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Gudkov's Ouster Would Set a Precedent

By Vladimir Ryzhkov

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Within days, maverick State Duma Deputy Gennady Gudkov is likely to be forced out of the parliament.

The Duma's United Russia-dominated commission for the oversight of incomes and property is scheduled to review Gudkov's activities on Sept. 6. Then, on Sept. 12, a vote on whether to strip Gudkov, a member of the Just Russia party, of his mandate and dismiss him from the lower house of parliament will be formally put before the Duma. Some United Russia members have openly acknowledged that the decision to remove Gudkov has already been made and that the vote will be simply a formality.

This would set a precedent for post-Soviet Russia. If Gudkov were forced out, any opposition-minded deputy could similarly be dismissed without a trial and simply by a vote of President Vladimir Putin's majority of loyal Duma deputies. Having achieved that Duma majority through fraud-stained elections, the authorities are now able to quickly deal with their critics in the parliament. The sixth convocation of the Duma contains only a few outspoken critics of the "party of crooks and thieves," and Gudkov is their most prominent member. As such, he has been targeted first.

What is Gudkov's crime, according to United Russia and law enforcement agencies? Charges of "illegal business activity" were filed against him immediately after Gudkov took part in the May 6 protest, where, by the way, he attempted to act as a negotiator between protesters and police to avert a clash. No one disputes that Gudkov owned shares in several companies and received dividends from them, but he handed them over to his wife in 2009. Lawmakers are not prohibited from owning shares and receiving dividends. Furthermore, Gudkov does not play a role in the management of the businesses and does not receive a salary, and he properly declares all of his income and property holdings. What's more, because all the charges concern events prior to the election of the sixth Duma, the initiative to strip Gudkov of his current post as deputy is actually illegal.

In reality, it is extremely common for Russian politicians and officials to own shares in businesses and to receive dividends. By my count, more than 200 Duma deputies and 100 senators in the Federation Council do, with Anzhi Makhachkala football club owner and billionaire Suleiman Kerimov a prime example. Many governors are also major businesspeople, such as Tula Governor Vladimir Gruzdev, who founded the Sedmoi Kontinent supermarket chain and built up his business while serving as a deputy in the fifth Duma. Billionaire Roman Abramovich — described as a "truthful and on the whole reliable witness" by a British judge who ruled in his favor last week in a lawsuit filed by tycoon Boris Berezovsky — portrayed himself as a businessman during the trial. The problem is that Abramovich was also a businessman when he served as speaker of Chukotka's regional legislature, and the ban on Duma deputies owning businesses applies to regional deputies as well.

The Prosecutor General's Office and the Investigative Committee also see nothing suspicious in First Deputy Prime Minister Igor Shuvalov's family acquiring $319 million in assets in the United States.

But law enforcement agencies have not questioned Shuvalov, Abramovich, Gruzdev or Kerimov. They have targeted only Gudkov, whose shares are microscopic in comparison with the businesses owned by other businesspeople who hold public office.

It appears that Gudkov could become the sole casualty in the government's would-be campaign against politicians who have a conflict of interest with business. And this in a country with a political system notorious for merging business and government, where tens of thousands of officials of every rank and stripe, from Duma deputies and city mayors to military brass from Kaliningrad to Vladivostok, are engaged in business. Politics and power have become the surest and safest road to riches in this country, and all politicians know that.

The harassment of Gudkov is a striking illustration of the classic principle attributed to Peruvian dictator Oscar Benavides: "For our friends, everything; for our enemies, the law!"

Stripping Gudkov of his Duma mandate would clearly be illegal. Gudkov did not receive a salary from any companies and did not violate the Constitution, which prohibits deputies from engaging in "other paid activities, except for teaching, scientific and other creative work." The law also prohibits deputies from serving on the board of directors of any business — and Gudkov did not. Neither was Gudkov convicted of any crime, which is another

legitimate basis for dismissal. If the Duma decides to oust Gudkov, its actions would consist of an unjustified breach of the Constitution, of federal law concerning the status of deputies and of the bylaws of the Duma itself.

Deputies have been dismissed without a court ruling only twice in post-Soviet history. MMM financial pyramid founder Sergei Mavrodi was dismissed in 1995, while Dagestani Deputy Nadirshakh Khachilayev was ousted amid accusations that he was involved with terrorism in 1998. Now the authorities want to force out Gudkov simply because he is a member of the opposition.

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