CONSOLIDATION OF THE INFLUENCE OF FEDERAL SECURITY SERVICE IN THE PERSPECTIVE OF RUSSIAN ANTI-TERRORIST LAWS FROM 2016

KONSOLIDACJA WPŁYWÓW FEDERALNEJ SŁUŻBY
BEZPIECZEŃSTWA W ŚWIETLE ROSYJSKIEGO PRAWA
ANTYTERRORYSTYCZNEGO Z 2016 ROKU

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— ABSTRACT —

The article is an analysis of strengthening the powers and status of the Federal Security Service. The main context is the new anti-terrorism law adopted in 2016. The main thesis of the article is the belief that the new anti-terrorism law significantly expands the powers, control and a surveillance of the Federal Security Service, which has a dominant role in the system of the Russian secret services. Hypothetical relationship between the new law and the consolidation of influence of Federal Security Service is one of the stages of FSB-fication of power in the Russian Federation.

Keywords: Federal Security Service (FSB), Putin, antiterrorism law, Russian secret services

— ABSTRAKT —

Artykuł stanowi analizę tendencji wzmacniania uprawnień i statusu Federalnej Służby Bezpieczeństwa. Głównym kontekstem jest przyjęte w 2016 r. nowe prawo antyterrorystyczne. Podstawową tezę artykułu jest przekonanie, że nowelizacja ustawodawstwa antyterrorystycznego z 2016 r. znacznie rozszerza uprawnienia, kontrolę i nadzór Federalnej Służby Bezpieczeństwa, która odgrywa dominującą rolę w systemie rosyjskich służb specjalnych i jest głównym podmiotem odpowiedzialnym za zwalczanie zagrożenia terrorystycznego. Hipotetyczna relacja między nowym prawem a konsolidacją wpływu Federalnej Służby Bezpieczeństwa stanowi jeden z etapów FSB-fikacji władzy w Federacji Rosyjskiej.

Słowa kluczowe: FSB, Putin, prawo antyterrorystyczne, rosyjskie służby specjalne

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INTRODUCTION

The package of anti-terrorist acts commonly knowns as the “Yarovaya law” adopted by the Russian State Duma in July 2016 is considered as rigorous regulation of the matter of combating terrorism and extremism in the Russian Federation. As an act that regulates the activities and control competences of the state security organs, it significantly expanded the competences of the Federal Security Service (*Fiederalnaja Sluzba Biezopasnosti*) – a structure that monopolizes the environment of special services of the Russian Federation and the main entity responsible for combating terrorist activities. On 6 July 2016, the President of the Russian Federation, Vladimir Putin, signed the federal law “On amendments to the federal law on counteracting terrorism” and amendments to other legal acts of the Russian Federation to establish additional measures to counter terrorism and protect public security, as well as the bill introducing changes to the penal code in the field of prevention and counteracting the phenomenon of terrorism – internationally and internally (*Fiederalnyj zakon ot 6 Julja 2016 g N 374-F3*, 2016). Both acts significantly extended the FSB’s control competences and at the same time strengthened its status as the main service responsible for counter-terrorism activities.

The aim of the new anti-terrorist law is to regulate the counteracting of terrorism, as well as a legislative response to the dynamics of international conflicts and the presence of a new type of threat which is decentralized cross-border terrorism (Zenowina, 2016). In the new anti-terrorist legislation, the Russian legislature not only introduces severe penalties for committing an act of international terrorism, but also significantly extends the list of crimes classified as terrorist. The legal catalog of terrorist offenses prior to the adoption of the new law in 2016 was regulated by the provisions of the Criminal Code of the Russian Federation. Regarding the perspective of the currently functioning legal system of the Russian Federation, terrorist offenses include: terrorist act (Article 205 of the Criminal Code), supporting terrorist activities (Article 205 (1) of the CC), public provocation to conduct terrorist activities or public justification of terrorism (Article 205 (2) CC), taking a hostage (Article 206 CC), organization of illegal armed formation or participation in it (Article 208 CC), as well as an attack on the life of a representative of state power or a social activist, taking power with the use of violence (Article 278 CC; Laskowska, 2010). There is no doubt that the amendment to the anti-terror law adopted in 2016 widened the catalog of terrorist attacks and this is directly related to the increase of the

level of terrorist threat from both national and international organizations. As Katarzyna Laskowska (2010) emphasizes, according to the Russian legislator, the main threat are crimes that are against public safety and state power. This is due to the definition of terrorist and subversive activity developed over the centuries as directed against the structures of the state and political power.

Considering the context of Russian domestic policy, the anti-terrorism package known commonly as the “Yarovaya law” is a useful tool to combat and neutralize the opposition to power of Kremlin, as well as an attempt to safeguard the integrity of the regime using the potential of the FSB and control the behavior of the society in the event of potential destabilization.

The main thesis of the article is the conviction that through the evolution of the Russian anti-terrorist legislation competences of FSB have been strengthened, as well as the fight against terrorism as one of the main threats to the national security of the Russian Federation both internally and externally has been reinforced. There is a relationship between the new anti-terrorist law and the position of the main service responsible for ensuring state security – the Federal Security Service (FSB). Under the pretext of combating terrorism, the authorities are increasing the scope of competence and authority of the Federal Security Service.

The analysis of competences and powers of the FSB in the light of new anti-terrorist laws is therefore crucial for understanding the mechanism of functioning state power and political culture of the Russian Federation, and in particular the logic of pre-election trend of strengthening of FSB’s competences, whose active support can secure the continuity of President Vladimir Putin’s power, as well as effectively implement state policy of counteracting terrorism. The pretext of combating the terrorist threat internationally and internally results in the consolidation of the authority of the FSB as the main service responsible for the implementation of anti-terrorist policy.

THE SYSTEM OF RUSSIAN ANTI-TERRORIST LAW BEFORE THE ADOPTION OF THE AMENDMENT IN 2016

The terrorist threat in the territory of the Russian Federation remains high. As emphasized by Aleksandra Zięba (2017), one of the reasons for such a high level of danger are numerous tensions and conflicts in the region of North Caucasus. Islamic terrorism originating from the Central Asia region is not a new phenomenon, and its origins date back to the pre-revolutionary activity

of anticommunist Basmachi in Central Asia. The break-up of the USSR, as well as the war in Iraq and Syria, played an important role in determining the global terrorist threat. Central Asia is particularly susceptible to the activities of radical Islamic organizations mainly due to the weakness and authoritarian nature of political and social systems (Lang, 2017). The terrorist threat derived from the region of Central Asia, increasing terrorist activity of the self-proclaimed Islamic State in Western Europe as well as the struggle to preserve the strength of state security services, as the foundation of the current power in the Russian Federation determines the tightening of the Russian anti-terrorism law, that resulted in 2016 in adoption of the new legislation. Taking into account the terrorist threat in the Russian Federation, one can make an assumption about the formation and functioning of homo jihadicus in the area of the former USSR, where Salafism is alike the militant Islam (Falkowski & Lang, 2015). As a result, countries located in Central Asia appear as a potential source of growing terrorist threat (Górecki, 2014).

In the era of threat that the global jihad poses and the need to neutralize the phenomenon of terrorism, the Russian Federation is a state with one of the most extensive security systems and the strategy of antiterrorism policy. The concept of national security, as well as military doctrine and the concept of foreign policy strictly determine the shape of new anti-terrorist legislation and mark fixed, invariable elements of combating terrorism. The tendency of strengthening the competences of the services in the face of a real or perceived threat is omnipresent in all Russian strategic documents.

In the period of the dynamic transformation of the 1990s, the terrorist threat in Russia has significantly evolved. At the beginning of the 21st century, terrorism in Russia was only symptomatic. Nevertheless, these sporadic, often unrelated terrorist acts gradually transformed into systemic threat to the state structures and society as a whole (Petriszczew, 2009). The new reality in which Russia found itself after 1991 required the development of a systemic approach to the issue of terrorist threat, which was included in the security concepts of the Russian Federation. From the point of view of focusing on the issue of combating terrorism, Article 3 of the 1992 Act *About security* is important. Article 3 defines that protection against internal and external threats is the core of national security (*Federalnyj Zakon ot 5 marta 1992 g. N 2446-I "O bezopasnosti"*, 1992). As emphasized by Agnieszka Bryc (2008), the internal threat determines the direction of anti-terrorism legislation in the Russian Federation. As a result of the disorganization that prevailed after the collapse of the USSR, the Russian

legislator faced the need to tighten anti-terrorism legislation and appoint services responsible for the fight against terrorism. Legal nihilism, the disappearance of collective values which integrated the society during the period of the USSR's existence, contributed to the intensification of extremist-terrorist activity in the territories of former republics of the USSR.

The trend of exacerbating state anti-terrorist legislation is therefore observable from the mid-1990s. For the first time, the terrorist threat was defined in the 1994 Act. At that time, the Penal Code was supplemented with two articles on terrorism. According to the 1994 Act, terrorism means "causing an explosion, arson or other states aimed to breach public security or to influence the decision-making process of state authorities" (*O wniesieni izmienij i dopolnenij w Uglownyj Kodeks RSFSR i uglowno-processualnyj kodek RSFSR ot 1.07.1994 N 10-F3*, 1994).

The Criminal Code of 1996 classified terrorism as a crime against public and social security. In Article 205, a terrorist act is an explosion, arson or other act posing a threat to human life, private property or causing other consequences to public safety, or an act committed with the intention of influencing government decision-making centers. The terrorist act was defined as an action aimed at destabilizing of the authorities and international organizations with the intention of achieving influence on decision-making that would be beneficial from the perspective of terrorist demands.

According to the Act of 1996, the act of terrorism is also the threat of violence itself for the above-mentioned purposes ("*Uglownyj Kodeks Rossijskoj Fiederacii*" *ot 13.06.1996 N 63-FZ*, 2017). Despite general focus on issues of threats to the stability of state power, the Criminal Code of 1996 classifies terrorism as an activity aimed primarily at public security and social order. Under the Criminal Code of 1996, a terrorist offense was, among others, an attack on the life of a representative of state power or a public activist made in order to stop a social or political activity by a victim or revenge for such activity, attack people or institutions that benefit from international protection and making false statements about the act of terrorism. Nevertheless, the definition of terrorism is inaccurate and thus does not fully explain the phenomenon (Grinko, 2002). The second Chechen war of 1999 was a landmark event that determined the rise of the terrorist threat in the Russian Federation. Russia carried out the so-called anti-terrorist operation not only against the Chechen separatists, but also the Caucasian Salafists, which contributed to the escalation of violence in the North Caucasus (Falkowski, 2016). Chechnya, the majority of which are adherents of

Sunni Islam, was militarily subordinated to Moscow, which was unable to control the phenomenon of Chechen terrorism (Strachota, 2003).

Another, significant from the perspective of the Federal Security Service's competence in combating terrorism and its consequences – the regulation of counter-terrorism in the Russian Federation, is the federal law of July 25, 1998. Law No. 130-FZ *On the Fight Against Terrorism* enumerates entities responsible for counter-terrorism operations. The legal basis for the fight against terrorism in the Russian Federation is the Constitution, the Penal Code, international law and norms, and international agreements ratified by the Russian Federation. The main principle of the fight against terrorism is respect for the rule of law, but above all maintaining the potential of the authorities and special services as the main bastion of the fight against terrorism.

From the point of view of the FSB's competence as the main service responsible for conducting anti-terrorist operations there is accuracy to highlight the importance of prevention and measures to prevent acts of terrorism, as well as minimizing the possibility of concessions to terrorist demands. The systemic response to the terrorist threat was complemented by the establishment in 1998 of a one-man command of the anti-terrorist operation and the good practice of not disclosing the details of the operation (*Federalnyj zakon ot 25.07.1998 g. N 130-FZ "O borbie z terrorizmom"*, 1998). In addition, the legislator in the 1998 document in Article 6 lists the entities responsible for the fight against terrorism. The entities directly involved in the fight against terrorism are: Federal Security Service, Ministry of the Interior, Foreign Intelligence Service, Federal Service of Protection, Ministry of Defense, Federal Border Service (Kraj, 2009).

The competences of the FSB in the fight against terrorism include preventing, detecting and combating terrorist attacks as well as crimes committed for political purposes. The task of the FSB is also to combat international terrorism. It was for the Federal Security Service that the legislator imposed the obligation to manage the anti-terrorist operation. Anti-terrorism law adopted in 1998 significantly limits the possibility of concluding agreements with terrorists and carrying out the will of terrorists in exchange for the release of hostages. The Act gives the right to implement all possible measures – including political, economic, propaganda – to fight terrorism.

Taking into account the internal determinants of anti-terrorist legislation in Russia, such as tensions in the North Caucasus region, the presidential decree N 1255c of September 23, 1999 *On Measures to Increase the Effectiveness of Anti-terrorist Operations in the Territory of the Region of North Caucasian of the*

Russian Federation is important. The decree assumes the unification of the efforts of federal executive bodies and federal state bodies in the implementation of anti-terrorist operations. The decree assumes also the necessity to improve the effectiveness of actions aimed at abolishing illegal armed formations operating in the North Caucasus (*Ukaz Prezidenta Rossijskoj Fiederacji ot 23.09.1999 g. No 1255c O mierach po powyszeniju efektiwnosti kontrterroristiczkie operacii on territorii Siewiero-Kawkazkowo region Rossijskoj Fiederacji*, 1999).

From the perspective of strengthening the powers and the leading role of the Federal Security Service in combating the terrorist threat, the doctrine of information security of the Russian Federation from 2000 is in particular important. According to the document, the source of both internal and external threats to the information security of the Russian Federation is the activity of international terrorist organizations (*Doktrina informacjonnoj biezopasnosti Rossijskoj Fiederacji ot 9 sentjabrja 2000 g. I PR – 1895*, 2000). The amended doctrine of information security from 2016 defines a particularly dangerous practice used by various terrorist and extremist organizations. They use information influence mechanisms on individual and group consciousness in order to intensify ethnic and social tensions, as well as for the purpose of agitating and recruiting new activists for terrorist activities (*Ukaz Priezidenta RF ot 5.12.2016 No 646 "Ob utwierzdenii Doktriny informacjonnoj Biezoopasnoti Rossijskoj Fiederacji"*, 2016).

Another practice consolidating the FSB's powers in the fight against terrorists is the implementation of secret operations using unofficial legalization to infiltrate and penetrate the structures of a terrorist organization. The ability to carry out classified activities is evidence of a strong orientation on issues of prevention and early detection of terrorist threats. As Piotr Mickiewicz (2011) states, the legal solutions introduced in the 1998 regulations were modified and specified in the Federal Law of 2006 *On Counteracting Terrorism*. The anti-terrorism law adopted in 2016 is a continuation of the trend of tightening the competences of the FSB in the fight against terrorism.

In analyzing the issue of consolidation of FSB powers in the Russian antiterrorist system the important fact is the creation of the National Anti-Terrorism Committee by Presidential Decree No. 116 *On Counter-Terrorism Measures* on August 2, 2006 (*Ukaz Prezidenta FR 2.08.2006 N 116 "O mierach po protiwodejstwiu terrorizmu"*, 2006). Establishing the body responsible for coordinating anti-terrorism policy is a manifestation of state reaction to growing terrorist threat and the need to develop a more coherent, systemic response to newly emerged security challenges.

The National Anti-Terrorism Committee (NAK) was established in 2006 as a collective body responsible for coordinating the activities of federal authorities, the authorities of the subjects of the Russian Federation and local government in the field of counter-terrorism. At the head of the National Anti-Terrorist Committee stands the chief of the Federal Security Service. In addition, the apparatus of the National Anti-Terrorist Committee was created on the basis of the structures of the FSB. The main, leading role in the National Anti-Terrorist Committee is granted to the FSB. In the context of the escalation of the terrorist threat, the key to extending the competences of the Federal Security Service is Act No. 35-FZ *On Counteracting Terrorism* adopted by the State Duma on March 6, 2006. Both acts constitute the legal basis for counteracting terrorism in the Russian Federation, as well as create a new state system to combat terrorism. As stated by Nikolai Patrushev – then head of the FSB – the 2006 Act established a comprehensive system of measures and forces designed to counter terrorist threats, and established legal mechanisms for the involvement of Russian armed forces and other special units in the fight against terrorism outside the borders of the Russian Federation (Patruszew, 2006). The 2006 Act is also the foundation of Russian anti-terrorism legislation. An equally important document that strengthens the Russian system of counteracting terrorism is cooperation within the Commonwealth of Independent States (SNG) and the creation of the Anti-Terrorist Center of the CIS (cf. Kraj, 2009). Created at the end of 2000, the Center for Antiterrorist Cooperation of the CIS is part of the external organization of the Russian system of counteracting terrorism in the so-called “near abroad” (Mazur, 2007).

From the perspective of analyzing the powers of the FSB, Article 15 of the 2006 Act is particularly important. In this article, the legislator establishes the FSB as one of the main services responsible for combating terrorism (*Ukaz Prezidenta FR ot 15.02.2006 N 116 “O mierach po protiwodejstwiju terrorizmu”*, 2006). In addition, the 2006 Act details the definition of terrorism, and suggests interpreting the phenomenon of terrorism as a sociopolitical one. According to the record, terrorism is “the ideology of violence and the practice of exerting influence on the decision-making bodies of state, self-government, or international organizations”. This definition of terrorism is compatible with the internal conditions of the terrorist threat in the Russian Federation, and in particular with the tensions in the region of North Caucasus. Destabilization in the North Caucasus determines the nature of internal anti-terrorism legislation, which is mainly of a reactive nature (cf. Zięba, 2017). Pursuant to the provisions of

the 2006 Act, an attack classified as terrorism is the promotion of the idea of terrorism, dissemination of materials and information calling for terrorist activity, as well as public justification of terrorist activity. It is a matter of particular importance to define the rules designed for the use of armed forces in counter-terrorism operations in the Russian Federation, as well as beyond its borders.

Another element of anti-terrorism legislation in the Russian Federation, which was preceded by an amendment to anti-terrorism law in 2016, is passed in 2009 *Concept of Counteracting Terrorism (Konceptija protiwodejstwija terrorizmu w Rossijskoj Fiederacji utw. Prezisientom RF 5.10.2009, 2009)*. The concept defines the basic principles of politics of Russian state in the field of counteracting terrorist threats in the Russian Federation and, above all, the objectives, tasks and directions of development of the national system of counteracting terrorism in the Russian Federation, including identification and elimination of causes as well as conditions conducive to the emergence of terrorist activities, including identification and limitation of the possibilities of action and physical liquidation of persons and organizations engaged in committing terrorist acts.

There is no doubt that terrorism is one of the main threats to the security of the Russian Federation, and thus demanding a decisive, comprehensive, legislative and organizational response of the Russian authorities that is present in the 2015 National Security Strategy, which is an update of the ruling in 2009 strategy. The National Security Strategy is fundamental to understanding the nature of anti-terrorist legislation of the Russian Federation. In the presidential decree of December 31, 2015 *On the National Security Strategy of the Russian Federation*, the activities of terrorist and extremist organizations are categorized as one of the main threats to the security and public order of the Russian Federation immediately after intelligence threats from other countries (*Ukaz Priezidenta RF ot 31.12.2015 g. N 683 "O strategii nacjonalnoj biezopasnosti Rossijskoj Fiederacji"*, 2015). The priority of the Russian state authorities is to strengthen the role of the state as a guarantor of security through legal regulation to prevent crime, corruption, as well as terrorist and extremist activity.

The problem of terrorism as a threat to Russian security is also included in the *Concept of Foreign Policy of the Russian Federation* of 2016, which is an update of the concept from 2009. International terrorism is listed as one of the greatest threats to global security as well as internal security of the Russian Federation. Terrorist-extremist activity has spread into many regions due to the disorganization of state mechanisms in the Middle East and North Africa as a result of the intervention of Western democracies. With the emergence of the

so-called Islamic State, global terrorist threat has gained a new dimension and thus poses a new challenge to anti-terrorist policy as well as the Russian Federal Security Service as a leading structure in combating the phenomenon of terrorism. According to the letter of the Russian Federation's foreign policy concept, combating the phenomenon of international terrorism is one of Russia's priority tasks as a state that "explicitly condemns terrorism in all its manifestations and aspects, and the terrorist act cannot be justified by political, ideological, religious or racial goals as well as other" (*Koncepcija wnieszniej polityki Rossijskoj Fiedieracji utw. Prezidentom Rossijskoj Fiedieracji W.W. Putynym 30 nojabrja 2016 g.*, 2016).

As regards the fight against terrorism in the Russian Federation, equally important regulations are the Maritime Doctrine of the Russian Federation of 2016 and the Military Doctrine of the Russian Federation of 2014. The main external threat of a military nature is "the growing threat from global extremism (terrorism) and its new manifestations due to insufficient international cooperation in the field of anti-terrorism" (*Wojennaja doktryna Rossijskoj Fiedieracji – w redakcji ot 2014 g.*, 2014). Doctrine of 2014 emphasizes the growing real threat posed by terrorist attacks with the use of radioactive, toxic and chemical agents, highlights the extension of transnational organized crime, as well as illicit trafficking in weapons and psychoactive substances.

The comprehensive fight against terrorism requires the use of the operational and investigative potential of the dominant special service – the Federal Security Service, which inherits the tradition, mentality and methods of operation of the Russian special services ranging from the Tsar's protection to the Soviet State Security Committee (cf. Siemiątkowski, 2017). The high position of the FSB in the Russian political system is a clear continuation of the tradition of special services in the Russian socio-political system. The FSB is one of the main entities that actively shape the security policy of the Russian Federation. As Mirosław Minkina rightly points out, it is difficult to imagine modern Russia without understanding the omnipotent role of the FSB. The culture of the police state and special services is an integral part of the Russian political system, the mentality of power and society (Minkina, 2016a). The FSB is the executive branch of power that is directly subordinate to the president of the Russian Federation (Minkina, 2016b). According to M. Berliński and R. Zulczyk, the broad scope of authority of the service stems from the fact that the FSB inherits the tradition, work ethic and methods of operation of the soviet State Security Committee (KGB; Berliński & Zulczyk, 2016).

The evolution of anti-terrorism legislation naturally entailed the extension of the Federal Security Service's competence to efficiently identify and combat terrorist threats. The current anti-terrorist legislation in the fight against terrorism assumes the dominant role of the National Anti-Terrorism Committee, in which the main role is played by the FSB as the coordinating body for all anti-terrorist policy-making as well as management of anti-terrorist operation.

The FSB was granted with the right to establish cooperation with special services and law enforcement agencies of other countries in order to increase the effectiveness of anti-terrorist activities. The basis of cooperation is the exchange of operational information as well as technical means. The FSB cooperation is based on statutory competences as well as international agreements ratified by the Russian Federation. The main task of the FSB is to identify, prevent, liquidate and prosecute groups and persons involved in terrorist activities. The FSB also performs functions related to the prevention of terrorist attacks. The basis for preventive actions is the collection of information on events or activities that constitute a terrorist threat (*Federalnyj zakon ot 3.04.1995 g. N 40-FZ "O federalnoj sluzbe biezopasnosti"*, 1995). In order to combat the threat, the FSB has the right to use both explicit and non-public operating and combat measures.

The position of the FSB as the main service responsible for the multidimensional fight against the terrorist threat was already set out in the 2006 Act. The experience of terrorist attacks in the theater at Moscow's Dubrovka and school in Beslan elevated the phenomenon of terrorism to the important perspective of science, as well as determined Russian practice of tightening anti-terrorism law (cf. Laskowska, 2010). Anti-terrorist actions in Russia after the attack on the school in Beslan brought political consequences in the form of centralization of power which was supposed to contribute to the weakening of separatist demands (Wichura, 2010). A similar role in Russia's relations with European states and the USA is played by the joint fight against international Islamic terrorism. Russia exposes the convergence of Russia's and the European Union's goals in combating the terrorist threat, and at the same time in the light of solving the problem of Islamic terrorism, presents Russian counter-terrorism activities in the Caucasus (Kaczmarek, 2005).

In the conditions of increasing terrorist threat Western countries may show interest in tightening cooperation with the Russian Federation in the field of combating terrorism. Thus, EU countries may be willing to accept the Russian assertive policy in the international dimension, thereby approving the tightening of the anti-terrorist law of 2016 resulting in increased FSB competences (Kacz-

marski & Smolar, 2008). An excellent symptom of the tightening of anti-terrorist legislation in Russia is the European Union's policy towards conflicts taking place in the CIS area, where FSB played a mediating and advisory role (cf. Legucka, 2013).

The new anti-terrorist laws not only strengthened the competences of the FSB, but primarily identified the FSB as the main structure managing the terrorist operation during the terrorist threat, as well as designated the FSB as a duty obliged to prosecute terrorists outside the Russian Federation. In the wake of the terrorist attack on the school in Beslan and the commencement of an intervention operation in the Balkans by the North Atlantic Alliance, Russia aspires to be the state responsible for world security, and at the same time the power responsible for the global and regional order (Minkina, 2016a).

The new anti-terrorist laws not only strengthened the competences of the FSB, but primarily identified the FSB as the main structure managing the anti-terrorist operation during the terrorist threat, as well as designated the FSB as an organ obliged to prosecute terrorists outside the Russian Federation. As a result of the fight against terrorism and the amendment to the anti-terror laws adopted in 2016, the rhetoric of Russia as a country that prioritizes security – including anti-terrorism prevention – has been significantly strengthened. Strengthening the role of the FSB in combating terrorism may foster the image of Russia as a power relativizing the fight against terrorism, as evidenced by Russia's continued contact with the Palestinian organization Hamas, which the West considers a terrorist organization (Kaczmarek, 2009).

There is no doubt that the package of terrorist acts adopted in 2016 is a continuation of the course of strengthening the comprehensive system of combating the terrorist threat using the potential of the Federal Security Service, whose competence extends and strengthens the new law. In 1999, in the order of the legislation of the Russian Federation N 660 of June 22, 1999 *On Approval of the List Federal Executive Organs Involved within the Limits of Their Competences in Preventing, Detecting and Combating Terrorist Activities*, the FSB is among the 31 bodies responsible for combating terrorism. Increased terrorist threat, increased number of terrorist attacks, as well as the pursuit of political discounting the fight against terrorism by strengthening the powers and competences of the FSB become a part of the anti-terrorism system (Gorbunow, 2007).

The leading role of the FSB in the work of the National Anti-Terrorism Committee is also demonstrated by the fact that its head is the director of the Federal Security Service. In addition, in order to increase the effectiveness

of countering terrorism in entities of the Russian Federation, anti-terrorist commissions were established, headed by senior federal officials – heads of higher executive bodies of the subjects of the Russian Federation. The creation of a collegial body responsible for coordinating counter-terrorism activities has set a new quality in the Russian strategy to combat the terrorist threat. While prior to the adoption of the *On Counteracting Terrorism* Act in 2006, the basic subject of the fight against terrorism was the government of the Russian Federation, now the President of the Russian Federation creates a system of counter-terrorism and at the same time can optimize this system depending on the level of terrorist threat, and the FSB is the main structure responsible for combating terrorism.

FSB as a federal executive body is a responsible entity within the limits of its competences and powers of attorney for protecting state security, its borders, as well as “conducting a fight against terrorist and subversive activities” (*Ukaz Prezidenta RF ot 11.08.2003 No 960 (red. ot 16.05.2017) “Woprosy fiederalnoj služby biezopasnostii Rossijskoj Fiederacji”*, 2017). The basis for the FSB’s activities in the implementation of statutory tasks is constitution, federal law, as well as international treaties concluded by the Russian Federation (cf. *Fiederalnyj zakon “O fiederalnoj sluzbe biezopasnosti” ot 3.04.1995 N 40-FZ (redakcija)*, 1995). According to the Act of 1995 on the Federal Security Service, the FSB carries out its tasks in accordance with the principles of legality, observance and respect of human and civil rights and freedoms, humanism, the unity of FSB bodies, as well as central management. An important principle of the FSB’s functioning is also in the field of anti-terrorist activities. FSB has been granted with a right to conspiracy and the use of combinations of public and secret methods of operation. According to the decree of August 2003 *On Issues of the Federal Security Service*, the FSB performs the following functions:

- Develops measures to combat terrorist and subversive activities and organizes their implementation, as well as develops a procedure for the use of special forces,
- In cooperation with other state authorities, organizes participation in securing mass events, social and political events and religious events taking place in Russia,
- Takes part in the implementation of federal legislation in the field of state security, the fight against terrorist activities,
- Within the scope of its competences, it participates in the preparation and conclusion of international agreements by the Russian Federation,

- In agreement with representatives of other countries, the FSB sends official representatives to other countries and organizations to increase the effectiveness of the fight against crime,
- Works with other countries' structures to exchange operational information.

The matter of security policy is crucial not only in the development of the Russian Federation as a sovereign state. The problem of the terrorist threat and the role of the FSB as a structure responsible for the fight against terrorism is omnipresent in the public awareness, while the activities of the FSB are not only reactive, but above all are preventive and anticipating in relation to the planned attacks (Pylin, 2009). The preventive and control powers of the service were strengthened by the provisions of the new anti-terrorist law adopted in 2016.

NEW ANTI-TERRORIST LAW FROM 2016 – MAIN DIRECTIONS OF CHANGES

In order to increase the effectiveness of the fight against the phenomenon of terrorism (including international) in the Russian Federation, there is a procedure of cooperation between federal authorities of the executive, state organs of the subjects of the Russian Federation and local government units, natural and legal persons. It is cooperation in the process of verifying information about the threat of a terrorist attack, as well as in the field of informing anti-terrorist units about the threatened terrorist attack that “expands the competences and powers of the special services”.

In view of the analysis of competences and the role of the FSB in the fight against terrorism, the 1995 Act establishing the FSB is a key and fundamental act. The FSB is responsible, inter alia, for the “creation and implementation of state and scientific-technical policy in the field of securing information security with the use of technical and cryptographic equipment”. In the perspective of strengthening FSB's control competences in the new anti-terrorism law, the particularly important function of the FSB is “licensing and issuing certificates for specific types of activities that provide access to information that is state secrets” (cf. *Federalnyj zakon ot 3.04.1995 g. N 40-FZ “O federalnoj sluzbe bezopasnosti”*, 1995). Pursuant to the Act Amending the Law *on FSB Operations and Investigation Activities*, adopted in 2013, the FSB has the right to conduct operational and investigative operations.

In the case of identification of the threat to information security in the country (*Federalnyj zakon ot 12.08.1995 N 144-FZ – red. ot Aprilja 6, 2016 “Ob operatiwno-rozyskoj dejatelnosti”*, 2016), the new anti-terrorist law from 2016 extends the scope of FSB’s competences. As a result of strengthening the FSB’s competence in the new anti-terrorist law, the FSB gained full control over the Russian Internet.

Federal Law No. 375-FZ of July 6, 2016 introduces into the Criminal Code of the Russian Federation a new type of crime – an act of international terrorism. In accordance with Article 261 of this Act, the crime of international terrorism includes “any activity committed outside the Russian Federation threatening the life, health, liberty and integrity of citizens of the Russian Federation and which aims to violate the peaceful coexistence of states and nations, as well as any acts against the interests of the Russian Federation or the threat of committing such acts” (cf. *Federalnyj zakon ot 6.07.2016 g. N 375 – FZ “O wniesenii izmienij...”*, 2016). Introducing an obligation to inform the FSB about the possibility or committing of a terrorist offense strengthens the FSB’s competence in the fight against terrorism.

Mentioned above act introduces the obligation to inform about committing a crime – including a terrorist act. Another regulation is the obligation imposed on network operators to store telephone call records, etc. The data collected by operators are required to be handed over to FSB officers. In addition, “Organizers of the dissemination of information over the Internet” are legally obliged to provide the federal executive authorities with regard to the information security of the decryption keys “necessary in the processes of decoding of received, sent and/or processed e-mails”. New anti-terrorist law also introduces an obligation to certify and transmit decryption codes at the request of the FSB.

In the context of the consolidation of FSB influence, increasing the effectiveness of the fight against the phenomenon of international terrorism through the control of the special services of the Internet is motivated by increasing the frequency of active use of networks by terrorists in planning and organizing terrorist acts. Disseminating ideas inspiring to make a terrorist act is a central problem of prevention. As the current FSB director Alexander Bortnikov emphasized, the main problem of using the Internet by terrorists is anonymity and lack of control over the flow of information on the network (*Direktor FSB choczet raz i nawsiegda reszit wopros s anonimnostiju w intiernete*, 2016).

SUMMARY

The new anti-terrorist law adopted by the State Duma of the Russian Federation in 2016 significantly expands the powers of the Russian security services. The new laws not only sharpen the penalties for committing terrorist offenses, for exhortation and inspiration for terrorist activities in the network, but above all significantly strengthen the control and surveillance powers of the Federal Security Service.

The legal strengthening of virtual space control, as well as the obligation to store information about users' conversations and correspondence, provision of information on connections and decryption codes to the FSB representative, is in line with the tendency to strengthen the role of the Federal Security Service in the Russian political and social system. The FSB gains the role of a dominant entity on the horizon of Russian services responsible for internal and external security of the Russian Federation.

The increasing terrorist threat enforced the need to amend the anti-terror law, and thus also to consolidate the status of FSB – service responsible for combating terrorism in the Russian Federation. The latest anti-terrorist legislation can be interpreted as an expression of cooperation for the stabilization of the international system, as Russia – as emphasized by Agnieszka Bryc – adapts to the reality and trends prevailing in the international system (Bryc, 2006–2007).

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