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Threat of terrorism with respect to Hungarian Prison Administration

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Honourable Mr. President,
Ladies and Gentlemen,

Since the change of the political-economic system in 1990, the Republic of Hungary has been a **target territory**, while later, since the country's military involvement in the war in Iraq, a **target country** for international terrorism. Internal terrorism, also present in Hungary, has been driven by individual, personal reasons.

I.

In the first part of this lecture, I will describe the **legal approach** in Hungary, with respect to terrorism and the government's action regarding it and how terrorism is defined in Hungarian jurisprudence and, more particularly in the science of criminology. What makes this important is the fact that, while the anti-terrorist action in the dispensation of justice – including by members of the Hungarian prison administration – is based on the law, within the ambit of the law, legal practice is also affected by the science of criminology.

In Hungarian criminal law, there is no specific law on government action against terrorism; neither does the Hungarian Penal Code include a separate chapter or title on terrorist crime. However, the criminal acts of specific regulation include kidnapping, terrorist acts, the unlawful seizure of aircrafts, trains, vessels or road transport vehicles for mass transport or mass carriage, the causing of public danger, threatening with public danger in order to disturb the operation of an establishment of public interest, destruction, homicide, revolt, the forcible changing of the constitutional order, coercion, genocide, the apartheid, violence against persons under international protection, self-liberation, prisoner mutiny, the abuse of explosives and explosive material, the abuse of firearms or ammunition and involvement in a criminal organisation.

The consideration of the above crimes as terrorist crime in Hungary is based on the European Convention on the suppression of terrorism, done at Strasbourg, on January 27, 1977. Articles 1 and 2 of the European Convention laid down the crim-

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inal acts not to be regarded as political crime, crime related to political crime or crime motivated by politics.

The above law has defined the crimes and the phases of committing specific crimes relegated by the international (European) law under the scope of terrorism.

These crimes include the following:

1. The criminal acts under the Convention for the suppression of unlawful seizure of aircraft, done at The Hague on 16 December 1970.
2. The criminal acts under the Convention for the suppression of unlawful acts against the safety of civil aviation, done at Montreal on 23 September 1971.
3. Infamous crime involving the assault on the life, health or freedom of persons under international protection, including members of diplomatic corps.
4. Crime involving kidnapping, the taking of hostages or grave, unlawful confinement.
5. Crime involving the use of bombs, grenades, missiles, automatic firearms, mail or parcel bombs, if such use puts people in danger.
6. Attempts to commit any of the above crimes or aiding and abetting the persons committing or attempting to commit any such crime.

Under the law and Articles 2(1)-(3) of the international convention, the countries having signed, ratified, adopted or approved the convention may decide to add further crimes and the following phases of committing the above crimes to the definition of terrorism.

1. Infamous crime involving violence, directed against the life, health or freedom of persons.
2. Infamous crime committed through violence against objects, should it endanger a lot of people.
3. Attempts to commit any of the above crimes or aiding and abetting the persons committing or attempting to commit any such crime.

Under the legal definition, the above crimes thus constitute manifestations of terrorism, regardless of their motivation, grounds or purpose.

Criminology considers terrorism a type of crime, *i.e.* the entirety of terrorist crimes committed at a specific area and during a specific period, as well as of the organisations and groups established in order to commit terrorist acts, individuals having committed a terrorist act, the material damage caused by the above acts, organisations, groups and individuals and the parties afflicted by such terrorist acts.

Manifestations and threats of terrorism against Hungarian penal institutions

The following crimes, falling under the definition of terrorism, have been committed in Hungarian prisons since the change of the political-economic system in 1989-1990.

During the days of the change of regime, the new government and the new Parliament proclaimed amnesty for political prisoners and prisoners under close con-

finement. Prisoners kept at Hungarian prisons had, however, expected the scope of amnesty to include a much wider group. Accordingly, several terrorist crimes were committed by prisoners.

a. On July 24th 1989, a convict set himself on fire using nitro-diluent in his cell in the Vác prison. The fire starting up in the cell caused public danger. The fire was extinguished and the prisoner died of his injuries. The same day, at the same prison, two more prisoners committed suicide by drinking a chloride of lime solution. In their farewell letter, they specified their displeasure with the amnesty as the cause for their suicide. Later, a convict at the prison of Sopronkőhida also set fire to himself with nitro-diluent. The fire was put out, yet his life could not be saved despite quick medical intervention.

As prisoners were informed of these occurrences from the news on the radio, television and in newspapers, a national protest movement emerged. Thousands of prisoners refused their food and went on a hunger strike, refused to work, did not go out to work, held sitting strikes, produced and distributed handouts. They demanded that their representatives should be granted the opportunity to meet and talk to the minister of justice in the presence of the press and wrote and sent a petition to Parliament.

b. The gravest crime of the national amnesty demand was committed at the prison of the city of Miskolc in 1990. 420 prisoners barricaded themselves in the cells, broke the windows and crushed the furniture. They demanded that they be given the opportunity to negotiate with the representative of the government on the issue of amnesty. They threatened to set fire to the prison should their request be refused. The police and the vigilance forces of the prison administration deployed water-engines and police water-cannons, using water in order to prevent the buildings from being burnt down or that the prisoners should escape from the prison by force. The government's delegate met the representatives of prisoners. The order was finally restored.

c. Late night on January 23rd 1993, two prisoners held a superintendent hostage in the prison of Sopronkőhida. While he was working in his office, the two prisoners entered the superintendent's office claiming that they wished to put forward a petition. After they had entered, one of the prisoners held him down, saying they would kill him unless he conveys their claims on telephone to the commander of the guards. They demanded to be released from the prison, and that a vehicle filled up with fuel be parked outside the prison gate, with the engine running. They intended to take the hostage with them.

The commander of the guards and the commander of the prison, who had meanwhile arrived, began to negotiate with the prisoners. In consultation with the police, they left the car in front of the prison, apparently giving in to the demand. However, although the fuel meter indicated a full tank, the fuel level was low. After driving a few kilometres, the prisoners released their hostage, before being captured by a special police squad, in the car stopped due to the lack of fuel.

d. On October 26th 1993, three prisoners took a warden hostage at the prison of Balassagyarmat. The prisoners in a cell told the warden that one of their cell-mates had become sick and required medical care. When the warden opened the cell door, the prisoners pulled him into the cell, held a knife at his throat and barricaded the cell door.
The negotiation with the perpetrators was unsuccessful; in fact, the hostage-takers increased their threats. A special police squad then entered the cell by force, captured the hostage-takers in close combat, and freed the hostage unscathed.

e. On June 5th 1994, three prisoners at the Baracska prison agreed to feign illness and ask for medical attention the following day. They planned to take the doctor and the nurse hostage once at the consulting-room, then request their release from the prison in return for sparing the life of the hostages. One of the prisoners, however, changed his mind and reported the preparation for the terrorist act. The other two prisoners also admitted to wanting to get out of the prison even at the cost of the life of the two hostages.

f. On July 22nd 1994, four minors, held at the Tököl prison for juvenile delinquents, agreed to take the disciplinarian on duty hostage during the night. They planned to request their release from the prison in return for the life of the woman. Three other minors they had intended to involve in the hostage-taking as accessories reported the preparation for the terrorist act.

g. On February 25th 1997, three men wearing ski masks, holding automatic weapons, penetrated the fence line at the Martonvásár section of the Baracska prison, assaulted and struck down a warden, handcuffed him and bound his legs. Using the captured warden as a hostage, they threatened to kill all other staff members with their weapons and, getting hold of the keys, they set a prisoner free. Locking up the guards in a cell, they left in a car.

h. On October 16th 1998, feigning sickness and asking for medicine at night, two juvenile convicts at the Tököl town prison, opened their cells, and knocked down the warden with the dissembled leg of a wooden table. They dragged the unconscious warden into a cell and tied him up. Later they asked the warden, who had come round in the meantime, for the keys of the other cells, threatening to kill him. The staff supervisor noticed the absence of the warden and alarmed the prison staff. During the negotiation with the hostage-takers, the prisoners surrendered themselves.

i. On November 27th 2003, a prisoner in preventive arrest in the prison of the town of Zalaegerszeg, pulling up from his stomach a plastic lighter he had swallowed and tied to his tooth with a plastic thread, set fire to the disciplinary cell he had been placed as he refused to accept the single cell assigned to him. He wanted to be accommodated at a collective cell, which was not possible due to the overcrowded state of the prison. Although the prison staff used fire-extinguishers and the fire-fighters, arriving at the site within a few minutes deployed a professional technical apparatus in order to open the cell and put out the fire, the

resulting fire and smoke in the cell and the prison building caused public danger, so the prison had to be vacated. The prisoner suffocated in the smoke, while several prisoners and staff members were hospitalised with smoke poisoning.

j. On March 25th 2004, three minors held at the Eger prison agreed to set fire to the bed mattresses during the evening hours, and would request that the cell door be opened because of the fire. When the cell door was opened, they would take two wardens – a man and a woman – using prefabricated cutting devices of razorblades fastened to a plastic handle. They would cut the throat of one of them in order that their demands should be taken seriously. They intended to ask for cash, a vehicle and their release from prison, taking their other hostage with them.

Whereas the prisoners set the mattresses on fire, the cell was opened by several wardens of substantial physical strength, skilled in the martial arts, who shortly disarmed the prisoners using physical force, took away their cutting instruments and quenched the fire. The prisoners gave a detailed confession.

Each of these acts (10 criminal terrorist acts during 15 years) constituted a preparatory, attempt or completed phase of crime, which are punished by the Hungarian law. A criminal procedure was initiated against the perpetrators and the courts imposed confinement in their cases. However, apart from the those listed in my lecture, the estimated number of cases involving prisoners 'planning' the preparations of terrorist crime without reaching an agreement, based on the information from the secret services performing intelligence operations in Hungarian prisons and the inside information from prison staff, is in the range of one hundred. In these cases, preparatory action has been prevented by talks with disciplinarians, removal to other prisons, increased monitoring, a higher number of cell and bodily searches.

The lesson from the above cases, with regard to the increasing international terrorist activity, is that the following criminal terrorist acts primarily threaten the Hungarian penal institutions.

1. **Prisoners' mutiny involving the taking of hostages and the causing of public danger.**

In our experience, the elections at the end of each four-year government cycle have strengthened the want of amnesty among prisoners, in particular if there is a change between government representing different political orientations.

The hostage-taking and the causing of public danger may also be driven by personal motivations.

2. **Self-liberation from inside, with hostage-taking, threatening with and causing public danger.**

The perpetration of these acts is very often driven by personal reasons and motivations.

3. **Self-liberation from outside, through attacks by persons or groups penetrating the prison carrying automatic weapons.**



The probability of such acts is on the increase, due to the fact that a relatively high number of foreign prisoners and several persons confined because of the perpetration of terrorist acts are being kept at the Hungarian prisons. The probability of such acts is further increased by the fact that the Hungarian prison administration is increasingly losing its military nature and taking on a civilian character. That also means that fewer staff members now carry firearms suitable to engage in battle with the intruders.

4. **Self-liberation through dragging away by helicopter or by blasting the wall.**

So far, there has been no such act in Hungary, yet several prisoners have broken out of prison using such methods in other countries.

5. **Persons or groups armed with automatic weapons penetrating into the prison, and seizing the weapons and ammunition stored at the prison gun-room in order to commit further terrorist crime.**

There is high probability of the occurrence of such acts, as the criminals staying at prisons will obtain information on the location of gun-rooms and the weapons kept there for the use of security wardens.

The system and the relevant objectives of action against terrorist crime in Hungarian penal institutions

1. The system of action

a) Action against terrorist crime committed at prisons is one of the subsystems of government action.

b) Through its intelligence activity, the Hungarian secret services and the police collects information on terrorist crime being prepared or planned in Hungarian prisons and forwards such information immediately to the National Headquarters of Prison Service, which instructs the management of the institution affected to take the required action.

c) The Hungarian prison administration performs open prevention/intelligence operations (security checks, cell, vehicle and parcel search, bodily search). Based on its mandate granted by the law, it monitors the telephone conver-

sations through listening without recording and monitors the prisoners' correspondence through the opening of letters.
In case information is collected on terrorist crime during such investigations and the prisoners have resolved to act, persuasive/preventive discussions are held, then they are removed to different institutions. In the event of preparations or attempts, the prisoners are separated, put under stricter guarding and a criminal procedure is taken against them.

d) If hostages have been taken, the prison staff immediately blocks the location, engages in negotiations with the perpetrators and prepares for 'immediate intervention'. That means that when hostage-takers inflict wounds on the hostages or begin killing them, the staff will immediately start intervention by entering the scene and capturing and disarming the hostage-takers and liberating the hostages using physical force, baton, tear-gas and sound-grenade, electric shock-inflictor device, service dog or firearms.

e) If no immediate action is required at the scene blockaded by the staff, 'peaceful solution' is attempted at during the negotiation with the perpetrators, giving promises within the possibilities granted by the law.

f) After the arrival at the prison of the Budapest or county police superintendent or the anti-terrorist intervention unit appointed to handle the crisis situation, the supervision of the management of the situation is passed over to the police chief, the prison staff acting according to his requests from that point on. The anti-terrorist police intervention unit also aligns for 'immediate action', and prepares for the 'planned action' during the negotiation. Should the negotiations appear hopeless, the planned action is performed in or outside the prison, as instructed by the police chief.

g) Regardless of the increasingly civilian character of the Hungarian prison system, including that wardens do not carry weapons at the living quarters of prisoners and the work, education and leisure locations, the external armed guarding of the institutions will be maintained. The weapons - of high operating and killing range - carried by our armed external security wardens, have been replaced by MOOSBERG pellet-shot rifles, MARLIN CAMP 9-mm rifles, Parabellum guns and small Hungarian submachine-guns. These are high-precision weapons at a short range, and substantially reduce the risk of injuries to the civilian population living in the proximity of prisons.

2. Relevant objectives of anti-terrorist action at Hungarian prisons.

a) The staff needs to be prepared for the most practical behaviour for hostages.

b) Prison staff needs to be prepared for the more watchful performance of preventive security tasks (security checks, the searching of cells, clothes and parcels, the observation of entry rules, telephone and letter monitoring).

c) A group of the staff at each institution should be prepared for the professional blockading of the location of the terrorist crime and the performance of 'immediate action'.

An action team was established in our institutes. We also plan to establish a research-intervening section bearing national authority. The section would search for forbidden objects in prisons and in case of a crisis it would act as an intervening subunit.

d) Negotiators should be trained at each institution for the event of hostage-taking or threatening with public danger.

e) Staff members should be trained to be able to perform elementary fire-fighting tasks.

f) Joint site reviews and exercises should be organised at the prisons with the competent police chiefs and anti-terrorist intervention units, simulating the addressing of terrorist crime.

g) A continuous contact should be maintained with secret service and police intelligence organisations with a view to the quick exchange of information relating to terrorist crime.

h) Finally, the experiences concerning the anti-terrorist action by foreign prison organisations should be continuously watched.

I hope that my lecture has been useful in terms of providing information concerning these experiences.

Ladies and gentlemen, thank you for your attention.