



# FOREIGN POLICY RESEARCH INSTITUTE

## E-NOTES

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## SNOWDEN AND THE “RESET”

By David Satter



*David Satter is an FPRI senior fellow and an adviser to the Russian Service of Radio Liberty. His documentary film, *Age of Delirium* about the fall of the Soviet Union, won the 2013 Van Gogh grand Jury Prize at the Amsterdam Film Festival.*

For almost the first time, the Obama administration is showing signs of weariness with Russian behavior. The refusal of Russia to extradite former NSA contractor Edward Snowden may finally put an end to the Obama administration’s policy of mollifying the Russian leadership.

After Snowden landed in Moscow from Hong Kong, Secretary of State John Kerry urged the Russian authorities to “do the right thing.” Foreign Secretary Sergei Lavrov answered him by saying that Snowden “had the right to fly in any direction.”

The pro-Kremlin newspaper, *Izvestiya* reported June 24, that “Snowden’s flight to Moscow was coordinated with the Russian authorities and security services.” The newspaper said that although Snowden’s disclosures “were not a sensation for specialists,” representatives of Russian military intelligence and the Federal Security Service (FSB) “will absolutely meet and converse with him.” It is almost certain that Russian intelligence has now had access to the four laptops that Snowden was carrying and has “imaged” their contents.

Putin justified Russia’s refusal to return Snowden on the grounds that there is no extradition treaty between the U.S. and Russia. In fact, there is a 1999 U.S.-Russian agreement on mutual legal aid. The U.S. has returned 1,700 Russian citizens to Russia in the last five years, 500 of them criminal deportees.

The real reason for the refusal, besides a desire to take full advantage of Snowden’s betrayal, is the desire of Putin to appear to be defying the U.S. in order to win popularity. Putin said that both Snowden and Julian Assange, the Wikileaks leader, consider themselves to be “human rights defenders” and he appeared to endorse their claim by asking whether it was appropriate to jail such persons. Putin’s statement came as Russian non-governmental organizations that receive funds from abroad were being raided by the police or closed under a new law that requires them to register as foreign agents. Snowden was therefore being treated as a human rights defender in Russia while genuine human rights defenders were being treated as foreign agents.

This display of hypocrisy is particularly striking against the background of what we know about Russia’s own surveillance methods.

Inside the country, Russia’s security agencies have much more freedom to access private messages and conversations than their counterparts in the U.S. According to Andrei Soldatov, an expert on the Russian security services, an FSB officer is obliged to receive a court order authorizing eavesdropping but unlike in the U.S., where a law enforcement officer must present the order to the operator who intercepts the call, in Russia he is obliged to show it to no one but his own superiors. Operators and providers should pay for the installation of listening devices but they do not have the right to know whose conversations or letters are being monitored. The FSB headquarters

are linked by cable with the servers of the operators. In order to eavesdrop on someone it is enough for the FSB to issue a command to a coordinating center, which is located in the same building.

The same relative freedom for the Russian security services exists in the case of Russians' personal information that is located on foreign servers.

In Moscow's Tushino District Court, Pavel Vrubbyovsky, the owner of a payments processing company, Chronopay, is on trial for organizing a distributed denial of service attack on the electronic ticket sales company of the airline Aeroflot. On June 6, Federal Judge Natalya Lunina granted the petition of the prosecutor's office to seize all of Vrubbyovsky's correspondence on Facebook. The seizure was assigned to the Center for Information Security of the FSB. On June 18, the FSB submitted the suspect's correspondence to the court. In introducing the document which was 109 pages long, the FSB explained to the court that the servers of Facebook are on U.S. territory and the FSB does not have access to them but they were able to fulfill the court's assignment by conducting what they called "operational and investigative actions."

Pavel Zaitsev, Vrubbyovsky's lawyer, said that the FSB, in circumvention of international conventions and treaties, unlawfully hacked the Facebook server which they acknowledged in their letter to the court, noting that such information could not be obtained otherwise. "Despite the objections of the attorney regarding the unlawfulness of FSB's actions, the court attached the correspondence to the materials of the case.

Russian Duma deputy Sergei Zheleznyak has now introduced a law calling for all servers on which the personal information of Russian citizens and the data of government agencies are stored to be located in Russia. This would make the access of the Russian security services to personal information practically inescapable.

The reset policy toward Russia is now nearly five years old. Deliberate self censorship on the part of the West on issues such as human rights was supposed to have brought tangible benefits but those are hard to identify. Russia consistently has backed the regime of Bashar al-Assad in Syria and supplied it with weapons. The Russians argue that the opposition in Syria are terrorists. To the degree that this is true, it is at least in part a result of the atrocities committed by Assad. In the case of Iran, Russia used its vote in the U.N. Security Council to frustrate efforts to impose sanctions on Iran, except in the case of those with no significance.

It might be feared that Russia's position in the case of Edward Snowden is a reaction to the passage by the U.S. Congress of the Magnitsky Act which bans entry to the U.S. for Russians involved in the murder of Sergei Magnitsky, a Russian lawyer who investigated a massive tax fraud carried out by high ranking officials. In fact, the anti-Western trend in Russian policy was evident long before the passage of this legislation.

As a direct result of his determination to rule for life, Putin can no longer count on the support of Russia's educated urban residents and is increasingly relying on provincial voters whose view of the world is shaped by state television and who respond readily to nationalist appeals.

In an interview with Russia Today, Russia's English language satellite network, before the G-8 meeting, Putin said that the U.S. was founded on the "ethnic cleansing" of the Indians and dropped the atomic bomb on Japan at the end of World War II. He said that a beleaguered Russia, "wages a lonely battle for principle and common sense against a cynical and hypocritical West."

It is the need to sustain this distorted picture of reality in the interests of his own political survival that is motivating Russian policy not American expressions of good will. In the interests of this view of reality, Russia will not return Snowden to the U.S. and it is the reason why there is little reason to continue with the "reset" policy which was based on an unrealistic approach to Russia from the start.