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Senator Disputes Top Dogs' Immunity

By Alexandra Odynova

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A sweeping effort to instill the rule of law may result in the creation of a new agency whose sole task would be to investigate the wrongdoings of top officials — including former presidents and prime ministers.

A bill to create a new all-powerful prosecution agency was introduced to the State Duma on Thursday by Federation Council Senator Anatoly Lyskov.

Lyskov, 64, who used to head the judicial department of the Federal Security Service, said in the draft's description, available on the Federation Council's web site, that the bill aims to fix flaws in the existing legal system in which top officials are de-facto immune from prosecution.

"In the hierarchy of Russia's existing state institutions, there are no legal procedures and mechanisms to ensure an objective investigation into top state officials," Lyskov said.

In addition to ex-presidents and prime ministers, the new agency would handle

investigations into former federal ministers, senior judges and heads of the Audit Chamber, Central Bank and Central Elections Commission, as well as incumbent heads of the Investigative Committee and the Prosecutor General's Office — despite being a part of the latter.

The agency would have 17 members, all with the rank of deputy prosecutor general. The president and both chambers of the federal legislature would nominate five members each, with the remaining two named by the national ombudsman.

The Federation Council would approve the nominees, who would serve seven-year terms, and have the power to dismiss them. The independent prosecutors must have at least 15 years of judicial experience, have held an executive job at some point, and not be affiliated with any political party.

The Federation Council said on its web site that it welcomes e-mailed comments and suggestions through the end of August. No date for a Duma review has been set.

Lyskov, backed by a group of senators, tried to pass a similar bill in 2005 but failed to find support in the Duma. It was unclear how deputies might vote this time, but several have backed the bill.

The agency is "necessary because — with all respect to the Prosecutor General's Office — this institution has de-facto become part of the executive power," said Gennady Gudkov, a Duma deputy with A Just Russia, Interfax reported.

The Kremlin has not commented on the initiative.

Lyskov said the Beslan hostage crisis of 2004 provided an example of a case suited for independent prosecutors. No senior official was punished for the attack even though 385 people died, many of them children.

Lyskov also noted that investigations into senior prosecutors are currently handled by their own subordinates.

Former Prosecutor General Yury Skuratov, for one, was checked by his subordinates between 1999 and 2001 over a leaked sex tape. The case was eventually dropped.

As prosecutor, Viktor Ilyukhin, a Duma deputy with the Communist Party, opened criminal cases into Soviet leader Mikhail Gorbachyov in 1991 and President Boris Yeltsin in 1993 on charges of "betraying the motherland." Both cases were later closed.

A similar institution of independent prosecutors was introduced in the United States in 1978 following the Watergate scandal. The agency, known as the U.S. Office of the Independent Counsel, was behind the inquiry into President Bill Clinton in the 1990s. In 2003, the agency was replaced by the U.S. Justice Department Office of Special Counsel.

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