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Delegations will find attached the partially declassified version of the above-mentioned document.

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**ANNEX**

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THE EUROPEAN UNION**

**Brussels, 14 February 2005**

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EXT 1 (28.10.2011)**

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**NOTE**

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from: General Secretariat  
to: Working Party on Terrorism

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Subject : Evaluation of National Anti-Terrorist Arrangements  
Report about Hungary, 6-8 October 2004

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## Evaluation of Hungary, 6-8 2004

### SUMMARY

<b>1.</b>	<b>Terrorism Situation .....</b>	<b>3</b>
1.1	Domestic Terrorism .....	3
1.2	International Terrorism .....	3
<b>2.</b>	<b>Structure of Authorities .....</b>	<b>4</b>
2.1	General Structure.....	4
2.2	Political and Security Structure.....	4
2.2.1	Government .....	4
2.2.2	Legislative branch .....	5
2.2.3	Local Government.....	5
2.2.4	Courts .....	5
2.2.5	The National Police Machinery.....	6
2.2.6	The Intelligence Machinery .....	7
2.2.7	Co-ordinating bodies/entities .....	8
2.2.8	The fight against the financing of terrorism.....	8
2.2.9	Civil protection and management consequence .....	8
<b>3.</b>	<b>Summary of the evaluation .....</b>	<b>8</b>

## **1. Terrorism Situation**

### **1.1 Domestic Terrorism**

The competent authorities consider there is no terrorist threat with regard to domestic terrorism.

### **1.2 International Terrorism**

In general terms, Hungary pays attention to new and emerging threats, like international terrorism, the danger of proliferation of weapons of mass destruction, transnational organised crime, and failing states as grave menaces.

Based on the information available, the Anti Terrorism Co-ordination Committee and the Co-ordination Centre against Organised Crime came to the conclusion that Hungary could not be considered as a target of international terrorism, but in the near future – parallel with the international tendencies – the terrorism threat-level could get higher slowly in Hungary. This is supported by the fact that on 1 of October, 2004, one of the leaders of the al-Qaeda terrorist organisation issued a statement which called the Muslim world for organised resistance against the US and its allies, specifically mentioning Hungary.

The authorities do not consider being at risk in this field and no terrorist case or event in connection with the threat from international terrorism was recorded since December 1991<sup>1</sup>. In addition, there is no evidence regarding the presence of the al-Qaida organisation and/or affiliated in Hungary. However the presence of sympathisers cannot be ruled out and it is considered that Hungary could be used as a transit country

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<sup>1</sup> German terrorists committed a bomb attack against a bus driving to the Budapest Airport, transporting Jewish persons emigrating from the Soviet Union to Israel. The passengers were not injured but the car bomb hit the escorting police car, killing police officers.

However, there are Hungarian troops in Iraq and this is part of the threat evaluation as such<sup>2</sup>. Additionally and because of the situation in Europe, potential terrorist threat may be assessed high.

## **2. Structure of the Authorities**

### **2.1 General Structure**

Since the amendment of 23 October 1989 the Constitution states that the Republic of Hungary (Magyar Köztársaság) is a parliamentary republic.

The Constitution of 18 August 1949 was revised several times and, for instance, on 18 October 1989, a general revision created the constitutional framework of a parliamentary democracy. The last major amendment took place in 1997 (amendment on the judicial system).

Constitutionally, supreme power is vested in parliament. The Constitutional Court has powers to overturn legislation deemed to contradict the constitution

### **2.2 Political and Security Structure**

#### **2.2.1 Government**

The executive branch includes a head of state (for a five-year term), a head of government or Prime Minister that chairs a cabinet. The National Assembly elects the Prime Minister on the basis of the principle of parliamentary majority.

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<sup>2</sup> Since the evaluation visit, the situation has changed. The Hungarian Parliament decided not to prolong the mandate of the Hungarian military contingent in Iraq. The troops were withdrawn from Iraq in December 2004. Currently (as of January 2005), there are only a few Hungarian soldiers, escorting the equipment of the unit on its way to Hungary. However, it is the intention of the Government to send another unit to Iraq in 2005 in the framework of the planned NATO-mission. Furthermore, we suggest to add a reference to the presence of Hungarian military units in Afghanistan, Bosnia and Herzegovina, Kosovo and Macedonia.

The ministers are proposed by the Prime Minister, and appointed and relieved of their duties by the President of the Republic. Individual ministers in the government are not subject to parliamentary votes of confidence, but only to the Prime Minister's authority.

### **2.2.2 Legislative branch**

The legislative branch consists of an unicameral National Assembly or Országgyűlés (386 seats) that elects the President of the Republic, the Prime Minister, members of the Constitutional Court, the parliamentary commissioners for citizens (ombudsmen), the chairman of the Supreme Court and the Prosecutor General.

### **2.2.3 Local Government**

Hungary is divided into 3 131 Település or municipalities that are basic level of self-government, responsible for all matters that have not been assigned to other levels, 19 counties or megye (regional policy, with extensive powers in economic policy) and Budapest. 7 régió (regions) have been created (but these are purely administrative).

### **2.2.4 Courts**

The judiciary consists of

- the Supreme Court (The Supreme Court of the Republic of Hungary sets guidelines based on principles for the judicial work of every court of Article 47 of the Constitution)
- five courts of appeal (regional courts, which hear appeals to county court decisions)
- the county (metropolitan) courts
- and the local (metropolitan district) courts.

The National Judicial Council (Országos Igazságszolgáltatási Tanács) is responsible for the administration of courts.

The Chief Prosecutor and the Prosecutor's Office are responsible for the consistent prosecution of every act violating or endangering constitutional order or endangering the security and sovereignty of the country.

The Chief Prosecutor is elected by Parliament on the proposal of the President of the Republic (he is accountable to Parliament, and is obliged to report on his work). The President of the Republic appoints the deputies of the Chief Prosecutor on the proposal of the Chief Prosecutor.

Prosecutors carry out investigations in cases determined by the law, exercises supervision over the legality of criminal investigations, acts for the prosecution in proceedings before courts, and exercises supervision over the observance of legality in the administration of punishments.

### **2.2.5 The National Police machinery**

Act XXXIV of 1994 on the Police states that « the Police carries out the general investigative tasks for criminal offences, prevents and detects criminal offences ». Police bodies that directly contribute to the fight against terrorism are mainly the Anti Terrorism and Extremism Unit and the border guards. The Co-ordination Centre against Organised Crime also contributes to the fight against terrorism.

The Anti Terrorism and Extremism Unit (ATEU) is part of the National Bureau of Investigation at the National Police Headquarters its role is to investigate terrorist acts/activities including CBRN terrorism under the supervision of judicial authorities. This unit has an exclusive national competence and is empowered to exchange directly information with counter parts abroad.

The Border Guards, which is not part of the police, act under the supervision of the Ministry of the Interior and contribute to the fight against terrorism as mentioned in the National Action Plan e/g. by controlling the entry in the country and enhancing the control of aliens living in Hungary (cf the Border Registration System).

The Co-ordination Centre against Organised Crime (CCOC) is a co-operative independent interagency body whose main role is not to fight against terrorism but it can contribute to this within the remit of its responsibility and support law enforcement bodies and intelligence agencies. CCOC acts under the authority of the Government through the Minister of the Interior. Law enforcement bodies and intelligence agencies as well as the prosecution are “providers” and “consumers” of the CCOC outcomes.

### **2.2.6 The intelligence machinery.**

The intelligence machinery consists of 5 agencies as follows:

- the civil services are the Information Office that acts abroad and the National Security Office that operates internally
- the military agencies are the Military Intelligence Office (external competence) and the Military Security Office (internal competence).
- the fifth is the Special Service for National Security (SSNS), which is not a typical national security service. It supports, based on their requests, the work of all law enforcement agencies and other security services by using special investigative means and methods. Furthermore, SSNS acts as the national authority related to security documents and it also carries out expert activities (e.g. handwriting, linguistic features, voice and chemical analysis, graphology, analysis of explosives and residue of explosion).

The Government (via the Minister designated<sup>3</sup>) directs the Information Office, the National Security Office and the Special Service for National Security. The Military Intelligence Office and the Military Security Office are answerable to the Minister of Defence. In practice, the three civil national security services operate under the direction, supervision and control of the Minister leading the Prime Minister’s Office of Hungary. His work is assisted by a political state secretary responsible for the civil national security services and by the National Security Bureau of the Prime Minister’s Office.

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<sup>3</sup> Currently the person responsible (Minister) is the head of the Prime Minister’s Office. Usually, a minister without portfolio was responsible.

### **2.2.7 Co-ordinating bodies/entities**

- Following the bomb attacks in Istanbul, an Anti Terrorism Co-ordination Committee was set up at operational level (direct exchanges on current cases and strategic issues) and involves on weekly basis law enforcement bodies and intelligence agencies. Representatives of the cabinets of the National Security Cabinet and Minister of the Interior also attend meetings.
- The Government's National Security Cabinet is not a co-ordinating body as such but it ensures at ministerial level greater coherence in the area of national co-ordination in terms of both operational and strategic issues with a view to prepare and facilitate government decisions (guidelines...).
- The Inter-Ministerial Anti-Terror Task Force is a specific administrative body whose role is monitor the anti-terrorism strategy in the light of the EU and relevant international organisations' policies.

### **2.2.8 The fight against the financing of terrorism.**

Regarding investigations, the unit responsible for fighting the financing of terrorism is the FIU of the National Police Headquarters (National Bureau of Investigations).

### **2.2.9. Civil protection and management consequence.**

Hungary has a national civil protection mechanism to deal with major disasters including nuclear and radiological pollution. Under the direction of the Minister of the Interior, the National Directorate General for Disaster Management (NDGDM) is the key player in this area, including regional and local level.

## **3. Summary of the Evaluation**

- 3.1** Much has been done in the counter terrorism area with the ambition to effectively improve the capacity to prevent and combat terrorism including the fight against the financing of terrorism.

To learn from terrorist attacks abroad (Istanbul, Madrid in particular) in terms of national structural improvements is a remarkable approach that is to be clearly underlined.

From this perspective, the decision to define and set up a national action plan against terrorism as well as the decision to create an interministerial group with the aim to link the national strategy to EU and international strategies are also noteworthy.

Other good practices are as follows.

- The existence and the role as well as the mandate of the CCOC.
- The common or joint approach that effectively involves both the law enforcement bodies and the intelligence agencies in the counter terrorism area.
- Bilateral agreements linking the law enforcement bodies and the intelligence agencies. There is no apparent structural or factual difficulty to exchange and share information and no overlapping between the law enforcement bodies and the intelligence agencies.
- The Prime Minister's Office Bureau of National Security is developing a pilot project to create a IT communication system with the view to exchange information among all law enforcement bodies and intelligence agencies.

### **3.2 Recommendations**

- To set up a national plan for dealing specifically with terrorist attacks (warning and consequence management) on the basis of existing plans.
- To provide the Anti-terrorism Co-ordination Committee with ad hoc legal basis.
- To task a minister with a co-ordinating role and to nominate a national co-ordinator for terrorism at technical level.
- To speed up the process aiming at providing relevant players with a common integrated IT communication system.
- To appoint a Prosecutor acting as a national co-ordinator or a Special Prosecutor for Terrorism.