

HUNGARY

Criminalizing Terrorist Acts

Hungarian Criminal Code, Section 261, criminalizes many forms of terrorism, and establishes penalties for terrorist actions. Recruitment of members of terrorist groups and the supply of weapons to terrorists constitute preparation of acts of terrorism. Preparing, obtaining, possessing, or transferring explosives or blasting agents without authorization is a crime under Criminal Code, Section 263 punishable by 2-8 years of imprisonment. It is also a felony, under Criminal Code, Section 264, to produce, obtain, keep, distribute, process, or otherwise use a radioactive substance or product dangerous to health or environment. Individuals participating or planning terrorist activities can also be punished as accessories or for attempt. Hungarian courts have jurisdiction over terrorist acts committed outside the country by Hungarian citizens or those living in Hungary.

Laws Pertaining To Biology and Preventing Biological Terrorism

The National Health Officers' Service (NHOS) of Hungary has taken several steps to prevent and prepare for the threat of biological terrorism. The NHOS has been "authorized to control and measure the value and the content of the vaccines, antidotes as well as antibiotics and supplies at national levels." "The Epidemiological Defence Working Group of the Ministry of Health has also adopted measures to combat biological terrorism." In addition, the NHOS has authorized the establishment of a biological laboratory of the highest security level, and has prepared measures to be taken in the event of anthrax or smallpox outbreaks. The National Directorate General for Disaster Management (under supervision by the Minister of the Interior) has also "adopted comprehensive measures concerning the suspicious packages infected by anthrax."

Hungarian law addresses the testing, production, release, and trade of genetically modified organisms. Decree No. 1/999 on the implementation in the agriculture and food industry of the rules of the Act No. 27 of 1998 on biotechnology activity covers the establishment of GMO labs, their genetic modification, contained use, deliberate release into the environment, their commercialisation and the export or import and transport of them in the field of agriculture and food industry.

Preventing Terrorists From Obtaining Weapons

Hungary's establishment of restrictions on foreign and domestic trade of firearms and explosives helps prevent terrorists from obtaining weapons. Government Decree No. 115/1991. (IX.10) covers domestic trade of civilian firearms and ammunitions, and establishes conditions for acquisition of civilian firearms by natural persons. Natural persons are "not allowed to possess military designated (eg. automatic) weapons and ammunitions (eg. steel-core, tracer), that is the exclusive privilege of the armed forces." Penal Code Sections 261/A, 263, 263/A, 264/C, and 278 provide that natural persons who violate these Government and Ministerial Decrees have committed a criminal act and are subject to up to 15 years imprisonment.

Government Decree No. 48/1991. (III.27) regulates foreign trade of firearms & ammunition. Exportation, importation, and re-exportation of military equipment is organized by Government Decree No. 49/1991 into a 3-tiered system: (1) Trading License (registration of traders); (2) Permit for Negotiation (required for registered traders engaging in business with foreign partners); and (3) a License for entering into Contract (authorization for import/export, required after a deal is signed). Hungary has a policy of only granting approval for weapons sales where all partners to the deal are well-known and/or identifiable. It also adheres to all international sanction resolutions. Regulation of export control ensures that military products and "dual-use" products (eg. civilian firearms, industrial explosives, airplane precursors) are classified as licensed products. Government Decree No. 112/1991. (XII.23) contains a full list of licensed products. Government Decree No. 61/1990 (X.1) details export control rules and regulations for conventional weapons & "dual-use" products.

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Preventing, Suppressing and Criminalizing the Financing of Terrorism

Hungary has taken several measures to prevent and suppress the financing of terrorism. Hungary signed the International Convention for the Suppression of the Financing of Terrorism via Government Resolution No. 2336/2001. In 2001, substantial changes to Hungarian laws for preventing and suppressing the financing of terrorism increased mandatory identification data for all customers and required declaration for import and export of cash over 1million HUF.

Hungarian Criminal Code, Article IV, Section 261 criminalizes the financing of terrorism, carrying a penalty of 5-15 years of imprisonment. Criminal liability attaches when individuals make “material assets available for the commission of an act of terrorism.” The penalty also rises to 10-15 years or life imprisonment, if the terrorist act committed causes death or occurs during wartime. Financing of terrorism can also be punished in Hungary under either an “accessory” or “attempt” theory of law. Hungarian Criminal Code, Section 21(2) provides that “a person, who intentionally grants assistance for the perpetration of a crime...without explicitly committing the elements of the offense” can be tried as an “accessory.” Under Section 16, a “person, who commences the preparation of an intentional crime, but does not finish it, shall be punishable for attempt.”

International Cooperation & Operational Information Exchange

“Hungary has either ratified or signed all universal legal instruments against international terrorism that are in force, as well as the European Convention against Terrorism.” Hungary is taking steps to bring its laws into compliance with the standards set by the EU. The Hungarian government is still ratifying the Convention on Mutual Assistance in Criminal Matters Between EU Member States (adopted 29 May 2000). The government of Hungary has also introduced a “new Bill to the National Assembly on mutual assistance in criminal matters between investigative authorities (Government Resolution No. 1087/2001. (VII.8.)). It will regulate the forms of cooperation adopted by the Schengen legislation (Articles 39-47) and will also take into consideration the Convention.”

Hungary also has made numerous bilateral agreements with other nations on the suppression of terrorist activities and organized crime. In 2000, a Memorandum of Understanding between U.S. and Hungarian Governments was signed, providing for the “exchange of intelligence and the provision of technical assistance concerning the prevention and suppression of organized crime.”

BIBLIOGRAPHY OF HUNGARIAN LEGISLATION

Preventing, Suppressing and Criminalizing the Financing of Terrorism

1. International Convention for the Suppression of the Financing of Terrorism.
2. Act LXXXIII (2001) on Combating Terrorism, on Tightening up the Provisions on the Impeding of Money Laundering and on the Ordering of Restrictive Measures (amends various portions of Hungarian Law):
 1. Law Decree No. 2 of 1989 on Savings Deposits;
 2. Act XXIV of 1994 on the Prevention and Impeding of Money Laundering
 3. Civil Code;
 4. Act CXI of 1996 on the Offering of Securities, Investment Services and the Stock Exchange;
 5. Act CXII of 1996 on Credit Institutions and Financial Enterprises; and
 6. Hungarian Criminal Code, Section 303(1)(b).
3. Hungarian Criminal Code, Article IV, Section 261 (amended by Act LXXXIII of 2001) (financing of terrorism is a crime subject to 5-15 years imprisonment).
4. Hungarian Criminal Code, Section 21(2) (crime of “accessory”).
5. Hungarian Criminal Code, Section 16 (crime of “attempt”).

Criminalizing Terrorist Acts

1. Criminal Code, Section 261/A (violation of “an economic, commercial, or financial prohibition pronounced on the basis of an international legal obligation of the Republic of Hungary” is a felony).
2. Hungarian Criminal Code, Section 261 (“recruitment of members of terrorist groups and the supply of weapons to terrorists constitute preparation of acts of terrorism”).
3. Criminal Code, Section 263 (preparing, obtaining, possessing, or transferring explosives or blasting agents without authorization) is a crime punishable by 2-8 years of imprisonment.
4. Criminal Code, Section 264 (felony to produce, obtain, keep, distribute, process, or otherwise use a radioactive substance or product dangerous to health or environment).
5. Hungarian Criminal Code, Section 21(2) (crime of “accessory”).
6. Hungarian Criminal Code, Section 16 (crime of “attempt”).

Laws Pertaining To Biology

1. Decree of the Government No. 11, 1975 Proclamation of the Convention adopted at the XXVI. session of the Organisation of the United Nations on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and their destruction.
2. Decree No. 61, 1990 (X.1) on the regulation on the circulation of certain internationally controlled products and technologies
3. Decree No. 112 of 1990 (XII. 23) Korm. On Export and Import of Commodities, Services and Rights Representing Material Value. Equipment discharging biological weapon agents: aerosol generators.

Preventing Terrorists From Obtaining Weapons

1. Government Decree No. 115/1991. (IX.10.) (conditions for acquisition of civil firearms).
2. Government Decree No. 48/1991. (III.27.) (regulation of foreign trade of firearms & ammunition B civilian and military).
3. Ministerial Decree No. 3/1973. (VI.18) (regulations to acquire civilian explosives and equipment).
4. Government Decree No. 112/1991. (XII.23) (regulations for trading licenses for foreign trade of civilian explosives).
5. Government Decree No. 61/1990. (X.1) (export control rules and regulations for conventional weapons & “dual-use” products).
6. Penal Code '261/A, '263, '263/A, '264/C, '278 (violation of above Decrees is a criminal act punishable by up to 15 yrs imprisonment).

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International Cooperation & Operational Information Exchange

1. Convention on Mutual Assistance in Criminal Matters Between EU Member States (adopted 29 May 2000).
2. Memorandum of Understanding between U.S. and Hungarian Governments (2000) (“exchange of intelligence and the provision of technical assistance concerning the prevention and suppression of organized crime”).
3. International Convention for the Suppression of the Financing of Terrorism (U.N. 1999), signed by Hungary November 20 2001 (still undergoing ratification).