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Medvedev's Reputation Threatened By FSB's Expanding Powers

By Paul Goble

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The Duma today passed on third reading a measure that dramatically expands the powers of the FSB, a measure that Russian rights activists are urging President Dmitry Medvedev not to sign and that some analysts are already suggesting represents a threat to his reputation as a jurist committed to a law-based state.

Under the terms of the measure, which now goes to the Federation Council and then the president for approval, the FSB in cases where there is no evidence of a crime can declare any Russian of being engaged in “impermissible actions which create the conditions for the committing of a crime,” a declaration that opens the way to arbitrary actions against people.

Moreover, the new measure allows the FSB to declare anyone who does not obey the legal demand or order of an FSB officer in violation of the country’s administrative code and hold him or her to account without the presentation of any evidence or any referral of the matter to a court (www.specletter.com/news/2010-07-16/10521.html).

These provisions, according to an Osobaya Bukva commentary put the FSB “halfway to authoritarian power, but according to Dmitry Treshchanin in a comment for “Svobodnaya pressa,” they also represent “a sentence for the president as jurist,” something that may be a more immediate trap for Dmitry Medvedev (svpressa.ru/society/article/27861/).

On the one hand, he notes, this expansion in the powers of the FSB allows the Russian [security service](#) to act in ways that in many respects resembles some of the KGB in Soviet times. And on the other, Medvedev’s own defense of the measure calls into question his reputation as a lawyer committed to a law-based state.

During German Chancellor Angela Merkel’s visit to Yekaterinburg, Medvedev turned aside her criticism of the measure, noting that the measure was “our internal legislation and not an international act” and that “every country has the right to develop its own legislation including that regarding its special services.”

Such a position of course has the effect of reducing the size of the differences that many Western observers have tried to perceive between Medvedev and former KGB officer Vladimir Putin. Indeed, while Russian commentators have not suggested this, it may be that Putin viewed this measure as a kind of trap in which Medvedev could be caught.

But over the longer term, the new measure, Yan Rachinsky of Memorial points out, the new measure will only work to intimidate “juridically illiterate people.” Those who know the law will be able to stand up to its application. And as a result, the latest FSB measure may generate more contempt than enforcement.

Not surprisingly, Russia’s human rights community still holds out hope that Medvedev will not sign the measure into law. And yesterday in advance of the Duma vote, the leaders of that community distributed an appeal outlining the reasons why the Russian president should refuse to go along with the Duma in this case (www.memo.ru/2010/07/15/fsb.htm).

Arguing that the measure in fact did nothing to prevent new crimes and that the human rights community is not opposed to steps that will do that, the Memorial declaration argued that this particular measure should be rejected because it returns Russian law to what it called “the old Soviet path.”

(One of the reasons the authors say they support prophylactic measures in principle is that in 1959, the Soviet KGB shifted its approach away from the repressive campaign in

response to the Hungarian events of 1956 to preventive measures, a shift rights activists have traditionally seen as a step forward.)

The authors of the appeal end by saying that they have “not lost hope that when this law, in part senseless and in part dangerous for the freedom of society, comes to the President of the Russian Federation for his signature, the latter will assess it in an appropriate manner and veto rather than approve it.”