

SBU's pseudo-reform: Zelenskyi's draft Law preserves Soviet-style security service

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On March 11, President Volodymyr Zelenskyi [submitted](#) the draft Law on the SBU reform to the Verkhovna Rada. Today, the SBU itself lavished praise about it in its release.

The Service states that this draft Law is about innovations, but despite loud words, in fact, it is preservation of the old system.

*In short, **the proposed approach is difficult to call the reform**, as the draft Law is prepared by the Service itself. We saw almost the same draft submitted by the SBU in November .*

While Bakanov is convinced that the draft Law “takes into account the world’s best tendencies of building effective security services”, earlier international partners, [as well the public, have criticized](#) similar attempts of pseudo-reforms.

Despite his pre-election [statements](#) regarding the reform, Zelenskyi returns monopoly for Bakanov’s department to “wiretap”, closes declarations, and keeps the “department K”, main function of which is to intimidate business.

We have analyzed what really lies behind loud promises of the SBU reform in the draft Law submitted Zelenskyi’s .

Rollback from previously accepted amendments

First of all, Zelenskyi’s draft Law on the SBU directly contradicts several Laws that were previously adopted.

We would be able to learn about huge assets of the SBU officials only from journalistic [investigations](#) under this draft Law. **Zelenskyi proposes to close declarations** of the entire staff of the SBU.

This contradicts the presidential law adopted in the fall that obliges all public officials of the Service appointed by the President to [submit](#) open declarations.

It proposes **to save the so-called monopoly for the SBU on “wiretapping”**, despite the adopted presidential [draft laws](#) that had granted such right to the National Anti-Corruption Bureau and the State Bureau of Investigation. “The wiretapping for the NABU” was even the demand of international partners.

Moreover, the project proposals go beyond the concept stipulated in the Law of Ukraine On National Security. In 2018, it proposed to form the SBU’s task in [4 simple items](#), without leaving functions of the pre-trial investigation of any crimes for the SBU.

However, the President’s version even extends these provisions. It proposes to preserve investigation powers for the SBU and concentrate the Service on the “fight against organized crime”, no matter what crime it is.

Zelenskyi proposes to leave the right to conduct the pre-trial investigation of crimes for the SBU. This is real recession from the concept of transforming the SBU into classic security service.

It is also proposed to save the Law of Ukraine On the Organizational and Legal grounds of the Fight Against Organized Crime and to update the SBU's functionality in this direction.

This means **saving the so-called [department "K"](#) known for harassment of business**. All amendments are only about removing the word "corruption" from the name of department. But essence and responsibilities will remain the same.

Strengthening the all-powerful SBU

The presidential draft Law strengthens the SBU's powers regarding investigation, which is not provided for special services by all standards.

In particular, there are amendments to the CPC in order to provide the Prosecutor General or his deputy the right **to transfer any case to the Service** according to the submission of the chairman of the SBU or his deputy, if they consider it the threat to the national security.

In practice, this will only simplify the SBU's ability to take and investigate any cases. For instance, the high-profile cases of the NABU regarding [energy](#) or [defence](#).

In addition to wide functionality and tasks, **the SBU is also proposed to receive considerable powers**. For instance, to take part in activities regarding entry and departure of persons abroad, although these are direct functions of border guards.

Zelenskyi want to launch the SBU's powers in the territory of border guards, but also in the sphere of search for unjustified assets of officials with the purpose of confiscation.

Moreover, it is proposed to strengthen the SBU's powers **regarding receiving information upon request**. Thus, legal entities of all forms of ownership and even individuals will be required to provide information at the request of the SBU within 3 days.

Various requests from the SBU have already been given the informal name of ["luck chain letters"](#). The Service often used them to intimidate entrepreneurs and businesses. Therefore, setting strict time limits and obligation to provide information even by individuals without the court order can only aggravate the abuse of the Service.

The number decreases, the elitism remains

It is obvious that many employees are needed with such desire to strengthen the Security Service of Ukraine. But there are [almost 30,000](#) of them now. Zelenskyi did not think for a long time what to do about this and also peeped it in the SBU's draft Law.

It is proposed to reduce the limit number of the staff to 15,000 unlike the limit number now amounts 31,000. However, this reduction is proposed to be implemented over next 7 years, reducing gradually current staff by 2,000 persons each year. Thus, the number 15,000 people will only be achieved in 2027.

Moreover, the SBU saves all medical institutions, sanatoriums, enterprises, kindergartens. That means all remnants of the Soviet Union. It is possible to reorganize them, but there are no specifications.

Demilitarization of personnel, which is one of requirements of international partners, is foreseen, but there is a caveat regarding cof armed aggression of the Russian Federation in Donetsk and Lugansk regions.

The SBU military personnel will be given the opportunity to receive the status of employees with special

rank with payment of financial assistance. It also provides the need to pass certification for such employees, but its details are not regulated by the law.

As for the chairman of Service, it is proposed to appoint him for the term of six years, that means at least one year longer than the President's powers. The Parliament will appoint and dismiss the chairman of the SBU on the proposal of the President.

At the same time, requirements regarding chairman of the SBU are quite simple: he must be fluent in the state language, have higher educational attainment, have business and moral qualities, health status that would allow effectively perform relevant official duties.

The chairman of the SBU cannot be the person who has been member of governing bodies of political parties or who has been or has worked abroad for three years before his appointment. It is interesting that [Ivan Bakanov](#) does not meet these criteria himself because he has been a member of the governing body of the party Servant of the People.

In ideal world the SBU should become classic security service that meets standards. This means ending the fight against corruption and crime, refusal from investigative powers, opening declarations of state officials and demilitarization.

However, Zelenskyi directed by Bakanov decided to create a monster with superpowers.

Here we have described only the small part of our concerns. With such reform, as it is now written in the president's draft Law, we can only expect tightening of screws. No investors will want to enter the country where there is a threat of pressure and uncontrolled interferences.