

Transformation of Security and Intelligence Services in Hungary (1990-2018)

In the period following World War II, the structure and methodology of the secret service sphere in Hungary changed fundamentally. The former structures, based mainly on the professional heritage of the Austro-Hungarian Monarchy and Western patterns, were abolished and gradually replaced by structures and professional principles based on the Soviet pattern.

The short history of the State Security Organizations in Hungary

In Hungary, a State Protection Department was established in 1946, containing several operational support units.¹ Later, on 1 September 1948, the State Protection Authority (SPA) was founded on the basis of the Minister of the Interior's decree No. 288.009/1948, and it was placed directly under the command of the Ministry of the Interior (MI). The foundation and operation of the organizations was "supported" by Soviet advisers until the change of the regime.

The State Protection Authority, now independent (of the MI) was founded by the Council of Ministers decree No. 4353/1949, issued on 28 December, and subordinated directly to the Council of Ministers.² The Military Political Department of the Ministry of Defence and the Military State Border Guard were incorporated into the new organization operating from 1950. On Soviet advice, the Council of Ministers made a decision to termi-

¹See: Decree No. 533.900 / 1946 (B.M.) and its organizations and tasks were regulated by Decree No. 535.059 / 1946 (B.M.)

²See: Historical Archives of the Hungarian State Security.

Source: https://www.abtl.hu/sites/default/files/raktari_jegyzekek/1_3_2008.pdf

Accessed: 31.07.2022

nate the SPA as an independent organization on 17 July 1953 and to integrate it into the Ministry of the Interior. The reintegrated services in the MI were reorganized in December 1955 and named State Protection Directorate.

During the 1956 revolution in Hungary the State Protection collapsed as a body, many members fled or disappeared into illegality or joined the Soviet forces and participated in overthrowing the revolution. The reorganization of State Protection was initiated after November 1956, with Soviet support. As part of the reorganization, all the employees of the previous organization were dismissed in December 1956, they were vetted and, almost without exception, they were employed by the MI.

The central secret information collecting organization was founded in the spring of 1957, the MI Political Investigation Department (thirteen departments) retained the structural organization of the State Protection Directorate, with minor modifications. Based on the command number 12 of the Minister of the Interior, dated on 3 May 1957, the following departments were organized:

- Military Counter-intelligence Department,
- Counter-intelligence Department,
- Intelligence Department,
- Transport Sabotage Counter-intelligence Department,
- Counter-intelligence against Internal Reactionary Forces Department,
- Industrial Sabotage Counter-intelligence Department,
- Agricultural Department,
- Investigative Department,
- Physical Surveillance, Vetting Department,
- Operative Technical Department,
- Operative Registration Department,
- Nationwide Encryption Centre,
- “K” Postal Censorship Department,
- Radio Intelligence Department,

- Central National Authority for Controlling Foreigners and Passport Department.

The MI Main Directorate III (State Security) was founded in 1963³, and within this, the III/V (operative-technical) Division, having four departments, as well as the independent operative departments had the responsibility to provide operative support to the whole scale of intelligence activities in Hungary, including the military intelligence that was independent of the MI.⁴

³The first head of the MI Main Directorate III was Police Major General József Galambos. From 1966 until his retirement in 1973, he was the deputy minister of personnel.

Source: https://www.abtl.hu/ords/archontologia/f?p=108:13:::NO:13:P13_OBJECT_ID,P13_OBJECT_TYPE:950138,ELETRAJZ

Accessed: 31.07.2022.

The last leader of the MI Main Directorate III was Police Major General Ferenc Pallagi. From 1 May 1989, he was the leader of the Hungarian State Security as the Head of Main Directorate III and deputy Minister of the Interior. He retired on 21 January, 1990. Source: Historical Archives of the Hungarian State Security

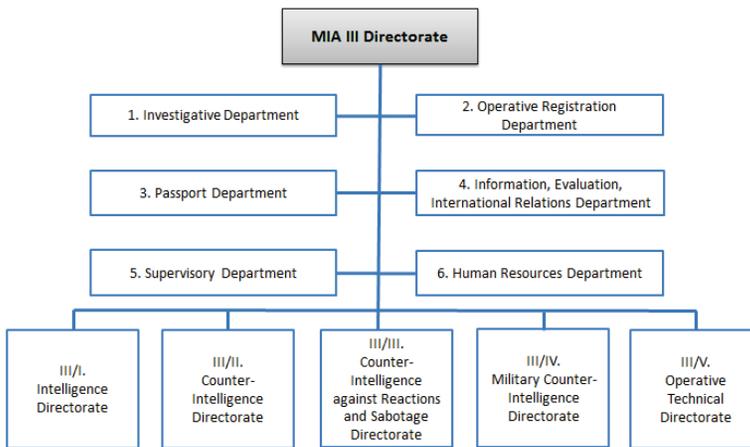
Source: https://www.abtl.hu/ords/archontologia/f?p=108:13:91275166921175::NO:13:P13_OBJECT_ID,P13_OBJECT_TYPE:12279,ELETRAJZ

Accessed: 31.07.2022-

⁴Kovács, Tamás: *Átmentett, vagy megmentett légió, A magyar állambiztonság metamorfózisához 1989-1990. Levéltári Közlemények 82. 2011. [A legion of rescued or protected, for the metamorphosis of Hungarian state security 1989-1990, Archival Communications], 64.*

Source: https://library.hungaricana.hu/hu/view/LeveltariKozlemenyek_82/?pg=65&layout=s

Accessed: 25.03.2018



MI Main Directorate III (1963-1989)

The detailed organizational structure of the foundation at the time was the following:⁵

- III/I (Intelligence) Directorate,
- III/II (Counter-intelligence) Directorate,
- III/III (Counter-intelligence against Internal Reactionary) Directorate,
- III/IV (Military Counter-intelligence) Directorate,
- III/V (Operative Technical) Directorate,
- III/1 (Investigative) Department,
- III/2 (Operative) Registration Department (to 1971 and then physical surveillance)
- III/3 Passport Department (to 1971 and then “K” mail interception)

⁵ Ungváry, Krisztián: Az állambiztonsági szervek intézménytörténeti struktúrájának vázlatja. [Outline of the institutional historical structure of state security bodies, In: Report of the Expert Committee (2007-2008)] 52-53.

Source: <http://mek.oszk.hu/08400/08450/08450.pdf>

Accessed: 05.03.2018

- III/4 Information, Evaluation, International Relations Department,
- III/5 Supervisory Department,
- III/6 Human Resources Department,
- III/7 Operative technical interception Department (form 1967, Secretariat Department from 1975)
- III/8 National Encryption Centre (1976-1978)

In the 1970s, there were more reorganizations in the Ministry of Internal Affairs, even though these resulted in only minor changes in the intelligence organizations. During these, the following still operated as independent departments: III/2 Operative Surveillance and Vetting Department, III/3 “K” Postal Censorship Department, III/4 “X” (information processing) Investigative Department, and III/5 Radio Intelligence Department.⁶

The organization of State Security Main Directorate III went through a major restructuring in 1979, still, this did not have an impact on the names or basic responsibilities of the divisions. However, the independent departments operated in a different structure. The previous III/4 “X” (information processing) Investigative Department was changed into Technical Controlling and Information Processing Department, although the functions basically remained unchanged. The previous National Encryption Centre (III/7 Department) operating within the III/I-13 Department became independent, and started its operation as a new organizational unit, III/6 Operative Short Wave Radio Service Department.

As opposed to the popular belief, secret information gathering in the socialist regime was executed in compliance with strict regulations. However, these decrees were not public, and their primary aim was to serve the interests of the communist party and its leaders.

⁶ Cseh, G. B.: A magyarországi állambiztonsági szervek intézménytörténeti vázlata, 1945–1990. [Outline of the institutional history of the Hungarian state security services, 1945–1990] In: Trezor 1. A Történeti Hivatal évkönyve. Budapest, 1999. 76.

- Decree of the Minister of the Interior No. 535059/1946 on the organization, tasks and responsibilities of the Hungarian State Police State Protection Department.
- Decree of the Council of Ministers No. 3541/1956 (VIII.22.) on the Ministry of the Interior of the People's Republic of Hungary.⁷
- Decree of the Council of Ministers No. 6000/1975 on the responsibilities of State Security.⁸
- Order of the Deputy President of the Council of Ministers No. 1/1975 on the tools and methods applicable to protect the security of the state.⁹
- Command of the Minister of the Interior of the People's Republic of Hungary No. 26/1979 on issuing the order of business of the MI Main Directorate III (State Security).¹⁰

The transformation

In Hungary, the transformation of the State Security Services into national security services took place in parallel with the peaceful transition in 1989-1990. As we have mentioned above, during the Cold War, the Hungarian state security structure was connected to a bigger socialist international alliance and served foreign needs. The Hungarian State Security was operated basically in the same structure for nearly thirty years between 1963 and 1990.

⁷Source: https://library.hungaricana.hu/hu/view/MNL_OL_XIX_A_83_b_185_3516_35-45/?pg=291&layout=s
Accessed: 25.03.2018

⁸Source: https://www.abtl.hu/sites/default/files/forrasok/1975_6000.pdf
Accessed: 25.03.2018

⁹Source: https://www.abtl.hu/sites/default/files/forrasok/1975_1.pdf
Accessed: 25.03.2018

¹⁰Source: https://www.abtl.hu/sites/default/files/forrasok/parancs_2.pdf
Accessed: 15.01.2018

Before 1990, in parallel with the changes of the international and domestic political environment¹¹ the MI Main Directorate III faced the need for changes and tried to make preventive steps.¹² In Hungary – similarly to in other post-authoritarian states – the political and professional leaders of the state security organization did not have public models for the reform, so they started to examine and analyze the western organizational models.¹³ Several ideas emerged for the restructuring¹⁴ inside the Ministry of the Interior, such as the idea of a unified security service or the functionally divided security services.

During the Round Table Negotiations, the political opposition, negotiating with the leaders of the Hungarian Socialist Workers Party, raised the regulation issue of the enforcement agencies in the second half of 1989. At that time, the communist state party did not support either the separation of the state security service from the police or the subordination of the services to the Cabinet of Ministers.

The political power did not want to form an opinion publicly about the future of the state security services, but in 1989 the Parliament accepted that the rules related to the police and state security needed to be defined in

¹¹ Act XX of 1949 was revised and restated by Act XXXI of 1989 (Constitution of the Hungarian Republic).

¹² Kovács, Zoltán András – Dobák, Imre: Korszakváltások a magyar nemzetbiztonsági intézményrendszerben (1990–2016) [Paradigm Changes in the Hungarian National Security Institutions (1990–2016)] In: Finszter, Géza – Sabjanics, István: Biztonsági kihívások a 21. században, Dialóg Campus Kiadó. Budapest, 2017.

Source: http://www.bm-tt.hu/assets/letolt/BM-konyv_1.pdf

Accessed: 15.01.2018

¹³ Kovács, T. (2011): i.m. 69.

¹⁴ Varga, Krisztián: A III/III. Csoportfőnökség jelentései az állambiztonság feladatairól és strukturális átalakításáról 1989-ben [Reports of the III/III Subdepartment on the tasks and structural transformation of state security in 1989]. Betekintő 2007/4.

Source: http://www.betekinto.hu/sites/default/files/2007_4_varga_k.pdf;

Szakértői Bizottság jelentése 2007-2008 [Report of the Expert Committee 2007-2008]. 12.

Source: <http://mek.oszk.hu/08400/08450/08450.pdf>

detailed laws.¹⁵ It is worth noting that in the period of political transformation the issue of regulations of other law enforcement and military organizations (police, armed forces) seemed to be more important than the regulation of state security organizations.

With regard to the future of the security structure, the opposition acknowledged the need for secret services in democratic countries, but the cardinal points were the issues of their structure and political control. In essence, foreign intelligence and counter-intelligence seemed to be justified, but the establishment of a high-level legislation was considered necessary for their operation. For the organizations of the opposition the internal security branch (Directorate III/III) still symbolized the body responsible for their persecution.¹⁶ During the negotiations, the opposition insisted on the separation of the police and state security,¹⁷ but no decision was made. It is true that after the new Constitution came into force, the department with the right of investigative power in the area of Hungarian State Security was abolished on November 1, 1989. Still in 1989, the term “state security” was gradually replaced by the term “national security”, and its introduction indicated the changing of tasks as well.¹⁸

In January 1990, the “Duna-gate” scandal suddenly accelerated the transformation process of state security and in the beginning of 1990 the

¹⁵Révész, Béla: Dunagate II. Beszélő 2005/1.

Source: <http://beszelo.c3.hu/cikkek/dunagate-ii>

Accessed: 10.12.2017

¹⁶Ibid.

¹⁷Révész, Béla: Az állambiztonságtól a nemzetvédelemig [From state security to national defense], *Acta Universitatis Szegediensis Acta Jurida et Politica* Tomus LXIII Fasc. 17, Szeged 2003. 39.

Source: <http://mek.oszk.hu/01500/01582/01582.htm>.

Accessed: 10.12.2017

¹⁸Ibid. Kovács – Dobák (2017): 179.

former Hungarian state security system was restructured into a new, democratic national security structure.¹⁹This also meant that the national security services became independent from the Ministry of the Interior and the police.²⁰

As a result of the transition, one part of the structure was fully destroyed, but other capabilities were transferred to the new national security system.²¹ In 1990, the new structure separated the military and civilian national security services, and the foreign and domestic as well as the intelligence and counter-intelligence directions. Later – especially after the Duna-gate scandal, which led to the creation of the new services – the parties and the Parliament started to deal with the questions of the Law on national security and oversight. After 1990, the oversight of the national security services remained under Government supervision, but according to Act X of 1990 and after Act CXXV of 1995 the oversight of the national security services and secret information gathering were no longer delegated only to the executive branch. Maintaining operational effectiveness became an important goal, simultaneously with the creation of the democratic supervision component.

Concerning the issue of executive control, the first freely elected Parliament placed the military national security services under the authority of the Minister of Defence and the new civilian security services under the authority of a minister without portfolio.²²Later, Act CXXV of 1995²³ preserved this solution as well, and the Government controlled the civilian national security services through a “designated” Minister. The elements of

¹⁹26/1990 Decree of the Council of Ministers (14 February) on the Provisional Regulation of the Fulfilment of National Security Tasks

²⁰ Ibid. Révész (2003): 6.

²¹Finszter, Géza: Rendészet – rendvédelem közjogi megközelítésben [Law enforcement in a public law approach], In: Gaál, Gyula – Hautzinger, Zoltán (eds.): Pécsi Határőr Tudományos Közlemények IX. Pécs, 2008. 57.

²² Act LI of 1990 on the Amendment of Law Decree No. 17 of 1974

Source: <https://mkogy.jogtar.hu/jogszabaly?docid=99000051.TV>.

Accessed: 10.12.2017.

²³ Source: <https://net.jogtar.hu/jogszabaly?docid=99500125.TV>.

Accessed: 10.12.2017.

the Hungarian national security structure were changed later (2010, 2012, 2016), so today one military and four civilian national security agencies operate in Hungary. Executive control was changed as well, in 2010, so currently it exists as a three dimensional governmental control model.

The role of the Dunagate scandal

By 1990 the State Security Services had been trying to prepare for the changes of the structure, but the suddenly erupted Duna-gate scandal surprised them. Based on the research results reviewed in this topic, the Duna-gate scandal was obviously the main turning point, which led to this type of transformation of Hungarian State Security. The scandal emerged immediately in January 1990 when it became known that the Hungarian State Security (MI Main Directorate III) had the opposition under surveillance, despite the Constitutional Amendment (1989) and that Hungary had been declared as a Republic (23 October 1989).²⁴ The opposition published facts about politically motivated domestic secret information gathering.

Several investigations were conducted (e.g. by the Military Prosecutor and the Ministry of the Interior), then the Ministry of the Interior and the Deputy Minister (who was the leader of the State Security) resigned, due to this scandal.

The scandal created a new situation that negatively affected the State Security Services, so the Government reformulated the whole unified structure and in the early 1990s it repealed the existing regulations on State Security. Without legal succession, they abolished the internal security department (III/III) and established new national security services along the

²⁴Révész, Béla: A „Duna-gate” ügy jelentősége a rendszerváltás történelmében (Politológiai értelmezési lehetőségek) [The significance of the "Duna-gate" case in the history of the shift of regime (Possibilities of political interpretation)] Acta Universitatis Szegediensis Acta Jurida et Politica Tomus LXVIII Fasc. 19. Szeged, 2006. 12.

Source: <http://mek.oszk.hu/04900/04948/04948.pdf>

Accessed: 10.12.2017.

foreign intelligence and counter-intelligence directions (military and civilian).²⁵ On 25 January 1990, the Parliament adopted the Law on the transitional provisions for the regulation of special intelligence tools and methods.²⁶ It was the first non-classified Act concerning secret information gathering in Hungary. There was a deficiency in the law, namely that the control system remained unfinished because no provisions on professional or social control were included in it.²⁷ In 1990 other additional legislations were adopted, too, on national security services, such as the establishment of the committee for the organization of national security services, and some organizational solutions.²⁸

According to the political decision, after the transition, the new structure retained the professionals whose expertise was indispensable in the creation of the new civilian national security services. (Most professionals from the MI III/III were retired after the change.) The reorganization had to be carried out by relocating the staff from the Ministry of the Interior.²⁹ A great number of qualified professionals from other divisions remained in the structure because the total reduction would have resulted in the loss of the national security capabilities. The number of staff was reduced but a vetting / lustration process was not initiated as in other post-communist countries. Later this decision was discussed many times.³⁰

²⁵Decree No. 26/1990 of the Council of Ministers (14 February) on the Provisional Regulation of the Fulfilment of National Security Tasks.

Source: <http://www.jogiportal.hu/index.php?id=taipazxcsr4tnkuns&state=19960327&-menu=view>

Accessed: 10.12.2017.

²⁶Act X of 1990 on the Provisional Regulation of the Authorization of the Special Means and Methods of Secret Services.

Source: <https://mkogy.jogtar.hu/jogszabaly?docid=99000010.TV>.

Accessed: 10.12.2017.

²⁷ Ibid. Révész, B. (2003): 6.

²⁸ Referred to by Révész, B. (2003): 6.

²⁹ Resolution No. 3039 of 1990 of the Council of Ministers on the establishment and operational conditions of national security services

³⁰Ibid. Kovács, Z.A. – Dobák, I. (2017): 180.

Between 1991 and 1995 several bills were drafted to regulate the operation of national security services, and a comprehensive Act was established finally at the end of 1995. (Act CXXV of 1995). In recent years, several other changes have affected the security structure, and currently there is a model with five national security services in operation. This Act regulated the framework of operation of the Hungarian national security services at a statutory level and wanted to establish a balance between the effective operation of the security services and the parliamentary control of national security.³¹

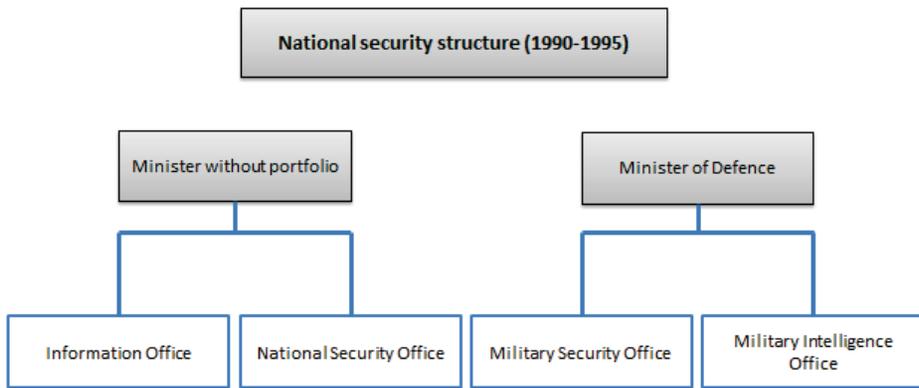
In summary, the policy-makers in 1990 and after

- abolished the centralized structure of the Hungarian State Security and established a new, decentralized national security structure;
- terminated the investigative powers of the secret services;
- gradually created legislation for the national security sector, secret information gathering and control, and parliamentary oversight;
- the military national security services (intelligence and counter-intelligence) were subordinated to the Ministry of Defence, and the civilian national security services were subordinated to a Minister without portfolio;
- after the Duna-gate scandal and demolition of the state security structure, the law enforcement tasks of the police and the intelligence activities of the national security sphere were clearly separated.

³¹Ibid. Kovács, Z.A. – Dobák, I. (2017): 183.

The Hungarian national security services after the change of the regime

25 January 1990 the Parliament passed Act X of 1990³² on the Transitional Rules for the Use of Special Means and Methods of Covert Information Gathering and the Government Decree on the temporary regulation of carrying out of national security duties. When the latter decree entered into force, two civilian (the Information Office [IO – *Információs Hivatal*] and the National Security Office [NSO – *Nemzetbiztonsági Hivatal*] and two military (the Military Security Office [MSO – *Katonai Biztonsági Hivatal*] and the Military Intelligence Office (MIO – *Katonai Felderítő Hivatal*) services started to operate.

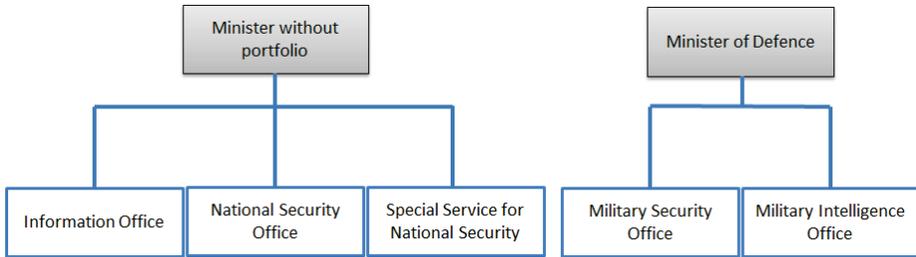


National security structure (1990-1995)

The Parliament passed the law on national security services on 29 December 1995. The law separated the Special Service for National Security (SSNS – *Nemzetbiztonsági Szakszolgálat*), which provided the technical

³²Source: <https://mkogy.jogtar.hu/jogszabaly?docid=99000010.TV>
 Accessed: 10.12.2017

background to secret information gathering.³³ Similarly to the control of the civilian intelligence and the civilian counter-intelligence, the control of SSNS was exercised by a minister without Portfolio between 1996 and 2002, as well as between 2007 and 2010, and between 2002 and 2007 by the minister leading the Prime Minister’s Office.



National security structure (1996-2002, 2007-2010)

From the summer of 2010, after the modification of Act CXXV of 1995 on national security; the Constitution Protection Office³⁴ (CPO – *Alkotmányvédelmi Hivatal*), the Special Service for National Security were under the control of the Minister of the Interior. After 2010, the Minister of Foreign Affairs controlled the IO, then on 1 September 2012 the IO came under the control of the Minister of the Prime Minister’s Office.³⁵ From June 2014 to May 2018, the organization was controlled by the Minister in charge of the Prime Minister's Office, and this task is currently performed by the Minister of Foreign Affairs and Trade. The Military Security Office and the Military Intelligence Office remained under the control of the Minister of Defence, but on 1 January 2012 the two military services (MSO and

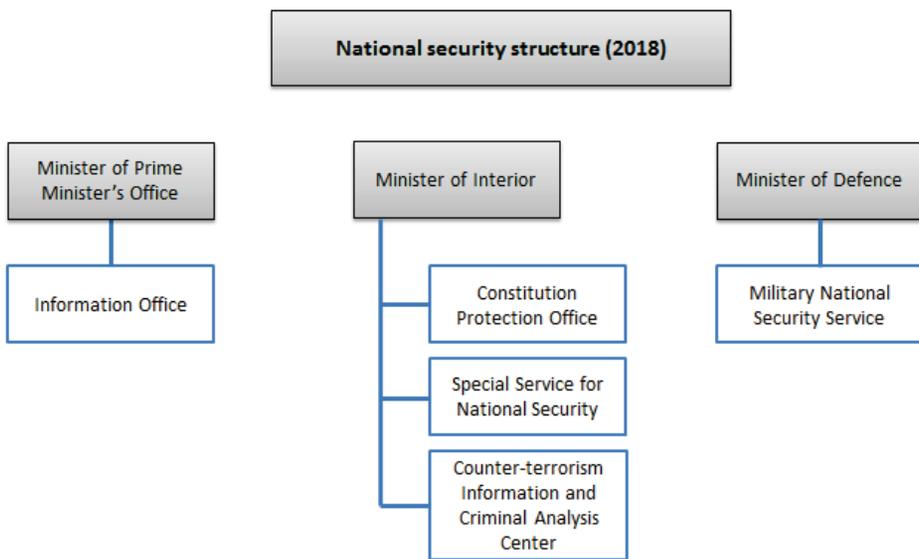
³³ Boda, József: A Nemzetbiztonsági Szakszolgálat helye, szerepe a titkos információgyűjtés rendszerében [The role of the Special Service for National Security in the system of secret information collection], *Hadtudomány* 2013/1-2. 41-66.

³⁴It was formed from the National Security Office.

³⁵Act XCVI of 2012.

MIO) merged, and the Military National Security Service (MNSS – *Katonai Nemzetbiztonsági Szolgálat*) was founded.³⁶

In 2016 the Government established the Counter-terrorism Information and Criminal Analysis Centre (CTICAC – *Terrorelhárítási Információs és Bűnügyi Elemző Központ*)³⁷, which is under the direction of the Ministry of the Interior. In 2011 the Parliament passed the Constitution of Hungary as well, which sets out the basic responsibilities of the national security services.



National security structure (2018)

At present the following organizations are entitled to be involved in secret information gathering:

³⁶Act CLXXI. of 2011

³⁷See: Act CXXV of 1995 and Act LXIX of 2016 on the amendment of certain acts related to counter-terrorism

Constitution Protection Office (CPO)

The aim of the operation of the Constitution Protection Office is to protect the citizens and the constitutional order of Hungary and to guarantee their security. The Office executes the responsibilities defined in the Act on national security under the oversight of the Ministry of the Interior. It cooperates with the law enforcement organizations of the Ministry of the Interior, the national security services and the other areas of administration. It works in close cooperation predominantly with NATO member states and the partner states of the European Union. With the help of the available methods and means, whose application is authorised by law, it recognizes and identifies the overt and covert challenges threatening the nation's security, the organizations and people embodying these and efficiently counteracts them. It is a priority to provide the government of Hungary with otherwise unavailable information necessary for decision making.

Its responsibilities are: counter-intelligence, protection of the Constitution, security of the economy, protection of national security, national security controls, involvement in migration procedures, reconnaissance of unauthorized usage of internationally controlled products and technologies, prevention, dissuasion and involvement in the control of their legal trade (proliferation) and industry safety control.³⁸

Constitution Protection Office (CPO)

The Information Office is a civilian intelligence service that is primarily involved in activities outside the Hungarian border. The Office operates under the Minister leading the Ministry of Foreign Affairs and Trade.

The general objective is to gain confidential information regarding foreign countries or originating from abroad, facilitate the effectiveness of the Hungarian national interests, be involved in maintaining the independence of Hungary and the protection of its legal order.

³⁸ Source: <http://ah.gov.hu/english/>
Accessed: 10.01.2018.

The intelligence obtained is used as the foundation of governmental decision making. The government defines the topics it wishes to be informed about through intelligence. Based on these information needs, the Information Office gains such data, information and documents which cannot or can only be gained up to certain limits, through its special system of instruments. In order to complete its tasks, the Office executes operational activities. Using resources created by human and technological means, it gains secret and confidential data, and it uses public sources and gains maximum benefit from the opportunities provided by international cooperation. The gained information is analysed, compared with the available data and evaluated, then the intelligence reports are made and forwarded to the decision makers.

Military National Security Service (MNSS):

The MNSS is under the control of the government with jurisdiction in the territory of Hungary, a budgetary authority having an independent budget. The MNSS was founded on 1 January 2012, on the basis of the Ministerial Order 128/2011 (XII. 2.) of the Minister of Defence, which changed the name of Military Intelligence Office of the Republic of Hungary for Military National Security Services, whereas the Military Security Office of the Republic of Hungary was terminated as an independent budgetary authority and its organizational units were merged into the organization of the Military National Security Service.

Objectives: The MNSS performs intelligence, counter-intelligence, protection and control tasks defined in Act CXXV of 1995, with the methodology of overt and covert information gathering in its operational territory. It facilitates the enforcement of the national security interests of Hungary, consequently it is involved in the protection of the country's independence and its legal order.

The legal foundations and responsibilities of the operation of the service, the connected organizational system and methodology, the control and supervisory authorization, the legal and political guarantees are ensured by Act CXXV of 1995, modified by Act CLXXI of 2011.

The Military National Security Service is under the control of the government, directed by the Minister of Defence. The authorization of the minister covers a full-scale mandate regarding the administrative and budgetary issues of the MNSS. The general framework of the operation of the service, its structural organization and the specific responsibilities are defined in decrees and orders issued by the Minister of Defence. The head of the MNSS is the Director General, who is appointed and dismissed by the Prime Minister, on the proposal of the Minister of Defence. The Director General has independent accountability, within the framework of laws, rules and regulations and the other legal means of state administration.³⁹

Responsibilities:

- to detect and prevent hostile intentions and actions against Hungary, hostile foreign secret service activities, the change or disturbance of the legal regime with unlawful means or acts of terrorism;
- to obtain military information and that of military politics and defence industry and the data needed for the work of the Ministry of Defence and the General Staff of the Armed Forces in the fields of military operations and tactics and information protection planning;
- to gather information about organized crime regarding its area of operation, the crimes threatening the execution of the legal tasks of the Ministry of Defence and the Hungarian Defence Forces, cyber activities violating defence, as well as intentions and activities against the armed elements and their personnel in its operational areas;
- to perform national security tasks related to military research, development, production and trade at the Ministry of Defence and the Hungarian Defence Forces, as well as regarding internationally controlled products and technologies and the detection, prevention

³⁹See: Act CXXV of 1995 §6, and the official website.

Source: <https://knbsz.gov.hu> and <http://www.honvedelem.hu/szervezet/knbsz>

Accessed: 10.01.2018

and deterrence of unlawful circulation of military equipment and services and the control of legal circulation;

- to carry out evaluation, control and protective tasks regarding staff in important and confidential positions, business organizations, special procurements, military events and military exercises within its scope of authorization;
- to execute the tasks arising from military diplomacy assigned to MNSS;
- through the defence, military and aviation attachés, it ensures the preparation and implementation of the programme and the support needed for the implementation of the tasks of the leaders' delegations of the Ministry of Defence and the Hungarian Defence Forces abroad.

Special Service for National Security (SSNS)

In 1995, Act CXXV established the Special Service for National Security, which is *“a general background institution for all other agencies authorized to use secret intelligence, including the police. Based on written application, it provides – within the framework of the law – those organizations which have the appropriate legal powers with means and methods of secret data collection.”*⁴⁰ It has the biggest budget, the highest headcount and perhaps the most complex scale of responsibilities.

The SSNS is under the control of the government, having jurisdiction of the whole territory of the country. *“Through its highly qualified professional employees, continuously developed methods and tools the SSNS provides classified and covert information and data gathering service, as well as expert support to other national security services and law enforcement*

⁴⁰ Rzeplinski, A.: The Police and the Constitutional Framework, In: Kádás, A. (ed.): Police in Transition: Essay on the Police Forces in Transition Countries. Central European University Press. 2001. 86.

Source: <http://tinyurl.hu/E3Cb/>

Accessed: 05.03.2018

*agencies (together: customers) with legal clearance.*⁴¹It is not a national security service in the “traditional” sense. The responsibilities of the NSS are defined in §8 (1) of the Act on national security, which (in 2018) included the following:

- It is entitled to provide services with the help of covert intelligence gathering as well as with the aid and methods of covert acquisition of data – upon a written request – within the legal framework for secret information gathering and covert acquisition of data activities of authorities authorized to execute secret information gathering and secret information gain;
- On the basis of needs of authorities authorized by the law to execute covert intelligence gathering and acquisition of data, it provides special technical equipment and materials required for this activity;
- It provides the special telecommunication connections for the users defined by the government;
- It provides the administrative oversight in connection with the protection of security documents;
- It performs expert – and in case of regulations of separate legislation – forensic expert activities;
- It performs the national security check of individuals within its competence, and provides the operational protection of its premises;
- It can perform the supplementary control defined in the government decree of procurements involving classified information regarding the basic security and the national security interests of the country or the procurements requiring special security measures in the case of their own classified procurements.

⁴¹See the official website <http://www.nbsz.hu/?mid=14>
Accessed: 05.03.2018

- In accordance with the provisions of the law, it provides the information security tasks related to the electronic information security of state and local governments organizations.⁴²

Counter-terrorism Information and Criminal Analysis Centre (CTI-CAC)

The purpose of CTICAC is to function as the principal information fusion and information sharing centre for law enforcement agencies, national security services and other administrations acting to avert public security and national security risks, and to be able to support the law enforcement and national security activities against threats to national security or public security, to help governmental and security policy-making and to fulfil their information needs.⁴³ The new centre was set upon the foundations of the anti-organised-crime coordination centre, as a new national security service.⁴⁴

Reviewing Act CXXV of 1995, among the main tasks of the CTICAC we find the following:

- examining the security and criminal situation of Hungary,
- conducting information and decision supporting activities for the Government,
- strategic analytical activities in security and criminal matters,
- supporting, coordinating and evaluating activities through analysis,

⁴²See Act CXXV of 1995 on the national security services and §8, and the official website. Source: <https://nbsz.gov.hu>

Accessed: 05.03.2018

⁴³ See Act CXXV of 1995 §.8./A and the official website.

Source: <https://tibek.gov.hu>

Accessed: 10.01.2018

⁴⁴ Counter-terrorism legislative package serves security of Hungarian people. April 27, 2016.

Source: <http://www.kormany.hu/en/ministry-of-interior/news/counter-terrorism-legislative-package-serves-security-of-hungarian-people>

- providing information support to the Government about Hungary's national security, terrorist threats and the criminal situation,
- performing the duties of the Passenger Information Unit (PIU)

Civilian democratic oversight over the national security services

As the DCAF relevant publication⁴⁵ states the national security services *"can become threats to society and to the political system they are meant to protect. Therefore there is a great need for clear democratic and parliamentary oversight of the intelligence services in addition to executive control."*

In Hungary the democratic oversight over the national security services basically has the same character as in other democratic countries. Concerning the national security services, Article 46 of the Fundamental Law of Hungary⁴⁶ declares that:

- *„The core duties of the national security services shall be the protection of the independence and lawful order of Hungary, and the promotion of its national security interests.*
- *The national security services shall operate under the direction of the Government.*
- *Professional staff members of the police and the national security services may not be members of political parties or engage in political activities.*

⁴⁵ Fluri, Ph. – Johnsson, A. B. (eds.): Parliamentary oversight of the security sector: Principles, mechanism and practices. IPU, Centre for DCAF Geneva. 2003. 64.

Source: https://www.dcaf.ch/sites/default/files/publications/documents/ipu_hb_english_corrected.pdf

Accessed: 10.01.2018

⁴⁶ The Fundamental Law of Hungary (as in force 1 July 2016)

Source: http://www.kormany.hu/download/a/68/11000/The_Fundamental_Law_of_Hungary_01072016.pdf

Accessed: 10.01.2018

- *The detailed rules relating to the organisation and operation of the police and the national security services and the rules for the use of special investigative means and techniques, as well as the rules concerning national security activities, shall be laid down in a cardinal Act.”*

One of the main focus points concerning the oversight issue was that the national security services have to operate effectively, secretly, but they have to be work with clear mandates and regulation, so the Parliament created a control mechanism which has the right to supervise and control the national intelligence services.

The services operate under Act CXXV of 1995 on the national security services, which, as a Cardinal Act regulates the national security services and their legal status, their duties, the control and the measures of information gathering, and, of course, the parliamentary oversight.

The responsible Committee for parliamentary oversight of the national security services is the Committee for National Security, which originally was established as an ad hoc committee in 1990. Because the national security sphere has been operating with excluding publicity, this is the most important oversight element in the Hungarian Parliament. The chairman of this permanent Committee is an opposition MP (Member of the Parliament) (See: Article 14). According to this Act, there are two Parliamentary committees having the authorization of control over the national security services:

- Committee for National Security of the Parliament
- Committee for Defence and Law enforcement of the Parliament

The National Security Committee controls the constitutional and legal operation of all the national security services, applying the political means of the Parliament. (The Committee for Defence and Law enforcement controls the general activities of the Military National Security Service from the aspect of military security issues and of the country’s defence abilities

as well). The National Security Committee receives the evaluations and reports for the Government compiled by the Services, regarding national security issues. The committees are regularly informed about the activities of the services, the security situation of the country and the defence areas.⁴⁷

According to the Act the concerned Minister informs the Committee about the general activities of the national security services regularly and at least twice annually. The Committee may request information about the national security situation of Hungary from the responsible Minister and from the general directors of the national security services. It may request information from the Minister of Justice, the Minister supervising the civilian national security services, the Minister responsible for civilian foreign intelligence, the Minister of Defence and the general directors regarding intelligence information gathering. The Committee may examine individual complaints against unlawful activities of the national security services, and if the Committee believes that one of the security services is carrying out unlawful or improper activities, it can ask the minister to conduct an investigation into the matter.

The Committee, among other things, examines the detailed draft budget of the national security services and budget items of other organisations authorised to gather intelligence of relevance to that activity. Prior to the appointment, it hears the persons nominated for the position of general director and expresses its standpoint regarding their suitability for the job.

The Committee for National Security and the Committee for Defence and Law enforcement basically hold closed sessions when exercising their supervisory authorities. It is an important criterion that only those MPs who have passed the national security clearance may become the member of these committees.

Concerning the oversight mechanism of the national security services, in the Hungarian system we can find the complexity of the parliamentary, governmental and the judicial elements. Such specific regulation area is the oversight of secret information gathering in Hungary, where in the case of

⁴⁷See Act CXXXV of 1995 on national security services.

external authorisation of secret information gathering, an external state organ (designated Judge or Minister of Justice) has to give permission to the activities.

Summary

Thanks to the colleagues and researchers of the Historical Archives of State Security Organizations founded by Act III of 2003, the activities of the Hungarian State Security Services are relatively well-known to the public. The peaceful transition in 1990 indicates that the constitutional democracies also need national security services but with appropriate legal conditions. The role of the Duna-gate scandal, which accelerated the transformation and the demolition of the State Security, is undeniable. Act X of 1990 was a basic step towards democracy and it was the first Law that publicly regulated secret information gathering in Hungary.

As a result of the transformation process in 1990, the established four national security services became independent from each other. Their governmental oversight changed and while the military national security services were directed by the Minister of Defence, the civilian national security services were under the Minister without Portfolio.

Concerning the creation of the oversight mechanism, after the turning point, *"the Hungarian legislation had to face a dual challenge. On the one hand, these mechanisms had to maintain the efficiency of the system and on the other hand, the control bodies had to be able to detect the infringements at the same time."*⁴⁸ The solution was the creation of the Act on national security in 1995, which – after several modifications – is still in force.

The issue of the transformation (1989-1990) is widely researched even today.

⁴⁸ Márton, András: A titkosszolgálati tevékenységek parlamenti bizottsági ellenőrzése, problémák, modellek, alternatívák. [Parliamentary committee control of secret service activities, problems, models and alternatives] Nemzetbiztonsági Szemle 2013/1. 39-60.