

## HUNGARIAN HELSINKI COMMITTEE

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### INFORMATION CONCERNING POLICE ACTION IN RECENT UNRESTS IN HUNGARY

#### September and October 2006

Additional information to the  
Hungarian Helsinki Committee's Shadow Report  
regarding the Fourth Periodic Report of Hungary under the  
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or  
Punishment

#### Background Information

On **18 September 2006 in Budapest**, a group of demonstrators marched from a peaceful demonstration held in front of the Parliament in protest of a speech made by the Prime Minister to the nearby office of the public television that was protected by handful policemen. In a battle that lasted for hours, about 300 violent demonstrators occupied and damaged the building, and over a hundred policemen were injured.

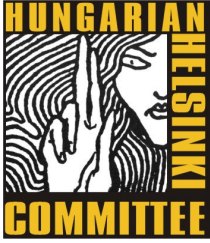
During the following nights (**19–21 September 2006**), there were further clashes between protesters and the police. From individual complaints and video recordings, it seems highly likely that in a number of instances the police used excessive force, sometimes against peaceful demonstrators, on-lookers or people simply on their way home. On 21 September, for instance, journalists witnessed that policemen seriously ill-treated 6 to 8 young people who had not participated in the riots, and left them on the spot (one of them with hands tied behind his back), and the journalists had to call an ambulance for them. The fact that following the physical violence these persons were not arrested makes it highly probable that the police measures were illegal.

In the early morning on **23 October 2006**, before the celebration of the 50th anniversary of the 1956 Revolution the police forced the demonstrators to leave the square in front of the Parliament because of safety reasons as high level representatives of 56 states were expected to the same place for the official ceremonies. Later that day an unannounced demonstration started to approach the building of the Parliament. The police tried to break up the crowd that became violent. They moved (or were forced by the police to move) toward the rally of the opposition FIDESZ – Civic Party, which was held in the afternoon hours at a downtown square. The violent demonstrators were throwing stones, bottles toward the police, allegedly also bottles with fuel (Molotov-cocktail) and set up barricades at several locations. The police used – among others – water guns, tear-gas and rubber bullets. The street fights went on until 2 a. m. on October 24.

Recordings of the events make it unquestionable that although the police order to put an end to the riots was fundamentally lawful, police officers committed ill-treatment on a number of occasions. In one of the news broadcasts, it was clearly visible that a person is held lying on the ground by two or three policemen, and several police officers just passing by kick or hit the defenseless man showing no resistance. Recordings of some other similar incidents are also available on the internet.<sup>1</sup>

The number of criminal proceedings launched against police officers on counts of ill-treatment with regard to the September and October incidents is 31 and 52 respectively.

<sup>1</sup> See for example: <http://www.youtube.com/watch?v=TNsib28r43g>



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### Issues of concern arising in connection with the events

#### 1. Police leadership apparently unwilling to look into individual complaints

On 24 October 2006, Commander of the Budapest Police Headquarters, Péter Gergényi held a press conference. In the conference, he stated that all police action in Budapest was strict but lawful and professionally satisfactory. Replying to questions about obvious and recorded violations by the police the Budapest police chief said that: (i) anyone who has a complaint, should file a report with the prosecutor's office because the police have no tasks regarding such complaints; (ii) no one should hope for any compensation from the police for his/her injuries; (iii) he is not willing to launch any examination into alleged ill-treatment complaints.

It is true that under Hungarian law, it is the task of the prosecutor's office to investigate crimes committed by police officers. However, under the Act XLIII of 1996 on the Status of Professional Members of Armed Law Enforcement Organizations, it shall be the obligation of the superior officer to launch a disciplinary proceeding against any police officer violating his/her obligations (committing a criminal offence would definitely qualify as such). The disciplinary proceeding can be suspended until the end of the criminal procedure; this however does not concern in any way the superior officer's obligation launch such a proceeding in every case when the suspicion of a violation occurs. Therefore, Mr. Gergényi's position is clearly in contradiction with the law.

#### 2. Lack of accountability of individual police officers affirmed by the unlawful order of National Police Chief

The majority of police officers who had taken part in the incidents wore so-called "assault" uniforms with helmets. Some police officers also wore masks. These police officers did not wear any identification badges (neither service insignia nor identification numbers), making any future identification (and accountability) nearly impossible. Though the wearing of identification signs for police officers is prescribed by Act XXXIV of 1994 on the Police, on 21 September (i.e. during the also debated September police actions), the National Police Chief issued an order (no. 16/2006) that came into force on 1 October and enabled the commanders of police force units to order the personnel dispatched not to use any identification during action. The order – based on which about 60 percent of acting police officers had no identification badges on 23 October – is clearly in contradiction with the law. The reactions and communication of the police leaders about the order were also quite confusing: first they denied the existence of such an order, then the national police chief described the order as completely legal, but otherwise provided no exact explanation for its rationale, even when asked by MP's at a special parliamentary committee session.