

**Report of the Special Commission of
Experts on the Demonstrations, Street
Riots and Police Measures in
September–October 2006**

Summary of Conclusions and Recommendations

February 2, 2007

Members of the Commission

Chair

Katalin **Gönczöl**, Professor of Criminology, former Ombudsman, Chief Advisor, Ministry of Justice and Law Enforcement

Members

György **Csepli**, Professor of Social Psychology

Kálmán **Györgyi**, Chief Prosecutor of Hungary (ret.), Chief Advisor, Ministry of Justice and Law Enforcement

Gábor **Halmi**, Professor of Constitutional Law

Antal **Kacziba**, Major General, Hungarian Police (ret.)

Mária **Ormos**, Professor of History, Member of the Hungarian Academy of Sciences

Ferenc **Pataki**, Professor of Social Psychology, Member of the Hungarian Academy of Sciences

Judit **Tóth**, Associate Professor of Constitutional Law, Advisor, Ministry of Justice and Law Enforcement

Mihály **Vörösmarti**, Brigadier General, Hungarian Police (ret.)

1. Tasks of the Commission

On November 6, 2006, through Resolution No. 1105 the Government set up an expert Commission for the analysis of the events related to the demonstrations, street riots and maintenance of order measures in Budapest in the September–October 2006 time period. The Resolution provided that the Commission should prepare its report and recommendations within 60 working days. According to the Resolution the tasks of the Commission are as follows:

- a) analysis concerning the historical background of the events;
- b) analysis of the social (mass psychological and socio-psychological) antecedents, concomitants and consequences of the events;
- c) examination of the proportionality of the measures taken by the authorities, furthermore
- d) evaluation of the institutional, legal and other regulatory frameworks with respect to the actions taken by the authorities, with special regard to the human rights of those affected.

The Commission assessed the events that have occurred since 1944 from a historical perspective and those that have occurred since 1989 in a constitutional law context. The Commission studied the events that occurred in Budapest from September 17 to November 4, 2006 in detail. Based on the above, the Commission formulated a number of recommendations.

The Commission adopted the findings of the report and its own recommendations by consensus. Its members, however, reserved the right to express dissenting or concurring opinions regarding certain parts of the text. Such opinions are to be found at the end of the relevant chapters.

The Commission used sociological, socio-psychological, political, legal, criminal and socio-econometric studies, legislative and case law-related analyses, some of which had been specifically prepared by order of the Commission. The Commission also took note of public documents (press releases, website publications, etc.), as well as the reports and factual findings of investigations carried out by the National Police Headquarters, the Budapest Police Headquarters, the National Security Office, the National Headquarters of the Prison Service and the Prosecutor General's Office. Further sources included the unclassified parts of the Minutes of the Meetings held by the competent Parliamentary Committees on October 31, 2006, the presentations of the National Police Headquarters and data provided by the Ministry of Health and the Ministry of Finance.

Having fulfilled its mandate, the Commission expresses its gratitude to the state agencies, researchers and NGOs who co-operated in the investigation.

2. Principles guiding the examination carried out by the Commission

The Commission understands the events that have occurred as a unified and related social-historical series of events, which can only be explained properly in this capacity. Specific elements of what occurred in the examined timeframe may not be arbitrarily torn out from the context of the entire chain of events. The Commission has endeavoured to provide a comprehensive analysis of the past events, covering all possible contexts involved, without any pre-conception or intention to justify any version of the existing political interpretations.

There is an extensive chain of causalities involving several factors which form the background to the examined events. The chronological characteristics of certain elements of this chain are entirely dissimilar, some being rooted several decades in the past and others based on events directly preceding the events in question. The most recent triggering factor—or cause, so interpreted—does not serve as an adequate ultimate explanation. Many have quoted the Prime Minister's Balatonöszöd speech [on May 26, 2006] which otherwise can rightly be criticized based on its content and form, as such a cause. An analysis, however, may not rest content with an examination of a direct triggering cause only, and especially not with the examination of the event designated as such. Indeed it is the Commission's duty to explore the social evolutionary process leading up to the events in question.

The Commission had no intention to assume the constitutional responsibilities of the democratic institutions of a state under the rule of law and therefore it consistently excluded itself from the examination of individual cases. The evaluation and sanctioning individual cases is, as a matter of fact, the responsibility of the relevant constitutional institutions. At the same time the Commission took into account the fact finding records prepared by various NGOs.

The general public is prone to considering the main objective of such investigations to be the determining of responsibility, especially individual/personal responsibility. Such an approach, however, has considerable limitations, since not all the actors of the public political arena can be personified. Beyond the individuals there are collective actors as well, including political parties or spontaneous or semi-spontaneous movements and ad hoc assemblies, too. The responsibility of such actors must be weighed differently, moreover clear distinctions can be made between legal, political, moral and cultural-civilizational associated responsibilities. While all the actors of the current domestic political arena are responsible for the situation that has emerged and the events that have occurred, the extent and degree of this responsibility is not identical. The Commission therefore did not primarily strive to determine responsibility, but endeavoured to formulate recommendations for the Government concerning the measures to be taken. Indeed the Commission considered that it is in the interest of the entire society that in the future continuously emerging conflicts are prevented from escalating to an extent experienced last September and October.

Amid the current deeply divided political situation and climate of opinion it is hardly to be expected that a general consensus as regards the assessment of the examined events can be reached. It is fair to assume, as it often happens, that alternative versions of such an analysis will be elaborated. Even the points of departure are often debated: what exactly happened? It may prove to be useful in such situations if all positions are made clear and backed up by the facts they are based on, with the respective logic of analysis clearly expressed. This method may contribute to the evolution of a fruitful dialogue between the different interpretations or, even more, to an increasing number of elements mutually accepted by consensus.

3. Findings, Conclusions and Recommendations

3.1. Historical and Social Causes

1. There are a number of underlying determining factors regarding the public unrest which took place in September-October, 2006. One such factor is the still unhealed feeling of injured national consciousness. Such factors also include the long chain of grave violations of law, continuing to the present day, whose affects have been felt in the life of families and whose remedy has been partial and sporadic. Another such factor is the fear triggered by the announcement of the new reform measures of the current Government, the poor communication of the elements of those policies and, finally, the intention of the opposition to overthrow the Government. All these have been coupled with other current events, such as the selective publication and misapplication of the Prime Minister's Balatonőszöd speech or the tendentious exploitation of the 50th anniversary of the 1956 [revolution on October 23]. It was to these latter events that groups representing the radical extreme right wing attached themselves and exploited to carry out acts of physical aggression.

2. The political transformation of the post communist era has resulted in a long process of differentiation of the more or less structureless society, in the course of which many have been marginalized, while others have advanced. The privatization and the accumulation of wealth triggered indignation in several groups of the society. The Hungarian society has not yet developed the structures to fit the framework of current globalization, and the society has not yet become amalgamated as an integral whole. One side consists of various different individuals disappointed in their political expectations, while the other consists of those who are primarily preoccupied with the intentions of the former.

The dissatisfaction in many layers of the society is fuelled by the fact that a considerable part of the expectations and illusions regarding the political transformation have failed to materialize. The effects of fulfilled expectations (e.g. EU accession, availability of EU grants), on the other hand, have not been realized by large swaths of the society. The issue of the national consciousness has not been settled either. In addition to the existing distorted views concerning history, the definition of the nation itself is also subject to debate. In contrast, there are certain dangerous ideas spreading regarding the notion of democracy, according to which the constitutional representational system of the parliamentary democracy may be replaced by the uncontrollable democracy of the street.

The desolation of certain groups poses a serious problem for the entirety of the society. From among these groups the youth are of particular importance, while certain rural communities have also been heavily marginalized. The former institutional frameworks of cohesion and socialization have collapsed, while new ones have hardly been created. A considerable portion of the youth is drifting and, in the absence of solid relationships, can easily be attracted by perilous ventures. It is not by chance, therefore, that their participation in violent street assaults is over represented. In fact, while affecting poorer regions more seriously, fragmentation and disintegration is characteristic of nearly the entire society.

3. The tasks facing the leaders of the political parties at the time of the political transformation were unknown to them at the time; they were mostly inexperienced regarding how to formulate and determine the modern version of the portion of the political spectrum to which they belonged. In addition, from the very beginning of the transition until 2006 they had been explicitly fearful of infuriating massive layers of the society by initiating necessary in-depth reforms and thus jeopardizing their governmental position. As a result, these political actors

have jointly postponed the restructuring of social distribution systems, the consequences of which are now seriously affecting not only the Government, but the whole society. By the spring of 2006, both the illusory slogan of the “transition to a welfare society” on one side and the unscrupulous mass of promises on the other side had become equally obsolete. This contributed to wide spread uncertainty and made the unsatisfied masses passionate. Although in differing degrees, the entire political establishment is responsible for the situation that has emerged, and the weight of this responsibility is increasing over time. Indeed the responsibility is shared by the public media and social science intellectuals as well.

The nodes of long term trends and those current causes, reasons and pretexts triggering passion and aggression have been arranged into a seemingly unified, however in reality not nearly uniform, phenomenon by the politics of the leadership of Federation of Young Democrats [Fidesz]. After the political defeat suffered during the 2002 elections, the party had been conducting a relentless and offensive political strategy, which after the repeated defeat in 2006 was followed by government-overthrowing plans promising rapid success. This is why the leaders and members of extreme right radical groups could rightly believe for a certain while that the main opposition party was not only encouraging them, but actually backing them up. The turmoil, however, did not garner the expected broad social support and thus despite the initial shortfalls in the effectiveness of the actions of the authorities responsible for the maintenance of public order, the constitutional order survived.

As a result of the political division, everyday life had become heavily over politicized. Issues had lost their proper meaning; it was merely their political context, interpretation and exploitability that mattered. The reasonable, rational handling of reality had been replaced by the prevalence of emotions. Life had become obsessed with simplified schematic thinking and the endless repetition of slogans. Increasing use of the populist techniques of “modern” mass politics and mass manipulation based on inducing passion was observable in public life. (Mr. Antal Kacziba attached a concurring opinion on the impact of the sub-culture of criminal violence on the events.)

4. Public opinion poll data shows that the prevailing situation is less and less tolerated by society. The general acceptance of all politicians and parties has significantly declined, and under such circumstances it is increasingly difficult to accept the planned reforms with the public.

Having regard to all the above, the Commission *recommends* that in its science policy the Government place significantly greater emphasis on

- a) the exploration and clarification of the different interpretations of the notion of nation;
- b) examination of the current structure and the integrating/disintegrating factors of the Hungarian society;
- c) on youth and public education matters.

The Commission *recommends* the Government

- a) develop a youth policy which, among others, reckons with the above factors;
- b) make efforts to modernize history education and civics education at school;
- c) set up an interagency Commission with the purpose of reviewing the issues related to child poverty, school provision, segregation, moreover questions concerning education, culture and sports contributing to the integration of the youth, furthermore issues of juvenile’s deviant behaviour;

- d) assess the actual community and educational status of small settlements and least developed regions and to elaborate the modalities of social and cultural inclusion.

The Commission *recommends* that the Government eliminate those factors from its public communications that increase social uncertainty and fear in order to avoid the impression of improvisation with regard to its specific decisions pertaining to economic reforms. The Government should place emphasis on the unambiguousness and clarity of communications channelled to the population. The Government should prepare a communications plan and its communications should focus more on the following:

- a) Hungary's new international position, compared to the different eras of the last century;
- b) the real significance European Union membership;
- c) the purpose of the current and future reforms, their deliberate layout and expected impact.

The Commission *recommends* that with a view to improving the grounding and social acceptance of the long-term in-depth reforms, the Government extend the scope of co-operation with the organizations and experts concerned, moreover delegate the responsibility of decision making to the lowest possible level according to the principle of subsidiarity.

3.2. The Political and Constitutional Regime Change in Hungary

1. The events under examination have shed light on the fact that the consensus regarding the basic elements of the constitutional system, reached by the actors of the political scene in Hungary during the course of the political transformation and reinforced through democratic elections ever since, has broken up. The street-centred emotional political conduct led by a part of the parliamentary opposition last September and October, which questioned the results of the general elections and aimed to overthrow the Government, jeopardized the parliamentary democracy but did not throw the constitutional regime itself into crisis. In comparison with other situations of near constitutional crisis a new element was the open street violence and the attempt to exploit "direct democracy" with the purpose of overthrowing the democratically elected government.

2. At the onset of the events the Prime Minister underestimated the possible consequences of the disclosure of the Balatonöszöd speech and thus did not recognize the possibility of the emergence of a political crisis and therefore could not respond adequately.

3. The attempts of the President of the Republic to solve the conflict, which emphasized the emergence of a moral crisis and stretched the limits of his legal powers, and which were not without bias, had the result of potentially wakening false concepts, which did not foster the improvement of the constitutional situation.

4. The initiatives of the parliamentary opposition, aiming at the incapacitation of certain elements of the Government reform plans by means of referendum can, in the absence of a Constitutional Court refusal, potentially be suitable for altering the constitutionally stipulated proportion of representational democracy versus direct democracy in favour of the latter, resulting in the significant destabilization of the constitutional system.

5. Hungary is facing the potential threat of developing a “constitutional dictatorship” since the current electoral system, disproportionately rewarding the winner of general elections, enables a single party to reach a two-third majority and thus determine the future constitutional setup at will, without the constraint of reaching consensus.

The Commission *recommends* that the Government repeat its attempt to develop and pass a new, difficult to amend constitution, which at the same time retains the current constitutional structure. In this way the main political actors could declare their support for constitutionality in general and for the constitutional structure based on the primacy of representational democracy formed in 1989-1990 in particular.

6. In the course of the fall events some recommended that the perpetrators of the unlawful violent acts be given amnesty, as had happened with the participators of the Taxi Driver Demonstration in October, 1990. These two events, however, were significantly different: in 1990 no violent acts against persons or property were committed during the road blockades, moreover ongoing negotiations between the protesters and the authorities continued from beginning to end. Amnesty was therefore justified at that time. In contrast as regards the perpetrators of the fall 2006 violent acts, a general pardon is not applicable due to the nature and gravity of the offences.

The Commission *does not recommend* that perpetrators committing criminal offences in the period examined be accorded amnesty.

3.3. Right of Assembly

1. The Budapest Police Headquarters unlawfully acknowledged a claim for assembly for several months on Kossuth Square [in front of the Parliament] following which it failed to disperse the ongoing, however unregistered demonstration. The Budapest Police Headquarters, acting similarly in an unlawful manner, classified the demonstrations at Kossuth Square as election rallies. Later, during the political campaign prohibition period preceding the [1 October 2006] municipal elections, these same events were classified as cultural events. These law enforcement decisions were basically not attributable to shortcomings of the Act on Assembly, but were the consequences of the misinterpretation of the law.

2. The events that occurred in the fall of 2006 do not justify substantial restrictions to be applied to the law of assembly. At most they justify a more detailed specification of certain provisions. Certain minor amendments may, however, be necessary for the purpose of assisting law enforcement bodies and protecting the rights of those asserting their right to assemble.

The Commission *recommends* that the Government draft an amendment of the Act on Assembly. The law should

- a) stipulate that the maximum duration of any demonstration shall not exceed 24 hours;
- b) clearly pronounce that it shall not be required of the organizer of the gathering to obtain separate official permission, or approval of the owner of the public property, for the setting up of a temporary stage and the installation of amplification and /or projection systems needed for the event;
- c) lay down that the time between the registration and the beginning of the assembly shall drop to 6-8 hours. (In his dissenting opinion Mr. Gábor Halmai says that

enabling spontaneous gatherings without advance registration would be more advisable);

- d) revert to the original wording of the legislation passed in 1989, which prohibited the holding of events in areas adjacent to the House of Parliament.

Having regard to Article 46 of the Act on Police and to the safety of protected persons of vital importance regarding the interests of the Republic of Hungary, the Chief Commissioner of the Budapest Police Headquarters pronounced Kossuth Square a closed area on October 23, 2006. The provision was initially made for a period until midnight of November 24 and was later extended by the Chief Commissioner until such time as may be necessary. The Commission is of the view that the duration of closure of public spaces for such purposes is governed by the principle of necessity. (Mr. Gábor Halmai says in his dissenting opinion that the closure of Kossuth Square is no longer justified.)

3.4. The Constitutional and Organizational Frameworks for the Safeguarding of Public Security

1. The law enforcement [i.e. police] strategy of the Government has not been elaborated since the political transformation of 1989. Consequently, the current organizational system does not comply with the requirements of a democratic constitutional state.

The Commission *recommends* that the Government elaborate a comprehensive law enforcement [police] strategy. The Government should furthermore determine the main direction the strategy should take and professional and sectoral duties, as well as the relationship between law enforcement and the judiciary. With a view to ensuring the continuous implementation of such a strategy over succeeding election cycles, the Government should also seek and reach a consensus of the parliamentary parties. (Mr. Antal Kacziba attached a concurring opinion on the principles of law enforcement administration.)

2. It is against the Constitution that the operation of the Law Enforcement and Security Service [of the Police–REBISZ], charged with monitoring and protecting law enforcement personnel, is regulated by a legal instrument other than an act of the Parliament.

The Commission *recommends* that the Government draft an Act of Parliament on this Service.

3. Public order related spending in Hungary is in excess of the relevant average budget of EU Member States. The expenditures, however, are not in line with the effectiveness of the work performed.

The Commission *recommends* that in the course of elaborating the state reform and law enforcement [police] strategy the Government assess the possible modalities of solving the funding problems in law enforcement, including the improvement of cost effectiveness.

4. Since the political transformation the Police have been increasingly given tasks that are not directly linked with the protection of public security. As regards the tasks, responsibilities and division of labour, there is currently no clear distinction between public security to be funded from the state budget and private security.

The Commission *recommends* that in the course of developing the law enforcement strategy, the Government assess the possible division of tasks, responsibilities and

labour, having regard to the distinction between the protection of public and private security.

5. The restructuring of the law enforcement system to meet the requirements emerging from international co-operation and integration after the political transition was often confined to rapid legislation and formal reorganization. In fact, to date no decisive change in attitude and working methods has taken place.

The Commission *recommends* that the Police include in the curriculum of their own training the requirements and norms of integration into the international legal system, moreover the recommendations on ethical norms of the UN General Assembly pertaining to policing. The Police should also update their service regulations accordingly.

6. The real strength of law enforcement bodies in case of riot control deployments does not primarily depend on the use and usability of the means of coercion, but rather on the unified and concerted action and the competency thereof.

The Commission *recommends* that while sustaining the current force structure of police organizations, missions of nationwide magnitude (including complex, combined and joint missions, moreover deployments of international scope) be accomplished through the involvement of Law Enforcement and Security Service [of the Police–REBISZ] having a higher operational value; the equipment of this unit shall be upgraded.

7. The legislation in force pertaining to the use of force and riot control deployments is not compliant with the requirement of legal security, namely because it does not contain a detailed specification on the use of means to be applied during forced dispersion of crowds. The legislation in force, moreover, fails to outline the precise rules pertaining to the use of rubber bullets. During the fall events the legal safeguards ensuring that police officers deployed in troop force are identifiable were infringed by a lower-level regulation. The Chief Commissioner of the National Police Headquarters corrected that discrepancy in his order issued on November 3, 2006, reverting to the provisions of the Act on Police. There is no publicly available document, however, that outlines the rules pertaining to the use of the means of coercion.

The Commission *recommends* that the methods of the use of force, with special regard to riot control, be regulated by means of legislation, including the rules and regulations regarding the means applicable in the course of such deployments.

The Commission *recommends* that the Act on Police be amended in such a manner that it shall extend the rules regulating the use of firearms to the application of rubber bullets as well. (Mr. Mihály Vörösmarti attached a dissenting opinion on the applicability of rubber bullets.)

The Commission *recommends* that the National Police Headquarters prepare and table a communication that outlines in an unambiguous manner the rules concerning the use of the means of coercion, the method of warning the crowd to disperse and the legal consequences of continuing to stay on the spot and displaying behaviour incompatible with the right to peaceful of assembly.

The Commission *recommends* that the National Police Headquarters make their personnel are provided with adequate equipment and supplies enabling the identification of the officer in action.

8. With a view to asserting the right to remedy, the obligation that police officers acting in troop force be identifiable is stipulated in the law. However adequate avenues of legal redress and for calling the chain of command to account are presently not always sufficient. This, in turn, may give way to mistrust and mutual allegations between the police and the afflicted persons, and moreover NGOs.

The Commission *recommends* that the Government draft a bill that ensures the possibility of legal remedy in case of unlawful riot control actions or in case police officers, acting individually or in groups, infringe the requirement of proportionality.

9. There is a need to institutionalise civil control over the police. One of the reasons for complaints filed by NGOs against the actions of authorities is that civil control of the operation of the police has long been inadequate and the requirement of the proper adjudication of the complaints filed against the actions performed by the police has not been fully met.

The Commission *recommends* that the Government consider the appointment of a commissioner, independent from the law enforcement agencies, whose findings and ruling may be directly appealed in court. The commissioner would co-operate with NGOs in the course of the examination and adjudication of the complaints.

The Commission *recommends* that the Government create legal safeguards ensuring that civilians can assert their right of complaint in case police action or the use of the means of coercion is considered to be detrimental.

10. Based on the conclusions reached in a number of recent court rulings, the mere fact that someone takes part in an unlawful demonstration is by itself not subject to sanctions. This, in turn, encourages the acting officer to solve the issue on the spot, in other words to use force against the participants, which otherwise would be unnecessary.

The Commission *recommends* that the Government prepare a draft for the amendment of the Act on Contraventions. This piece of legislation shall have detailed provisions, specified with adequate clarity from a constitutionality perspective and outlining a concise set of constituent elements, declaring disobedience against authority action realized through staying on the spot a contravention.

3.5. Assessment of the Events of September–October, 2006

1. The demonstration on Kossuth Square commenced on 17 September 2006, the evening of the disclosure of fragments of the Prime Minister's speech. The demonstration was not a registered one and was subsequently wrongly classified by the Police an election rally, while later, during the political campaign prohibition period, a cultural event. Instead of dispersing the demonstrations the Police entered into lengthy negotiations based on uncertain legal grounds with the self-appointed organizers. These law enforcement failures served to encourage those acting in a violent manner and contributed to further unlawful acts of occupation of public ground and other infringements. These failures, moreover, had a causal relationship with the development of the October 23 unregistered demonstrations that later turned into violent events.

2. With a view to assessing the events that had taken place at and around the main building of the Hungarian Television [MTV], the Chief Commissioner of the National Police Headquarters set up a fact finding group consisting of experts, the findings of which have

been publicized. The Commission considers the fact finding group's conclusions to be authentic and has highlighted those which found that the operational plan finalized on the evening of September 18th was incomplete and that due to the incorrect assessment of the situation no state of alert was instituted for units of REBISZ, while in the meantime the District 5 [downtown] Police Department was given un-accomplishable tasks. The police investigation also discovered that the police failed to remove inciting leaders from the crowd; moreover they failed to carry out identity checks and arrests when the television building was cleared, and there was no criminal action plan prepared either. The Commission is confident that the shortfalls identified in the course of the National Police Headquarters' fact finding will be rectified.

3. The Chief Commissioner of the Budapest Police Headquarters is gravely responsible for the professional failure to repel the unlawful attack of 18 September against the headquarters of MTV. The necessary protective devices were not disposable due to the failure of initial planning, while the design, layout and configuration of the communications system between the mission control command posts and the units deployed was inadequate. The professional responsibility of the deputy head of the National Police Headquarters, acting on the spot at the time of the events, has also been considered, since he did not take the necessary measures immediately after it was realized that the Budapest command would not be able to defend the head office building. (In a dissenting opinion, Mr. Mihály Vörösmarti outlined his position on the responsibility of the leaders of the police.)

The Commission *recommends*, that in case of future riot control missions which are to be accomplished by means of employing troop force, the Police exclusively deploy units that are trained and prepared for such missions and have field experience in working with one another.

4. The participants of the series of demonstrations beginning on September 18 included a significant number of perpetrators that had already been known to the Police, such as members of radical right wing groupings and football hooligans. The legal and public safety regime applicable to sports events mobilizing and attracting masses are not adequately regulated.

The Commission *recommends*, that the Government draft a bill with the purpose of amending the current regulation to the effect that the Police shall only have the right to take part in crowd control and order restoring activities at sports events in case such policing is a public responsibility. The appointment of a public order commissioner alongside the sporting event organizer at those events deemed to pose a risk by the police would be justifiable. The commissioner would be responsible for supervising on the spot the adherence to legislative provisions regulating the security of the event and, where necessary, initiating the intervention of police forces. The financial and legal responsibility of the organizer of the sports event should also be augmented. The Police should be granted the authority, by means of legislation, to pronounce the event terminated in case of necessity, to pinpoint and remove trouble-makers or, should the above measures prove to be unsatisfactory, to disperse the crowd.

5. Fidesz designated one of the most frequented junctions of Budapest, in front of Hotel Astoria, as the venue of its October 23 mass assembly. Picking this location was particularly worrisome given the past experience of previous demonstrations, the extensive festivities all around the city and the need to harmonize the movements of over fifty foreign delegations. The police acknowledged the designation of the area, which potentially also contributed to the failed attempt to keep aggressive groupings and peaceful participants of the assembly separated.

The Police commenced coordination in due course with the organizers of the October 23 Fidesz mass assembly and, during the assembly, drew their attention to the approaching aggressive groupings. The moderator of the assembly, however, did not inform the participants at the end of the program about what was going on in the vicinity; he merely called on them to leave the venue in the direction of Erzsébet Bridge and Kálvin Square, which most of the participants actually did. Nonetheless many participants, unaware of what was happening, started off in the direction where riot control and crowd dispersal actions undertaken by the police were in progress, while a considerable part, fully aware of the risk, deliberately chose the risky direction. Upon the lawful commencement of the crowd dispersal action and in line with the provisions of the law, the Police treated the crowd in a uniform manner, and is therefore not responsible for injuries caused in the course of such actions. Determining whether the coercive measures employed against afflicted individuals were unlawful or disproportionate requires a case by case assessment of the factual situation

The organizations of the extreme right, which had earlier been very presumably operating in isolation from one another, had by October 23 set up a network, and were also maintaining contact with various political and social organizations as well. Based on the corroborated evidence, the assumption holds that the mixing with each other of those leaving the peaceful demonstration and the members of violent groupings was not a coincidence, and that in fact it happened in accordance with the plans of the organized trouble-making groups.

6. The tools available to effectuate riot control in Hungary are not adequate. Based on the evidence produced, crowd dispersion actions were preceded by the mandatory calls to disperse and warnings of the legal consequences, yet complaints related to the October 23 events repeatedly claimed that individuals injured in the cavalry charge and rubber bullet fire did not hear them. One of the underlying reasons must have been the poor sound quality of the technical devices used. The other reason for the injuries suffered by peaceful demonstrators was their lack of awareness: namely that it would have been in their own interest to avoid getting into the proximity of police action given that the troops dispersing the crowd, the cavalry charge or the rubber bullets which were used could cause injuries to innocent persons as well.

7. The use of police force on October 23 was necessitated by the number and the hostile behaviour of the assaulting crowd (who employed road-bricks and iron and metal rods, which based on the terminology of the law defined them as being equipped with weapons). The use of force by some police officers, however, exceeded the limit of lawful coercion since coercive force was used against persons no longer capable of displaying aggression or resistance. As it was made clear in one of the its previous conclusions, the Commission considers it contradictory to legal provisions that a part of the officers involved in the October 23 action did not wear any identification and, moreover, a considerable number of them were also wearing masks, giving health considerations as a justification [i.e., protecting themselves from tear gas].

The Commission *recommends* that the head of the National Police Headquarters set up a working group with the purpose of conducting a professional assessment of the October 23 events. The working group shall examine the modalities of deployment of police troop force, the employment and use of riot control and crowd dispersion tactics and means of coercion, striving at a comprehensive analysis of proportionality. The conclusions drawn from the assessment must be used in the formulation of troop service regulations. The conclusions compiled this way may also be utilized in the process of modernization of the organizational regime and moreover in professional education.

8. The [accidents at the time of the] fireworks in August 2006 and the September–October events indicate that the Police and the disaster-relief authorities do not have the adequate level of preparedness as regards crisis management to tackle contingencies emerging in the course of extraordinary, large-scale mass events.

The Commission *recommends* that the Government consider the possibility of introducing a law enforcement state of emergency, and table a draft on the amendment of the law to the same effect. In such a law enforcement state of emergency a special body would co-ordinate the activities of the most important authorities for a period of 6-8 hours, until the local emergency committees [e.g. for handling situations in case of natural disasters] are set up.

9. According to figures the Commission has knowledge of the number of wounded during the course September and October events was nearly 800, including civilians and police officers alike. The National Ambulance Service registered 326 injured persons, while the State Public Health and Medical Officer Service registered 195 injured civilians. The underlying reason for the difference between the two figures is that part of the injured were not carried by the ambulance service, moreover data protection rules have limited the possibility of listing each and every cause of injury. The number of injured police officers was 399. Every tenth of all injured required hospitalization and some have been lastingly impaired in hearing or sight. The material damages incurred in property, coupled with the extra expenditure burdening the state budget, total in nearly 10 billion HUF, while cases involving the restraint of liberty and other rights, physical and mental injuries, and the damages caused to the reputation of the country constitute damages that could not be expressed in financial terms.