

**INVESTIGATION INTO THE ACTIVITY OF THE LAW ENFORCEMENT FORCES
AT MASS DEMONSTRATIONS –
METHODOLOGY AND EXPERIENCES**

BY
BARNABÁS HAJAS¹ AND AGNES LUX²

Introduction

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It is possible to choose from several indicators that may show the culture of the activity of an organ. A possible – in my view very enlightening – feature of the culture of a hierarchised law enforcement organ with about a staff of 40,000 could be, how the corps, its leaders and the staff receive their continuous and distinguished attention by another organ which, at times even professionally and clearly criticises their activity.

Introduction

In January 2008, PROF. DR MÁTÉ SZABÓ, Parliamentary Commissioner for Civil Rights informed his colleagues that he would launch three projects on fundamental rights, including one on the freedom of assembly. A heated debate ensued on by what methods such a project could be made successful. During these discussions we convinced the Commissioner and our colleagues participating in the project, that the pledge of success would be a series of investigations initiated ex officio which are based on (at least partially) experiences gathered on the spot.

The decision was followed by action and in March 2008 the Commissioner informed the Chief of the National Police in a letter about ordering the first series of an approximately ten-day investigation into events in public places. Soon it was realised that the investigation into mass events was a far more complex issue than it was thought in the spirit of our first enthusiasm and eagerness to act.

Should we simply go there? If we are in the crowd how can we get information about police measures? How can we avoid the appearance that the Commissioner or his colleagues agree with the aim of one demonstration or of another? Is it necessary to keep in touch continuously with the Police during the events? If yes, from what time on, up to when and how? Is an investigation with or without any previous notification more expedient? Is it necessary to keep in touch with the organizers? What kind of information should be asked for and from whom during the preparatory phase? How can we receive the most important information concerning the event or police action on the spot? From what time on and up to when should our investigation

¹ Mr. Hajas is a lawyer and Head of Unit in the Office of the Parliamentary Commissioner for Civil Rights. He is also the Leader of the Special Project about Freedom of Assembly. He held regularly lectures in Constitutional Law and Administrative Law at the Catholic University Pázmány Péter, Budapest for many years. His PhD thesis is about the Freedom of Assembly, he's published several essays and articles in this field. hajas@obh.hu

² Ms Lux is a political scientist PhD candidate and a fifth-year law student at Eötvös University, Budapest. Her thesis at the Faculty of Law is about the conflict of the LGBT Pride Marches and the Freedom of Assembly. She is working in the Office of the Parliamentary Commissioner for Civil Rights as analyst and project coordinator. lux@obh.hu

related to the given event in a public space last, in other words, which elements should be the first and the last to be included in our observation?

There is no established methodology in Hungary nor abroad of similar, regular (almost permanent according to some) investigations in public spaces. The only research which had a similar subject but different features (i.e. it was a social science research and not an investigation of a public organ) was into a demonstration in London in the early nineties which could be a blueprint³. There is similarity between the methods, because the main tool of our investigation was monitoring on the spot.

1 Legal settings determining the methodology of the investigation

We had to draw attention to the legal settings during the preparatory work. It means at first the possibilities and limitations laid down in the Constitution and in Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights. We had drawn special attention also to the legal rules determining the frames of ensuring the events and to other legal means of governmental control – particularly: Act LVII of 2006 on the central governmental organs, Act XXXIV of 1994 on the Police, Decree 16/2008 of the Ministry of Justice on the Organizational and Functional Rules of the Ministry of Justice, the 62/2007 Police Regulations, Decree 12/2006 of the National Police Headquarters. on the Dress Code of the Police Staff, Decree 11/1998 of the National Police Headquarters on Field Service Regulation.

Luckily law ensures a much broader opportunity to the ombudsman to initiate investigations ex officio compared to other public organs. So a complainant or a complaint is not a necessary precondition to the ombudsman's procedure. It was not foreign also to the former ombudsmen to initiate comprehensive investigations with preventive aim, when they visited many different institutions, so they could see for themselves the living and working conditions of the regular soldiers and professional members of the armed forces (for example firemen and policemen) and the enforcement of the detainee's rights. It is also a feature of the ombudsman's institution that he has a rather broad authority to inquire during his investigation. The organs under survey have to inform the ombudsman meaningfully in every question, and they have to cooperate with the ombudsman and associates acting on behalf of him, they have to endure the monitoring process. In earlier practice it was not exceptional to initiate investigations on the spot or without any previous notification. We appeared without previous notification during the investigation into the living and working conditions of firemen, at almost all fire stations to check the enforcement of fundamental rights. We have broadly utilised the experiences of this investigation at the preparations for other investigations on the spot.

Presumably, we would have acted having different aspects in view and applied different methods as associates of a civil rights organisation or of a research institute. Naturally, all this does not mean that we were not governed by scientific interest or a demand for a scientific processing of the experiences gathered within the framework outlined above. At the same time we enjoyed great advantage in comparison to „civil” actors: we possessed a much wider background information and authority to investigate, so we could get a fundamentally more complex picture than the one available to mere onlookers.

2 The preparatory phase

³ WADDINGTON, P.A. J.: *Liberty and Order: Public order policing in a capital city*. London: UCL Press, 1994.

Every investigation on the spot had a previous process of precise information gathering. We obtained information not only from the police about the events but from internet news or from different web community sites that are usually not very well known outside of the demonstrators' scene especially from the second half of the year on. These pieces of information were related typically to the date, location, organizer(s), the itinerary, the agenda, the expected attendance of public figures, sympathizers or counter-demonstrators.

Naturally, the question may arise under what considerations the events to be monitored on the spot were chosen. There are some dates, unfortunately almost traditionally, when the participants of the events create dilemmas of fundamental rights or simply create a „difficult” situation for the law enforcement organs. We usually could prepare ourselves previously: this happened obviously at two events related to our national holidays, at 15 March paying tribute to the revolution in 1848, and at 23 October paying homage to the revolution and war of independence in 1956. We also prepared to monitor the demonstrations after the „three yes” referendum⁴. In addition we could plan to participate in the 5 July LGBT Pride March weeks in advance, particularly because the organizers and the participants were threatened previously at certain radical websites. There were such cases, however, when the ombudsman's investigations had to be very rapid, for example there was a „flashmob” event convened in Hollán Ernő Street⁵, and in the event of the 11 April demonstration⁶ which started from Hollán Ernő Street and marched through the inner city with rapid announcements until it was dissolved at the Clark Ádám Square.

To our request the Police supplied us with a detailed list with all (e.g. 14–15 March, 22–23 October) the notified events planned for public places that came under the Act of the Freedom of Assembly.

Based on the collected information we made a proposal to the Ombudsman about the investigation on the spot at certain events and drew up the investigation plan. During planning and setting the actual priorities we also considered our previous experiences. Thus, in an ideal case we could know for weeks ahead which events would be attended by us. Naturally, and unfortunately this was the more frequent case that we did not get information weeks in advance but often only a few days or even few hours before the actual event. In these cases planning was a slipshod work, we had information only about the location and the organizers at the most, so we knew only that „we would go there, look around and then will see.”

⁴ There was a so-called „social” or „three-yes” referendum on 8 March 2008 about three measures of the current government which were generally not very popular. (1. about a 1 euro fee for visiting the family doctor; 2. compulsory financial contribution to university studies 3. hospital fee.) At the referendum 82% of the participants voted in favour of the elimination of those measures. On the evening of the referendum some groups started demonstrations against the government.

⁵ There is a ticket office at Hollán Ernő Street, where a person wanted to buy tickets for a concert of a national radical rockband (“Kárpátia”), and it was said that the office assistant did not sell him the tickets. Then a national radical group organized a “flashmob event” to the ticket office in order to collectively buy tickets for that concert.

⁶ The same national radical group organized a demonstration at the ticket office again within the mandatory legal previous notification period (at least 72 hours before the event the demonstration shall be notified). Against this group and its national-radical visions a counter-demonstration had been organized (furthermore the flat of a former national socialist leader was in the building of the ticket office) but only a few hours before this demonstration. The police did not dissolve the counter-demonstration (attended by the Prime Minister with many public persons and the former German Chancellor Gerhard Schröder too), then the national radical groups tried to do the same (so not to notify the demonstrations on time) and organized many demonstrations very fast.

When looking at the investigation on the spot from one and a half years' perspective, I believe that investigation on the spot as a method ensured adequate flexibility for us. In fact our plans of on-the-spot investigations were basically flexible so it did not cause any difficulty to adopt it to the changing circumstances⁷.

3 Cooperation with the Police

It was necessary to cooperate with the organs of the Police and especially closely with the Budapest Police Headquarters and National Police Headquarters so that the investigations may be successful. Consequently, as it was mentioned above, the common feature of the investigations was that our participation was preceded almost in every case by personal consultation with the Police⁸. Initially, and just in the interest of ensuring our personal safety the main issue was the manner of cooperation. Later on a kind of preliminary exchange of experiences was also done.⁹

The appointed police contact person¹⁰ or police chiefs informed us usually how and by what force the event would be secured or how the previous reports and recommendations of the ombudsman were incorporated into crowd management, security and the practice of identity checks.

It raised theoretical and practical questions how to choose the manner and form of keeping in touch with the police. Between the two extremities, namely that there should not be communication between us and the police during our observation, or that we should initiate the use of the communication channels of the police, we jointly found the golden mean: in a justified case we called the contact person (such as the cases of asking for current information or asking for entry to closed down area) by mobile phone or in proper cases (such as brand new information directly related to our work¹¹, or asking for information) he also contacted us by phone.

It had been repeatedly suggested that that we could receive more precise information continuously if we could send our observers also to the Police Administration Centre next to the Operational Corps. It was also suggested for the same reason that the use of an EDR set would be expedient at our observations. We discarded both ideas, because it would have merged our tasks deriving from the Constitution: I am convinced that the Ombudsman and his associates' presence in or next to the Operational Corps should take place only in extraordinary cases¹² due to the separation of the branches of state power. The issue of the EDR radio, and I wish to stress

⁷ The organizer reported about the next place of the demonstration of a well known radical blogger on 11 April only at the end of the previous event, so without flexibility we could not have conducted our investigations.

⁸ Only in some cases (light drug-demonstration, Trianon-march, demonstration in Spring 2009 against the government at Kossuth Square, demonstrations on 14 April 2009 at Kossuth Square) we did not notify the police about our investigation on the spot. In every case when we begun the observation, we mentioned it at the same time.

⁹ Before events of major publicity we did not do previous information exchange (e.g. light drug-demonstration, Trianon-commemoration).

¹⁰ The contact person was a Police Chief in most cases himself too. (e.g. Chief of the Budapest Police or his deputy).

¹¹ We received information due to this connection about an event of one of a national radical youth organizations in the evening on 23 October 2008, and this group was armed and police was to block them in the city and this measure could be interesting to us.

¹² E.g. when the corporal safety of the associates could not be ensured by other means, or there was wide scope for street fights or information could not be received from other sources.

that it was totally theoretical, rose serious questions related to the safety of the observers. There is no doubt that in case of „trouble” one could ask for help fastest the EDR. On the other hand possessing an EDR set in a dangerous medium, which is aggressive against the police seemed to be an unacceptable risk. Third, and this was perfectly supported by practice, the EDR system ensures the possibility of precisely determining location does not serve the success of our observations.

The Chief of the National Police had appointed an officer of the Corps as contact person for the very first investigation, with whom we were in direct connection and could ask in every situation all the information we needed, and we could tell him immediately if we experienced any problem somewhere. In order to avoid any misunderstanding it should be stressed that we exchanged any information with the police during every notified investigation only through this contact person. Based on the experiences of investigation it was a definitely unfortunate case when the commander arranging for the safety and security of the event was appointed as our contact person because his capacity to give us information was naturally limited because of his own executive tasks¹³.

The appointed contact person received precise information about our movement almost in every case as to who of us would participate in which event and when¹⁴. It was an obvious priority that the observation should not disturb or obstruct in any way police measures (especially the dispersion of the crowd or using means of coercion). It was also very important that our presence besides really closely concerning the investigation should not create further tasks for the police or as they asked us „to take care of yourselves and do not make trouble”. In the interest of fully respecting these priorities we tried to respect all the security recommendations given by the police.

We refrained from informing our contact person about our accurate location only when it seemed to be expedient to carry on observation without disclosing who we were.¹⁵

As a main rule we received all the information concerning the event that was necessary to observation from our contact person. So for instance, when we got information that on the place where we were it was expected to apply means of coercion (especially at the dispersion of the crowd by using teargas or water cannon) we could safely leave the place and continue the observation from a little distance or we could also observe the event from the Police Administration Centre. Luckily respecting the safety rules and the necessary caution proved sufficient to be safe, excepting some eggs thrown at the LGBT March and no atrocity, threat or insult reached anyone of us.

When it became justified in certain situations (e.g. to pass through a police closure, or to step into a closed area) we identified ourselves with our Official ID card and our mandate telling the aim of our presence. We experienced many times that commanders or sometimes their associates taking part in the security measures recognised us even without disclosing who we were or being without any special sign on our clothes, and even took care of us.

4 Investigation on the spot

¹³ This was the single case, when the Ombudsman requested information directly from the Chief of the National Police Headquarters.

¹⁴ We could be identified quite simply, because the members (3–4 people) of our investigation team as well as the staff of the Operational Corps are permanent participants, and the police could inform us about the safety measures.

¹⁵ We did it only three times during our investigations.

It was not always very easy to choose the convenient observation point in the demonstrations, because partly we had to consider how to follow the events besides security, and partly we had to avoid getting „mixed” either with the demonstrators or with the police forces being impartial observers. Right from the outset, however, we had to do our observations many times from the safety-operation area closed by the police, because from this position we could follow the events, the attitude of the demonstrators and counter-demonstrators, and the reaction of the police. We had to change our place several times, especially at dynamic events, as such marches (e.g. at first we observed the LGBT March from the back because it was exposed to egg-throwing, next we had to find another spot to continue the observation). Naturally, it also happened that for shorter or longer periods we had to go among the participants of the event without revealing our identity in order to observe the circumstances of the entry procedure to a demonstration.

Observation is a category even narrower than monitoring. We believe that observation is mainly an investigation on the spot for collecting our own information and as such it is a „one way” one. Particularly that we did not want to act as „police advisers” or „supervisors”, and even avoided such appearances, and we availed ourselves of the opportunity to indicating a circumstance that suggested an injury of fundamental rights. One such case was that after the dispersion of the 20 September demonstration, partly because of the lack of the cordon a few hundred demonstrators escaped into an open church (Church of Homecoming¹⁶) where a mass already was in progress. The police surrounded the area of the church with cordon and asked the crowd to disperse through a loudspeaker of a police car and indicated the route of withdrawal. On that occasion we called our contact point telling him that we regarded these measures as extremely risky from the angle of fundamental (and other) rights, particularly that there was the Office of the Parliamentary Commissioner in the background of the event. After our signalisation the decision on dispersion was withdrawn, the police forces safeguarded the free withdrawal of demonstrators and others from the church.

Thus a direct „intervention” by the Ombudsman, signalization on the spot was exceptional, its aim was to prevent a grave violation of fundamental rights and was exclusively done through the contact person, parallel to asking for information. It was a positive experience in several cases that the personal presence of the Parliamentary Commissioner’s associates had itself „withholding force” as we could observe that whenever the acting police officers learned about our presence they started to implement their measures taken earlier ‘loosely’ in keeping with the rules.

We documented our investigations on the spot with digital cameras, video recorders, notes, or sometimes with PDA equipped with GPS. Due to this method of documentation we could reconstruct our activity later perfectly, and in case anyone tried to challenge our findings, though it was never done officially, our documents could fully support them.

It also happened that as we could basically move and act freely at the events, we could cross over blockades and continue our observation from closed security operational areas even not accessible to journalists, we possessed much more information or from a broader aspect than any other party.

¹⁶ A few demonstrators went into the church, where a mass was already in progress. It is a symbolic place to radicals, because the priest is a well known public person with extreme right-wing (national radical) political ambition. The police forces wanted to go into the church, but it was unclear how many demonstrators were in the church and how they could be separated from the persons who only attended the mass. The Ombudsman’s associates found this plan possible to violate fundamental rights (e.g. freedom of conscience). The police decided not to step into the church, and the priest answered to our request that he did not want any investigation about this incident, his relationship with the police was good.

5 General features of the investigations

A basic feature of the investigations was, as of every procedure of the ombudsman that it focused only on the aspect of fundamental rights, which also means that we strictly refrained from assessing professional police matters, their expediency and efficiency, and though occasionally we did have our own view about those issues, we had no competency and special skills hence we did not mention our opinion even in a single case. The series of investigations were focused not only on the enforcement of the freedom of assembly right from the planning phase on but also the protection of all fundamental rights related to events on public spaces (right to their holding, participation in them, etc.) was also kept in view. Therefore, during the investigation of the police procedure or certain measures human dignity was the basic norm, further on the framework of our investigation was outlined by the ban on cruel or humiliating treatment, the ban on discrimination, the right to remedy, and the right to fair procedure.

The scope of our observations covered the whole spectrum of the events at public spaces, irrespective of their dynamic or static character (marches, walks) and even to events such as state or local authority celebrations open to all and not falling under the force of the law of assembly. In the latter cases the freedom of expression, the right to self-determination (privacy) were in focus, so our investigations concentrated not only on the procedure of the police forces but also on other organs contributing to security. We drew special attention to identity checking and entry processes, to checking of garments and to safeguarding the events.

During our investigations on the spot not only personal presence was important, but we devoted time to inquiring into the circumstances of arrest, the hearing of the arrested persons from among the demonstrators and the conditions of detention. It means that our work did not stop at the early or planned end of the demonstration: if the demonstration was dispersed, or numerous people were arrested in relation to it we visited the respective police stations in the evening, at night or early in the morning which did the arrests, or also the main detention institution of the Budapest Police, where we could hold the hearings of the arrested persons, controlled the conditions of detention, and checked if information was given about the right to remedy and the right to complain. There were several cases of juveniles among the arrested under the age of 18; in their cases we studied the special obligations of the police forces (e.g. rapid notification of relatives, adequate separation from adults). Narrowing down to events in public spaces it can be stated that in addition to personal observation in many cases we obtained additional information from interviews. These hearings were free of all formalities: we met all the people arrested in connection with the given event in the detention rooms, and asked them about their experiences before the coercive measures. We ensured an opportunity for them to tell us anything they wanted to tell, next we inquired about their experiences of the demonstration and the police measures. The detainees were cooperative and served us with useful information in every case.

All that does not mean that we made our investigations only on the basis of our experiences on the spot. An indispensable element was to know the opinion of the Chief of Budapest Police and of the National Police, and to obtain the existing documents (including video recordings). The Ombudsman's request, based on the experiences of the investigations on the spot, the complaints received, and other information related to the events usually contained concrete questions about police measures, the reason of those provisions and the manner of their implementation, at the same time creating the opportunity for police chiefs to expound their views as well. Though inferences could be drawn from the questions of the request concerning the pieces of information available to us the questions put could not in any way be called as of some conception but served the possible most profound exploration of facts. It happened

practically in every case that the answers received did not, or only partly corresponded to the results of observations on the spot. In these cases we reassess(ed) the available information.

We asked extensive and various questions which were different from investigation to investigation, but the sphere of documents we worked with was almost always the same: particularly the summary report, the police report on the coercive measures against personal freedom, documentation related to arrest, and the video recording of locations deemed as crucial by us. In some cases the Budapest Police sent us these usual documents without any request, as a result we could cut the time needed to drawing up our report to a fragment of the usual.

During the course of investigations occasionally we received dozens of complaints, sometimes with extensive video/photo recordings added which also offered further useless information that could not be regarded as impartial.

In addition to the above mentioned ones we also used all available „documents” such as newspaper articles, coverage, television transmissions, web pictures, video broadcast sharing websites, etc.

During the preparatory phase of the Ombudsman’s report we assessed all these pieces of information one by one and in their totality.

6 Cooperation after the investigation

In several cases the investigation was closed without report because the fundamental rights were not violated or there was no danger of it. In every case the Ombudsman sent his report to the Chiefs of the National and Budapest Police, and depending on the findings of the investigation, also to the Minister of Justice, to the Minister heading the Prime Minister’s Office, and to the heads of the related parliamentary committees besides the Speaker of Parliament.

It is not the reception of the Ombudsman’s measures in general but the responses given by the police that are important from the point of this paper. The Parliamentary Commissioner most often made recommendations in relation to his investigations into the enforcement of the freedom of assembly mainly to the police about protecting fundamental rights. It can be stated in general that the police continuously utilised the Ombudsman’s earlier findings during the course of the year, even if the National Police Chief rejected the acceptance of the recommendations in his written answer. Such an example is that our manuscript summarising the experiences of investigations into the enforcement of the right to assembly stated a strange life when it was incorporated into the educational plans of the police and was made freely available to the staff.

The reception and effect of the various recommendations, however, is rather mixed. For example, the majority of the statements related to the dispersion of the crowd at Clark Ádám Square and the following mass arrest was disputed by the Chief of the National Police, despite resolutions of the Independent Police Complaint Body which contained arguments almost identical with those of the Ombudsman. (The Chief of the National Police accepted the statements of the Ombudsman about the investigations of commanders, the related documentation and the related initiatives.)

The single area where we did not detect progress is the question of police identifiers, despite the fact that the Ombudsman repeatedly indicated the problem and found new abuses in this respect in his subsequent reports. However, in two reports the Ombudsman revealed injuries about it.

In summary it can be stated, that the Chief of National Police accepted most of the proposals or recommendations of the Ombudsman and:

- Ordered to supplement the Internal Guidelines related to notification about events to make it clear for every police force that they had to accept and register the notification of a demonstration sent by e-mail;
- If the notifier of a demonstration had no possibility to proceed as stipulated by Act CXL of 2004 on the General Rules of Administrative Proceedings and Services, then he has to be informed that he should repeat his notification again in keeping with the relevant decree in force;
- He called the attention of the implementing personnel to the safeguarding significance of the full implementation of measures laid down in the security plans in the interest of the realisation of the obligation to protect institutions indispensable to the exercise of the right to assembly;
- The findings of the Ombudsman's report (OBH 5642/2008) will be considered when preparing methodological guidelines aiming at a unified execution of enhanced controls;
- He took measures that the staff of the Riot Police, and of the county (and capital city) police headquarters should get acquainted with the entitlements of the Ombudsmans, further on, he took measures that the chiefs of police organs make their subordinates familiar with the statements of the report;
- It will be examined during the expected amendment of Clothing Regulations after a comprehensive survey of the ministerial order what uniform regulation could better ensure the identification of policemen on the basis of the Ombudsman's recommendation;
- The law enforcement deputy of the Chief of Budapest Police repeatedly called the attention of the related police staff to fully apply the norms and their implementation without reservation;
- Special attention shall be paid to check the observation of rules ensuring the police forces' identification;
- The police will meet citizens' requests wishing to learn about older norms not yet figuring on its websites;
- In order to make the safeguarding of events and the related police measures correspond to the contents of valid law several aids, methodological guidelines and the above-mentioned manuscript were delivered to the Police College, and to all secondary schools of law enforcement, and also to the county police headquarters.

There were, however, some measures of the Ombudsman that were not accepted fully or partly by the Chief of the National Police. The Ombudsman maintained his former position related to those measures.

7 Summary

Cooperation with police chiefs and also with the security experts working on the spot can be classified as absolutely outstanding and of exemplary value disregarding the minor, initial 'hitches' due to continuously decreasing mistrust and misunderstandings. Unfortunately this is not obvious in the context of the currently dominant legal culture; therefore it is most welcome that a state organ, especially a closed and hierarchical law enforcement body did not behave rejectfully but constructively and inclusively as to the criticisms of the Ombudsman.

The obvious advantage of the investigations on the spot is that we could receive direct information with the help of which we can decide if there is any violation of fundamental rights and hence should there be an *ex officio* investigation or not. In addition the primary experiences of the preventive investigations on the spot (such as was the dispersion of the event legal or not)

could be published rapidly in press release, emphasizing that there were only preliminary statements in it and not findings after a comprehensive investigation. Intensive communication also made it possible that the procedure and the consequences of the investigation could be followed not only by the narrower professional public but by the broader public as well, somewhat in a way as a novel published in instalments. Thus the Ombudsman has kept in view that his strongest „weapon” was publicity next to the soundness of professional arguments.

A further advantage was that when initiating an investigation was reasonable, the request to the police could be focused: not probing questions, but a concrete checklist inquiring about specificities was presented. The speed of the procedure was further enhanced by the fact that the associates asked for all the documentation (prohibition by the police, scenario, etc.) including video and sound recordings if necessary which arrived within a couple of days due to the high degree of the cooperation of the police. The positive result of preventive investigations on the spot was that video and sound recordings made by the associates were immediately available to the Ombudsman. It is also due to this fact that the reports were completed in a couple of weeks, shortening even the required optimal duration.

Nevertheless, the investigation could not be „lopsided”, therefore it did not extend only over the police measures, but also to the legal background, the enforcement of the freedom of assembly and we monitored also the constitutionality of the norms that regulate police procedures. The problem map drawn this way defined some questions of certain fundamental rights, dilemmas (e.g. the extent of the obligation for protecting institutions, assessing competing events or of the content of notification obligation) which could be judged much easier and more profoundly. In addition the Ombudsman could not be blamed, as it was often done initially that it was easy for him to judge from his desk. The Ombudsman and his associates are naturally lawyers and not heroes, thus their primary domain continues to be their desk, but it is always good to observe the events in their totality, from the practical side, as a kind of commonplace summary of the investigations on the spot.

During the course of this work we attended more than 20 times¹⁷, almost 50 demonstrations and events in public spaces for a duration of more than 100 working hours since 22 October 2007. The events investigated were usually under the scope of the Act on the freedom of assembly or were closely related to it. Participation in events organized by the state or local authorities was justified also by the accompanying different forms of the expression of opinion besides the police acknowledging them as events under the scope of the Act on the freedom of assembly.

So far the Ombudsman has summarized his experiences of investigations on the spot on 41 occasions in 2008 in five reports¹⁸, and has examined several complaints¹⁹ related to the freedom of assembly.

¹⁷ From 7 March 2008 to date the associates of the Ombudsman attended more than 100 demonstrations, which were considered as events with high safety risk by the police (among them there were extremists’ demonstrations, or before the prime minister’s house, or against any form of discrimination.)

¹⁸ Cases No.: OBH 2058/2008, OBH 2452/2008, OBH 3236/2008, OBH 5266/2008, OBHJ 5642/2008.

¹⁹ Cases No.: OBH 2952/2008, OBH 3628/2008, OBH 5593/2008, OBH 3197/2007, OBH 4583/2007, OBH 4685/2007, OBH 5642/2007.