

I



Susan Corke
Director for Eurasia Programs, Freedom House
Thursday, November 15, 2012

Tom Lantos Human Rights Commission (TLHRC)
Hearing on Human Rights in Russia

It is an honor to appear before the Tom Lantos Human Rights Commission for a hearing on human rights in Russia. Congressman McGovern and Congressman Wolf, on behalf of Freedom House I would like to thank you for your leadership in shining a spotlight on the rapidly deteriorating environment in Russia. It is an honor to testify with Tanya Lokshina, Bill Browder, and Fatima Tlisova – their tireless and fearless advocacy to seek accountability for human rights abuses in Russia is an inspiration.

Against steady backdrop of repressive steps by the Russia government to suppress dissent and civil society, passing the [Sergei Magnitsky Rule of Law Accountability Act](#) would send a strong message that there are repercussions when a country flouts international human rights commitments.

Congressman McGovern your strong support for this legislation has been appreciated by those who care about democracy in the U.S. and in Russia. The legislation is named for the 37-year-old lawyer who was jailed on trumped-up charges in 2008 after exposing a massive tax fraud by Russian officials and then, after being brutally beaten and denied medical treatment, was left to die in prison. It would impose a visa ban and asset freeze against the Russian officials responsible for his murder and other gross human rights abuses. It will also enable Russia to attain permanent normal trade relations status with the U.S. and to graduate from the Jackson-Vanik amendment. Freedom House has long supported repealing the Jackson- Vanik amendment for Russia, while replacing it with legislation that holds Russia accountable for current human rights violations.

In the mere six months since Vladimir Putin returned himself to the Presidency of the Russian Federation, he has focused on creating a legislative framework that will silence the voices of protest that have risen over the last year. The new laws have prompted many within Russia to evoke comparison to the fearful days of the Soviet Union. In post-Soviet Russia, the justice system has never been entirely independent from the State, and over the years has been used intermittently to prosecute government opponents. The severity and reach of the new laws bring back the heavy feeling of an “iron curtain.”

People are afraid, and with good reason. The new treason law, signed by the President on November 14, says espionage includes “furnishing financial, material, technical, consultative or other help to a foreign state, or international or foreign organization.” Almost any conversation between

Russian citizens and representatives of foreign organizations on human rights issues could now be considered treasonous – with jail sentences of up to 20 years. We are already starting to see absurd applications. A Norwegian academic has been charged with treason by Moscow for allegedly working to destabilize the frozen Archangelsk region through his studies of an ancient people that had ties to Norway.

Under the Soviet legal system the court was an agency of the government, a system designed to protect the state from an individual, rather than to protect an individual from the state. Treason was defined in Soviet criminal code as being part of a public group that was "under the influence" of the bourgeoisie. This all sounds eerily similar to trends resurfacing in today's Russia. The goal seems to be to instill fear without resorting to the raw terror of the past - a more "civilized" reinterpretation of the authoritarian state. That will be meager consolation for Russians, whether they are members of civil society, opposition activists, business owners, or just citizens who would like to say whatever they think and meet with whomever they please.

The new treason law is ominous on its own, but in combination with new applications of the existing extremism law, as well as the recently enacted Internet blacklist, the recriminalization of libel, and consideration of blasphemy laws, Putin is aggressively creating a system where foreigners are the enemy and citizens are to be controlled. Promotion of fundamental freedoms could be considered a crime from many angles. Whether treating HIV/AIDs, promoting environmental protection or monitoring elections and human rights, any Russian non-commercial organization that receives foreign funds for such activity can be branded a "foreign agent," or risk severe fines, suspension, and jail time.

Controversial amendments to the law against public events dramatically increase fines for protests and protest organizers who participate in "unsanctioned" public demonstrations. This puts opposition activists in real danger. Just a few weeks ago, opposition activist Leonid Razvozhayev fled for his safety to Ukraine. As he attempted to apply for asylum with the help of the UN, he was snatched off the streets of Kyiv, only to reappear in a prison in Moscow, after being tortured. Russian prosecutors opened a criminal investigation against him for allegedly organizing mass unrest; he faces a 10-year jail sentence if convicted. Opposition leader Sergei Udaltsov has also been charged with plotting mass disorder. The basis for the charges was a "documentary," in reality a blatant piece of propaganda, on Russia's

NTV channel.

The extremism law in Russia has been around for a decade; it is intentionally and controversially vague, to enable the Russian government to crack down on dissent and stoke xenophobic, conservative sentiments. In this current climate of fear and distrust, it is being flexed for wider use.

The pursuit of stability, at least as Putin defines it, is used as a rationale for repression. Those that abuse human rights are given impunity and those who seek to protect human rights are in danger. In such a climate, it is not surprising that there has been a corresponding increase in violent intolerance over the past year.

Last week Freedom House held a public event comparing anti-extremism policies and laws in Russia, China, and Pakistan. Even among this distinguished group, Russia's anti-extremism legislation is notably repressive. Alexander Verkhovsky highlighted, in presenting the SOVA Center's recent report on extremism, some dangerous trends. In recent years, racist- and neo-Nazi-motivated violence had been declining, but 2012 put an end to that trend. This summer there were more victims than in the spring or in the past summer.

The Pussy Riot trial brought into raucous and colorful focus - against the backdrop of Moscow's Christ the Savior Cathedral - the conflict that divides Russian society. It touched a nerve that exposed the societal divide between the white ribbon challengers to the Putin regime and the more conservative forces that support him. Forum 18 and others have speculated that the Russian government was not really offended by the punk "prayer" but that they deliberately sought to stoke conflict between the Russian Orthodox Church and secular civil society.

The three women from Pussy Riot are charged with "hooliganism motivated by religious hatred or hostility," Two members of the punk band are serving 2-year colony prison terms. While extremism is a more serious charge, hooliganism is often used to prosecute violent hate crimes. Soon after the trial, the Duma proposed an amendment that would introduce criminal responsibility for offenses against religious beliefs and feelings, with sentences of up to three years. Blasphemy laws, ostensibly intended to protect religion, are also being used as a tool to maintain control and power.

Since the law creating a secret Internet blacklist came into effect on November 1, RIA-Novosti reported that more than 180 sites have been banned. Passed supposedly to protect children from offensive content, the law was hastily and sloppily written and gives the government wide leeway to shut down websites without court orders. The most pernicious part of the blacklist law is the inclusion of materials that are prohibited for distribution in the Russian Federation, including materials ruled extremist by courts or other materials that are prohibited by court decisions. Whereas before, these court decisions, often based on weak “expertise” and rammed through by regional prosecutors, affected access to the materials only in one region, they now will be blocked nationwide. This means that poor or baseless decisions by regional and city courts now have nationwide effect.

Just a few days ago, Lurkmore, the internet encyclopedia of Russian contemporary folklore and memes, which is widely popular among bloggers and young internet users in general, was blocked without court order on allegation of hosting webpages that contain information about drug use. Website owners told journalists they had not been notified by Roskomnadzor, or by the Federal Drug Control Service of this decision. And even though the block was lifted two days later after the removal of the controversial articles, this case is a clear early example of how arbitrarily this law may be applied.

The possibility for wide-ranging application of these new laws in Russia gives rise to some unlikely targets. Apple is not laughing, as conservatives have covered up the iconic bitten apple logo with a cross, to remove ‘original sin.’ The true sin is Putin’s effort to cloak repression in the guise of legislation and rule of law.

The U.S. has been relatively silent and has not effectively tried to meet the aggressive challenge presented by the Kremlin. In so doing the U.S. government has not abided by its promise to stand with those who have bravely fought for democracy in Russia. On the 20th anniversary of USAID’s work with Russians, the U.S. did not put up a fight when the Kremlin told the agency to pack its bags.

While the U.S. can’t make up for lost time, or turn back time like Putin, it is of critical urgency that 5 things happen immediately:

The first priority must be for the U.S. Congress to pass the Sergei Magnitsky Rule of Law Accountability Act. This is the only way right

now for the U.S. to send a strong message that there is a price for past and continued human rights abuses committed by Russian officials, in the absence of much accountability inside Russia itself. Despite Russia's tantrums on the issues, it is not an anti-Russian effort, for it goes after only those who engage in abuses and prevents them from the privilege of traveling to or living in the U.S. and storing their corrupt assets in our banks. Some might say, this is an area of joint interest – the U.S. gets to keep human rights abusers out of our country and Russia is able to prevent more capital flight from leaving theirs. It is worth noting that the Magnitsky Act began as a Russia-specific effort. We hope discussions about expanding the legislation to include other countries will continue – after it is passed for Russia in this lameduck session.

Second, a clear condemnation of Putin's actions is necessary out of principle and to show support to those brave Russians who are fed up with authorities' rampant corruption, abuses and heavy-handed tactics. This should come from the highest levels of our government.

Third, the U.S. government should make clear that material support will continue for Russian nongovernmental organizations (NGOs), including those covering human rights. The U.S. government, in solidarity with NGOs, and in concert with other countries, must stand up for the beleaguered organizations in Russia who seek a more democratic future and may not be able to continue to exist without Western support. Radio Free Europe and Voice of America have seen their budgets decline and have fired some of the best Russian experts as a result – but investment in broadcasting is also important in the current context.

Fourth, the economic agenda between the U.S. and Russia needs to explicitly link the need for transparency and rule of law as part of our bilateral discussions and in public/private partnerships. Given Russia's accession to the WTO, it is absurd to have the country aggressively undermining judicial independence and shutting down the free flow of information. The U.S. government, in consultation with responsible corporate actors, must maintain that if Russia it is going to modernize and attract investors, it needs to be part of the networked world – which means it has to embrace the free flow of information and ideas and have an independent judiciary.

Finally, if Russia wants to be treated like a partner and as a responsible global actor, then it needs to abide by the rules and norms required of a

member of the Council of Europe and the Organization for Security and Cooperation in Europe. The slew of repressive laws described above is in direct contradiction to the commitments the Russian government has made in these organizations. If the U.S. and the EU don't hold Russia to these standards, we are giving tacit approval to Russia to assert that the Universal Declaration and the Helsinki Final Act do not apply. Those are the models Russia should be looking to, instead of failed models from their past - and the ones we should be holding them to.