts during a particular event.

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**Did the police officer performing “undercover criminal surveillance” exhibit behaviour complying with the requirements, when, detecting unlawful acts, did not take any action against the suspect, but acting as a demonstrator throughout, had an effect on “demonstrators”, which confirmed their intentions? (This case corresponds to aiding and abetting crime.)**

- The obligation of police officers to act is specified in Section (1) of Article 13 of the Police Act, and in Article 6 of the RSP. In case a police officer detects a crime, he/she should act in line with Article 12 of the RSP. Plain clothed police officers on duty may only initiate a police action if no uniformed police officer is present. The detectives cooperating in securing mass events were farther away from the unlawful acts, consequently, they could not have participated in committing these, and could not have had an effect on perpetrators, which confirmed their intentions. On detecting any infringement of law, they notified the uniformed police officers prepared to take action. The staff participating in securing the event carried out their work in compliance with these rules.

**The Service Regulations of the Police stipulates: „The deployment of collective force should be communicated also by way of mass communication media. Any deviation from this is permitted only if such communication endangered the success of police action. Communication is provided by the leader ordering the deployment of collective force.” (Section (5) of Article 67). Did the required communication take place through the mass media, when, and in what form?**

- As you are also aware, the public service, as well as multiple commercial televisions and radio stations – interrupting their programmes on multiple occasions – gave live footage on the premises. The speakers of the Police provided information through the media, in line with the provisions of law and the internal norms.

**IV.**

**QUESTIONS RELATED TO THE POLICE SECURING THE FESTIVE RALLY HELD BY FIDESZ AT ASTORIA, THE (COLLECTIVE FORCE) VIOLENCE AND COERCION APPLIED ON PARTICIPANTS INTENDING TO LEAVE. QUESTIONS RELATED TO THE COLLECTIVE FORCE VIOLENCE / COERCION APPLIED ON PERSONS SQUEEZED OUT OF KOSSUTH TÉR**

**Did the subunit commanders of the deployment staff – including the lowest levels – hold a ground plan and the announced programme of the FIDESZ rally?**

- In order to achieve an undisturbed event, the premises had been previously inspected by the following:
  - Szilvia Varga representing FIDESZ-MPSZ,
  - Lajos Varga and Zsolt Hampó representing the security company assigned by FIDESZ-MPSZ (Valton Security), and
  - expert BPH staff.

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Prior to the announcement and the inspection, the experts of BPH proposed multiple alternative premises to the event organiser of FIDESZ-MPSZ, considering the movements of the - large number of - foreign protected persons invited to the State Celebration, and the other events announced to be held in other areas of the capital. The organiser accepted none of these proposals.

BPH produced a security plan to implement police securing – with indicating all factual details laid down in the relevant regulation. A map of the premises was also attached to the plan, which ensured that the police subunit commanders participating in securing the event had all necessary information.

**The police monitored the premises throughout the FIDESZ rally from a helicopter. Did the police officer on duty on board the helicopter provide information to the leaders and commanders authorised to pass decisions on a continuous basis on the movements of the crowd, and on the fact that the rally ended at about 18.00 p.m., and the crowd headed for home, towards Deák tér, among others?**

- In the airspace of Budapest, one police helicopter was on duty. Its basic assignment was to secure the travels of foreign delegations from the air. The helicopter was patrolling the road from the city centre to Ferihegy airport on a continuous basis. On its duty, it returned to the district of Deák tér - Erzsébet tér - Bajcsy Zsilinszky út on multiple occasions, reported on the movement of the crowd at the security commander's request.

**How could it happen that the troops deployed performed crowd dispersion on this peaceful crowd heading for home from an announced celebration, using measures and methods of extraordinary weight (tear gas, charge of the mounted police, using the flat side of the sword, shooting rubber bullets, etc)?**

- The event announced to be held at Astoria and in the vicinity ended at about 17.45 p.m., then the participants left the premises in multiple directions, in large groups, among others – despite a request by the Police – to the direction of Deák tér. At about 17.50 p.m., the unpeaceful crowd – that had been confronting the police forces, attacked the police forces by starting two WW II armed military vehicles (one of them was a tracked combat vehicle). It was after this point that the security commander, following multiple warnings and instructions given to the crowd, issued an order to disperse the rioting group. Let me note that the police forces covered this distance of a couple of hundred metres to the line of Rákóczi út – Kossuth Lajos utca in nearly ninety minutes. The surrounding side-streets were penetrable from all directions, and the police kept calling on the crowd to leave the premises, using a public address system.

**Who issued an order to the mounted police unit to charge at the crowd leaving a lawful rally proceeding on Károly körút from Astoria towards Deák tér with the purpose of dispersing them - at around 18.03 p.m. -, and for what reason?**

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- After the even was over, a part of the participants leaving Astoria intended to proceed towards the public transport node at Deák tér – despite the earlier request by the Police. Presumably, they were unaware that a positioned fight was going on at Deák tér for over ninety minutes between the groups exhibiting aggressive and combative behaviour and the Police (crowd dispersion was stopped not to let rowdy elements disturb the rally held at Astoria). Although the peaceful citizens – who must have heard and seen the events going on on the square from the distance of Madách tér – tried to avoid groups throwing stones, bottles and various metal objects, they blended with the rowdy elements despite all their efforts.
- In order to secure the safety of passive persons, it was justified and expedient to separate the groups exhibiting aggressive behaviour. After the rally announced to be held in the area of Astoria and Rákóczi út was over, the on-site commander of dispersion – after multiple warnings – issued an order at 18.01 p.m. to break up and force the groups of persons exhibiting active resistance out of the area by deploying the mounted police unit.

**Why did the police squeeze demonstrators intending to enter Kossuth tér and then forced out of Alkotmány utca particularly towards Astoria?**

- At about 15.20 p.m., the crowd squeezed out of Kossuth tér, reaching the crossing of Alkotmány utca and Bajcsy-Zsilinszky út left in two directions. A minor part of them were proceeding in the direction of Nyugati tér (7-800 persons), while the other part towards Deák Ferenc tér.

The crowd in Bajcsy-Zsilinszky út was incessantly attacking the dispersing unit, and using a public transport bus, they blocked Bajcsy Zsilinszky út at Podmaniczky utca. Despite the fact that the crowd could have left the premises in multiple directions, they were proceeding on towards Deák tér at a fast pace. On their way, they damaged assets, and actively attacked units on duty. They were continuously growing in number.

The dispersion commander was certainly aware that the FIDESZ-MPSZ rally would commence at 16.00 p.m. near Astoria. By deploying the team closing the crossing of Arany János utca and Bajcsy Zsilinszky út, the operation head attempted to prevent any proceeding towards Astoria, but the armed crowd, benefiting from their headcount, broke through the police row, and passed on in Bajcsy Zsilinszky út. In order to prevent any further unlawful acts, the dispersion unit followed the crowd.

The commander stopped the operative unit moving forward at the line of József Attila utca and Andrásy út, and police forces were basically taking measures in order to filter and arrest disorderly elements, instead of squeezing the crowd out.

Concurrently, the staff also separated the area from Erzsébet tér, as the hotels Kempinsky and Le Meridien had protected delegations arriving at Hungary for the 50th anniversary of the revolution and war of independence.

The police were exposed to continuous attacks; accordingly, they were using tear gas and water cannons in order to keep their positions and prevent direct physical contact.

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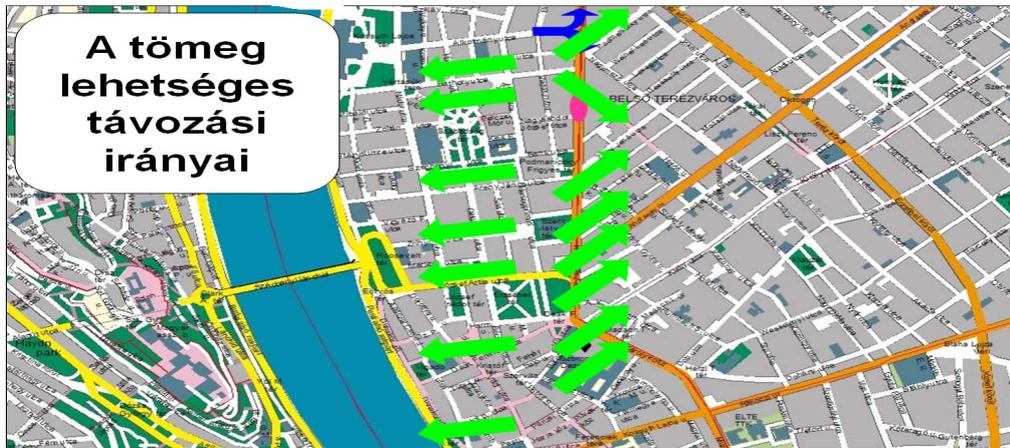
This helped to keep disorderly elements away from the police staff at a distance (beyond throwing distance) to prevent injuries, and they did not disturb the process of the rally organised by FIDESZ-MPSZ.

**Why did the police prevent demonstrators squeezed out of Alkotmány utca to leave the premises through the fly-over at Nyugati tér and towards Nyugati tér? What was the purpose of the crowd dispersion action initiated by the police on the fly-over at Nyugati tér?**

- The Police was not preventing the crowd from proceeding towards Nyugati tér, and they were free to use the full width of roads and pavements leading there.
- The police closed the fly-over – which is not allowed to be used for foot passengers from the direction of Bajcsy Zsilinszky út, anyway – because the subunits commanded to reinforce the police staff performing its duty in the vicinity of Alkotmány utca and Bajcsy Zsilinszky út used the route Váci út and the flyover at Nyugati tér to access the premises. The reinforcement forces commenced forming service groups and taking on the dispersing configuration only after the crowd had passed the drive-up section of the fly-over, towards Nyugati tér.

**What measures were taken by the police to protect the participants of the rally announced and held lawfully near Astoria and in the vicinity from disorderly elements, and to prevent the “blending” of demonstrators forced out of Alkotmány utca and the participants of the announced festive rally?**

- The commander of the police formation performing crowd dispersion in Bajcsy Zsilinszky út called on the crowd in each case to leave the premises, and also warned about the use of coercive measures, then allowing sufficient time for them to leave using previously referenced and unclosed streets.  
In two cases, – near Arany János utca and József Attila utca –, the police attempted to stop the crowd proceeding towards Astoria using isolating groups. AS events happened in an extremely short time, the planned actions were unsuccessful.



[Potential directions for the crowd to leave in]

- At the rally organised by FIDESZ-MPSZ, the commissioner of law and order appointed by the Police was present at all times. His/her information was used by the event organiser to call the crowd's attention to use safe routes to leave the premises. In the road sections between Astoria and Deák tér, the Police did not close a single street, in order to facilitate that those who detected the unlawful behaviour of the disorderly crowd can leave the area.

V.

**QUESTIONS RELATED TO THE COERCIVE MEASURES APPLIED**

**Was there a warning given using sufficiently audible devices, and if so, how many times, before applying specified coercive measures pursuant to Section (1) of Article 51 of the Police Act towards the crowd leaving for Deák tér from the lawfully announced and held event at and in the vicinity of Astoria?**

- The rules relevant to crowd dispersion and the method of performing it, such as calling on the crowd, the coercive measures that can be applied to crowds are contained in Chapter VI of the Police Act entitled „Coercive measures”, as well as Article 68 of the RSP. The police fence set up was demolished by the crowd on the north and south sides of Kossuth tér in the morning of 23 October 2006, and in Alkotmány utca in the afternoon, and the crowd also attacked the police. Before commencing the police measures to be applied against aggressive, combative and unlawfully gathered demonstrators (crowd dispersion), the commander of the police formation – in line with the provisions of law – called on to the crowd three times to stop unlawful acts, to the behaviour to be followed, and to leave the area.

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Subsequently, these calls were given each time prior to crowd dispersion operations, with the information stating what infringement of law the activity represents, and which directions to use to leave the area.

In addition to these, the commander of the police forces called the attention that provided the un lawful activity would go on, and are not dispersed, the police would apply coercive measures.

The crowd was called on using the two amplification vehicles regularly used by Security Policing. On each location, and before commencing any crowd dispersion operations, the demonstrators were called on as specified in the rules.

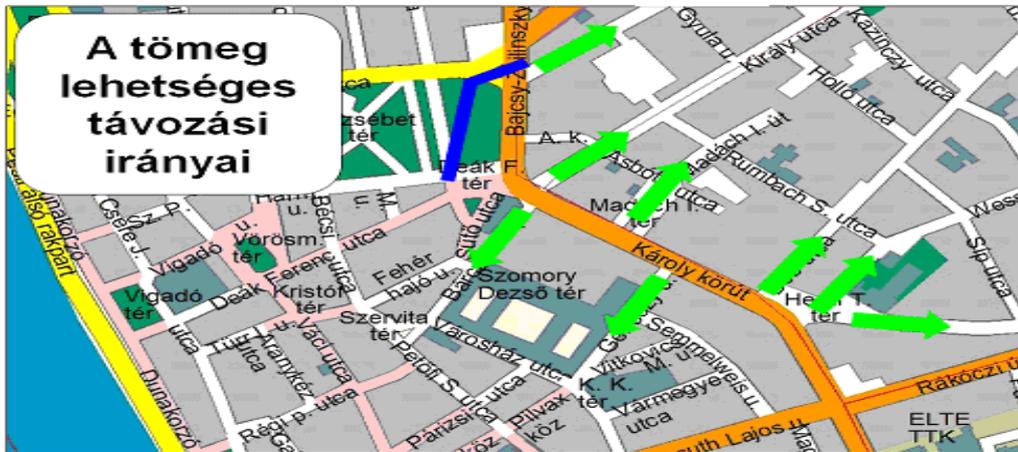
In addition to the three calls – on the instruction of the commander of operation – the handlers of “sound cannons” were continuously repeating the call on the crowd until the police operation was finished.

The two amplifiers of a performance of 300 W each were set on the roof of a vehicle of Lada Niva make. The amplifiers are positioned in the direction of the engine of the vehicle, and direct and broadcast sound forwards in angles of 60 degrees. Using the high performance amplifier equipment, the calls and any other communication are clearly audible from a distance of 300-500 metres, consequently, the participants of the demonstrations must have heard the calls. This circumstance is supported by the clauses specified in the argumentation of court rulings passed related to the events of 23 October in cases of misdemeanour.

**Did the police comply with the requirement banning „the prevention of the crowd from leaving the premises / Section (3) of Article 59 of the Police Act, in terms of those leaving from the lawfully announced rally from Astoria and the vicinity towards Deák tér?**

- By way of the communication mentioned above, the commissioner for law and order appointed for the rally and the commander of security made efforts to facilitate safe leaving for citizens observant of the law.

A free withdrawal was also assisted by the commander of the police force, as he informed the crowd on each call which way to leave the area – by specifying the exact street and direction. In addition, I consider it important to be emphasised that the units performing the dispersion moved slowly, covering only a couple of hundred metres in close to ninety minutes, and no streets were closed in the area in front of the line of dispersion. Accordingly, we used closing groups exclusively in areas vacated by police units, in order to prevent return. It is clearly visible from what was said above that the crowd had the possibility to leave freely, practically without any limitations, through any road and street.



[Potential directions for the crowd to leave in]

**Who issued the order to use rubber bullets, when, and for what reason, and whose competence and responsibility would it have been to provide for the use of rubber bullets to be stopped immediately in case the legal conditions were missing or had been eliminated (such as the absence of an armed crowd)?**

- If an unlawfully gathered crowd or a crowd exhibiting unlawful behaviour refuses to comply with the police's call to disperse, the police may apply water cannons, pyrotechnical devices, rubber bullets, nose gas, net, or forceful dispersion performed by the mounted unit or by a formation of vehicles, in addition to the coercive measures provided for in the Police Act.
- The commander of security determined the scope of coercive measures to be used. The police used rubber bullets against the disorderly elements throwing various objects suitable to take a human's life at the police units, and deemed as armed under these provisions – Subsection b) of Section 4 of Article 137 of Act IV of 1978 on the Criminal Code (hereinafter referred to as: CC), and Section b) of Article 15 of Act on the freedom of association, Articles 51-51 of the RSP on the use of coercive measures also contain general rules. On these grounds, – in line with Section (1) of Article 61 of the Police Act – the use of coercive measures must be preceded by a warning, however, if not facilitated by the circumstances, i.e. any delay would cause danger, the coercive measure may be used without a warning. Coercive measures may be applied on overcoming defiance. The elements of the notion of defiance are defined by Section (2) of Article 52 of RSP. The regulation relevant to using collective force and carrying out or controlling dispersion of crowd are contained in Articles 67-68 of RSP. According to Section c) of Article 68 of the RSP, the police may apply rubber bullets, pyrotechnical devices, or dispersion performed by the mounted unit or by a formation of vehicles to overcome the defiance of an armed crowd. Pursuant to Section b) of Article 15 of the Act on the right of free association referenced above – in a way coherent with the explanatory provisions specified in the Criminal Code – those holding devices suitable to be used to take

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human lives or to cause assault with the purpose to apply force or threatening, are deemed to be armed on public events.

**What is the lawful and regular manner of using rubber bullets or tear gas as set out in training manuals and instructions with special regard to the trajectory of the bullet, the minimum distance of use, and shooting accuracy?**

- The training and educational programmes applied with the police contain the methodological rules as to the practical use of coercive measures. Police officers operating special devices are trained through special courses and practise the proper use of each particular coercive measure/tool. Despite appropriate training, cases may occur when – given that the suspects are not located in isolation, but in a crowd – another person standing behind the armed target is hit by the rubber bullets because of the target’s movement.

**Who and for what reason gave orders to shoot rubber bullets and tear gas grenades at head and upper body height as video footage proves?**

- No commander gave such an order to his subordinates. On briefing, the method of applying special tools and compliance with rules had been specifically determined.

**Is that technique/method in line with applicable national and international standards of the police profession, and with human rights?**

- The Police Act provide a facility for the police to use rubber bullets on crowd dispersion, however, it also follows from the previous answers that the method of use is bound to rules.

**What kind, what quality, and what brand of tear and irritative (‘pepper’) gases did police use on 23 October 2006 in Budapest?**

Description	Active ingredient formula	Area of use
Universal Tear Gas grenade (UTGB)	ammonium-chloride phenacyl chloride potassium-nitrate	Chemical device and nose gas used for crowd dispersion
(chlorobenzal) malononitrile	chlorophenyl malononitrile chlorobenzal malononitrile dicyano-chloro styrene CS (tear gas)	
Phenacyl chloride	chlor-1-phenyletanon alfa-chloracetaphenone phenacyl-chloride	Nose gas used for crowd dispersion

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CURD S POLICE 400 ml SPRAY	nonivamide (PAVA)	Individual chemical device
PFEFFER self defence spray	Pepper gas	

**Did these comply with applicable national and international standards?**

- The products identified all comply with the requirements of the domestic provisions in effect.  
Based on the authorisation provided by the Police Act, the chemicals and irritative gases in use by the police are assigned a security data form containing the information on identification, hazardousness, handling, storage, transportation, and the working conditions incurring no health risks produced by the manufacturer or the importer in the Hungarian language, in line with Section (2) of Article 22 of Act XXV of 2000 on chemical safety.

**What is the Polices' source of procurement of these tear and irritative ('pepper') gases?**

- Organisations run on their own budgets within the police obtain the irritative gases and chemicals regularly used by them at their own cost from manufacturers and the trading companies.

**VI.**

***THE ASSESSMENT OF POLICE ACTION ON 23 OCTOBER 2006 TO DATE BY  
POLICE LEADERSHIP AND GOVERNMENT. LESSONS TO BE LEARNT, AND  
PREVENTION OF FURTHER OCCURRENCES***

**What is the current assessment of police and/or government of police action on 23 October, and previously to that on the night of 19th and 20th in the light of investigations already completed and those presently in progress?**

**What are the most important lessons to be learned for Police and government in conjunction with the police action in Budapest in September and October, and what changes are you planning to introduce concerning crowd dispersion and the relevant tools and methods, and concerning applying collective force?**

- We have no competence to make declarations in terms of lessons to the government.

Related to the handling of disturbances caused on 23 October, a detailed exploratory investigation is currently under way, which is expected to be completed by early April

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this year. In addition to an itemised analysis of the police actions, the committee will also establish consequences that gained relevance in the wake of those events.

**Please inform our committee and the Hungarian public on the strategies with which and the way in which the Ministry of Law Enforcement and Police prepare for bringing security during the festivities on 15 March in harmony with international human rights and professional law enforcement? Is it expected that the charging of mounted police at the celebrating crowd, and ‘hitting with sword blade’, shooting aimed rubber bullets at head height, and other outstanding coercive methods will be repeated?**

- The police is convinced that the populace of the country will celebrate on 15 March in a way worthy of the occasion and respecting the law. We will do all to guarantee the safety of the festivities, utilising our authorisation vested in us by law.

**Is it expected that the charge of the mounted police, the use of swords, aimed shots of rubber bullets at the height of eyes and other coercive measure of extraordinary weight will be repeatedly employed on 15 March?**

- The police will exclusively take action against perpetrators pursuant to the provisions of the Constitution and the relevant legislation.

**Dr Krisztina Morvai chairperson  
Dr Miklós Völgyesi chairperson**

I hope the answers given to your questions by the Police will sufficiently assist and support the committee’s work in forming an objective opinion.  
Should you need any additional information related to the topics indicated, or further questions arise, me and my colleague are willing to help.

I wish you success with your work for the future.