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Protection of human rights, according to Russian law, is the first duty of the security and intelligence services of the post-Soviet state. Even more, the "special services" or "organs," as they are called, are under new legal checks and balances to minimize abuse and maximize accountability. This dramatic break with the totalitarian past is intended to help institutionalizing democratic and market reforms by ensuring that the secret police and spy agencies never again abuse citizens of the Russian Federation, threaten the integrity of the government, or earn Moscow pariah status in what a former Russian intelligence chief calls the "civilized world."

How well do these grandly stated intentions conform with reality? The failed Soviet putsch of August 1991 portended the end not only of the Communist Party and its Committee for State Security (KGB), but the impunity that went with them. Indeed, Vadim Bakatin, the former USSR Minister of Internal Affairs, ousted in 1990 at KGB Chairman Vladimir Kryuchkov's insistence, refused to accept the job as Kryuchkov's successor until a reluctant Mikhail Gorbachev gave him written authority to dismember--not merely reform--the KGB. (1)

Some observers draw benign conclusions about Russian state security today by contrasting it with the Stalinist terror or Brezhnev's stagnant totalitarianism. This is a false comparison. No serious economist would measure the Russian economy of 1997 with the Soviet economy of 1938 as a standard. Nor could one usefully attempt to gauge political reform with the dark Brezhnev years of one-party rule. The logical benchmark lies among the Western norms promised and expected in 1991.
The Bakatin Interregnum

In the months following the putsch, Bakatin threw the KGB into turmoil as he splintered it into five separate services at the top and ceded power from the Soviet center to Boris Yel'tsin's Russian Federation and the 11 other remaining union republics. He ordered officers to cooperate with five separate state investigations of the putsch and of KGB misdeeds; one of the probes was led by former dissidents and gulag survivors. He initiated a series of high-level firings and promised "hundreds or thousands" more. Senior KGB officers, seeing Kryuchkov in prison, feared similar fates for themselves. The Moscow city KGB seemed to be a bellwether for the rest of the apparatus: its new chief, appointed by a reformist mayor, was Yevgeni Savostyanov, an associate of dissident leader Andrei Sakharov.

By his own admission, Bakatin was a product of the Communist Party apparatus, and his actions must be seen in that context. It was his idea, for example, to name Yevgeni Primakov as foreign intelligence chief, viewing Primakov as one of the few other members of Gorbachev's presidential council who opposed the putsch and one of the only high-level Soviet officials with substantive foreign policy experience. He also had no intention of tearing up the KGB in its entirety and starting anew as Vaclav Havel had done in the Czech Republic. He thought that, with fresh leadership, the security apparat could be reformed.

Nevertheless, Bakatin was by far the most liberal chief of any of Moscow's secret services, before or since. Though lacking a blueprint to carry out what he wanted to do--he never expected to be in such a position--he envisioned a three-directional plan of action: "disintegration" or dismemberment of the KGB into independent functional components, "decentralization" to hand power to the union republics across the USSR and the major regions within the Russian Federation, and "de-ideologization." Many interpret the latter as de-politicizing the organs of its Communist Party affiliation, but Bakatin's plan went much further: "the repudiation of the ideology of Chekism," the cult-like self-identity of the organs as the historical successors to the Bolshevik Cheka.
Bakatin also committed the ultimate crime against the chekists: He attempted genuine cooperation with the United States. In an historic gesture that earned him the permanent enmity of the organs and of many politicians, Bakatin met with the American ambassador to Moscow and turned over to him the KGB blueprints of the massive electronic eavesdropping system implanted in the structure of the new American Embassy building. The legacy of political repression and covert warfare against Western democracies, he declared, was over.

**Yel'tsin's approach**

Too closely identified with Gorbachev and reviled by most of the state security leadership, Bakatin had no place in the independent Russian government of Boris Yel'tsin. Bakatin was handy for Yel'tsin's purposes in breaking up the Soviet apparatus and transferring power to the Russian Federation, but without a political party of his own, Yel'tsin required support from the organs to deal with his many enemies. Instead of building new security institutions, Yel'tsin merely re-named and reorganized the old KGB structures (see sidebar 1).

At the same time, the Russian leader kept the internal security services in a constant state of flux by continuous bureaucratic reorganization, creation of new security and intelligence agencies, and frequent top-level personnel changes. The principal internal security organ, the Federal Security Service (FSB), underwent six name changes and six leadership changes in six years. Part of this state of uncertainty has been caused by Yel'tsin's byzantine form of divide-and-rule governing, but at least an equal part is due to clan warfare within the power structures and ruling elite.

While Yel'tsin recruited young, visionary economists--whatever their shortcomings--from far outside his inner circle to implement a Western-style reform with the advice of hundreds of American experts, he assembled a state security team of KGB professionals and personal cronies. His first security minister, MVD General Viktor Barannikov, immediately sought to merge the former KGB internal security organs with the MVD in what critics across the political spectrum denounced as a return to a Stalin-
era repressive machine.(5) The chief of his personal guard, Aleksandr Korzhakov, built up his own security empire complete with its own intelligence service and business operations.

Similarly, old traditions were preserved. Yeltsin's first state security initiative, re-naming the USSR KGB components and placing them under his authority, was contained in a set of decrees postdated to take effect on 20 December 1991, "Chekists' Day," in observance of the founding of the Cheka on that same date in 1917. The Cheka sword and shield remain the crest of the main internal security organ, the Federal Security Service, as well as of the External Intelligence Service, the Ministry of Internal Affairs (MVD), and the State Procuracy. Along with those symbols survived the chekist mentality of impunity.

Newly built checks and balances were short-lived. The new Constitutional Court, albeit backed overwhelmingly by public opinion, posed the first major resistance to re-centralization of the organs. Yeltsin ultimately abolished it. The Russian Federation Supreme Soviet had a Committee on Defense and Security headed by Sergei Stepashin, a former MVD officer who initially endorsed reforms. Yeltsin disbanded the parliament and laid siege to it in October 1993. The subsequently elected parliaments proved far more politically backward than the Supreme Soviet, and though the new laws governing the security organs paid tribute to human rights, in fact they ceded power to the services themselves. The present Federal Assembly has funded the organs rather generously with an $8.8 billion appropriation for 1997, which is triple the federal budget for science and agriculture and nearly equal to the combined outlays for industry, power engineering, and construction.(6)

Public demands for order in the face of sharply increased violence and crime overshadowed the post-putsch sentiment that ran so heavily against the organs. Yeltsin and parliament incrementally broadened the powers of security services to conduct surveillance and even arrest and detain individuals. These periodic increases in chekist power were tolerated in the name of waging war on street crime, organized crime,
government corruption, and terrorist violence. As if these reasons were insufficient, the organs--often fueled from above by inflammatory pronouncements by Yel'tsin himself--declared Russia to be under espionage attack from the West and initiated a new campaign against "traitors" and "spies."

WHERE THE FORMER KGB IS TODAY

Federal Security Service (FSB). Having gone through numerous name changes and bureaucratic reshuffles in the past six years, the FSB contains most of the internal security components of the KGB.

Federal Agency for Government Communications and Information (FAPSI). The high-tech signals intelligence service was formed by a merger of the KGB Eighth Chief Directorate and the 16th Directorate. FAPSI also controls new fiber optic telecommunications networks, registers securities transactions, provides private companies with encryption software, and, in St. Petersburg, controls electronic pagers.

External Intelligence Agency (SVR). The SVR is the re-named First Chief Directorate of the USSR KGB, responsible for espionage activity and analysis abroad.

Federal Border Service. This independent organ was the KGB Border Guards Chief Directorate.

Federal Guard Service. Set up in August 1996 to absorb the presidential praetorian guard run by ousted Gen. Aleksandr Korzhakov, the Federal Guard Service contains numerous former KGB and other units to provide physical security for Russian leaders and public buildings.

State Tax Police. This revenue-collecting service was established with a large number of officers from the KGB Fifth Chief Directorate, the political police branch of the KGB responsible for hunting down dissidents.

Checklist
A checklist of major topics helps gauge the direction the organs have taken since the Bakatin reforms. The first standard, human rights, is based on Article 1 of the Law on
Security that requires the organs to safeguard the human rights of all citizens of the Russian Federation, and Article 2 of the Constitution which stipulates that the protection of "the human being, his rights and freedoms" is one of the state's "highest values." The second standard is how well the organs adhere to the rule of law and defend the transitioning political system and economy against corruption and organized crime.

Human Rights

- **Harassment and defamation of critics.** The organs began harassing and defaming critics in early 1993, when a group of former dissidents led by former political prisoner Sergei Grigoryants began a series of international conferences called "KGB Yesterday, Today, and Tomorrow." Security officials telephoned political figures in an attempt to intimidate them from participating. Provocateurs disrupted the original proceedings, and some of the organizers were subjected to physical harm.(7) The following year, counterintelligence chief Sergei Stepashin lashed out publicly at "enemies" in the Democratic Russia movement and in the press, and branded a retired KGB general and a prominent human rights activist as "terrorists" for their roles in the conferences.(8)

- **Legal persecution of critics.** In what was widely viewed as a "revenge" case, the FSB in 1995 brought charges against former KGB Captain Viktor Orekhov, who had spent seven years in a forced labor camp after having been caught warning dissidents of their impending arrest.(9) Ex-dissident Valeria Novodvorskaya was charged in 1996 with "promoting inter-ethnic strife," brought to court where her writings were dissected by a former KGB colonel, and denied the right to travel abroad where she sought treatment for asthma.(10) That same year, retired Navy Captain Aleksandr Nikitin was charged with "treason" for having helped a Norwegian environmental group to write an open-source report on atomic waste in the Arctic Ocean. He was also subjected to an official campaign to destroy his reputation. After long consideration, Amnesty International announced in 1996 that with the persecution of Nikitin, Russia was again arresting prisoners of conscience. (11)
• **Extrajudicial persecution of critics.** In January 1993, human rights lawyer Tatiana Kuznetsova, an attorney for Aleksandr Solzhenitsyn and other dissidents, was preparing for the first conference on the "KGB Yesterday, Today and Tomorrow" when she received a call from the state security office in Kaluga. Officials told her they wanted to return documents illegally seized from one of her clients, dissident Sergei Grigoryants, during the Soviet period. En route to the meeting, Kuznetsova drove into an ambush in which her car was forced over an embankment. She suffered severe head injuries.(12) In August 1994, Grigoryants was ambushed in his apartment building and subjected to a severe, professionally executed beating that ultimately cost him an eye.(13)

• **Curtailed freedom of the press.** Freedom of the press to report on excesses of the organs arguably peaked in 1992 and 1993. While the decline in press freedom is primarily due to other factors such as the political connections of media owners, much of the unofficial intimidation is attributable to current and former state security officers involved in either the parent enterprise or corruption.(14) The MVD and security organs conducted a far-reaching harassment campaign against journalists covering the Chechnya war, arresting hundreds and confiscating notes, tapes, photographs, and equipment.(15)

• **Restrictions on religious freedom.** Less religious freedom exists in 1997 than in 1991. Even before President Yel'tsin signed a law limiting religious freedoms, regional governments were "restoring one of the most virulent institutions of the Soviet era, the Council for Religious Affairs" and began telling Catholic and other clergy that they were forbidden to celebrate Mass.(16) While this crackdown was initiated in the State Duma, its main champion was Aleksi II, patriarch of Moscow and All Russia, who claimed it would preserve the Orthodox Church. Aleksi and others in the hierarchy collaborated closely with the KGB, even against Orthodox Christians who chose to worship underground. The patriarchate is enabling the former KGB collaborators to silence or repress critics.(17)

• **Torture.** Moscow committed itself to outlaw torture when it signed the European Convention on Human Rights in 1996. Yet that same year, presidential decrees granted authorities more legal grounds to torture prisoners.(18) In April 1997,
Amnesty International issued a follow-on report documenting what it described as widespread, systematic torture throughout the Russian Federation "in police custody, in pre-trial detention, prisons and the army." Torture techniques include suffocation, forcing prisoners to wear gas masks injected with irritants, and beating of prisoners suspended from ceilings with their hands tied behind their backs.(19)

• **Murder.** Not a single Soviet-era official has been held accountable for human rights abuses, a fact that adds to the sense of impunity permeating the organs. The January 1996 termination of the probe to find the murderers of Father Aleksandr Men, a Soviet-era dissident priest, showed the lack of political will to bring closure to the ugliest parts of modern Russian history. His killers are believed to have been with the KGB.

One must be especially cautious when imputing murder to the state security services as institutions when Russia is embroiled in such lawlessness. However, a pattern seems to emerge. The October 1994 assassination of investigative journalist Dmitri Khodolov is an example because of the known involvement of an active-duty state security officer. Khodolov was probing high-level corruption within the Ministry of Defense and was cultivating a Federal Counterintelligence Service officer as a source. He told a colleague that the officer, a confidential source he did not identify, directed him to pick up a satchel containing secret documents compromising top military officials. The satchel was booby-trapped, and Khodolov was killed.

The Chechnya war had hardly begun when the Sergei Grigoryants family faced its harshest persecution ever. Grigoryants and his wife had persevered through the low-level harassment and beating during his series of conferences on the KGB, and now were planning a campaign to hold officials accountable for war crimes in Chechnya. On or about 19 January 1995, Grigoryants received a telephonic warning that his son, Timofei, would be murdered. Three days later, Timofei Grigoryants was struck and killed by a hit-and-run automobile in the driveway of the family apartment building. Grigoryants subsequently filed suit to force the government to investigate the crime. The authorities' behavior suggested government involvement when two officials approached
Grigoryants with an offer to arrange for the return of his writers' union building if he would drop the case. Grigoryants refused. French authorities were apparently persuaded of official involvement; President Jacques Chirac quickly granted political asylum to Grigoryants' wife and daughter, though Grigoryants himself remains active in Moscow.(20)

According to a US military intelligence report, the FSB set up a special covert unit to assassinate political opponents inside the Russian Federation in 1995, aimed particularly at Chechen separatist leaders. The 40- to 50-man unit is believed responsible for the April 1995 assassination of Chechen security chief Sultan Geliskhanov.(21) The FSB is also reported to have set up Fred Cuny, an American relief worker in Chechnya, to be killed by spreading disinformation that he was a spy. The FSB and other agencies obstructed Cuny's family and friends from searching for him after he disappeared in early 1995.(22) GRU military intelligence ran a separate operation in April 1996 to assassinate Chechen President Djokhar Dudayev.(23)

**Fighting corruption and organized crime**
The MVD, though itself riddled with corruption, has borne the brunt of whatever major anti-crime operations exist, and hundreds of officers have been killed in the line of duty. Even so, despite the MVD's efforts and the organs' sweeping powers, government corruption and organized crime ballooned out of control. Neither the president, his prime minister, nor the parliament have demonstrated the political will to combat the problem at its roots. After referring to his country as the "biggest mafia state in the world" and a "superpower of crime" in 1994, Yeltsin acknowledged in his State of the Federation speech of 1997, "we have declared war on economic crime and corruption but not started it for real."(24)

Nor is the anti-crime campaign a simple law enforcement issue. FSB Director Nikolai Kovalev said in late 1996 that he would fight crime not with the immense powers allowed by law, but with a "sword of vengeance"—hardly a reassuring word from a law enforcement official.(25)
Over the past six years, the remnants of the KGB have shown themselves to be part of the organized crime problem,(26) as the Russian Organized Crime Task Force of the Center for Strategic and International Studies discusses in a recent report.(27)

Former Soviet dissident and post-Soviet lawmaker Sergei Kovalev lays the blame at the feet of Boris Yel'tsin. In his January 1996 letter resigning as Yel'tsin's human rights commissioner, Kovalev wrote, "You announced, amid much publicity, the start of a fight against organized crime in the country. To that end, you gave enormous powers, going beyond the bounds of right and the law, to the power structures. The result? Criminals still roam free, while law-abiding citizens, without having gained security, are forced to tolerate the tyranny of people in uniform into the bargain."(28)

PROMOTION OF CHECHNYA WAR LEADERS

Key officials who authored and executed the Chechnya war have been promoted within Russia's security and law enforcement leadership. Among them:

Valentin Korabelnikov served as First Deputy Director of the Main Intelligence Administration of the military general staff (GRU), and remained directly involved in operations. He was wounded in Chechnya, where he directed spetsnaz operations and is reported to have masterminded and supervised the 26 April 1996 assassination of Chechen President Dzhokhar Dudayev. Yel'tsin promoted Korabelnikov to become GRU director in May 1997.

Anatoli Kulikov was commander of the Ministry of Internal Affairs (MVD) Internal Troops in Chechnya, whose forces committed most of the atrocities. Human rights leaders called for him to be tried as a "war criminal" but Yel'tsin promoted Kulikov to become Minister of Internal Affairs in July 1995, and in February 1997 named him deputy prime minister responsible for most law enforcement and security services.
Sergei Stepashin, as director of the Federal Counterintelligence Service (FSK, now the Federal Security Service), was one of the "Party of War" members who initiated the war in the autumn of 1994. Yeltsin fired Stepashin in June 1995 over the mishandling of a terrorist incident in which 100 civilians were killed. Despite calls by human rights leaders to put him on trial for war crimes, Yeltsin named Stepashin minister of justice in July 1997.

Rule of Law
The Soviets maintained Party checks and balances against the state security organs, and in 1989, after abolishing the Party's monopoly on political power, created nominal oversight committees in the union and Russian Federation parliaments. However, these bodies exercised no real oversight authority in practice.

The situation has improved slightly since that time. Today, both houses of the Federal Assembly have committees to oversee the security and intelligence services, and the budget committees have a limited oversight capability as well. Though the membership of these committees is diverse, most of their members have close professional relations with the organs, many being retired or reserve MVD, military, or security officers.

The Chechnya war showed how, in practice, no effective checks and balances exist. Initial hostilities initiated from Moscow were carried out by covert paramilitary units (under the command of state security chief Stepashin) whose creation was explicitly forbidden by law. Russian constitutional and legal analyses show that throughout the Chechnya conflict, federal forces flagrantly violated the constitution, the already-generous laws, and international treaties to which Russia was committed. Constitutional violations include the arbitrary or otherwise extrajudicial killing of Russian citizens (Articles 2 and 20), trampling of internationally recognized human rights (Articles 15 and 17), denial of legal protection of rights and freedoms (Article 46), and limitations on rights and freedoms by extra-legislative means (Articles 55, 56 and 102). The president, prime minister, and defense and security officials also violated every major law governing the police and security services, including the Law on Defense, the Law on
Security, the Law on Operational Work, the Law on Federal Organs of State Security, and the Law on the Status of Servicemen.(30)

Conclusion

The situation in 1997 has little in common with the bold vision of Vadim Bakatin in the optimistic closing months of 1991. In some ways, Russia is farther today from having a national security apparatus accountable to laws than it was during the turmoil of the Soviet collapse. In 1991 at least, there was at least some political will to bring the system to heel. Today, almost no one speaks of doing away with the KGB legacy. It has become part of the post-Soviet landscape.

Notes:
1 Vadim Bakatin, interviews with the author, 1992 and 1993. Bakatin gave the author a copy of the decree, with Gorbachev’s penned amendment accompanied by a notation that it not be published.

2 The findings of the five official investigations were never published in Russia. Four state probes were secret. The fifth, a Supreme Soviet commission headed by human rights advocate Lev Ponomarev, was shut down by Supreme Soviet Chairman Ruslan Khasbulatov in early 1992, at the request of Moscow Patriarch Aleksi II and foreign intelligence chief Yevgeni Primakov. A transcript of the Ponomarev hearings is deposited at the Library of Congress in Washington. An English translation of the transcripts is serialized in Demokratizatsiya: The Journal of Post-Soviet Democratization, vol. III, no. 4 (Fall 1995) to vol. V, no. 1 (Winter 1997).

3 Vadim Bakatin, interview with author.


7 The author attended these conferences, which began in February 1993, and witnessed the harassment campaigns.


13 Grigoryants, interviews with author. The author took Grigoryants to an American hospital for follow-on medical treatment, but the eye could not be saved.


(Moscow: Obshchestvennyi Fond Glasnost, 1996), bilingual edition in Russian and English, pp. 46-49.


20 Author's interviews with Sergei Grigoryants.


25 Globe and Mail (Toronto), 1 December 1996.

27 CSIS Russian Organized Crime, op. cit.

