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NSA Is No Match for the FSB

By Andrei Soldatov

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Commenting on the surveillance scandal with the U.S. National Security Agency, or NSA, President Vladimir Putin was highly deceitful when he told RT television last week that if a government's surveillance of its citizens "is done within the framework of the law ... then it's fine." What Putin failed to mention is that Russian and U.S. laws governing wiretapping differ substantially.

In the U.S., law enforcement or intelligence agencies must first receive a court order permitting wiretapping. They send that warrant to telephone operators and Internet providers, which are then required by law to intercept the requested information and forward it to the respective government agencies. In Russia, Federal Security Service officers are also required to obtain a court order to eavesdrop, but once they have it they are not required to present it to anybody except their superiors in the FSB.

While the U.S.
has checks
and balances

that regulate
how the state
eavesdrops
on its citizens,
Russia has
none.

The FSB has control centers that are connected by cables directly to operators' computer servers. To monitor particular phone conversations or Internet communications, an FSB agent only has to enter a command into the control center located in the local FSB headquarters. That practice is in place throughout the country. Every regional FSB headquarters is connected by cables to all telephone operators and Internet providers in the region.

That system, known as the Law Enforcement Support System, or SORM, is actually a holdover from the country's Soviet totalitarian past and was developed by a KGB research institute in the mid-1980s. Recent technological advances have simply been used to fine-tune the system. Now, the SORM-1 system captures telephone and mobile phone communications, SORM-2 intercepts Internet traffic, and SORM-3 collects information from all forms of communication, providing long-term storage of all information and data on subscribers.

But Russia's general approach to surveillance dates back to the Soviet era and has changed little since then. It has none of the checks and balances that are present in the West. FSB agents wanting to add a new phone number to monitor do not need to obtain a new court order and send it to the telephone operator or Internet provider. All they have to do is enter the required information into the control system in their office.

Meanwhile, the Russian system, like its U.S. counterpart, is expanding very rapidly. According to information obtained from Russia's Supreme Court, the number of intercepted telephone conversations and e-mail messages has doubled over a period of six years, from 265,937 in 2007 to 539,864 in 2012. What's more, these statistics do not include all of the counterintelligence eavesdropping on foreigners, the main category of wiretapping activity for the NSA in the U.S.

In contrast to the U.S., SORM is also used to wiretap the Kremlin's political opponents with full support from the courts, which rubber-stamp requests for warrants. This became evident on Nov. 12, when the Supreme Court upheld the right of the authorities to eavesdrop on the opposition. In that case, the court recognized the legality of an FSB operation to wiretap conversations of Yekaterinburg city lawmaker Maxim Petlin because he had participated in a protest rally at which the FSB was criticized.

At the same time, however, Russia doesn't have the advanced technology to intercept global telecommunications traffic to the extent that it is done in the U.S., but that does not mean Russia is not eavesdropping on communications beyond its borders.

A major advantage for the FSB is that the former branch offices of the KGB that are located in member countries of the Commonwealth of Independent States, or CIS, employ the same surveillance practices as Russia does. When those countries update their wiretapping systems,

they not only purchase Russian equipment but even copy Russian legislation, often word for word.

This trend increased dramatically after the outbreak of the Arab Spring. Beginning in 2010, CIS members began modernizing their national systems for wiretapping and communications interception by modeling them after Russia's SORM. In March 2010, Belarussian President Alexander Lukashenko signed a decree to create a SORM-type system in that country. In late 2010, Ukraine modernized the national requirements for its own SORM. And the National Security State Committee of Kyrgyzstan posted a draft resolution for strengthening its SORM system on its website last August, and that system turned out to be practically identical to the Russian version.

Within a few years, the authorities might finally create what Soviet leaders had hoped to achieve before historical events stopped them: a unified system for wiretapping telecommunications and monitoring Internet traffic spanning most of the territory of the former Soviet Union.

Andrei Soldatov is an intelligence analyst at Agentura.ru and co-author of "The New Nobility: The Restoration of Russia's Security State and the Enduring Legacy of the KGB."

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