

'Spy Gadgets' Ruling Outlaws Cell Phones

By [Alexandra Odynova](#)

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Got a dictaphone? A cell phone with voice recording function — say, an iPhone? Or maybe a laptop that can record your Internet phone conversations?

It's up to three years in jail for you, or a fine of 200,000 rubles (\$7,000), unless you obtained permission for your gadget from the Federal Security Service.

This, at least, can be inferred from the Thursday [ruling](#) of the Constitutional Court that upheld the law making "spying devices" the exclusive domain of the special services.

The problem is, the list of such devices takes a single page and is vague enough to allow law enforcement agencies to interpret it in wildly varying ways — a privilege officials do not fail to use.

The Criminal Code [outlaws](#) sale or purchase of "special technical devices intended for covert

collection of information," unless it is done on a FSB license and the gadgetry is used solely for investigative purposes.

The clause was contested by five people charged over it in separate cases, but the Constitutional Court threw out their lawsuits.

Purchase of such devices "may lead to the breach of privacy," the court said in its ruling. The logic appears to contradict the presumption of innocence, but the verdict does not touch upon the subject.

The list of "spy devices" was compiled by the government, which does not specify models or even types of gadgets. Instead, it speaks only of things like "technical devices for covert collection and registration of acoustic information," a description that most voice recorders fit squarely.

Of the five unsuccessful complainants, four are businessmen producing or reselling gadgetry — which remains available at electronics markets such as Moscow's Savyolovsky.

The fifth, Alexei Trubin, was handed a suspended sentence in 2008 for equipping a lipstick with tiny microphones. He followed a schematic he found in a school magazine for radio enthusiasts, but the court ruled that he still needed a license.

One of the five, Igor Korshun, runs a company that produces ultra-small voice recorders in Moscow's Zelenograd. Its products landed the firm, [Telesystems](#), a mention in the Guinness Book of Records in 2009 for the world's smallest dictaphone — only 4 centimeters long — but also brought it a lot of trouble with authorities.

"One day we are allowed to produce a device, next day it is banned," Korshun told *The Moscow Times* on Thursday. One gadget was recently banned by the same law enforcement agency that found it legal eight years prior, he said.

Korshun was sentenced to a fine in 2000 over a "highly sensitive acoustic control guard device" of his making. The gadget was intended to activate in case of burglary, allowing a home owner to hear over the phone what is happening in his apartment. But the device was once found installed in a private eye's office — which prompted prosecutors to charge Korshun for producing it. Channel One said in February that the actual perpetrators remained unidentified.

They never found who installed it.

"In developed countries, free distribution of eavesdropping devices is banned, too," Constitutional Court head Valery Zorkin said Thursday.

But this appeared to be a stretch, as in Germany, for example, only remote-controlled bugging devices and spy cameras that transmit live footage are prohibited.

"Under this legislation, things like telephones with adapters [for a voice recorder], which are freely produced by international companies — Samsung, for instance — can't be produced in Russia," Korshun said. He was referring to adapters often used by journalists to record phone interviews.

Korshun, who launched his company in 1991, pledged that his company will not go under even after the Thursday ruling.

Telesystems produced the first Russian automatic telephone number identification system, among other things, and lists NASA and Canada's Marine Institute among its recent clients.

The company is already looking for ways to avoid bans on its production, he said. "We always try to get an FSB expert conclusion for a device, even though the law doesn't require it," Korshun said.

But he admitted even that does not always help.

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