

**MIKLÓS ZRÍNYI
NATIONAL DEFENCE UNIVERSITY
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Brigadier General László LENKEY:

**Military security and criminal political aspects of the fight against
drug crimes committed in the defence sector related to the
globalised drug prevention**

THESIS (Ph.D)

Author review

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Defining the scientific problem

The end of the bipolar world generated significant changes in the international security policy environment. While the danger of global armed conflicts is decreased, new threats evolved in our direct environment that resulted continuous and durable uncertainty at national, regional and global level as well. Among the new challenges, threats and risks, the insecure situation caused by the organized crime such as illegal drug production is a serious problem for all the countries around the world. The drug-phenomenon reached Hungary as well, its management became a current problem in our country. With this thesis, I would like to call the attention to a problem touching a small but rather sensitive segment of our society on the territory of the fight against drugs on local basis. This area is the drug concerns in the defence sector¹, since also the armed forces have similar deviancies like the civilian society.

As a military counter-intelligent officer, I have been dealing with the security of the armed forces, uncovering, preventing and restraining the evolvement of different national security risks in the armed forces now for 30 years. During my three decades in the secret service I have met several times with drug problems and its entire phenomenon in the Army. Working together with the leadership of the Ministry of Defence, the military commanders and the medical service of the Army we search continuously for legal solutions minimizing the security risks caused by drugs. I have been studying the practice of drug prevention in the Hungarian Defence Forces related to the elaboration of the conditions of the transfer from compromising, medicating drug prevention to zero tolerance. During this period of time concentrating to the containment of drug problem in the Army, I published several scientific publication and multimedia case-studies, where I reasoned for the total forbiddance of drugs and criminalized drug prevention applied in the defence sector. By now, when as a result of the PhD-education and individual research work the thesis is completed, the zero tolerance that I also preferred – on the level of intention – found its place more or less in the drug prevention of the Army. But we don't have a reason to celebrate, since the situation is still full of contradiction.

The last several years there have been made some steps on the area of military drug prevention in numerous questions, but even so – because of the internal contradictions blocking the realization of the drug strategy – I find it reasonable to continuously actualize our measure system, to revise our mistakes, and the whole drug strategy. To be able to do this, before all, we have to be familiar with the anatomy of national and international drug-phenomenon, and then we have to define precisely the real danger of drugs in the defence forces. We have to discover the basis of the process and analyze its ingredients in order to be aware of its contradictory nature, features, and characteristics, to be able to give an adequate response to the phenomenon. We have to use all legal possibilities to maintain the effectiveness, existence and efficiency of the Army, and guarantee the security needed for its operation. In this thesis, with the elaboration of drug-problem in criminal political²,

¹ In the thesis under the „defence sphere” – in specific meaning – I understand the Ministry of Defence and the organizations of the Hungarian Defence Forces.

² The criminal politics is the collecting definition of crime law strategies for committed crimes. Its parts: the policy of crime law-making and the crime administration of justice. (Miklós Lévyay: The role and characteristics of criminal politics in the decrease of drug offer and demand in the European Union).

criminological³ and military security aspects, with the introduction of actual drug tendencies and modeling my criminalistics procedures I would like to contribute to the improvement of criminalized drug prevention applied in the defence sector.

Reasons for the subject

There is no doubt that the illegal commerce and use of drugs and the personal and social harms that come along with them have become a serious problem from the second half of the 20th century up till today. Taking all these aspects into consideration, the UN has established its specialized institutions dealing with the international control of drugs. The determinant thoughts of the global control and prohibition of drugs as agreement formed by the UN have been built into the legislation of almost all the countries of the world. The European Union has also established an institutionalized system to tackle drug problems both in the area of diminishing supply and demand. It is a European Union requirement that member states and candidate countries have an action plan to tackle the trade with drugs. Hungary is bound to control drugs by the UN and the international agreements of the European Union. The research in the field of drug politics has drawn the attention to the imbalance of this wide spectrum – basis consensus. There is a widening gap between the drug policies of individual countries. Two types of drug banning approach were formed on an international basis: criminalized and decriminalized. The decriminalized approach prohibits the use and selling of light drugs but it does not apply sanctions with adequate consequence or in extreme cases, the consummation or possession of drugs have no criminal consequences at all. Contrary to this, the criminalized measuring system in cases of drug usage or possession applies operative procedures, police methods for the exploration of crimes, and a wide range of criminal law as sanctions.

Not only the number of people with infectious disease among drug consumers and addicts is increasing in Hungary but also the proportion of crimes connected to drugs and also the activity of organized crime. Hungary has been considered as a transit country for a long period of time in the area of drug commerce. With the increase of demand, Hungary has become a consumer country which has a direct effect on the spreading of crime mainly organized crime. Crime has also appeared recently in Hungary. In recent years, the money laundering that can be connected to international drug trade has appeared in Hungary as well.

Drugs mean a danger to health, to the individual, to the community and to the society as a whole. They threaten the users, their relatives and their environment. The problem of drugs is never an isolated phenomenon. It is both the cause and the consequence at the same time. It is connected to individual, communal, psychic and social problems. Drugs ruin the will of individuals, the unity of families, communal cohesion and also the security of society. The only way to tackle these problems is through clear, determined and established cooperation. The Parliament of the Republic of Hungary is committed and striving to achieve a long term activity programme in order to tackle drug problems. The programme is called

³ The criminology is the science dealing with the examination of crime as psychological and social phenomenon. It explores mainly the forms, reasons and consequences of crime. It includes also the examination of social and legal reactions of crime. The criminology is the science of observation examining the law-making, crime and the answers of the society to the crimes. The criminology influences the policy-making, not only at national but also at international level. (László Korinek: Definition, tasks, research areas of criminology; its role in the science of crime and the society. Criminology – special criminology. 25-41.2006).

„National Strategy for the driving back[1] of drug-problem”. Turning back the bad tendencies is only possible with a development strategy that can be used globally, contains comprehensive strategy elements and includes all forms of organisations and institutions participating in the handling of drug problem. On a society as a whole it is the task of the whole personnel of the Ministry of Defence and the Hungarian Defence Forces to cooperate in order to tackle the drug problem through the realization of drug prevention in the defence sphere. The assurance of the effectiveness of this work is the responsibility of all of us.

Aims of the thesis

These days the problem of drugs has become so serious that the only short term strategic goal can be to slow down the increase of drug involvement in Hungary on the basis of the whole society. Nevertheless, the main aim of this thesis is to prove that though the drug phenomenon cannot be eliminated today, the processes within the defence era that carry security risks – based on the specialties of the military environment – can be made manageable through appropriate methods. The scientific problem to be researched and the main objectives of the research work are determined by the following hypotheses:

1. The changing of philosophy and changing of directions in the policy of the administration of justice, the crime law and drug policy from the eighties until today had disadvantageous effect on the investigation and prevention work in the Hungarian Defence Forces.
2. The efficiency of the drug prevention system in the Hungarian Defence Forces – under the special circumstances of the army – can be significantly improved by applying complex criminalistics procedures.
3. Within the Hungarian Defence Forces – because of the increased security risks – there is no possibility for applying medicating drug prevention. The criminalized drug strategy based on zero tolerance is the future alternative in the army. However, nowadays the practical application of zero tolerance is still contradictory.
4. The organizations of the HDF Drug Prevention Committee collect their data and service statistics in different registration systems, which can make the assessment of objective situation rather difficult. The improvement of different data collecting structures and its integration into a unified drug information system increases the efficiency of the strategy.

In order to meet the main aim of the research in the first and main part of my thesis with the help of the global approach of the drug-problem I will reveal the criminal political aspects of the anti-drug campaign on international level starting from the adaptation of the UN Single Drug Agreement, the interpretation of the European Union's drug strategy as well as the national drug strategy of the Republic of Hungary. After the analysis of international documents and national drug strategy in the second part of my thesis I would like to go into details of the drug problems in defence policy and the drug strategy of the Hungarian Defence Forces fundamentally along the lines of criminology and criminalistics⁴. By analysing how

⁴ The criminalistics with other words the science of criminal investigation is the practical line of criminology. Science dealing with the possible methods of crime investigation. Science of crime investigation, with the task of investigating crimes and offenders, identification of crime circumstances. The criminalistics as a science consists of three parts: criminal technics, criminal tactics, and criminal methodology. (<http://hu.wikipedia.org/wiki/kriminalisztika>)

the Army is affected by drugs and by finding a solution for the discrepancies I suggest a review of the actual "criminalised drug prevention" and the introduction of efficacy inducing measurements in the name of zero tolerance.

Research methods

During the research and elaboration of the subject I used a dialectic research method, the concretisation of the general method that is the comparison procedure with the help of which I could recover the contradictions of drug strategies of the different European Union countries, and the criminal political viewpoints. I also used the comparison procedure in order to get to know the practice of drug control of the NATO countries comparing the results of the round interviews with the member states. I examined the modifications of the Hungarian drug law with the history research method where we recovered the criminal political coherence as the inducement of changes. I introduced the drug situation in Hungary then I performed the historical review of drug problem in the Army with the same method.

In my position – in the framework of the elaborated plan for continuous control of drug situation in the defence sphere – I observed regularly the changes in the military drug strategy, the pay-off indexes of criminalised drug prevention so I realised numerous contradictory situations and phenomenon requiring further analysis which contributed to the better understanding of objective situation and the efficiency of the research.

Realising the new regularities and comparing them with other information, I elaborate criminal-methodical procedures applicable as a part of military drug prevention that proved to be efficient during the experiments performed recently with my leadership in the Military Security Office.

Participating at special conferences related to organised crime and analysing, assessing the information, using the consequences, systematising the own experiences gained during the tasks related to the elimination of drug phenomenon and the after-analysis of researches as methods, all contributed to the preparation of this thesis. Continuing the scientific research there were periods when I used the analysis of the elaboration and disassembling of source materials into components, and studying the parts separately, in other periods, I put the emphasis to the synthesis i.e. the systematisation of knowledge integrating it into one system, and defining the relation of part-information. Both methods, one after the other and vice-versa, were present permanently during the preparation of the thesis. The induction, deduction, and the analogy as the three methods of movement from the unknown to the known were also essential methods of the scientific work.

I intend to use the definitions of the Hungarian literature and crime law and those used by the UN and EU as well as the definition system used by Hungarian experts of the subject. As source materials, basically I used the Hungarian translations of basic documents related to the international regulation of the question of drugs as well as original documents and annual reports about the Hungarian drug situation. I elaborated statistics, reports of the Ministry of Defence and the General Staff wrote about drugs and the situation of discipline as well as the different laws and regulations, other governmental legal documents related to the drug problem. During my research for source materials, I also used the Internet. I studied various scientific publications in English and German, and articles of the electronic media.

Since the subject is rather wide and the wordage of thesis is limited I didn't intend nor to examine the drug phenomenon thoroughly nor to perform the whole analysis of laws, directives and scientific documents related to this subject. I also don't wish to cover all the tasks related to the community of drug strategies, social work, the healing and the rehabilitation. I took only examples from the above mentioned subjects to an extent required by the applied methods and the elaboration of the subject covered in the title of the thesis. The research is basically about – beyond the global and criminal political approach of the drug problem – the driving back of the demand and offer part of the phenomenon relevant from criminological and criminalistics point of view in the Army. The elaboration of the drug problems in the defence sphere in a scientific way in the area of the Hungarian national military security, in a way mentioned above is – according to my knowledge – without example.

The structure of the thesis corresponds to the scientific traditions. In the introduction, starting from the scientific problem to be solved, I prove the significance, actuality and future practical usability of the subject. I include the research aims, the tasks to be solved in order to fulfil these aims, and the related, applied methods. The first chapter of the thesis is the theoretical definition of the subject. In its subchapters I review the literature, the international agreements, the regulations of the EU and UN, the critical analysis of the Hungarian national drug strategy's theoretical and practical side. In the second chapter, after the introduction of drug problems in the defence sphere I deal with the presentation of the role of Military Security Office in the driving back of drugs then I propose the introduction of measures ameliorating the effects of drug control. In the framework of the second chapter I prove the *raison d'être* of zero tolerance. After studying the drug prevention of some NATO countries, I write about the conclusions drawn from the study and I suggest the ways of adaptation. There are only a few unclassified materials about the experiences of foreign military drug strategies because of the sensitivity of the subject. The professional study journeys, the results of selected round interviews have been built in the thesis. In the third chapter of the thesis as summarised conclusions I define the scientific results then I make recommendations, suggestions for the practical use of the thesis and further research possibilities.

Summary of the research

After the introduction in the first chapter of my thesis I introduced the criminal political aspects in the fight against drug problem through the method of its global approach analysing the Single Drug Agreement of the UN, the drug strategy of the European Union as well as the national drug strategy of the Republic of Hungary. I thoroughly analysed the drug agreements accepted by the UN and the drug strategy of the European Union. I researched in details the internal discrepancies of the Union's drug strategy and then analysed the difficulties of execution in practice. I outlined the different standing points in the member states, which represented a fairly diverse picture. There is the radical prohibition and total liberalisation at the two ends. While one considers even the consumption as a criminal offence the other one would even legalise the commerce of all types of drugs. While analysing the Union's criminal policy related to the drug problem I thoroughly analysed the law making policy targeting the cut back of drug demand and supply and also with laws minimising the harmful effects of drugs, the investigation and jurisdiction measures as well as crime prevention programs.

As a next step of long term approach focusing on the ever increasing drug problem in Hungary I presented the national drug strategy of the Republic of Hungary. Starting at the contradictory situation of the diverse national criminal policy approaches in the Union, I drew the attention on how the dichotomy in the drug strategy of the Union – the strict criminal policy in the fight against the supply side, while the diverting possibility concerning drug users – appears in the national action program as a theoretical principle and how it appears in practice. As a foreword of the topic through the reflection in criminalized drug history I introduced how the spreading of drugs in Hungary have become a threat to the whole society such a significant factor that resulted not only in its effect on health but in the spreading of national and international organised crime in Hungary. I put emphasis on the establishment of the national drug strategy and strategic goals in my thesis.

In the second chapter of my thesis dealing with the drug situation in the Hungarian Defence Forces I compared the different modified criminal definitions connected to drug crimes starting from the eighties up till today. I interpreted the most important legal facts, terms and their explanations connected to crimes. First in the special literature I analysed the effects of changing the law concerning drug abuse in the Army to the investigation and prevention. I looked into how the modification in the judiciary environment affected the reconnaissance of crime connected to drugs in military grounds and also the different issues of drug prevention based on diversion and medication. According to my knowledge, no research has been done from this angle so far in the field of military security.

I have thoroughly analysed the possibilities of proving drug use and I also highlighted the time restriction of the demonstrability of drug usage. I researched the manipulating possibilities of drug tests applied in the defence sphere by trying to perfect the drug filtering system in the Army. In order to intensify the effectiveness of drug tests based on immunchromatography I worked out an application procedure of a so called "secondary drug test" that results in the increase of the effectiveness of the presently used tests. I explained the necessity of introducing the system by the difficulty of proving the drug consumption.

I demonstrated its role in the drug strategy in the Military Security Office and that it cannot be substituted with anything else. I revealed the characteristic, standard coherences and actual tendencies of crimes connected to drugs by analysing the surveillance data of the Military Security Office. I established a more effective and complex drug filter model that can be used successfully within the special environment of the defence sphere based on the criminalised system. I proved the effectiveness and practicality of the method through the efficiency rata of the realised cases in past years by the Military Security Office.

I researched the drug prevention practice of the Hungarian Defence Forces for years on how it would be possible to use zero tolerance from the point of establishing the conditions for the transformation to zero tolerance method. I compared the differences between the national drug strategy and zero tolerance and then explained the manageability of apparent contradictions. Based on the intensified security risks I verified that within the armed forces considering the special circumstances it is not possible to apply the diverse or medicated drug prevention within the frames of rational risks. The Army has to dismiss drug user soldiers. The rights of diversion, cure and rehabilitation of (ex-) soldiers affected by drugs who are already dismissed from the Army have to be guaranteed by society through civil organisations.

During my research I realized that there have been taken significant steps towards the realization of zero tolerance in the Hungarian Defence Forces in recent years (2006-2008). On the other hand I pointed out the fields that need further improvement that is a single, internal legal regulatory system, professional protocols, monitoring system, the establishment of a central database as well as forming the sometimes false approach connected to drug problems. During the analysis of criminalized drug prevention and the usefulness of paying-off indicators of zero tolerance I drew the attention to several contradictions existing for years which can cause serious barriers in the establishment of a drug free Army. I made proposals for the solution of the revealed problems.

I analyzed the motivations and factors holding back from testing and using drugs in the Hungarian Defence Forces. My statement is that the filtering system used within the past years and the declaration of the "zero tolerance" principle in itself has not come up to expectations in/against criminal offences. Only the application of both a complex and criminalized drug control system with increased efficiency as often as determined by the law and the zero tolerance can lead to results. I elaborated my interpretation of deterrence the first priority of which should be the consciousness of the unavoidability of criminal and existential consequences of impeachment. The propaganda aimed at deterrence should be pushed more than what has been concluded in the medicating drug prevention, in the drug strategy of the Army, on official military forums and through the help of media.

I proved the grounds for zero tolerance through the introduction of a drug strategy that contains repressive elements as well and has been used effectively in the Army of the United States of America for a long time, then I analyzed the elements of military drug strategy of some NATO member states which let us conclude the approach models of drug prevention in different armies. I analyzed the important questions of drug use within the armed forces, the consequences of drug positivity, the methods used in practice in drug control and the surveillance methods. As a result of the research I concluded that the criminal approach to drug use in different NATO member states is very diverse. In the case of NATO member states belonging to the Union there are significant similarities but also differences between the civilian drug policy guidelines accepted by some countries and national drug strategies. The Alliance does not strive for the establishment of a common anti drug standpoint due to the fact of diverse and sometimes contradictory solutions that can be seen in the Union. There is no compulsory regulation to tackle drug problem concerning multinational coalition forces applied in the subordination of NATO. Nevertheless, the zero tolerance as a complete prohibition of drug use within the Army can be seen in most member states. It seems that the necessity for a drug regulation that is sometimes contradictory or different from national strategies has already been defined in the majority of NATO member states.

I analysed the drug affection of the defence sphere and the processes targeting the drug problem starting from the nineties up till today. I reviewed the drug prevention system of the Hungarian Defence Forces and evaluated the role of the Drug Prevention Committee in the Hungarian Defence Forces. Analysing the relation between the Army and the drug problem I made proposals for the review of the present "criminalised drug prevention", the harmonisation of legal background and the introduction of effectiveness inducing measures. I proved that the organizations of the HDF Drug Prevention Committee collect their data and service statistics in different registration systems. Because of the different approach the assessment of data is difficult and in cases it generates apparent contradiction. For the elimination of the problem I elaborated the concept of "Unified Criminalised Drug Information Database".

New scientific results

1. I proved that in Hungary, the dynamic changes in drug politics, the modification of legal environment and within it the legal statement of fact of the abuse of drugs had unbeneficial effects to the military drug prevention and the investigation and preventive work in the army.
2. In order to improve the efficiency of drug control in the Hungarian Defence Forces I worked out the "complex, criminalized drug filter model" which can be applied in the specific environment of the defence sphere and which is more effective than the present drug surveillance method.
3. I justified that the criminalized drug strategy based on zero tolerance is the future alternative in the army and at the same time I proved that nowadays the practical application of zero tolerance is still contradictory.
4. In order to improve the efficiency of zero tolerance – with the integration of different data collecting structures applied by the organizations of the HDF Drug Prevention Committee and the further improvement of criminalistic aspects – I elaborated the concept of “Unified Criminalized Drug Information Database”.

The usability of the research results

The results of the research can be used by the leaders of the Ministry of Defence and the General Staff as well as colleagues dealing with discipline issues for the study of drug phenomenon affecting the defence sphere and for the widening of theoretical knowledge and organization of courses. I believe that the statements of the research are suitable for widening the knowledge both on practical as well as theoretical level for the Drug Prevention Committee of the Hungarian Defence Forces concerned by the fight against drugs. The thesis can be used for the review of the drug strategy of the Hungarian Defence Forces and the necessary correction of military drug prevention.

The methods and recommendations in the drug prevention risk management of the defence sphere can be introduced either directly or with minor modifications in daily practice. The drug filtering system in the Hungarian Defence Forces can be based on a more effective base based on the recommendations presented in the chapter dealing with the developed methods of drug control.

The practical realization of the concept of “Unified Criminalized Drug Information Database” can help to assess correctly the efficiency index of military drug strategy corresponding to statistical aspects as well.

The results of the research can contribute to the verification of the desired strategic viewpoint through the deeper recognition of the drug problem on the command level of the Hungarian Defence Forces. The analysed and elaborated questions in different chapters of the thesis and conclusions can be of substantial interest during trainings for officers or NCOs dealing with drug prevention.

The thesis can be used in the specific training and professional education of the operative officers in the Military Security Office. I recommend to use this work in the security officers' and NCOs' training of the Military Security Office as a background document in the study of drug crimes connected to organized crime.

I find this thesis suitable as a source material in the education and training at the Miklós Zrínyi National Defence University as well as at the Police Officer's College. It can also be important information for those interested in the different questions elaborated in the chapters as well as for researchers in this area.

The results of the research can be applied both in the defence sphere as well as in the anti-drug fight of the Security Service of the Defence Organisations with suitable adaptation.

Author's publications related to the subject

1. Case-wise studies (MSO – National security studies – IV. Volume; -1996; 70 pages - classified)
2. About the basic control and the pre-investigation (MSO Special Review - 1999/3. 21 pages- classified)
3. „The digitalised dossier” – data processing system supporting directly the elaboration; (MSO - Study - 2000; Multimedia, relational database processing program, CD + manual - classified)
4. The system of control-, research-, and investigation work. (MSO temporary record – 2002; 22 pages - classified)
5. Case-wise studies; (Special Review; MSO record - I /2003; 77 pages - classified)
6. The formation first decade of 1st Military Security Directorate (MSO Special Review – 2004/3. 6 p)
7. The role of the Military Security Office in the criminalised drug prevention (MSO Special Review - 2004/3. 6 p)
8. „Drug in the barracks” (Two case studies and educational film for the training of security officers; 56 mins DVD, 2004 - classified)
9. Conference presentation; „The Hungarian Defence Forces against the drug, for the free life” conference; October 04-05, 2004., Budapest.
10. Soldiers on the drug front (Society and Homeland Defence – 2007.)
11. The drug problems in the Hungarian main papers in science metric approach. (MSO Special Review, 2006/3.)
12. Effects of the drug law's metamorphosis to the drug prevention activity of the defence sphere from the 80's until the appearance of the „zero tolerance” (MSO Special Review, 2006/3.)
13. Justification of "zero tolerance" in the Home Defence (TRADECRAFT REVIEW - Periodical of the scientific board of Military Security Office -2007)
14. Drug prevention in the defence sphere (New Defence Review, 2007/8)
15. The economical and personality mental scientific context of drugs and the terrorism (MSO Special Review, 2008/2.)
16. The effects of transnational dangers and threats to the military security and its handling possibilities of the military counter-intelligence. (Intelligence Review, VII. Special edition - 2008)

17. Provability of drug consumption in the defence sphere. (MSO Special Review, 2008/3.)

Author's curriculum vitae

Personal details

Name: László Lenkey
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Professional experience

1973-1977	Student	Zalka Máté Military College
1977-1979	Company leader	Székesfehérvár, Signalling Regiment
1979-1980	Student	Ministry of Interior, Police College
1980-1983	Operative officer	Ministry of Interior, Military Counter-intelligence
1983-1984	Senior operative officer	Ministry of Interior, Military Counter-intelligence
1984-1991	Special senior operative officer	Ministry of Interior, Military Counter-intelligence
1991-1994	Student	Zrínyi Miklós Military Academy
1994-1995	Deputy head of dept.	Military Security Office, Counter-intelligence Department
1995-	Director	Military Security Office, 1 st Military Security Directorate

Education

1973-1977	Zalka Máté Military College
1979-1980	Ministry of Interior, Police College

State security officer
1991-1994 Zrínyi Miklós Military Academy
General Intelligence Officer

Languages

1993 German advanced military C type
1998 English intermediate military C type
1980 Russian intermediate military C type
1994 Slovak basic C type

Other

I have a decade practice in the education of national security. I was a leader of different types of lectures in the national security education, the university level education and the special staff officer training. I participate regularly in the preparation of materials (handbooks, study-aids, case studies) in the military national security education. As a tutor and opponent I have been participating in the assessment of thesis made by students of staff officer course for years. I assisted exams for many times as well. I know the national security sphere, the special requirements of the services to be used in the education. I am a member of the editor committee of the “Szakmai Szemle” a scientific journal managed by the Committee of Science in the Military Security Office for 12 years. In the last 12 years I published 17 articles and studies (one of them in English) related to the national security education and training, the activity of the Military Security Office, the use of information technology in the national security and the fight against drugs in the defence sphere.