

BÉLA RÉVÉSZ

How to Consolidate Secret Services in East-Europe after Transition

The collapse of communist regimes, from 1989 on, meant the end of an historical epoch for secret services as well. For these earlier Eastern European regimes, law enforcement agencies, including secret services, were one of the most significant elements of their political structures. The survival and reformation of secret services was suspiciously observed by the public. The main reason for the distrust was their permanent mysteriousness. Certainly, these secret services of socialist Hungary cannot be clearly delineated from the current national security agency of a democratically governed Hungary. These signs of continuity between the two secret service agencies question the reality of the reformation of these agencies. For example, in Hungary, two-thirds of civilian secret service leaders had worked for the secret services prior to the change of the regime.¹ The fact that these services have remained close to centres of political power creates similarities between the roles and attitudes of both pre- and post-transition secret service agencies. Furthermore, *the survival of inner regulation and the structures* shows that this continuation is much larger than simply a continuation of the personnel.

The aforementioned characteristics of Hungarian secret services are generally valid; however, they are more readily apparent dur-

¹ Declaration of András Tóth, Undersecretary of The Prime Minister's Office. Record about the session of the National Security Commission of the Parliament held on Tuesday, 15th February 2005, in the Historical Archives of State Security Services. Archives of the Parliament, Nbb-286/1/2005-1. (Nbb-57/2002-2006.)

ing the changes from the dictatorship to democracy. The continuous “secret” consists of phenomena that have several interconnected layers that strengthen this assertion. The “internal secret” of these services is mainly in their aims, structure, personnel, operations and methodology. Furthermore, the basic element of their existence is an “external secret,” the acquirement or the prevention of acquirement of information, which justifies their activity.

From this point of view, a certain secret service is:

1. an institution or informal group within or outside the structure of the state that owns real – overt or hidden – power
2. that works in order to achieve its secret – or much more rarely, public – goals and, in the majority of the cases, keeps its legal or illegal activities secret
3. acts in accordance with the demands of real individuals possessing power.

In the new democracies that evolved under much publicity, it was often believed that only in dictatorships could secret services such as those described above exist.

Around the time of Hungary’s change of the regime, it became widespread public opinion – mainly after the Dunagate case² – that state security services (and the police itself!) are characteristic only of one-party systems of power, and since a democracy should not keep secrets from its citizens, any kind of secret service is unnecessary. This point of

² During the American presidential elections, the headquarters of the Democratic Party located in the Watergate buildings was broken into and was later intercepted. The Watergate Scandal gained a further meaning over the course of US political history. It became the metaphor of government politics applying secret methods for the sake of obtaining power throughout the world. It is not by accident that when in the beginning of 1990s the largest secret service scandal of the Hungarian change of the regime broke out, the press quickly found the appropriate term: the Hungarian Watergate Scandal; that is, the Dunagate Scandal. As for the case, it turned out that while the leaders of the state party were negotiating about peaceful reforms with the leaders of the opposition, the secret services of the communist regime collected a wide range of data about the activities of the opposition and continued their operative “games;” that is, their actions of influence. After the scandal the Minister of Interior Affairs was forced to resign, and a revision was initiated within the then one-party Parliament. See also: György Kolláth: Postscript of the Dunagate Case from the point of view of a civilian. *Beltügyi Szemle*, Nr. 5, 1994.

view was strengthened by the populist interpretation “secret = bad” and “publicity = good.” It was hard to accept that state security could also mean democratic security and did not have entail a monolithic production of power.

Since the change of the regime, the debates have evolved in Hungary, and in other transitioning Eastern-European countries, there have also been discussions about the validity, system of conditions, operations and controllability of secret services. The expression “*compensation of information*” evinces the demand that the whole of society – not only the victims – must be allowed to familiarize itself with the methodology of the previous distatorship’s secret services, how these agencies controlled the fate of people and influenced their lives.³

It is an unresolved question how to treat the agents and files from the old regime’s state security services. There were and are continual debates about these questions in all of the countries that were liberated from the Soviet Union’s influence. During the change of regime, it became apparent that, in a majority of cases, the leaders of the old regime clung to power more than the previous social conditions, and within the frameworks of market economy and parliamentary democracy, they did their best to obtain a more legitimate political influence. In the majority of cases – even if such types of conversions of power were not possible to a large extent – they succeeded. Their economic, bureaucratic and political experience as well as the organic basis from the old era, the transformation of fortune and their personal relationships played an important role in their abilities to legitimate their political influence.⁴ The sur-

³ The aim of the discovery of these documents – according to the preamble of the Act III, 2003, about The Historical Archive of State Security Services – is compensation of information and to provide right to information and self-determination for those who are concerned. The expression and the concept of compensation of information were originally outlined during the interpretation of the Constitutional Court Decision No. 34/1994, 24 June and No. 60/1994, December 24.

⁴ Remarkable empirical studies that show the reality of “conversion of power” have been written. In the beginning of the post-socialistic transition, a radical hypothesis evolved nearly everywhere in Middle-Europe. According to this, the used-to-be elite nearly completely saves itself; its members hardly change because a kind of “nomenclature-bourgeoisie” evolves and “political capitalism” comes to life. This point of view, which is believed by many, was not proven even in the early periods of transition. The truth is that only a small part of the present political and economic elite were in power in the old the regime. Many of the others reached higher ranks from among lower-ranking officials of the old regime while

vival of clandestine relationships within the secret-service world might also have played a valuable role in the development of “social capital”: “Across the years these structures fitted in the informal web of power and became consolidated.”⁵ During the time elapsed since then, these people managed to legalize their political positions under the rule of law. One of the prerequisites in the fight against these politicians is that their actions in the past become known; ironically, this type of transparency is in the interest of these public figures. Though the scandals sometimes break-out in an incalculable manner, they urge a rational and legal solution to the question. The cases below, which occurred in some countries of the region, reflect this kind of lack very well.

1. In the beginning of 2005, Lithuanian Prime Minister Algirdas Brazauskas initiated a revision because it had turned out that his Minister of Foreign Affairs and the leader of the Internal Security Service had been the reservist officers of the Soviet secret service in the 1980s. Antanas Valionis and Arvydas Pocius deny that they played an active role within the used-to-be KGB. As it was reported by Reuters, Valionis admitted that the list published by a Lithuanian newspaper is credible and that he really worked for the KGB; however, he also added that he had informed his superiors after Lithuania gained independence.⁶

In 2006, there was a large revolt in Lithuania when former President Rolandas Paksas’ close relationship with Russian entrepreneur Jurij Boriszov, who had also worked for the Russian secret service, was discovered; Paksas was forced to resign. The leader of the Opposition was pleased with this revision. Referring to the Czech Republic, Adris Kubilius considered it necessary for the Soviet-era archives to become public.

According to politicians, the revision commission will establish the innocence of people registered as reservist members of the former Soviet secret service; it will demonstrate that they were not involved in any kind of illegal activity. That is, their role in public life will have no legal

others derive from social groups that have nothing to do with the old regime. See also: What does “change of the regime” mean – And experiment, *Közgazdasági Szemle*, Nr. 4, 2007.

5 This phenomenon – except the German transformation – seems to be valid for all regime-changing countries in Eastern Europe. Marius Oprea: *The Fifth Branch of Power: The Afterlife of the Securitate*. In *Flashbacks from the Past. The Afterlife of Communism in Eastern Europe*. Budapest: Hamvas Institute, 2004. 195.

6 Dar vienas buvęs KGB darbuotojas iš valstybės reikalauja pusės milijono. <<http://www.balsas.lt/naujienos/lietuva/straipsnis47923>>

consequence. This commission has a chance, as indicated by the success of two former employees of the Lithuanian Office of the Attorney General and the County Investigative Office of Tax Affairs in a lawsuit, the International Court of Human Right against the Lithuanian State, in Strasbourg. According to the Court, Vilnius discriminated against Jouzas Sidabras and Kestutis Dziautas by dismissing them in 1999 from their positions because of their prior histories; that is, the European conception about defense of human rights was violated in several manners. After the Court's decision, Lithuania paid 7,000 euros respectively to the two men for moral and financial compensation.⁷

2. As of November 2006, approximately 800 employees of the previous Czech-Slovakian state security agency still worked for the Czech police. This was the first time the Ministry of the Interior had published this data, and the numbers were much higher than those that had been previously acknowledged. Up to this time, it had been claimed that only a few dozen former employees of the socialist-state security apparatus had been reemployed by the police force of the democratic system. "Almost 800 people are presently employed by the Police of the Czech Republic who were formerly the members of the State Security Agency," declared the spokesman of the Ministry of the Interior. He affirmed that presently there is no legal opportunity to reveal who exactly these individuals are.

When entering office last September, Ivan Langer, the rightist Minister of the Interior, indicated that he considers it very embarrassing that ex-state security officers are still employed by the police force and that he finds their dismissal desirable. The Minister proposed to solve this problem by introducing a new service regulation that would exclude individuals with such a past. The social-democratic ex-Minister of the Interior considers Langer's conception a mistake; according to him, ex-state security officers should not be dismissed from the police force. "Based on certain criteria, we gave the chance to these people to work for the new police force. And if since then they have been working honestly, I do not know why it would be necessary to simply make them redundant" – declared Bublan, who was a well-known opposition activist during the times of the socialist regime.

⁷ See also: European Court of Human Rights (ECHR): Sidabras and Dziautas v. Lithuania, Applications Nos. 55480/00 and 59330/00 (July 27, 2004)

3. In Bulgaria, an archive director's suicide with his own pistol in the capital at end of 2006 caused public shock. Bozsidar Dojcsevre, who was assigned to handle the files of the previous state's security service (DSZ), had formerly been socialist Bulgaria's chief secret policeman. Two days after his death,⁸ an online journal brought the case to the attention of the Bulgarian and the international publics. When the case became public knowledge, the authorities in Sophia urgently declared it a private affair. It was also treated as one of the "unimportant cases" by the socialist Prime Minister of the country Szergej Sztanisev. Nevertheless, the political opposition – and even the socialist's liberal coalition-partners – demanded a revision. They found it suspicious that the news was not revealed by the authorities for two days. According to the right-side DSZB party (Alliance for a Strong Bulgaria), the European Union is also interested in Bulgaria's secret service archives. Because of the archive director's possible knowledge about many sensitive secrets, the case had an unusually large international echo.

After the regime changes, secret service archives were partially or completely opened up in nearly all of the ex-socialist countries. Nevertheless, the Bulgarian secret service defended their secrets excellently and selectively leaked out compromising documents. Nothing was made public about people who played key roles in political life. The majority of Bulgarian political parties finally decided on opening the archives and screening state leaders. The secrets are defended most strongly by the leaders of the successor party that is presently leading the coalition, and those personalities who can be compromised are defended much more arduously. Now that the possibility of opening these archives is a legitimate threat, many people would like to annihilate a heap of files. According to one of the predecessors of Dojcsev, the archive director chose suicide rather than the tremendous pressure of protecting the dangerous documents. Others have doubt about the suicide and suspect murder instead.

It is characteristic of the Bulgarian secret service to allow foreign analyzers and native researchers to publish a (very) few cases for exploration. One such case would be the attack against Pope John Paul II in 1979 by Ali Agca, which was allegedly organized by Bulgaria and

⁸ The <www.kafene.net> online portal that touched off the case is edited by the employees of the dissolved Bulgarian section of BBC.

assigned by Moscow. Another such case is the mysterious murder of Bulgarian maverick-activist Gregori Markov in London. Markov was poisoned by an umbrella prick. According to several sources, the murder was executed by the Soviets and assigned by Bulgaria. Sensational events usually have an inner-political meaning about which the international public does not know very much – not even today.

4. “I have never heard so much [...] nonsense told within such a short period of time,” reacted Emil Boc, President of the Romanian Democratic Party (PD) to the reform proposal of Mircea Geoană, a member of the opposition Social-democratic Party (PSD), in spring 2007. Geoană declared that his party wanted to dissolve the Highest Commission of Defense (CSAT) in its present form. It would be replaced by a new body, the National Security Commission, which would be organized according to western patterns. The explanation given by PSD president’s for the Commission of Defense is the following: the CSAT is unable to decide at the moment; decrees should be accepted with one voice, on the basis of consensus. According to the social-democratic interpretation, the Head of the State is responsible for the situation. Nevertheless, according to the reform proposal, a qualified majority would also be enough to make the decision.

It is really spectacular that the national security bills, with which President Bănescu aligned himself so strongly, seem to get lost in the bureaucratic maze. Truth be told, the bills were prepared by secret service employees, and only after experts from the President’s Office examined them did the President admit the plan publicly. After all, the package of bills was considerably modified by the government. According to experts, the version of Tăriceanu’s cabinet would somewhat democratize and create a system in which decisions made about national security are more transparent by mainly restricting the authority possessed by the secret services.

After considerable debate – in which the democrat Ministers had to be put under pressure to accept the fact that the package worked out by their ex-party president needed modification – the plan was finally accepted by the cabinet. At this point, the Highest Commission of Defense should have included the proposal in its agenda; however, this has yet to happen. The president of the body is Traian Bănescu, who is concurrently the Army’s Commander in Chief. The CSAT forwarded the package to the Parliament without commentary. And, because with no presumption the

principles of the decision-making process are violated, the process stopped here. In other words, Parliament will most likely send the text back to the CSAT and all will start from the beginning.

The aim of this reform is to overshadow the secret services to some extent. This is primarily because the secret services tend to place their own functional and efficacy interests ahead of others and because they do not really consider that national security can only be a reality when the personal security of citizens and the security of state institutions are treated equally. Citizens cannot be expected to unconditionally trust state security institutions. The mental heritage of the dictatorship as well as the continuity between the institutions founded after 1989 and their legal predecessors gives no reason for unconditional confidence in state institutions, even in Romania. Therefore, it should not be enough to only reform institutions; outlining exactly defined structures and spheres of authority and the complete renewal of the personnel of these services is also necessary. As it can be read in an expert's proposal, guaranties must be integrated into the package of bills against abuses, transparency must be ensured, the practice of superfluous secrecy must be restricted, and the parliamentary and civilian control over secret services is necessary.⁹

5. During the debate about the new Polish screening act in the summer of 2007, both parties accused the other of allowing the communist secret services to live on. The lustration act that came into force in March obliges the public figures who were born before 1972 to declare whether or not they had any relationship with the communist regime's secret services. If they are reluctant to do so or deny the truth, they are banned from the public sphere and publicity for ten years – politicians, journalists and lawyers. Earlier the members of the Parliament were regulated by a similar act, and several questioned the results. The European Court of Human Rights made its first sentence in such a case in Poland on 24th April: the Polish State was condemned. Namely, the proceedings prescribed by the law did not give any chance to the representative to prove his innocence.

The best-known democratic representatives of the previous anticommunist democratic opposition do not subject themselves to the act and so risk being banned from their profession. The leftist press sees them as

⁹ National Security Reform – less paranoia – <<http://politika.transindex.ro/?cikk=5156>>

heroes, and today's rightist government as the legal successors of one-time pursuers. Alexandr Viatteau, as representative one of the old democrat opposition, reminds these individuals that many of them are the children of elite communist families.¹⁰ It was they who negotiated through the peaceful transition with the communist government, and it was they who agreed that the past does not have to be addressed. At the same time, they developed relationships that helped ex-communists win elections in the 1990s. There was the suggestion that there may be files on both sides, but Viatteau does not consider it condemnable in itself. He believes that judgment depends upon the examination of the particulars of each case of co-operation.

The author has developed seven categories of co-operators. As he knows, Poland's resistance placed people into the secret service itself. Others tried to defy the authorities while, again, others did not even know about their files; for example, certain priests pursued agreeable conversations with police officers whom they considered to be errant sheep. In the majority of the cases, both parties thought that they controlled the events. Without even addressing the false lists that were also made, real materials were to a large extent annihilated. Viatteau thinks that he recognizes the ex-secret services' methods in a serial of exposures. He assumes that certain people would like clergymen's files to remain in the spotlight, but the role of leftists should be avoided. Naturally, the purpose of the new act is the contrary, but it is still girded by political purposes. Both parties would screen first and foremost themselves. The political situation regarding the secret services contributed to the self-dissolution of the Sejm in 2007 so that premature elections can be announced as soon as possible. It's results: the poland's liberal opposition Civic Platform party has won a massive victory in October 2007.

It is very hard to find a general explanation as to why secret services in Eastern Europe operate in an inappropriate manner. Due to constitutional decrees, national security services cannot directly or indirectly interfere in political-party fights on the grounds of pluralism. In principle, legal regulation and democratic norms both emphasize that secret services should remain separate from the political sphere. Nevertheless, even if the details usually remain secret, a "political nearness" – albeit

¹⁰ Alexandra Viatteau: La Pologne et le communisme: "collaboration" et confusion de concepts. Géopolitique de l'Europe. <<http://www.diploweb.com/forum/viatteau07044.htm>>

of a different kind and intensity – is generally characteristic of their real operating style.

The secret services can obtain two types of “political nearness” while they are accomplishing their mission:

1. *The procurers of demands of news*, who determine the directions of their operation – *politicians*;
2. After all, the information obtained does not only consist of passive data for the procurers of demands of news or for the secret services themselves; it is the starting point of concrete preventive measures and operative actions. Via these measures they intend to have clandestine effects on determined parts of social and political reality. Whether legal or illegal, the question is what normative background is provided by legal regulation.

National security services do *operational activities* in order to accomplish their mission. During these activities they apply methods of collecting internal and external information, regulated by internal and external permissions. Considering danger factors arising within the frameworks of operational work and objects to be defended, human sources are established, and other methods of information collection are applied. Beside exploration, they also prevent actions and aspirations that endanger constitutional order or sovereignty. All of this clearly illustrates that that the role of secret services is much broader than a simple collection of information or the transmission of obtained data.

It is probable that – as is proven by the aforementioned examples – no kind of regulation automatically excludes the operation of secret services in the political sphere, perchance influencing it. This is why more value must be given to the formation of a democratic political culture that restricts political power beyond constitutional guaranties and legal regulation.

For the majority of people, secret services mean a mystic and inevitably suppressing apparatus that had previously disrespected basic human rights on the basis of political decisions, kept people under control, and primarily applied existential sanctions against them. Historically rooted political distrust has caused uncertainty for a long time and continues to do so in the present.

Generally, democratic control over secret service organizations is a delicate issue. Control commissions must keep silent, even regarding

the participants' own political parties; on the other hand, how can a commission make sure that it has received access to all relevant information from the services? This tension has a principal a priori character, inasmuch as total public control of such organizations would severely limit or even reduce their possibilities to act – it is a given that such organizations must, for the sake of efficiency, be given a certain margin in which to operate, both as regards secrecy and violation of law for the sake of security – even if this fact makes the organizations constantly vulnerable to potential public scandals. In a secret organization, the very secrecy principle has an ambiguous character which adds to its mystification. The basic motivation for secrecy is immanently given: the enemy must not know what we know. But to this, a procedural secrecy is quickly added: the enemy must not know the illegal procedures undertaken in order to gain information, etc. – this becomes a potential cause of conflict in itself. Furthermore, this problem doubles once more internally in democratic societies: the public must not know (too much) about the types of methods used because this may illegitimate democracy's own laws and ideals. These constraints have led to a violent growth in the use of the three classic grades of secrecy: confidential, secret, and top secret. Too much secrecy does not only entail that the organization may lose a grasp on its own information, but furthermore, it also may lead to the widespread misunderstanding that just because something is marked Top Secret it is *eo ipso* true.