

HUMAN RIGHTS IN RUSSIA

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND TWELTH CONGRESS

SECOND SESSION

NOVEMBER 15, 2012

Available via the World Wide Web: <http://www.tlhrc.house.gov>

TOM LANTOS HUMAN RIGHTS COMMISSION

JAMES P. McGOVERN, Massachusetts, *Co-chairman* FRANK R. WOLF, Virginia, *Co-chairman*

JAN SCHAKOWSKY, Illinois
DONNA EDWARDS, Maryland
KEITH ELLISON, Minnesota
TAMMY BALDWIN, Wisconsin

CHRIS SMITH, New Jersey
JOSEPH R. PITTS, Pennsylvania
TRENT FRANKS, Arizona

JANICE KAGUYUTAN, *Democratic Staff Director*
KALINDA STEPHENSON, *Republican Staff Director*
RUPAL METHA, *Lead Democratic Staffer/Brookings Legis Congressional Fellow*
DANIELLE GRANVILLE JOHNSON
SHANNON GOUGH

CONTENTS

WITNESSES

Susan Corke, Director for Eurasia Programs, Freedom House	8
William Browder, Chief Executive Officer, Hermitage Capital Management	13
Tanya Lokshina, Deputy Director, Human Rights Watch (Moscow)	19
Fatima Tlisova, Correspondent, <i>Voice of America's</i> Russian Service.....	28
Benjamin L Cardin, U.S. Senator	37

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of Susan Corke.....	11
Prepared Statement of William Browder.....	17
Prepared Statement of Tanya Lokshina	22
Prepared Statement of Fatima Tlisova	30
Prepared Statement of Senator Benjamin L. Cardin	40
Prepared Statement of American Russian-Speaking Association for Civil and Human Rights.....	49

APPENDIX

Hearing Notice	53
----------------------	----

HUMAN RIGHTS IN RUSSIA

THURSDAY, NOVEMBER 15, 2012

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 2:03 p.m., in Room 1300, Longworth House Office Building, Hon. James P. McGovern [cochairman of the Commission] presiding.

Mr. McGOVERN: Thank you for being here today for Human Rights in Russia. In particular, I want to thank Danielle Johnson and the staff of the Tom Lantos Human Rights Commission for coordinating this hearing, and I want to thank our witnesses for their leadership in working to improve human rights conditions in Russia.

I also want to thank Senator Ben Cardin, who will be coming here shortly, for introducing the Sergei Magnitsky Rule of Law Accountability Act in the Senate and for continuing to call for justice for victims of human rights abuses in Russia.

Russia's parliamentary elections in December 2011 were marked by mass protests over alleged electoral fraud. Since Vladimir Putin was reelected President in May of 2012, his government has taken a harsh and confrontational approach to ongoing protests, cracking down on signs of growing discontent with corruption and creeping authoritarianism in the country. In particular, Russian authorities have used excessive force to break up peaceful demonstrations and detained and raided the homes of opposition leaders.

Russian civil society has also been a target of increasing oppression. Beginning in June, with astonishing speed, the Russian Duma passed a series of draconian laws that endanger freedom of expression, freedom of association, and freedom of assembly in the country.

These laws are vaguely worded, and many observers fear that they will be used as a political weapon to stifle criticism of the government. Without a doubt they make it harder for Russian civil society to operate effectively, and they create a damaging climate of fear and self-censorship.

Civil society's sense of isolation is only compounded by the Russian Government's recent decision to expel organizations like USAID from the country.

In addition, journalists and human rights activists continue to face grave dangers in pursuing their work. Just last month, one of our witnesses, Ms. Tanya Lokshina of the

Moscow office of the Human Rights Watch received a series of threats to herself and her unborn child, possibly in connection to her efforts to expose impunity for human rights abuses in the Northern Caucasus.

Unfortunately Ms. Lokshina's experience is not unique. As Russian authorities have tried to silence critics, civil society groups and independent news outlets, the world is still awaiting justice for many violent attacks on dissidents and journalists.

In this context, the story of Sergei Magnitsky is especially important. Mr. Magnitsky was a courageous Russian whistleblower who was detained and tortured to death in 2009 after he made public \$230 million worth of corruption inside the Russian Government.

I was so outraged by his killing and by the failure of Russian authorities to hold officials accountable that I introduced the Sergei Magnitsky Rule of Law Accountability Act. This would provide a valuable measure of justice by denying those individuals responsible for Mr. Magnitsky's death and other gross human rights violations the ability to travel to the United States and have their assets in our -- and have their assets in our financial system.

The Magnitsky Act is critically important because Mr. Magnitsky's death is symptomatic of widespread corruption and human rights abuses in Russia. At a time when the human rights situation in the country is going from bad to worse, it is all the more important to hold Russian human rights violators accountable.

You know, I am deeply concerned about the ongoing violence and impunity. As the Kremlin continues to battle its -- its battle against Islamic insurgency, the conflict between moderate and radical Muslims is deepening with increasingly deadly consequences. There are frequent attacks against Russian police and government officials as well as high-profile imams. However, the Kremlin continues to crack down on dissent in the region, and unlawful detentions, disappearances, and torture remains all too common.

The Kremlin must work to ensure that there is accountability for the actions of its security forces in the North Caucasus, and that investigators are free to do their work without harassment or intimidation.

It is my hope that today's hearing will raise new awareness of the human rights abuses currently taking place in Russia. As the human rights situation in the country continues to deteriorate, it is vitally important for the U.S. to insist that Russia respect human rights, democracy and the rule of law.

And let me just say, we just finished on the House floor a debate on the rule that would allow for the Russia PNTR/Sergei Magnitsky Accountability Act to be considered on the floor. We will vote on the rule later today. We will take this issue up tomorrow on the third anniversary of the killing of Sergei Magnitsky. And I think

this is a significant step by the United States Congress for a couple reasons. One, it says that here in the United States that we care about human rights, and that it does matter, and that people who commit human rights violations, not just in the case of Sergei Magnitsky, but in a whole range of other cases, there is a consequence. You will be named. People are watching. There will be consequences not only with regard to the United States, but I believe with regard to many other countries all around the world.

The other thing is it is also a signal to those in Russia who -- and especially the Russian Government -- who want to deal with the issue of impunity, who want a clean government, free of corruption, free of human rights violations, that you have support; that there is -- that there are people in the United States and around the world who are -- you know, who support their efforts. They are not alone. And hopefully this is a -- this is encouragement to those who want a Russian Government that is accountable to the people, and that is free of corruption, and where human rights violations are dealt with expeditiously and forcefully and not ignored.

Mr. McGOVERN: So having said that, I am happy to yield to my cochair, the Honorable Keith Ellison.

Mr. ELLISON: Thank you, Mr. Chairman.

Good afternoon. I would like to extend my gratitude to you, Mr. Chairman, and to Cochairman Frank Wolf for holding this important hearing.

I want to particularly commend you, Congressman McGovern, for your tireless work on Russian human rights legislation, which the House is expected to approve later this week.

I also want to welcome back Senator Ben Cardin, who, though not here now, is a tremendous public servant and, you know, of course, found his start here on the House side. And I would like to congratulate him on his recent reelection. Congratulations.

Finally, I want to thank everyone who is going to testify today. The testify you are going to share with us, critically important to our understanding, just having this hearing will bring public attention to some urgent public issues regarding human rights in Russia.

This Commission, the Tom Lantos Human Rights Commission, is able to shine a light on human rights issues around the world only because people like you have the courage and commitment to come and educate Members of Congress about them. And you should know that there is a record of these proceedings, and, therefore, even though some Members will be coming and going, that the full attention of the Congress is on this hearing, and people well beyond here will know about what is being said here today. So I want to assure you of that.

Obviously, the status of human rights in Russia is concerning to anyone who follows it. This has been particularly true since President Putin's return to power earlier this year. The irregularities in that election, from the vote counting to the questionable disqualification of opposition candidates, indicates a wider system of encroaching government control that threatens human rights.

In fact, when President Putin made it a point to clamp down on human rights since taking power in May, as we will hear from our panel, citizens trying to practice their basic rights to assemble now face harsher penalties. Fair government should not fear the voice of the people.

Nongovernmental organizations that have received grants from abroad must register as foreign agents. Demonstrators beaten by police now face fewer legal rights. And a new law approved by the Legislature strengthens the government's ability to prosecute dissidents for treason.

In fact, I think it may be one of the highest expressions of patriotism to Russia for Russian citizens to criticize the state so that the state can correct itself. It is very opposite from treason. It is actually love of country that would bring one to say, "My country is going the wrong way, and I want it to come the right way because I love it so."

So suppressing dissent and accusing those of dissenting of treason is very much a problematic matter. For these and other reasons that we are going to hear about today, the status of human rights in Russia is extremely important to me and of great concern. And I am grateful to you, Mr. Chairman, and Chairman Frank Wolf of this wonderful Tom Lantos Human Rights Commission, and I am thankful for our expert witnesses today. You have my full attention and my commitment to continue to pursue human rights all over the globe, including the United States and Russia. Thank you.

Mr. McGOVERN: Thank you very much, Mr. Ellison.

Mr. McGOVERN: And before I introduce our panel, I just want to make one other observation, which I should have made in my opening remarks.

You know, something unusual happened on the House floor today while we were talking about the Magnitsky Act, something that rarely happens, and that is there was bipartisanship. This concern about the deteriorating human rights situation in Russia is not a concern just by Democrats or just by Republicans. There was a rare display of unity today, and I think that is a powerful signal to those who are involved in human rights violations and those who continue to encourage corruption that -- you know, that I think the world is coming together around making sure that you are held accountable. And so I point that out.

We have our distinguished panel: Susan Corke, the director for Eurasia programs at

Freedom House; William Browder, the chief executive director of Hermitage Capital Management; Ms. Tanya Lokshina -- did I say that okay -- deputy director, Human Rights Watch, Moscow; Ms. Fatima Tlisova -- I am from Massachusetts, I can't even pronounce regular English words right, so -- correspondent with Voice of America's Russian Service.

We appreciate all of you being here. You are here because we admire the work that you have done in the promotion of human rights.

And we will begin with Ms. Susan Corke.

STATEMENTS OF SUSAN CORKE, DIRECTOR FOR EURASIA PROGRAMS, FREEDOM HOUSE; WILLIAM BROWDER, CHIEF EXECUTIVE DIRECTOR, HERMITAGE CAPITAL MANAGEMENT; TANYA LOKSHINA, DEPUTY DIRECTOR, HUMAN RIGHTS WATCH, MOSCOW; AND FATIMA TLISOVA, CORRESPONDENT, VOICE OF AMERICA'S RUSSIAN SERVICE

STATEMENT OF SUSAN CORKE

Ms. CORKE: Thank you, Congressman. It is an honor to appear before the Tom Lantos Human Rights Commission for a hearing on human rights in Russia.

Congressman McGovern, Congressman Ellison, 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, too, with Tanya Lokshina, Bill Browder, and Fatima Tlisova. Their tireless and fearless advocacy against human rights abuses in Russia is an inspiration.

Against a steady backdrop of repressive steps by the Russian Government to suppress dissent in 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 Russia. This law will enable Russia to attain permanent normal trade relation status with the U.S. as well, and to graduate from the Jackson-Vanik amendment. In combination with this human rights legislation, Freedom House has been a big supporter.

In the mere 6 months since Putin returned himself to the Presidency, he has focused on creating a legislative framework that will silence the voices of protests 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.

People are afraid, and with good reason. 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 some of the trends resurfacing in today's Russia.

The goal seems to be now to instill fear without resorting to the raw terror of the past. It is a more civilized reinterpretation, perhaps, 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 what they think and meet whom 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 now be considered a crime from many angles. Whether treating HIV-AIDS or monitoring elections and human rights, any Russian noncommercial organization that receives foreign funds for such activity can be branded a foreign agent or risk severe fine, suspension, and jail time. Controversial amendments to the law against public events dramatically increases fines for protests and protest organizers who participate in unsanctioned demonstrations. This puts opposition activists in real danger.

Just a few weeks ago, opposition activist Leonid Razvozhayev -- I am also from Boston and have trouble pronouncing -- fled for his safety to Ukraine. As he sought asylum, 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.

The extremism law in Russia has been around for a decade. It is intentionally vague to enable the Russian Government a tool to crack down on dissent and stoke xenophobic 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.

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 white ribbon challengers to the Putin regime and conservative forces that back Putin.

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 3 years.

Since the law creating an Internet blacklist came into effect on November 1st, more than 180 Websites have been banned. It was passed supposedly to protect children from offensive content, but the law was hastily and sloppily written, as many of the others were, and gives the government wide leeway to shut down Websites without court orders.

The U.S. administration has been relatively silent and 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. This act, this Magnitsky legislation, provides an opportunity to do so.

On the 20th anniversary of USAID's work with Russians, the U.S. did not put up much of a fight when the Kremlin told the Agency to back its bag, which is something Freedom House has been quite critical of. While the U.S. can't make up for lost time or turn back time like Putin, I would like to point out five things that we view as critically important.

The first priority must be for the U.S. Congress to pass the Sergei Magnitsky Rule of Law Accountability Act. This is not an anti-Russian effort, for it goes after only those who abuse human rights and prevents them, as you noted, the privilege of traveling to the U.S. and storing their corrupt assets in our banks. Some might say actually 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 stop 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 lame duck 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 corruption. This should happen at the highest levels of our government.

Third, the U.S. Government should make clear that material support will continue for Russian NGOs, including those covering human rights.

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.

Finally, if Russia wants to be treated like a partner and as a responsible global actor, it needs to abide by the rules and norms required of a member of the Council of Europe and the OSCE. The slew of repressive laws described today are in direct contradiction to the commitments the Russian Government has made in these organizations. These are the models Russia should be looking to instead of failed models from the past.

Thank you.

Mr. McGOVERN: Thank you very much, and let me also again thank Freedom House for your advocacy on issues of human rights not only in Russia, but around the world.

[The statement of Ms. Corke follows:]



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 a steady backdrop of repressive steps by the Russia government against 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 both 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. But the severity and reach of the new laws bring back the feeling of an “iron curtain” descending once again.

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 of the law. 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 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 any 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 would 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.

Mr. McGOVERN: I also want to please extend our gratitude to David Kramer for his outspokenness on these issues. I have been on many panels with him and -- but I admire your work. So I just wanted to say thank you.

And I just point out, too, that the Magnitsky bill originally began as kind of a global effort, but as it worked its way through committee, it got narrowed down to Russia-specific. Our hope is that at some point we can get it global -- get it to apply globally because I do think that, you know, it would show a consistency that would be very helpful to our image and to the cause of human rights.

But, you know, you don't get everything you want the first time you are out, so we are going to keep on moving the ball forward. I think this is a significant step in the right direction. So I want to thank Freedom House for all of its incredible work.

I now want to turn this over to William Browder, chief executive director of the Hermitage Capital Management. And let me just say by way of introduction that I personally am grateful to Mr. Browder for educating me on this issue early on. He was a friend of Mr. Magnitsky's, and he has kept the faith, and I think tomorrow we will be able to show that people listened, and that the murder of Sergei Magnitsky is a horrendous, terrible, awful tragedy, but if it is possible for something good to come out of a tragedy, I think raising the issue of human rights more prominently, giving the administration this tool to go after human rights abusers, I think, is something that you should be proud of, and all the people here who have supported this should be proud of it.

So at this point I am happy to turn this over to Mr. Browder.

STATEMENT OF WILLIAM BROWDER

Mr. BROWDER: Chairman McGovern, Congressman Ellison, thank you so much for inviting me here today.

And 3 years ago tomorrow, on November 16th, 2009, Sergei Magnitsky was murdered in Russian police custody. He had been held for 358 days without trial after having been arrested from covering and testifying about the largest tax refund fraud in Russian history.

In his 358 days in detention, he wrote 450 complaints detailing every aspect of how his captors were trying to force him to change his testimony. Because of the recorded record he created, combined with the official documents obtained through the Russian courts, his case has become the most well-documented human rights abuse case in the last 25 years.

There have been 37,000 articles in the Russian press mentioning Sergei Magnitsky's name and detailing the complicity of Russian Government officials in the crimes that he uncovered.

We had hoped that with such overwhelming evidence and public attention, the Russian Government would prosecute the officials involved. We were wrong. Instead they have circled the wagons. The Russian authorities exonerated every one of the 60 people involved in this case, except for 1 lowly prison doctor, who they charged with negligence. Some of the most complicit officer have been promoted; some even received state honors.

When it became clear that there was no possibility of justice in this case inside of Russia, we looked for ways of getting justice outside of Russia.

The murder of Sergei Magnitsky was not a crime motivated by ideology or religion, it was a crime of money. Specifically it was a crime to cover up and silence a man who blew the whistle on those officials involved in the theft of \$230 million of Russian Government money.

What is also clear is that the officials who committed this crime keep their money abroad, travel abroad, send their children to school abroad, and know their ill-gotten gains are safe abroad. We have all seen them in New York, Miami, and Los Angeles enjoying the finest things this country has to offer.

Two-and-a-half years ago, on May 6, 2010, I was invited to testify in front of this very same Commission to tell the story of Sergei Magnitsky. I came here after Senator Benjamin Cardin, Cochair of the U.S. Helsinki Commission, proposed an initiative to withdraw the visas of the 60 Russian officials identified as playing a key role in the Magnitsky case. We could not necessarily force the Russian Government to prosecute

Magnitsky's killers, but we certainly did not have to allow them to come here.

I spoke to this committee 10 days after Senator Cardin filed a formal request to Secretary of State Clinton to that effect, and at the end of my testimony, I asked this Commission to support Senator Cardin's initiative. Chairman McGovern, who sits here today, listened to my testimony and made a decision on the spot which will change history. At that hearing he pledged to go further than just supporting a request to the State Department to ban visas of Magnitsky's killers. He announced that he would introduce new legislation called the Justice for Sergei Magnitsky Act, which would ban visas and freeze assets of all Russian officials that played a role in the false arrest, torture, and death of Sergei Magnitsky or the crimes that Sergei uncovered.

From that date on this legislation has taken on a momentum of its own that nobody could have ever expected. Following his efforts, Senator Cardin introduced the same legislation in the Senate. The first reaction came from scores of other victims of Russian human rights abuses. They both applauded the proposed legislation and asked Representative McGovern and Senator Cardin to add the corrupt officials who had victimized their families to the legislation. The act also energized all of Russia's civil society who had endured years of impunity in their country as corruption spiraled out of control and destroyed so many people's lives.

More and more people from both Russian and the U.S. came to Washington to support this initiative. With such an obvious opportunity to solve a major human rights problem, the legislation was broadened to include all victims of human rights abuse in Russia, not just Sergei Magnitsky.

The initiative of Representative McGovern and Senator Cardin then spread across the world. Several weeks ago the European Parliament passed a resolution calling on all the EU member states to impose Magnitsky sanctions in Europe. The OSCE Parliamentary Assembly passed a similar resolution with an overwhelming majority this summer, calling on all 56 OSCE states to impose Magnitsky sanctions.

The British and Dutch Parliament both passed unanimous multiparty resolutions calling on their governments to implement Magnitsky sanctions. Ten other Parliaments in Europe plus Canada are at various states of their own Magnitsky legislation.

There is only one group in the world who is against this legislation, and that is the Russian Government. They are absolutely terrified that this could possibly come into force. Until now they have lived in a world where they can commit human rights abuses with no consequences. Since they control their own justice system, they know they can torture and kill with full knowledge that nothing will happen to them. In many ways they cannot control their own system if they cannot guarantee the impunity to the foot soldiers when they commit human rights abuses.

All that has changed now, and they are terrified. They are so terrified that 3 days after President Putin was inaugurated, he announced that his third most important foreign

policy priority was to fight the Magnitsky sanctions. He assigned his Foreign Minister to publicly threaten any country that considered passing Magnitsky sanctions. Members of the Russian Parliament came to Washington to slander Sergei Magnitsky and try to talk Congress out of passing the Magnitsky Act. And, most unbelievably, the Russian Government has announced that they intend to prosecute Sergei Magnitsky this year in the first-ever posthumous trial in Russian history.

Tomorrow there will be a vote on the Magnitsky Act, and tomorrow will be 3 years from the day that Sergei Magnitsky was found dead on the floor of an isolation cell after being handcuffed and beaten by eight riot guards with rubber batons. He was only 37 years old, and he left a wife and two children.

I can't think of a more fitting tribute to Sergei's memory than to pass a piece of legislation with his name on it. We will never be able to bring Sergei back, but if, through his death, his story can save the lives of others in similar situations, then his enormous sacrifice will at least not have been in vain.

God bless Sergei Magnitsky.

Mr. McGOVERN: Thank you very much. Appreciate your testimony.

[The statement of Mr. Browder follows:]

Testimony to the Tom Lantos Human Rights Commission: U.S. Congress

By William Browder

CEO of Hermitage Capital Management,

Head of the global campaign for justice for Sergei Magnitsky

15 November 2012

Three years ago tomorrow, on November 16, 2009, my Russian lawyer, Sergei Magnitsky was murdered in Moscow police custody. He had been held for 358 days without trial after having been arrested for uncovering and testifying about the largest known tax refund fraud in Russian history perpetrated by officials in the Russian government.

In Sergei's 358 days in state custody, he wrote 450 complaints detailing every aspect of how he was tortured by his captors to try to force him to change his testimony. Because of the record he created, combined with the official documents obtained through the Russian courts, his case has become the most well documented human rights abuse case coming out of Russia in the last twenty five years. There have been 37,000 articles in the Russian press mentioning Sergei's name and detailing the complicity of Russian government officials.

We had hoped that with such overwhelming evidence and public attention, the Russian government would prosecute the officials involved. We were wrong. Instead, they have circled the wagons. The Russian authorities have exonerated every one of the 60 people involved in his case, except for one lowly prison doctor who they have charged with negligence. Some of the most complicit officers have even been promoted and received state honors.

When it became clear that there was no possibility of justice in this case inside Russia, we looked for ways

to get justice outside of Russia.

The murder of Sergei Magnitsky was not a crime motivated by ideology or religion. It was a crime of money. Specifically, it was a crime to cover up and silence a man who blew the whistle on those officials involved in the theft of \$230 million of tax money belonging to the Russian people.

What is also clear is that the officials who committed this crime, keep their money abroad, travel abroad, send their children to school abroad and know that their ill gotten gains are safe in the West. We have all seen them in New York, Miami and Los Angeles enjoying the finest things that this country has to offer.

Two and a half years ago, on May 6, 2010, I was invited to testify in front of this very same Commission and tell the story of Sergei Magnitsky. I came here after Senator Benjamin Cardin, Co-chair of the U.S. Helsinki Commission, proposed an initiative to withdraw the U.S. visas of 60 Russian officials identified as playing a role in the Magnitsky case. We couldn't necessarily force the Russian government to prosecute Magnitsky's killers, but we certainly didn't have to allow them to come here.

I spoke in this exact room ten days after Senator Cardin filed a formal request to Secretary of State Hillary Clinton to that effect. At the end of my testimony, I asked this Commission to support Senator Cardin's initiative. Representative Jim McGovern, the Co-Chairman of this Commission who sits here today, listened to my testimony and made a decision on the spot which will change history. At that hearing, he pledged to go further than just supporting a request of the State Department to ban visas of the Magnitsky killers. He announced that he would introduce new legislation called the Justice for Sergei Magnitsky Act, which would ban visas and freeze assets of all the Russian officials who played a role in the false arrest, torture and death of Sergei Magnitsky or in the crimes that Sergei uncovered.

From that day on, this legislation has taken on a momentum of its own that nobody could have ever expected. Following his efforts, Senator Cardin introduced the same legislation in the Senate. The first reaction came from the scores of other victims of Russian human rights abuses. They both applauded the proposed legislation and asked Rep. McGovern and Senator Cardin to add the corrupt officials who had victimized their families to the legislation. The Act also energized all of Russian civil society who had endured years of impunity in their country as corruption spiralled out of control and destroyed so many people's lives. More and more people from both Russia and the US came to Washington to support this initiative. With such an obvious opportunity to solve a major human rights problem, the legislation was broadened to include all victims of human rights abuse in Russia, not just Sergei Magnitsky.

The initiative of Rep. McGovern and Senator Cardin then spread across the world. Several weeks ago, the European Parliament has passed a resolution calling on the EU to impose Magnitsky sanctions in Europe. The OSCE Parliamentary Assembly passed a resolution with an overwhelming majority this summer calling on all 56 OSCE member states to impose Magnitsky sanctions. The British and Dutch Parliaments both passed unanimous multi-party resolutions calling on their governments to implement Magnitsky sanctions. Ten other parliaments in Europe, plus Canada are at various stages of their own Magnitsky resolutions.

There is only one group in the world who is against this legislation and that is the Russian government. They are absolutely terrified that this could possibly come into force. Until now, they have lived in a world where they can commit human rights abuses with no consequences. Since they control their own justice system they know that they can torture and kill with full knowledge that nothing will happen to them. In many ways, they cannot control their own system if they cannot guarantee impunity to their foot soldiers when they commit human rights abuses.

All that has now changed and they are terrified. They are so terrified that three days after President Putin was inaugurated, he announced that his third most important foreign policy priority was to fight the Magnitsky sanctions. He assigned his foreign minister to publicly threaten any country that considered passing Magnitsky sanctions. Members of the Russian Parliament came to Washington to slander Sergei Magnitsky and talk Congress out of passing the Magnitsky Act.

And most unbelievably, the Russian government has announced that they intend to prosecute Sergei Magnitsky this year in the first even posthumous trial in the history of Russia.

Tomorrow there will be a vote on the Magnitsky Act. And tomorrow it will be three years from the day that Sergei Magnitsky was found dead on the floor of an isolation cell after being handcuffed and beaten by eight riot guards with rubber batons. He was only 37 year old, leaving a wife, two children.

I can't think of a more fitting tribute to Sergei's memory than to pass a piece of legislation with his name on it. We will never be able to bring Sergei back, but if through his death, his story can save the lives of others in similar situations, than his enormous sacrifice will at least not have been in vain.

God bless Sergei Magnitsky.

Mr. McGOVERN: Now we hear from Ms. Tanya Lokshina, deputy director, Human Rights Watch in Moscow. Welcome.

STATEMENT OF TANYA LOKSHINA

Ms. LOKSHINA: Dear Mr. Chairperson, thank you very much for giving me an opportunity to speak at this hearing today.

There has never been a more important time in post-Soviet era for the United States to articulate a clear policy on Russia's adherence to international human rights standards and make human rights concerns a key part of their agenda with the Russian Federation.

Human Rights Watch has been working from Russia. We have had an office in Russia for over 20 years now, which is, well, pretty much as long as the very existence of the contemporary Russian State. We firmly believe that this political crackdown that we are witnessing today has been truly unprecedented.

Now, in my recent testimony, which you have at your disposal, I have provided an analysis of the new laws severely undermining freedom of expression, freedom of association, freedom of assembly, and providing tools to put pressure on activists.

The testimony also refers to specific cases of attacks at human rights defenders, journalists, and other sorts of whistleblowers. It emphasizes the full-blown human rights crisis in the Northern Caucasus region of Russia, and describes human rights abuses in connection with preparations for the 2014 Olympic Games in Sochi.

The testimony does not touch upon the Magnitsky bill for the sole reason that Bill Browder is one of the esteemed speakers at this panel today, and his remarks truly do justice to this legislation.

Now, I am very conscious of time limitations, and, therefore, instead of trying to summarize my entire testimony, which is available in writing, I would rather tell you a couple of stories.

Story number one. Human Rights Watch rather prides itself in never making factual mistakes. Every time we produce a written document, we always do our best to make

sure that the veracity of information is 100 percent. However, I did make a very peculiar mistake just a couple of days ago, and that is something that I want to tell you about.

I was trying to put together a press statement which had to do with President Putin's meeting with Angela Merkel, the German Chancellor. The meeting is happening on Friday, tomorrow, in fact. And in that press statement, I was naturally emphasizing all those draconian laws that got adopted in recent months, and I made a special emphasis on the law on state treason, which we believe to be particularly detrimental to Russian civil society.

And while doing that, I actually noted that Mr. Putin, on November 12th, at his meeting with his own newly appointed Human Rights Council, actually said in response to some concerns raised by the Council's members that he was indeed willing to look into that law and to see whether the definition of "state treason" as provided by this law just adopted by the Parliament does appear to be too broad and too vague.

At that time he has not signed the law yet. So I was arguing in that press statement that indeed it was a great window of opportunity for the German Chancellor to intervene and to tell President Putin not to sign the law, especially as he just publicly declared his goodwill to reconsider.

I finished the press statement, and I sent it on. It never entered my mind, in fact, to check for new developments several hours later, because no matter how pessimistic I was about the recent developments in Russia, I still did not think that Mr. Putin would on one and the same day say that he was willing to reconsider and he was actually willing to look into the law once again, and then sign it into force just 2 hours later. But that is actually what happened.

Next morning, I realized with the press statement already out that for the first time in my 5 years with Human Rights Watch, I actually made a factual mistake in a published document. I don't think it is my fault, frankly. I think Mr. Putin is rather responsible for this, and I am a bit upset about what happened.

Secondly, whenever Russian officials speak about the foreign agents law, or the NGO laws, they keep saying, well, there is nothing special about this piece of legislation; it is very similar to the laws that people have in many European countries and also in the United States of America.

The law, however, is clearly aimed at marginalizing and demonizing civil society in the public eye, especially as in the Russia language "foreign agent" as an expression has a clearly negative connotation and can only be interpreted as, quote/unquote, "foreign spy."

Now, the law itself has not come into force yet. That is going to happen on the 21st of November. But it is already working in practice, and I can tell you about how it is already working by using, again, another specific example from my own experience.

At the end of August this year, together with a colleague from Human Rights Watch, I was in a very remote region of Russia. I tried to gather a sufficient number of interviews on a topic which, in my opinion, really had no political sensitivity whatsoever. It was not about police torture, it was not about human rights abuses relevant to counterinsurgency in the Northern Caucasus, it was not about violent dispersible demonstrations in Russia's capital by police. It was actually about access to palliative care for terminally ill patients, something that every Russian family can relate to, especially as the cancer rate in the country is so absolutely staggering, and functioning palliative care institutions simply do not exist.

Now, the particular region where we traveled, in fact, developed some very interesting positive practices, quite unique in Russia, in that sphere. And what we wanted to do was to document those positive practices and actually tell a positive story, saying the recent experience; therefore, this can be done, and this can be done today.

Well, we were interviewing medical workers there for 2 days. On the third day we were summoned to the local department of health, and there we were interrogated literally for an hour by local officials asking us questions coming straight out of a Soviet spy film. It was literally along the lines of: Who gave you the permission to travel to this particular region? Who gave you the permission to be talking to medical workers? Who paid your way? Who paid your plane ticket? Who is paying your travel costs? What is the actual purpose of your exercise? How come you decided to focus on this particular topic? And so on and so forth.

Well, I have been doing human rights work in Russia for 14 years now, and, out of them, for 10 years I have been working in the Northern Caucasus, which is the most sensitive region in the country. Never before had I been asked such questions.

So even though the law has not come into force, it is definitely working, as we were treated, quote/unquote, "as foreign agents." And when I returned to Moscow just several days later, I discovered a very peculiar document circulating on social networks, which was authored by the head of administration for another republic of Russia, a place called Mari El in the Volga region, and in that document directors of all sorts of regional departments and services were instructed to make sure that their staffers have nothing to do with foreign nongovernmental organizations and foreign-funded groups because that was too politically sensitive.

So this is where we stand in Russia today, and this is the reason why we are calling U.S. Congress to intervene, to intervene without delay, and to recommend in particular that the Russian authorities put an immediate end to the crackdown on civil society activists; that they repeal the amendments to the law on treason; repeal the amendments under which NGOs that accept foreign funding must register and identify themselves as foreign agents; revise laws on public assembly, ensuring in particular that any sanctions for violations are proportionate and do not create undue obstacles to freedom of assembly; investigate and prosecute attacks on human rights defenders and journalists;

ensure access to the Northern Caucasus region for international monitors, including relevant U.N. human rights mechanisms; ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice, and ensure transparency regarding investigations and prosecutions undertaken, including their outcome; stop the practice of extrajudicial executions, enforced disappearances, abduction-style detentions and other abuses in the Northern Caucasus; fully implement judgments on Chechnya handed down by the European Court of Human Rights. There are over 210 judgments to date and not a single one of them has been properly implemented. Finally, ensure protection of all workers employed in Olympics-related sites, and also establish an independent commission to investigate and report on labor-related abuses related to Olympic venues; ensure fair and transparent compensation for those facing resettlement in Sochi and those who have already been resettled; and insist that the government effectively respond to any complaints about compensation or resettlement, including for those who have been already resettled.

Thank you.

Mr. McGOVERN: Thank you very much for your testimony.
[The statement of Ms. Lokshina follows:]



Testimony by Tanya Lokshina, Senior Russia Researcher for Human Rights Watch, at the Tom Lantos Human Rights Commission Hearing on Human Rights in Russia

November 15, 2012

Unprecedented crackdown on Russian civil society

There has never been a more important time in the post-Soviet era for the United States to articulate a clear policy on Russia's adherence to international human rights standards and make human rights concerns a key part of the agenda with Russia. Human Rights Watch has had an office in Russia for over 20 years, and we firmly believe that a truly unprecedented political crackdown is presently under way.

The crackdown was foreshadowed in the lead-up to Vladimir Putin's May 7 presidential inauguration, when authorities in some cities repeatedly used arbitrary lawsuits and detentions, threats from state officials, beatings, and even an arson attempt in an effort to intimidate political and civic activists and interfere with news outlets critical of the government. State-controlled media ran articles seeking to discredit the political protest movement and government critics.

From May through the present, Russia's parliament rammed through a raft of laws that set out broad new restrictions on freedom of expression, association, and assembly. The restrictions appear to be in response

to the protest movement that took shape in winter 2011, but they also give the government ample tools to persecute human rights defenders and critics for years to come.

New laws severely undermining freedom of expression, freedom of association, and freedom of assembly and providing powerful tools to put pressure on activists

Soon after Putin's inauguration, the Duma amended the law on demonstrations, imposing new restrictions on public assemblies and increasing by as much as 30-fold fines for violating rules on holding public events, which essentially makes those fines equivalent to fines for criminal offenses. The new rules stipulate, inter alia, that anyone found responsible for violating the rules for public events at least twice can no longer organize demonstrations and other public gatherings. They also allow local authorities to compile lists of permanent public-event-free locations as well as to treat mass movements of people or gatherings of people in one place as unsanctioned rallies. The parliament rushed through the adoption of these amendments and ignored critical evaluations of the draft law by Russia's Presidential Council on the Development of Civil Society and Rule of Law and other authoritative bodies.

In July the Duma adopted amendments recriminalizing certain kinds of libel, only seven months after it had been decriminalized on the initiative of then-president Dmitry Medvedev. Unlike the criminal libel law eliminated under Medvedev, the new law does not provide prison terms for violators. However, it provides harsh financial penalties, even in comparison with the previous legislation. Libelous public statements or remarks reproduced by media outlets will be punished by a fine of up to about US\$61,000. If an individual is libeled by being falsely accused of a grave crime, the penalty is a fine of up to about US\$153,000. Such fines can effectively suffocate smaller Russian media outlets and seem designed to increase self-censorship in mass media and online.

The new "libel law" includes a special article "on libel against judges, jurors, prosecutors, and law enforcement officials" and is punishable by a fine of up to 2 million rubles. Such a provision is incompatible with Russia's human rights obligations to protect freedom of expression. Under international human rights law, the threshold for criticism of a public official is greater than for a private individual, and therefore this provision could restrict legitimate criticism of public officials to an extent not permitted under international standards.

Another deeply problematic law adopted in July requires internet providers to block websites that contain content deemed harmful to children or termed "extremist" by a court. In practice, this can be used to force internet-hosting services to block offending websites upon executive authorities' instructions.

Legislative amendments adopted in July require nongovernmental advocacy organizations that accept foreign funding to register and identify themselves publicly as "foreign agents," which demonizes them in the public eye as foreign "spies." Failure to do so can result in a two-year prison term. NGOs that work on controversial issues and are unlikely to receive adequate domestic funding are essentially forced to make an intolerable choice between facing criminal sanctions, debasing themselves as "foreign agents," or severely reducing their work. The new law also appears designed to make human rights defenders and others

reconsider what is a standard aspect of human rights work anywhere: seeking improvements through advocacy.

In October, on the initiative of the Federal Security Service, Russia's parliament adopted amendments to the criminal code that changed the definition of treason in ways that directly threaten the exercise of protected fundamental rights. Under the new law, the definition of treason includes "providing financial, technical, advisory or other assistance to a foreign state or international organization . . . directed at harming Russia's security." Those charged with treason face a prison sentence of between 12 and 20 years. The overly broad and vague definition seems deliberately designed to make activists think twice before doing international human rights advocacy and laypeople to think twice before approaching international human rights organizations. In Russia's new political climate, it is reasonable to believe the authorities' threshold for interpreting what "harming Russia's security" means will be quite low.

When it introduced the law as a draft, the Federal Security Service (FSB, the KGB's successor), issued an explanatory memorandum justifying the amendments by referring to the "active use by foreign secret services" of foreign organizations, governmental and nongovernmental, to harm Russia's security. Russia's Presidential Council on the Development of Civil Society and Rule of Law criticized an earlier draft of the treason law for setting out a definition of treason that would be open to abuse. The council's statement emphasized that the law could apply to information shared with intergovernmental organizations of which Russia is a member, such as the United Nations and the Council of Europe. The parliament and the authorities paid no heed to the council's criticism and with remarkable speed passed the law.

The new treason law also makes it a crime to pass on to foreign and international organizations information garnered from open sources if the organization receiving the information plans to use it to harm Russia's national security interests. The law can be used by law enforcement and security services to justify close surveillance of NGOs and activists in the name of an inquiry, and could also be used to open a criminal case for alleged treason as a way of paralyzing a critic or political adversary.

Public smear campaigns in state and pro-government media have targeted prominent political opposition figures and several prominent NGOs. Officials in several regions are apparently warning civil servants against having contact with foreigners. Many of those arrested or threatened with arrest in connection with the May 6 protest rally, when protesters clashed with police on the eve of Putin's presidential inauguration, appeared to have had no connection whatsoever to the violence. (Twenty-one persons are presently awaiting trial on charges of taking part in mass riots and using violence against law enforcement officials; 15 of them are in pre-trial custody.) Two members of the feminist punk band Pussy Riot are serving a two-year prison sentence for a political stunt that should have been treated as a misdemeanor.

Attacks at human rights defenders and independent journalists

In April, two men attacked Elena Milashina, a journalist with the leading Russian independent newspaper *Novaya Gazeta*, near her home in the Moscow suburb of Balashikha. The attackers kicked and punched Milashina, causing her multiple bruises, including over a dozen hematomas on her head, and kicking out a tooth. Three passers-by interfered and the criminals left, taking Milashina's money. Investigation

authorities characterized the attack as common mugging and even claim to have arrested the perpetrators. Milashina, who is known for her tough reporting on very serious, controversial human rights issues, is convinced that police arrested the wrong men and that the attack was linked to her work.

In June, the chief editor for *Novaya Gazeta*, one of Russia's leading independent media outlets, Dmitry Muratov, stated in an open letter that the head of Russia's Investigation Committee (chief state agency in charge of criminal investigation), Alexander Bastrykin, blatantly threatened Muratov's deputy, Sergei Sokolov, because he had, in a recent article, accused the Investigation Committee and its leadership of "covering up" for crime bosses. Muratov said that on June 4 Bastrykin's security guards forced Sokolov into a car and took him to the woods outside Moscow, where Bastrykin personally confronted the journalist and aggressively threatened him with physical violence. Bastrykin initially denied the allegations but confirmed them several days later. These shocking developments, however, did not move the Kremlin to dismiss him from his high-level position in law-enforcement.

In November, in the run-up to a major demonstration planned by local protestors in Nizhny Novgorod, unidentified assailants attacked the apartment and office of the human rights activist Stanislav Dmitrievsky, who is also actively involved in the protest movement. Two men in hooded jackets, face masks, and gloves broke the windows in Dmitrievsky's ground floor apartment in the middle of the night while he was away and his wife and teenage daughter were home alone. The assailants wielded heavy hammers and also manipulated the lock on the door so that Dmitrievsky's family could not get out. Their actions were recorded by video cameras that Dmitrievsky, a frequent victim of harassment and attacks, had installed on his door and windows. The investigation team arrived to the scene of the crime only hours later. The attack was similar in nature to the attack at Dmitrievsky's office just three nights earlier, when four men, dressed in the same manner, had smashed the office windows with hammers and metal bars and poured a pail of orange paint into the office, an apparent reference to the "Orange Revolution" in Ukraine of 2004.

North Caucasus

The North Caucasus remains Russia's most problematic region as regards the intensity of human rights violations and the rampant impunity for perpetrators of human rights violations. Little has been done to stop ill-treatment, including torture, and forced disappearances, extrajudicial killings, and other abuses committed as part of the effort to counter the Islamist insurgency in the North Caucasus.

Ramzan Kadyrov, Chechnya's leader, does not tolerate human rights reporting or criticism of government policies. Human rights defenders face serious threats in Chechnya, and victims of human rights violations increasingly refuse to report their experiences due to fear of retribution. As a result, torture, abduction-style detentions, and acts of collective punishment against the families of suspected insurgents (notably the torching of their homes) are believed to be greatly underreported.

In a letter to a Russian NGO in March 2011, federal authorities stated that police in the Chechen Republic sabotaged investigations into abductions of local residents and sometimes covered up for perpetrators. The letter marked the first public acknowledgement of the impotence of federal investigative authorities in investigating abuses in Chechnya.

To date, the European Court of Human Rights has issued more than 210 judgments holding Russia responsible for grave human rights violations during the armed conflict and counterinsurgency campaign in Chechnya. While Russia continues to pay the required monetary compensation to victims, it fails to meaningfully implement the core of the judgments by not conducting effective investigations and using statutes of limitation and amnesty acts to prevent perpetrators from being held to account.

Kadyrov's so-called virtue campaign for women in Chechnya is on-going. Women are required to wear headscarves in public buildings such as government offices, schools, and the like, and there is pressure on women to wear them in all public places. Posters with slogans, "A Headscarf is a Chechen Woman's pride" have been widespread, especially in the capital. Also, in August, staff members of the Ministry for Youth Affairs distributed headscarves to women in the streets of Grozny, as well as in the Sunzha and Shali districts. Women's rights activists in Chechnya across the board have told Human Rights Watch that with the evolution of the virtue campaign, "honor" killings have become more frequent in Chechnya. They attribute this to the fact that such crimes are not only largely unpunished by the authorities, but tend to be welcomed and encouraged. Two cases reported to Human Rights Watch in the summer of 2012 also suggest that the mere refusal of a woman to adhere to the prescribed dress code and wear a headscarf may potentially, in the most extreme cases, trigger violence or even an "honor" killing.

According to official data, the number of insurgent attacks in the North Caucasus declined slightly in 2012 as compared to 2011, but the insurgent attacks, which in many cases kill law enforcement officials and civilians alike, are still numerous, particularly in Dagestan. The Presidential envoy in the North Caucasus Federal District, Alexander Khloponin, estimated the number of insurgents operating in the North Caucasus to be roughly 1000 and stated that this number is not declining because the places of slain insurgents are filled by new volunteers, aged 18 on average.

In Dagestan, where the insurgency is most acute, the authorities broadly target Salafi communities as suspected members or supporters of the insurgency. According to the Memorial Human Rights Center, between January and August 2012, six local residents were forcibly disappeared following apparent abduction-style detentions, most of whom were Salafi Muslims, a decrease as compared to 28 in the first nine months of 2011. From 2011 to 2012, Dagestan's government appeared to seek social consensus and stability, including by starting a dialogue with the republic's Salafi communities. However, many fear that the killing of a Sufi leader by a suicide bomber in 2012 could undermine this process.

Starting in 2009, the leadership of Ingushetia undertook rhetorical commitments that counterinsurgency operations would be carried out in line with Russia's legal obligations, but local organizations continue to report that government forces commit extrajudicial executions, unlawful, abduction-style detentions, and torture and cruel or degrading treatment in counterinsurgency operations.

Human rights defenders working in the North Caucasus remained especially at risk, with impunity for the past attacks being absolute.

The investigation into the 2009 murder of a leading Chechen defender, Natalia Estemirova, has not been effective, and staff of the Joint Mobile Group of Russian Human Rights Organizations in Chechnya,

created after Estemirova's killing to work on the most sensitive cases of human rights abuses by law enforcement and security agencies, face severe harassment from both local and federal authorities. In January 21, police in Nizhny Novgorod detained one of the group's leading members, Anton Ryzhov, interrogated him about the organization's work, and confiscated his work laptop and memory sticks for eight months. In June, Chechnya's leader, Ramzan Kadyrov, personally threatened three Mobile Group lawyers at a televised meeting they were forced to attend, sending a clear warning to victims to avoid the organization. In July federal investigators interrogated Mobile Group head Igor Kalyapin as part of a criminal inquiry regarding alleged disclosure of secret information regarding a torture case. This is the authorities' third attempt in two years to open criminal proceedings against Kalyapin.

The end of 2011 saw the brazen murder of Gadzhimurad Kamalov, founder and publisher of Dagestan's leading independent weekly, *Chernovik*, which is known for its relentless reporting on corruption and human rights abuses by law enforcement and security agencies. Kamalov was killed close to midnight on December 15, in Makhachkala, the capital of Dagestan. He had been working late and stepped out of *Chernovik*'s office when a masked gunman opened fire. The investigation into his killing does not appear to be effective, with the perpetrators still at large. The former editor-in-chief of *Chernovik*, Nadira Isaeva, had to leave Russia out of fear for her security.

In January 2012, Umar Saidmagomedov, a local lawyer who frequently defended individuals arrested on insurgency-related charges and worked closely with local human rights activists, died from gunshot wounds in the Dagestani capital, Makhachkala, together with local resident Rasul Kurbanov. According to official reports, Kurbanov opened fire on police officials, who responded, killing both men. Saidmagomedov's colleagues, however, argued that the circumstances of the killing were different and that law enforcement officials killed the lawyer in retaliation for his work. There has been no effective investigation into their allegations. In March, the authorities informed Sapiyat Magomedova, a prominent Dagestani human rights lawyer, that they had closed the criminal case against the police officers who had beaten her two years earlier, causing her serious physical injury.

In May in Kabardino-Balkaria, a police official explicitly threatened Rustam Matsev, a lawyer with the Memorial Human Rights Center who is defending a client charged with insurgency-related crimes. They insinuated Matsev supported Islamic insurgents and warned he could be "eliminated." Matsev's formal complaint to the Prosecutor General and other competent authorities yielded no result.

Abuses linked to preparations for the 2014 Olympic Games

Authorities have expropriated property from hundreds of Sochi families for construction of Olympic venues. Most homeowners received compensation, but in many cases amounts were unfair and the process not transparent. In September, authorities forcibly evicted one family of six, including two small children, without any compensation or alternative home.

Thousands of migrant workers are involved in building sports venues and other infrastructure for the Olympics. Some workers reported employers' failure to provide contracts or promised wages, excessively long working hours, and few days off.

Some journalists reporting on Olympics-related concerns have faced censorship and threats of firing. Activists have faced harassment and arrest. For example, police detained several residents and activists peacefully voicing concerns about a proposed Olympics thermal power plant and pressed administrative charges against some of them in early fall. Authorities have failed to fully investigate alleged illegal construction at the plant site.

In Krasnodar, environmental activists Suren Gazaryan and Evgeniy Vitishko, both engaged in monitoring the environmental situation around the Sochi Olympic construction, were convicted in a flawed criminal trial on June 20, 2012 for trespassing and causing damage to property. The court's sentence included restrictions that limit the activists' ability to engage in scientific field work and public demonstrations.

Recommendations:

- Put an immediate end to the crackdown on civil society activists ;
- Repeal the amendments to the law on treason;
- Repeal the amendment under which NGOs that accept foreign funding must register and identify themselves as "foreign agents";
- Revise laws on public assemblies, ensuring in particular that any sanctions for violations are proportionate and do not create undue obstacles to freedom of assembly;
- Investigate and prosecute attacks on human rights defenders and journalists;
- Ensure access to the North Caucasus region for international monitors, including the UN Working Group on enforced disappearances and the Special Rapporteurs on torture and on extrajudicial executions, in full agreement with the requirements for conducting visits that these procedures set forth;
- Ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice, and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome;
- Stop the practice of extrajudicial executions, enforced disappearances, abduction-style detentions, and other abuses in the North Caucasus;
- Fully implement judgments on Chechnya handed down by the European Court of Human Rights;
- Ensure protection for all workers employed on Olympics-related sites and also establish an independent commission to investigate and report on labor-related abuses relating to Olympics venues;
- Ensure fair and transparent compensation for those facing resettlement in Sochi and those who have already been resettled, and insist that the government effectively respond to any complaints about compensation or resettlement, including for those who have already been resettled.

Mr. McGOVERN: And we appreciate the work of Human Rights Watch. And thank you for pointing out your factual error. For the record, we will hold Mr. Putin responsible, so please know it is not a reflection on anything on you. But we do appreciate your incredible work. So thank you so much.

Ms. LOKSHINA: Thank you.

Mr. McGOVERN: And finally, we are going to hear from Ms. Fatima Tlisova, correspondent with Voice of America, Voice of America's Russian Service. We are grateful that you are here.

STATEMENT OF FATIMA TLISOVA

Ms. TLISOVA: Good afternoon, Chairman McGovern, Congress Ellison. It is an honor to be here, and I am deeply honored to be at the same panel with Susan; Mr. Browder, whose work and efforts I deeply admire; and Tanya Lokshina, who is known for her long fight for human rights and freedom in Russia.

Please note that all the views and opinions I will express today are my own and do not reflect the views of Voice of America or the United States Government.

I worked in the North Caucasus as a reporter for Associated Press. My affiliation with the American media outlet was reason enough to be targeted by the FSB, which is the descendant of the former KGB.

I look at the topics of this hearing today and testify I have experienced it all. I was detained, interrogated, kidnapped, abused, tortured. I was labeled as an American spy, with stories of my betrayal published in the government-controlled newspapers. I have lived through public isolation and constant surveillance. I have witnessed brutalities conducted by the Russian military and securities forces. All too often the victims of these acts are civilians, including pregnant women and infants. The most disturbing part is that my story is not unique for my region; it is rather common.

In my opinion, the new Russian legislation, which was discussed today, already has been tested in the North Caucasus in real situation on the real people and proved to be an effective tool to suppress any kind of dissent.

During the last two decades, North Caucasus remains the most violent region in Eurasia. Two wars in Chechnya have left behind a deeply damaged, traumatized civil society and multiple unsolved issues. Now the violence is spreading between the -- spreading throughout the region. On a daily basis we receive news about clashes between the Russian security forces and local Islamic rebels in Dagestan, Ingushetia, and Kabardino-Balkaria. The resistance has transformed from ethnic separatist rebellion into a military Islamic movement with the jihadi elements.

The Kremlin continues to argue that the radicalization is a result of the impact of the efforts by outside influences. The head of Chechnya, Ramzan Kadyrov, appointed and favored by President Vladimir Putin, generally names the United States as the major, main force behind the destabilization in the region. The Kremlin also claims that the North Caucasus is a part of a global terrorist network that includes al Qaeda. These two ideas, the West acting as destabilizing power and al Qaeda as a radicalizing force, determine the Kremlin's long-term strategy in the North Caucasus. This is based on two goals: first, isolate; second, suppress.

According to the observations by major human rights organizations and groups, the real cause of deterioration of the situation in the North Caucasus is Kremlin's disproportional use of force and repressive policy, not the influence of the West. The direct consequence of Kremlin's policy is radicalization of local youth and spread of

violence across the region.

The first pillar of the above-mentioned policy, the isolation of the region, is a vital condition for the realization of the second pillar, the suppression. The combination of these two ideas creates a thick roof under which the Kremlin is free to practice widespread violations of human rights and freedoms, including the very basic right to life. The consequences of this policy affect the lives of local civilians on every level. Most of the people in the North Caucasus whom I have recently interviewed say that they live in fear. They don't trust the authorities, and they are afraid to become victims of the Russian security forces even more than they are afraid of the rebels.

The Kremlin's isolation policy was successful. The region is extremely difficult to access for the foreign media as well as for the human rights groups due to the multiple registration and license requirements by the Russian Ministry of Foreign Affairs, by Ministry of Internal Affairs, by the Federal Security Services, et cetera. Local media and individual reporters are often targeted and oppressed by the FSB to the point where self-censorship become the principal rule of survival. This is equally true about civil or political activists and independent lawyers.

Russian authorities often like to draw parallel between the U.S. operation in Afghanistan and the Kremlin's policies towards the North Caucasus. The comparative statistical data shows that this parallel is not valid for the Russians. For example, let us look at numbers of the U.S. casualties during the active phase of the wars in Iraq and Afghanistan in 2009 and compare them with the numbers of Russian casualties in the North Caucasus. In 2009, the Russian forces lost around 960 servicemen in the North Caucasus. The U.S. casualties combined in Iraq and Afghanistan equals 307 troops.

However, there is a gigantic difference between these two situations. Firstly, the territory of the North Caucasus is five times smaller compared to Iran or Afghanistan. But the main difference is that the Russian Government calls its act in the North Caucasus a counterterrorism operation when it conducts full-scale military operation on its own soil against its own citizens. By admitting this fact, the Kremlin would reveal the plain truth: Its policy to the North Caucasus is not only a failure, it also creates a threat to the stability and security in Eurasia.

Thank you. This ends my statement, and I am happy to answer any questions.

Mr. McGOVERN: Thank you very much for your excellent testimony.
[The statement of Ms. Tlisova follows:]

Tom Lantos Human Rights Commission
November 15, 2012

Testimony on the situation in the North Caucasus region of Russia

By Fatima Tlisova

Good afternoon. I am deeply honored to speak here today and looking forward to a productive discussion.

Please note that all the views and opinions I will express today are my own and do not reflect the views of the Voice of America or the United States government.

I worked in the North Caucasus as a reporter for the Associated Press. My affiliation with the American media outlet was a reason enough to be targeted by the FSB, the main descendant of the former KGB. I look at the topics of this hearing today and full heartedly testify I have experienced it all – I was detained, interrogated, kidnapped, abused and tortured. I was labeled as an American spy, with stories of my betrayal published in the government controlled newspapers. I have lived through the public isolation and constant surveillance. I have witnessed brutalities conducted by the Russian military and security forces, too often the victims of these acts were civilians including pregnant women and infants. The most disturbing part is that my story is not unique for my region, it is rather common.

In my opinion, the new Russian legislation already has been tested in the North Caucasus in real situations on real people and proved to be an effective tool to suppress any kind of dissent.

During the last two decades the North Caucasus remains the most violent region in Eurasia. Two wars in Chechnya have left behind a deeply damaged, traumatized civil society, and multiple unsolved issues. Now the violence is spreading throughout the region. On the daily basis we receive news about clashes between the Russian security forces and local Islamic rebels in Dagestan, Ingushetia, and Kabardino-Balkaria. The resistance has transformed from ethnic separatist rebellion into a military Islamic movement with the jihadi elements.

The Kremlin continues to argue that the radicalization is a result of the impact of the efforts by the outside players. The head of Chechnya Ramzan Kadyrov appointed and favored by president, Vladimir Putin generally names the United States as the main force behind the destabilization in the region. The Kremlin also claims that the North Caucasus rebellion is a part of a global terrorist network that includes Al Qaida.

These two ideas – the West acting as a destabilizing power and Al Qaida as a radicalizing force – determine the Kremlin's long term strategy in the North Caucasus. This is based on two goals: isolate and suppress.

According to the observations by major International human rights groups the real cause of the deterioration of the situation in the North Caucasus is Kremlin's disproportional use of force and repressive policy, not the influence of the West and global jihadist network. The direct consequence of Kremlin's policy is the radicalization of local youth and spread of violence across the region.

The first pillar of the above mentioned policy - the isolation of the region is a vital condition for the realization of the second pillar – the suppression. The combination of these two ideas creates a thick roof under which the Kremlin is free to practice wide spread violations of human rights and freedoms, including the very basic right to life. The consequences of this policy affect the lives of local civilians on every level. Most of the people in the North Caucasus whom I've recently interviewed, say that they live in fear. They don't trust the authorities and are afraid to become victims of the Russian security forces even more than they are afraid of the rebels.

The Kremlin's isolation policy was successful. The region is extremely difficult to access for the foreign media as well as for the human rights groups due to the multiple registration and license requirements by the Russian Ministry of Foreign affairs, by Ministry of Internal Affairs, by the Federal Security Service (FSB) etc...

Local media and individual reporters are often targeted and oppressed by the FSB to the point where self-censorship becomes the principal rule of survival. This is equally true about civil or political activists and independent lawyers.

Russian authorities often like to draw parallel between the US operation in Afghanistan and Kremlin's policies towards the North Caucasus. The comparative statistic data shows that this parallel is not really complimentary for the Russian side. For instance, let us look at the numbers of the US casualties during the active phase of the war in Afghanistan in 2009 and compare them with the numbers of Russia's casualties

in the North Caucasus. In 2009 the Russian forces lost around 960 servicemen in the North Caucasus, the US casualties combined in Iraq and Afghanistan - 307 troops.

However there is a gigantic difference between these two situations. Firstly the territory of the North Caucasus is five times smaller compared to Iraq or Afghanistan. But the main difference is that Russian government calls its act in the North Caucasus a counterterrorism operation when it conducts full scale military operations on its own soil against its own citizens. By admitting this fact the Kremlin would reveal the plain truth – its policy in the North Caucasus is not only a failure but it also creates a threat to the stability and security in Eurasia.

This concludes my statement. I am happy to answer any of your questions.

Mr. McGOVERN: I have a few questions, but before I do, I am going to yield to my colleague Mr. Ellison to go first.

Mr. ELLISON: Thank you, Mr. Chairman. And again, thank you to everybody on the panel. Very, very enlightening.

Ms. Lokshina, what might be the impact of the new law requiring Russian nongovernmental organizations to register as foreign agents if they receive foreign grants?

Ms. LOKSHINA: Thank you very much for your question, Representative Ellison.

The new law puts Russian nongovernmental organizations in a truly impossible situation. It is not like they have to wait for the Minister of Justice to assign that label of a foreign agent to them. It is that they effectively have to volunteer, that they have to come forth of their own volition and declare themselves as foreign agents, which reads "foreign spies." And that is something that genuine human rights groups working for public interest in Russia just cannot do, first and foremost because it is completely not true, they are not foreign agents of any sort; secondly, because they fully realize, like we do, that the whole objective behind this exercise is to demonize them in the eyes of the public.

But, let us say that we have an organization, say, like the Moscow Helsinki Group, which is the eldest of human rights organization now operating in Russia, that is clearly saying, We are not going to register, foreign agent, no matter what. So we have got the Moscow Helsinki Group. And the Minister of Justice comes up to them and says, We have evidence that you are, in fact, a foreign agent, but you never registered.

What happens then? The case goes to court. And while the case is in court, the activities of the organization are going to be effectively suspended. So the organization will not be able to do any work, it will not be able to do -- well, to play any public role, leadership will not be able to make any public appearances during all the time that the court of law needs to consider the evidence against the organization.

Now, we all know that justice in Russia is severely compromised. The recent case of the Pussy Riot feminist punk band illustrates that quite clearly. So the outcome of such

trials is, most unfortunately, quite predictable as well.

Now, if the organization is found at fault by a court of law, then it will not be able to resume its activities, and the leadership of the organization will also suffer criminal sanctions all the way up to actual imprisonment.

Several Russian organizations which are known as leading human rights groups in the country are, in fact, thinking of filing a joint complaint with the European Court of Human Rights, presenting themselves as potential victims of that legislation without waiting for their activities to get effectively suspended, because they have no doubts that that is exactly what is going to happen in recent future.

Mr. ELLISON: Thank you.

Ms. TLISOVA, how has the media been able to cover this phenomenon that Ms. Lokshina just described? I mean, has media freedom been compromised at all to be able to talk about the effects of some of these -- some of these laws? Or is there a tolerance for open criticism of the law in the media? Or has media criticism or even analysis of these laws been curtailed?

Ms. TLISOVA: Thank you for question.

Actually, I have done a project with the Pulitzer Center and with the National Endowment for Democracy on Media Freedoms in Russia.

If you analyze Russian media, you will see that most of the main TV stations and newspapers belong to the government, founded by the government, or the guy from the government owned a company. So regardless to their ownership, they still remain very progovernmental if you analyze the coverage of the events in the country.

Main TV station, for example, 90 percent of the coverage is on Putin, what Mr. Putin said, where Mr. Putin go. There is, however, a few independent media outlets, many in the country, but even in those outlets the situation is very much complicated. As I said, there is a high level of self-censorship.

There is a difference between the local, rural-area newspapers and media and central media, mainstream media in Russia. And the further they are from Moscow, from Kremlin, the situation is worse in the media.

Mr. ELLISON: Thank you, ma'am.

And, Ms. Corke, you know, there has been a number of things that you all, the four of you, have described. Have there been public protests? And, if so, what has been the government reaction? Have permits been issued for such protests? And what is just the state of, you know, free expression, public assembly in Russia?

Ms. CORKE: Thank you for your question. Take it back to the December protests of a

year ago. I was in Moscow at the protests that day, walking into the protests with some other Russian human rights activists, and amazed to see 100,000 people coming out on the streets with white ribbons. At that point we felt a certain hope and optimism that the Russian people were standing up and demonstrating that they were trying to hold their government accountable. They wanted a better future for Russia. And rather than -- for Putin, that was his greatest fear come to life, that this new demographic, the young and the old professionals all coming to the street, and shortly after that he began putting into place this slew of repressive laws to make sure that he had the fix in for that never to happen again.

With the passage in June of the new legislation on unsanctioned demonstrations -- Tanya also spoke about this, that now there is severe financial penalties, the possibility of jail time -- recent protests, understandably it, as the law intended, makes it a much more difficult choice to take to the streets.

A couple weeks ago, there was an opposition anti-Putin protest, and I believe a couple thousand people came out, and there were a number of arrests; in particular, Alexei Navalny, Ilya Yashin, Udaltsov, who are -- have repeatedly been arrested. But, in combination, the variety of laws have certainly had a chilling effect on people's willing to freely express themselves and come out to the streets and protest.

Mr. ELLISON: Could you elaborate on the prosecution of Udaltsov? I mean, is -- can you express sort of what concerns you may have in terms of the opportunity of those opposition leaders to get due process? How do you view the prosecution's -- could you just kind of elaborate on the prosecution itself? Do you expect that they -- what kind of outcomes do you expect to have happen? What quality of justice do you expect to see occur?

Ms. CORKE: I am quite fearful, as I believe they are, too. I mean, the first problem is that all of these laws are so badly written that it creates the shadow of fear that almost anything can fall under the new legislation. So from the starting point the laws itself are not fair. And I think for the Kremlin, this is a perfect solution for them; that they have created this vast array of tools that almost anything can be illegal.

Add to that that the courts have -- you know, are not independent. They are closely aligned with the Kremlin, and President Putin has been very clear in signaling which direction he wants things to go.

So I -- and the Pussy Riot trial, too, we talked about earlier. The intention is clear that those who are arrested, and, given the new legislation, I do not think there is much of a chance for them to have a fair hearing in Russia today.

Mr. ELLISON: And finally, Mr. Browder, how is the international community, in your view, reacting to the events that you all have just described? And what I really mean is what is the quality of the reaction? Is the reaction of the region appropriate? Does it meet the urgency of the moment? And even the United States, are we doing enough,

and what more should we be doing?

Mr. BROWDER: There is a fundamental problem that the Russian victims of all of these abuses have with the international community, which is that -- actually international governments, is that -- our government, the government here in America, the government in Britain, the governments in Europe, none of them want to have troubles with the Russian Government; U.S. State Department doesn't, the British Foreign Office doesn't. And therefore, if you were to sit down and have a private, heart-to-heart talk with the foreign minister of any European country or the Secretary of State here, they have to balance out -- seem to be -- they want to seem to be doing the right thing by their own people, but they don't want to have any troubles with the Russians. And so we end up in this situation where lip service is paid.

And this, by the way, is not any specific criticism of any government. This goes back for the last 25 years. Everybody used empty words to criticize the things that were going on, and what has happened over the last 12 months is things have gotten substantially worse in Russia, I mean, dramatically worse, and those tools don't work anymore, which is one of the reasons why I am so heartened by the Magnitsky Act coming into place, because as opposed to words, we are creating for the first time -- the first time since Jackson-Vanik -- of real consequences for these types of actions.

And thankfully we have -- in the United States there is a separation of powers between the executive and the legislative branch, and so the legislative branch, even -- and Chairman McGovern is in the same party as the President, but he can see that sometimes the legislative branch has to hold the government's feet to the fire.

Mr. ELLISON: Oh, yeah. We have seen that a little bit over the years.

Mr. BROWDER: And thankfully, thankfully, we have -- starting here, and I believe that there will be a domino effect when this law is passed in the United States that European countries will do the same thing because they don't have the same separations of power.

So to summarize, not enough is being done anywhere consequences as opposed to words, and thankfully the Magnitsky Act is hopefully the first domino that will fall that will create the consequences.

Mr. ELLISON: And as I wrap up, is there anything that -- any additional thoughts that any of my questions may have sparked in any of you that you want to share before I yield the microphone?

Mr. BROWDER: Let me just say one thing on the Magnitsky Act, which is that the key to the Magnitsky Act is naming names. There is a provision at the end of the Magnitsky Act called the Confidential Annex which allows the President to put people on the Confidential Annex who they believe it would harm national security if they put them in the public domain. And I would hope that you and all of your colleagues in Congress,

when this law passes, hold the feet to the fire of the administration and don't allow them to put all Russians in the Confidential Annex because it is naming and shaming, which is what is the effectiveness of this piece of legislation.

Mr. ELLISON: Yes, ma'am.

Ms. LOKSHINA: I would simply like to draw your attention once again to the new law on state treason, which I mentioned in my testimony, and I would want to explain how Congress is extremely worried about it.

While the new definition of treason in Russia effectively incorporates provision of information to a foreign or international organization, it doesn't even matter governmental or nongovernmental as long as the information essentially pertains to national security issues. And therefore, any kind of a meeting of a Russian national, and especially of a Russian activist, with a foreign official, with a member of a foreign or international agency, including potentially even intergovernmental organizations like the Council of Europe, like the United Nations, or, say, the United States Congress, or the Bundestag, could be potentially criminally liable under this law.

And so we believe that the very objective behind the law is actually to discourage Russian nationals from being engaged into any sort of international advocacy. Then again, Russian nationals working for international organizations including international human rights groups, like myself, the very job description of such people would then be criminally liable, because say what do I do at Human Rights Watch? I effectively gather information about human rights abuses by Russian officials, including abuses by the law enforcement and the military in this very sensitive Northern Caucasus region, which Ms. Tlisova here described quite eloquently, and I share this information with this international organization of mine and the rest of the world. So I guess I am liable by job description. This is the first thing that essentially comes to mind.

So we were indeed quite shocked by the cynicism of Mr. Putin on one and the same day saying, while I am ready to reconsider, and then signing the law into force. And we are urging all Russian partners, including the United States, to make it very clear to the Russian authorities that this situation is simply unacceptable.

Mr. ELLISON: Thank you very much. And I do have a conflicting hearing to go to, but I would like to just again offer you my sincere gratitude for coming forward today and sharing this vital information. Thank you.

Mr. McGOVERN: I am going to ask the panel's indulgence for a moment. I had some questions, but before I get to them, Senator Cardin just arrived, and I would like to have him come up and testify, if that is okay with you. Then we will call you back up, if that is all right.

So if you don't mind taking a seat in the first row, and then we will call up Senator Cardin, who has been a champion on the Magnitsky issue, and who has put human

rights front and center on this whole discussion of PNTR for Russia. I very much appreciate his leadership and look forward to his testimony.

I just say, Ben, just kind of as a preface, one of these people would talk to you about is -- legislation is that, you know, in the bill there is the ability for the administration in cases of national security to use a Classified Annex for the names of people who are guilty of corruption and human rights violations. But the hope is, and I think at least it is a bipartisan hope, that will not be abused, that that will be used as a last resort, because I think part of the power of this bill is when you name people, you shame them. And even if we can't count on justice in a particular country, in this case Russia, one would like them to know that the world knows that they are guilty of these abuses. And my hope is that at a minimum, the administration, once this all passes, will put the killers of Sergei Magnitsky in the public realm and not in a Classified Annex.

So anyway, having said that, I appreciate all of your leadership and your inspiration, and you have done amazing things, and you have been a great leader on this, and I welcome you here and look forward to your testimony.

STATEMENT OF THE HON. BENJAMIN L. CARDIN, A UNITED STATES SENATOR FROM THE STATE OF MARYLAND

Senator CARDIN: Well, Chairman McGovern, first of all thank you for all of your leadership. It is really is a pleasure to be here to talk about the issues of what is happening in Russia today, and specifically talk about the Magnitsky legislation. But I thank you very much for your leadership in the development of the Magnitsky legislation. You were critical, as we work together in both the House and Senate, to have legislation advanced. There were significant interests trying to prevent this discussion, particularly in relationship to the permanent normal trade relations, and I applaud your leadership on this.

I should point out that I think my last trip to Russia was with Tom Lantos. It was interesting. He was harassed coming into Russia, so it is an appropriate subject we have today.

I also come here as the Senate Chair of the Helsinki Commission, and I must tell you I think Russia represents the greatest disappointment of progress that we thought would be taking place over the last two decades. Two decades ago there was such promise, and we were really optimistic of reform within Russia. It is a critically important country internationally. And yet we are extremely disappointed to see the backtracking within Russia as it relates to the human rights; the ability to express your views, and to associate, or opposition to have an effective voice in criticizing their government, for journalists to be safe and be able to report objectively what is happening, and, of course, for whistleblowers being able to act on information they have in order to bring it to the attention of the authorities without fear of being in danger. All of that we have seen a regression within Russia on protecting human rights. So it is an area of major interest and where we need to make additional improvements.

It is very interesting this past week, in Baltimore, my hometown, we celebrated the 25th anniversary of the Washington march for Soviet Jewry. Natan Sharansky was in Baltimore; Elie Wiesel was there. We had a chance to talk about the ability of the United States through the use of Jackson-Vanik and other tools to put a spotlight on the plight of Soviet Jews, and it worked. Policies were changed. People were allowed to leave the former Soviet Union as a result of the leadership that the United States exercised during that period of time.

I think the information concerning Mr. Magnitsky is well known, so I am not going to go through all of the specifics. It has been a major issue of interest in the U.S. Helsinki Commission because it put a face on the many abuses that were taking place within Russia. But this was the most egregious.

The facts are very well known about a young lawyer who discovered a major corruption in representing his client. He did what was responsible: He brought that to the attention of the authorities. As a result he was arrested, he was tortured, he was denied medical care, and he died in prison. The third anniversary will take place tomorrow on November 16th.

And Mr. Magnitsky will not be forgotten. Sergei Magnitsky represents what we want to see changed within Russia. As a result of that tragedy, after the facts became very well known, you in the House, I in the Senate introduced legislation to do something which I thought made a lot of sense. First it said, look, the corrupt officials are doing this in order to enrich themselves. We can deny them the opportunity to keep their money in our country. They don't want rubles, they want dollars. We can deny them the opportunity to visit our country, where many of their family members are taking advantage of our schools, and they like to visit. So these are privileges that we have in the United States.

So our legislation was pretty clear, and that is for these people who are involved in the death of Mr. Magnitsky, in the coverup of Mr. Magnitsky, they shouldn't be given the benefits of our country, from visiting and using our banking system.

It also showed the international community that the United States was prepared to lead. As you know, there are many countries around the world that have followed the U.S. leadership, and have considered and passed similar legislation, and are prepared to follow the U.S. on this issue.

I know that the House is prepared to vote on this bill tomorrow, and I am very encouraged by that. I strongly support it.

I do want to point out why I feel very strongly that we should make this bill global, and it shouldn't be specific just to the Magnitsky circumstance. I use by way of comparison what was done with the passage of the Jackson-Vanik law. It was clearly aimed at the Soviet Union. There is no question about it. That was the country that was denying

Jews the right to emigrate. It was clearly motivated and passed because of the Soviet Union. But the Jackson-Vanik law was global. It didn't apply to just one country; it applied to all nonmarket economy countries.

So I think it gives us the opportunity to go beyond just this one example. And as it relates to Russia, what happens when the next human rights violations occur in that country? Are those perpetrators going to be allowed to visit our country and use our banking system?

We should be able to have a more global tool available to advance human rights. And I need not tell you that human rights violations are not just in Russia; there are other countries that are notorious for their violations of human rights. And, yes, our Secretary of State can take action on an individual case today. I understand that. It is difficult, though, and it is difficult to use our banking system to deny the ability, and it is difficult to get other countries to act unless we show leadership. So I would urge us to take advantage of the opportunity we have now, and to improve this bill by making it global.

This is not a partisan issue. Jon Kyl and I authored an op-ed yesterday on this issue. We have strong bipartisan support in the United States Senate. The Senate Foreign Relations Committee, the Senate Finance Committee has approved versions of this bill unanimously that includes the global provisions. I don't think it is controversial, and I still hope we will be able to do this.

Let me just address one or two other points as it relates to the Magnitsky legislation. I hear frequently that this is interference with the prerogatives of local governments. And let me tell you something. We want Russia to act. We want countries, where their citizens have violated internationally recognized human rights standards, that they should take action. And if they did take action, there would be no need for us to consider this type of legislation. The problem is that human rights violators in many countries are not held accountable, and that is the reason for this type of legislation.

The Helsinki Accords not only give us a right, but really provides, I think, a responsibility for every country within the OSCE to be able to challenge the rights of other countries that are out of step with their commitments. So we have the international right to challenge what is happening in Russia as it violates their commitments under the Helsinki Accords. This has been well-established from the days that Dante Fascell chaired the U.S. Helsinki Commission, and Steny Hoyer. We have been probably the most vocal country. Our U.S. Helsinki Commission has perhaps been the most open, and it has been not limited to one country. We have been critical of many countries, including the United States when we believe we were out of compliance with responsibilities that we have under the Helsinki Accords.

I also want to point out that we are not alone in wanting this legislation moved forward as far as voices within Russia is concerned. I have heard substantial support, including people who have come to my office to lobby me to get this bill done from citizens within Russia. They have said to me, Russia cannot only do better, must do better for

its own people.

And then lastly, this is appropriate to be considered within the PNTR for Russia. It is appropriate for us, when we are talking about opening up economic opportunities, to look at the human rights records within a country. We did that for Jackson-Vanik, and it is right to do here for the Magnitsky legislation.

What we have done here is basically modernized a human rights tool. The Jackson-Vanik is no longer relevant to today's human rights challenges. Magnitsky is relevant to today's human rights challenges, and it is directed towards the individual rather than a country, but a country can do something about it by holding that individual accountable.

So I hope you will take full advantage of the opportunity to advance human rights not only in Russia, but globally. This is an important moment, and I look forward to the House's action on the Magnitsky bill, and I am very hopeful that the Senate will be able to take this issue up prior to the end of this Congress.

Mr. McGOVERN: Well, thank you very much.

[The statement of Senator Cardin follows:]



*Remarks, As Delivered
November 15, 2012*

CARDIN URGES HOUSE TO ADOPT GLOBAL MAGNITSKY BILL BLOCKING HUMAN RIGHTS PERPETRATORS FROM TRAVEL TO US AND ACCESS TO US BANKING SYSTEM

We should have a more global tool available to advance human rights

Washington, DC – U.S. Senator Ben Cardin (D-MD), a member of the Senate Foreign Relations and Finance Committees, as well as Senate Chairman of the U.S. Helsinki Commission (CSCE) and author of the ***Sergei Magnitsky Rule of Law Accountability Act of 2012***, called on the House of Representatives to fully recognize the power of U.S. leadership globally in deterring human rights abuses and corruption by passing the Senate version of the Magnitsky Act when it approves Permanent Normal Trade Relations (PNTR) for Russia. His remarks came in testimony before the **Tom Lantos Human Rights Commission** on the eve of the three-year anniversary of the death of Sergei Magnitsky, the Russian whistleblower for whom Senator Cardin's bill is named.

The full text of Senator Cardin's testimony, as delivered, follows. Additional comments can be found [here](#), in a joint op-ed Senator Cardin authored with Senator Jon Kyl.

“Chairman McGovern, thank you very much for all of your leadership. It really is a pleasure to be here to talk about the issues and about what is happening in Russia today, and specifically to talk about the Magnitsky legislation. You were critical in the development of the Magnitsky legislation as we worked together, both the House and Senate, to advance this legislation. There were significant interests trying to prevent this discussion, particularly in relationship to the Permanent Normal Trade Relations, and I applaud your leadership on this.

“I should point out that I think my last trip to Russia was with Tom Lantos. It was interesting. He was harassed coming into Russia, so it is an appropriate subject we have today before this Commission.

“I also come in here as the Senate Chair of the Helsinki Commission. I must tell you that I think Russia represents the greatest disappointment of progress that we thought would be taking place over the last two decades. Two decades ago, there was such promise and we were really optimistic of reform in Russia. It’s a critically important country internationally and yet we are extremely disappointed to see the back tracking within Russia as it relates to human rights: the ability to express your views and to associate; for opposition to have an effective voice in criticizing their government; for journalists to be safe and be able to report objectively; and, of course, for whistleblowers to be able to act on information they have in order to bring it to the attention of authorities without fear of being in danger. All of that we have seen as a regression within Russia on protecting human rights. It is an area of major interest where we need to make additional improvements.

“It is very interesting this past week in Baltimore, my home town, we celebrated the 25th anniversary of the Washington March for Soviet Jewry. Natan Sharansky was in Baltimore and Elie Wiesel was there. We had a chance to talk about the ability of the United States through the use of Jackson-Vanik and other tools to put a spotlight on the plight of Soviet Jews and it worked. Policies were changed and people were allowed to leave the former Soviet Union, as a result of the leadership that the United States, exercised during that period of time.

“I think the information concerning Mr. Magnitsky is well known, so I’m not going to go through all the specifics. It has been a major issue of interest to the U.S. Helsinki Commission because it puts a face on the many abuses that were taking place within Russia. But this was the most egregious.

“The facts are very well known about a young lawyer who discovered major corruption in representing his client and he did what was responsible. He brought it to the attention of the authorities and as a result he was arrested, tortured, denied medical care and he died in prison. The third anniversary will take place tomorrow on November 16. Mr. Magnitsky will not be forgotten. Sergei Magnitsky represents what we want to see changed within Russia.

“As a result of that tragedy, after the facts became very well known, you in the House and I in the Senate introduced legislation that I thought made a lot of sense. First, it said look the corrupt officials are doing this in order to enrich themselves. We can deny them the opportunity to keep their money in our country. They don’t want rubles; they want dollars. We can deny them the opportunity to visit our country where many of their family members are taking advantage of our schools and they like to visit.

“These are privileges that we have in the United States, so our legislation was pretty clear. That is for these people that are involved in the death of Mr. Magnitsky and the cover up of Mr. Magnitsky shouldn’t be given the benefits of our country from visiting and using our banking system. It also showed the international community that the United States was prepared to lead. As you know, there are many countries around the world that have followed the U.S. leadership and have considered and passed similar legislation and are prepared to follow the U.S. on this issue.

“I know that the House is prepared to vote on this bill tomorrow and I am very encouraged by that and I strongly support it. I do want to point out why I feel very strongly that we should make this bill global and

that it shouldn't be specific just to Russia. I used by way of comparison what was done by the passage of the Jackson-Vanik law. It was clearly aimed at the Soviet Union -- there is no question about it. That was the country that was denying Jews the right to emigrate. It was clearly motivated and passed because of the Soviet Union. But the Jackson-Vanik law was global; it didn't apply to just one country. It applied to all non-market economy countries. I think we have the precedent to go beyond this one example.

"As it relates beyond Russia, what happens when the next human rights violations occur in another country? Are those perpetrators going to be allowed to visit our country and use our banking system? We should be able to have a more global tool available to advance human rights.

"I need not tell you that human rights violations are not just in Russia. There are other countries that are notorious for their violations of human rights. And, yes, our Secretary of State can take actions on an individual case today. I understand that. It's difficult though. And it's difficult to deny access to our banking system.

"It's difficult to get other countries to act unless we show leadership. SO I would urge us to take advantage of the opportunity we have now and to improve this bill by making it global. This is not a partisan issue. John Kyl and I authored [an op-ed on this issue](#) just yesterday. We have strong bipartisan support in the United States Senate. The Senate Foreign Relations Committee and the Finance Committee have both approved versions of this bill unanimously that include the global provisions. I don't think it's controversial and I still hope we will be able to do this.

"Let me address one or two other points as it relates to the Magnitsky legislation. I hear frequently that this is interference with prerogatives of local governments. Let me tell you something: we want Russia to act. We want countries where their citizens have violated internationally recognized human rights standards that they should take action. And if they did there would be no need for us to consider this type of legislation. The problem is human rights violators in many countries are not held accountable. And that's the reason for this type of legislation. The Helsinki Accords not only give us a right, but really provides a responsibility for every country within the OSCE to be able to challenge the rights of other countries that are out of step with their commitments. So we have the international right to challenge what is happening in Russia as it violates their commitments under the Helsinki Accords.

"This has been well established from the days that Dante Fascell chaired the U.S. Helsinki Commission, and Steny Hoyer. We have been probably the most vocal country. Our U.S. Helsinki Commission has perhaps been the most open. And it's not limited to one country and we have been critical of many countries, including the United States when we believed we were out of compliance with responsibilities that we have under the Helsinki Accord.

"I also want to point out that we are not alone in wanting this legislation to move forward. I've heard substantial support from people who have come specifically to lobby me on this bill, including citizens from Russia. They have said that Russia cannot only do better but it must do better for its own people.

"Lastly, this is appropriate to be considered within the PNTR for Russia. It is appropriate for us when we are talking about opening up our economic opportunities to look at the human rights records within a country. We did that for Jackson-Vanik and its right to do here for the Magnitsky legislation. What we've done here is basically modernize a human rights tool. The Jackson-Vanik is no longer relevant to today's human rights challenges. The Magnitsky rule is relevant to today's human rights challenges and it is directed towards the individual rather than a country. But a country can do something about it by holding its individual citizens accountable.

"I hope you all take full advantage to advance human rights not only in Russia but globally. This is an important moment. I look forward to the House's action on the Magnitsky bill. I am very hopeful that the Senate will be able to take this issue up prior to the end of this Congress."

Mr. McGOVERN: I agree with absolutely everything you said. And as you know, the original bill we introduced here in the House was global in its reach. And I -- you know, I hope we can get there, if not immediately, I would look forward to working with you to get there, because it does make sense to me.

But again, thank you for your leadership on this. I know you have other things to go to, but please know that your lead over in the Senate has been a great inspiration to us over in the House, and we value very much your efforts on this.

Senator CARDIN: Likewise for your leadership. Thank you very much.

Mr. McGOVERN: Thank you. Thank you very much.

Now, if I can call the other panel back up one more time, if that is okay. I just have a few questions, and then we can wrap up here. I know your time is valuable, but I just wanted to get a few things in.

Ms. Corke, you had mentioned -- you talk about the whole USAID flap in Russia, and I just wanted to get you on the record. How do you view the statement by the Russian Foreign Ministry in September of 2012 that USAID was attempting to influence elections in Russia and was improperly carrying out its humanitarian aid programs in the North Caucasus region? And what are the implications of USAID's ouster for Russian civil society groups, and what is your assessment of the U.S. response? You touched on that briefly. And how can the U.S. continue to effectively support Russian civil society groups?

Ms. CORKE: Thank you for that question.

USAID had been in Russia for 20 years supporting a wide variety of groups, a wide variety of civil society actors. The Russian Government's contention that they are meddling in internal affairs -- they signed up to the Helsinki Accords, which means that the protection of rights inside the country is of concern; You know, monitoring the support that was provided, for example, by USAID to Golos to monitor the Russian elections.

There is a need for the -- to have the Russian mind-set changed. The fact that they are holding the government accountable; that they are adding transparency into the system; that civil society is working to have better governance; to have more independent media organizations. These are things that should be welcomed by the Russian Government. The fact that they have a young, prosperous generation that now is more invested and came out to the streets saying that they care about the future of Russia, those are things that the government should be embracing. Instead it decided to clamp down on those things.

As far as what the U.S. support can do now, that is something that will become

increasingly more difficult, and that is why Freedom House is very critical of how quickly that decision went down. The Russian Government effectively said, We would like you out of the country, ceasing programs, by October 1st, and they asked that in mid-September rather than, you know, having this be a public conversation open to public debate, challenging back. USAID is ceasing operations, and the big question will be how to move forward now.

The U.S. Government has said that they will continue support to civil society organizations. I hope that that remains true. The challenge now with all of these other laws, the foreign agent law, how well they would be able to provide assistance to groups, particularly those that we know the Russian Government sees as enemies, those that seek to have accountability for human rights, how well we continue support to those groups.

I know that a variety of different mechanisms are being considered, but with USAID no longer in the country, and the signal that the Russian Government is saying that they are okay with some things, but they are certainly not okay with anything having to do with human rights, it will require sustained focus from the U.S. It will require enormous creativity, or require working with the Europeans and making sure that there is support that is still going to civil society in Russia, including to human rights organizations.

Mr. McGOVERN: Thank you very much. I appreciate that.

Mr. Browder, as you heard me just say, I agree with everything that Senator Cardin just said. I mean, again, our bill was originally global in scope, but it is now narrowed down to Russia. Hopefully we can get it back to global. Whether it is going to be on the Russia PNTR bill or another bill, I am not sure. The important thing is not to hold things up. I think we need to move this process forward.

And I think it is also fair to say that the mere passing of the Magnitsky law, that is not enough. I mean, we need the implementation of that law. And, again, I think one of the first tests is going to be whether or not the administration puts on the list, you know, on the public list, those who are responsible for killing Sergei Magnitsky. I think that would be a powerful statement in and of itself and the fact that the administration is serious about implementing this law.

Again, this is not just about the Magnitsky case. This bill goes a lot wider and broader than that. But it seems to me that that is a very -- that, to me, should be an expected first step, and I think there is bipartisan, I think, consensus that that at a minimum should happen. And we will clarify tomorrow, I think, during the debate and the colloquy what the congressional intent is with regard to the Classified Annex. It is not meant to just hide everything. That is not the intention of the Congress. That will be made clear in the colloquy on the House floor tomorrow. But we want to let the sunshine in a little bit. I think that is good for Russia. It is good for those in the Russian Government who want reform. So I just wanted to put that on the record.

You know, impunity for politically motivated killings is a major problem in Russia. The European Court of Human Rights has heard many individual cases, and, in fact, Mr. Magnitsky's mother filed a complaint with the court last month.

I guess my question is, how do you Russian courts react to the rulings of the European Court of Human Rights? What can be done to professionalize the Russian judiciary? And do you believe the Russian attorneys by and large strive to meet the professional international standards, or do you believe that corruption prevents most courts from effectively implementing legal norms?

Mr. BROWDER: Well, first of all, the European Court for Human Rights is a great institution in concept, but as we looked at seeking justice for Sergei Magnitsky, we said to ourselves, what happens? What is a success at the European Court for Human Rights? And a success at the European Court for Human Rights is somewhere between, at the very minimum, 2 years, and more likely 5 to 7 years, you get to hear your -- your case is adjudicated. During your adjudication you are quite likely to win if you have been abused, because there have been so many positive judgments in favor of plaintiffs. And then when you win, you get a monetary award of maybe 20,000 euros, maybe 50,000 euros at a top end, against the Russian state. The people who committed the crime are not prosecuted, and that is not justice by any measure of -- by any measure. And that is the only sort of court outside of Russia that allows people to get at least some kind of official court judgment.

The courts in Russia have something like a 99.7 percent conviction rate. The judges are absolutely not independent, and there is nothing that one can do to professionalize it if there is no -- essentially no independence of the judiciary system and no rule of law, *per se*. And I don't believe it is changeable unless the people who are running the country are no longer the same people running the country. I don't think it is going to change in the current regime. I don't think one can say, Please, guys, start behaving yourself, and they will say, Oh, okay, I didn't realize I wasn't behaving myself.

The one thing that will make these people change slightly is the consequence of misbehaving, which is why I am so proud to be connected to you in your efforts in making the first real consequence since the Jackson-Vanik Act for people who abuse human rights. That is -- that is something they pay attention to, and they pay attention to it -- well, I think you now have recognized how much they pay attention to it, which is this is the single scariest thing that can happen to them, which is if they are living in a world of absolute impunity, and all of a sudden you create a punishment, they are no longer living in that world of impunity.

Mr. McGOVERN: Just for the record, I mean, I think it is important to state, I mean, those who were involved in Sergei Magnitsky's murder, I mean, have they suffered any consequences? I mean, have they been ostracized? Have they been publicly humiliated? Have they been, you know, fined? Has anything at all happened to these individuals?

Mr. BROWDER: Officially they have been -- so there are 60 people. As of 2 years ago, we came up with a list of 60 people that we presented to the U.S. Helsinki Commission that they vetted who were involved one way or another in either his false arrest, torture, and death, or the crimes that he discovered. And of those 60 people, 59 have been fully exonerated of having committed any crimes in spite of the documentary evidence to the contrary. A number of them have been promoted, and some of them even were awarded special honors.

That is the official response. However, thankfully Russia is an authoritarian state and not a totalitarian state. Not thankfully it is authoritarian, but thankfully it is not totalitarian. And being an authoritarian state, there are little pockets of goodness. You see the pockets of goodness sitting up here on the panel with me today of people who are allowed, or have been allowed up until now, to tell the truth, to say what is going on, to make people aware. And there are pockets of truth and goodness inside the Russian community that are working in the press that tell these stories. And as a result of that, the people who killed Sergei Magnitsky are well known. Everybody knows who they are in Russia, and they are famous in Russia not in a good way; they are famous in a bad way. And thankfully -- and it is because of naming and shaming, because of what you and Senator Cardin did, that they are famous. And because they are famous in a bad way, their lives are changed forever, which is that, you know, their neighbors don't look at them with any respect; their neighbors look at them as who they are.

And so that is the consequence, and that will hopefully continue to be the consequence for Magnitsky's killers and other gross human rights violators if the lists are public, and we can fight for that when this law gets passed.

Mr. McGOVERN: Thank you.

Ms. Lokshina, the European Court of Human Rights has heard many individual cases on Russia's counterterrorist operations in the North Caucasus, and Russia is bound by its judgments. What obstacles, if any, do applicants face in bringing cases before this court, how do Russian courts react to the rulings of the European Court of Human Rights, and to what extent are these rulings implemented? You know, what other options exist for bringing Russian officials involved in human rights violations in the North Caucasus to justice?

Ms. LOKSHINA: Thank you very much for this question. In fact, I would like to emphasize once again that the European Court of Human Rights delivered over 210 rulings on Chechnya cases alone. And out of all of those rulings, not a single one has been fully implemented. The rulings are about cases of enforced disappearances after the judicial altercations, abductions, unlawful deprivation of property, so on and so forth.

What happens in each and every case is that, first and foremost, the court emphasizes the total lack of effective investigation on a domestic level, because before coming to the European Court of Human Rights, the victims and their family members, they

literally knock on every door craving justice. And without any domestic remedy available to them whatsoever, they finally come to Strasbourg, and years later, roughly 5 to 7 years later, like Mr. Browder here says, they get their rulings. But once the ruling is in place, all that they can actually claim from the Russian authorities is the monetary compensation. And it is not the money that they went to Strasbourg for, because there is 30 to 100,000 euros that are essentially awarded as a financial compensation to a mother who lost her son to the enforced disappearance years ago and does not even have the luxury of burying his body is more of an offense. It is basically nothing at all.

And so there is no justice yet, despite the rulings, because even in those cases where it is just absolutely clear and even indicated in relevant judgments by the European courts who the individual perpetrators are, or which particular military or police detachments the individual perpetrators belong with, those perpetrators are not held to account.

Just to give you one example, in the most prominent Strasbourg case on Chechnya, a Russian general clearly gave orders to shoot a prisoner dead not only in the presence of multiple witnesses, but also in presence of a CNN stringer, who actually filmed the whole scene, and it was shown on television time and again. And that still did not enable the Russian authorities to punish the general. In fact, he suffered no sanctions at all.

Mr. McGOVERN: Just one final question for Ms. Tlisova. What is the Russian Government doing to stem the tide of violence in different parts of the North Caucasus? And in what ways might the police and security forces in the region be exacerbating the violence? And what nonmilitary efforts can or should be undertaken to deescalate or diffuse the multiple tensions in the region?

Ms. TLISOVA: As I stated in my testimony, Russian policy in the North Caucasus is mostly based on the military operations and suppression of the situation. There are no military deployments, military troops deployed in the Republic of Dagestan. There are struggles between the police and the -- and other special forces, between the rebels and the Russian security forces. However, the situation doesn't seem to improve. The Russian security forces are successful in a way of killing, identifying and targeting and killing individuals, but it doesn't help the general situation.

There is no window of opportunity for social youth, for local youth, so they are mostly turning to the radicalization. That is one of the main problems for -- as I said in my testimony, there is a very important rule because Russia tries to isolate this region from the rest of the world, and there are countries around Russia, the members of former Soviet Union, now new democracies such as Georgia or the Baltics, that can be -- can serve as windows for this region for educational programs, for professional education for all levels of society. And I think that is where the U.S. can focus its attention and efforts.

Also, I would recommend to focus on the Sochi Olympic Games and all of the events happening around this project, which is a project of personal pride for President

Vladimir Putin. Yesterday I had guests at the Voice of America. They came from Sochi region. They are green activists. Two of their activists are under criminal investigation for working in this green movement, especially in Sochi. So Sochi Olympic Games in terms of security, in terms of human rights violation, in terms of corruption and criminalization of the Olympic Games should be in the center of the attention. Thank you.

Mr. McGOVERN: Well, thank you.

I want to thank all of you for your testimony, and I just want to say for the record, the purpose of the Tom Lantos Human Rights Commission is to focus on the issue of human rights. And sometimes -- and it not always results in making foreign governments feel uncomfortable; sometimes it makes our own government feel uncomfortable.

I think it is correct to say that on the issue of Russia that, you know, there are some even in our own administration who would, you know -- that would try to avoid making any waves, and I understand that impulse. We all want to get along. But when it comes to human rights, when it comes to people being murdered, or tortured, or -- I mean, it just -- you know, people can't stay silent. Governments can't stay silent.

And so, you know, we will continue to hold hearings on this issue again, and again, and again until it no longer -- there isn't any need to. And I hope that is sooner rather than later. And it is because of the work that you have done in providing us information about what is happening on the ground in Russia, because of the information that you have provided us about individual cases, like the case of Sergei Magnitsky, you know, tomorrow we are going to pass a PNTR for Russia bill that has attached to it probably the most significant human rights legislation attached to any trade bill since I have been in Congress, and that is a big deal. Hopefully, we will, you know, pass that in the Senate in an expeditious fashion, and then we can get down to the business of making sure that the administration implements that legislation. And I hope and expect that they will, but there will be bipartisan checks and balances in place to make sure that they do.

You know, this issue doesn't go away because of the passage of the Sergei Magnitsky Accountability Act. The issues that you talked about go well beyond the Magnitsky case, and so there is a lot more for us to do.

But, you know -- but I think I will close by just saying, you know, I really appreciate the work that you are doing, because in some cases you are risking your life. And it is not easy, but it is essential. And, you know, and I always tell people that, you know, put yourself in the place of some of the individuals that you have talked about here today who have been mistreated. If I were in that place, I would hope that there are some people in my country and around the world who would care, care enough to at least notice, but care even more to do something.

And so I appreciate your being here and look forward to working with you in the weeks, months, and years ahead. Thank you very much.

[Whereupon, at 3:41 p.m., the Commission was adjourned.]

[Written testimony of the American Russian-Speaking Association for Civil and Human Rights has been submitted for the record.]

AMERICAN RUSSIAN-SPEAKING ASSOCIATION FOR CIVIL & HUMAN RIGHTS (ARA)

AMEPNKAHCKAF PYCKKOA3b14HAA IIPABO3ALLkHTHAF ACCOLtHALtHA (APIIA)

Respect, fairness, civic participation

*244 Fifth Avenue, Suite 200, New York NY 10001; phone + 1 (212) 726.2082
email headquarters@amrusrights.org, website <http://amrusrights.wordpress.com>*

ADDRESS TO THE HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION
ON HUMAN RIGHTS IN RUSSIA

Honorable Representative Wolf and Representative McGovern,

Distinguished Members of the Tom Lantos Human Rights Commission,

Please accept our greetings on the occasion of this hearing on behalf of many Russian-speaking Americans concerned with the human rights situation in our native country. We are deeply grateful to the Commission for holding this hearing at a very critical time for Russia and all those who care deeply about its future. We also highly appreciate the opportunity to submit a written statement for your record.

We would like to emphasize what we see as a major change in the context of this discussion, compared to a year ago: today, the issue of human rights in Russia and of our government policies in this regard has a clear-cut and well-defined constituency among Russian-speaking Americans — natives of Russia and other former Soviet states. Since December last year, Russian-Americans — along with Russia natives in many European countries and in Israel — clearly expressed their concern with the situation in Russia, by joining numerous rallies of solidarity with Russia's domestic movement for change, signing petitions, blogging and tweeting in support of political prisoners in Russia, and using other means to make their voices heard.

Among Russian-Americans who have been involved in this advocacy, many arrived to the United States over the past decade, having left the country because of the increasingly oppressive character of its present government; and many have their relatives and friends in their native country who are deeply involved in the struggle for change and are frequently under threat of overt or covert repression, of being arrested, or losing their job, or seeing their business taken away from them by government-affiliated interests. The pressure for emigration from Russia is very high among the most educated, professionally successful and politically engaged citizens. The number of Russian natives granted asylum in the United States has grown from 492 in 2009 to 548 in 2010 to 663 in 2011. These trends contribute to developing a stronger and more determined human rights constituency in the Russian-speaking community in the United States.

In recent months, Russian-American rallies of protest against political repression in Russia were held not only in New York and Washington, but also in San Francisco, Boston, Los Angeles, Chicago, and Kansas City. Several community organizations that emerged in the course of these events are now working in

concert to strengthen the voice of human rights advocates in the debate on U.S. Russia policies. Beside our Association, the Russian-American organizations that are involved in this advocacy include: Institute of Modern Russia; Fair Vote for Russia; Spectrum Human Rights Alliance; International Association of Former Soviet Political Prisoners; and others.

These organizations have coalesced around a shared agenda, including our support for the Magnitsky Act, for which various Russian-speaking groups and individuals have been campaigning since the moment of its introduction in Congress. Our communities have reaffirmed their support for this bill by our public awareness campaign directed at congressional candidates in the latest elections. This campaign was conducted by our supporters and affiliates in eleven states. So we are happy and grateful to Members of Congress for moving the bill forward in recent days. Its adoption, which we hope to see before the end of this year, will send a powerful positive message to all those hundreds of thousands of people across Russia who are risking their freedom and safety on a daily basis by their active involvement in the movement for change in Russia. This is particularly important given their increasing vulnerability to repression and the many disappointments that they have faced. One of such disappointments that is widely shared by many Russian activists has been caused by the Radio Liberty abandoning its radio broadcasting. This decision is viewed by many Russian observers as particularly controversial at the time when Russian mass media are becoming even more tightly controlled than before and are not providing the kind of information and analysis that was sought by the Radio Liberty listeners.

We are currently at a juncture that will determine whether Russia's present authorities will respond to domestic and international voices of reason and abandon the course of repressions against their critics, or whether the people of Russia will be forced yet again to live through years if not decades of fear, oppression, and systematic violation of their civil and human rights on a large, possibly on a mass scale. Fortunately, the first of these two possibilities is still there, given the evidence of inconsistencies in the authorities' actions and some internal dissension among the various factions of the establishment. For the sake of fairness, we must note the recent good news in a couple of politically motivated old cases, such as those of Platon Lebedev and Valentin Danilov. This suggests that an optimistic scenario is at least possible. However, there is more evidence to the contrary, and we are primarily concerned with the steadily growing number of political and human rights activists who have been detained, imprisoned, prosecuted on trumped-up charges, or simply harassed over the course of the year.

We are not going to dwell on the widely known facts of increased political persecution of opponents by the present Russian government, the persecution that has markedly intensified since President Putin's return to the Kremlin in May of this year and has for the first time included a kidnapping of a Russian citizen abroad in its repertory. The witnesses at the hearings will undoubtedly cover this terrain in a thorough and professional manner. Instead, we would like to draw your attention to some of the lesser known but systemic violations of civil and human rights of large groups, violations that date back to Soviet era and have not been properly addressed by Russia's post-Soviet governments. These violations shape the wider context of government irresponsibility and impunity that contributes to the present authoritarian trend.

One such issue of major concern to our constituency is the Russian government's refusal to fulfill its pension obligations with regard to its former employees – former Soviet citizens who left Russia before 1992 and are currently living in the United States. This is directly human rights-related, given that Soviet government stripped these people of the citizenship of their native country, together with all financial commitments on its part, including their right to their hard-earned pensions, essentially as a punishment for exercising their right to leave the country. (Since 1992, Russian government abandoned this practice.) Those among former Soviet citizens who are still alive are now elderly immigrants in America, and nearly 80 percent of them live in poverty, as evidenced by the UJA-Federation of NY Jewish Community Study of 2011 (even though it covers only Russian-speaking Jews, evidence suggests that other Russian-speakers are in the same situation). Being able to receive the pensions they earned in Soviet Union would be a great financial relief for many of them. Yet Russia only pays pensions to its current

citizens, and those emigres who pursue the restoration of their Russian citizenship are faced with an insurmountable obstacle, as the Russian government requires them to abandon American citizenship in order to regain their Russian passport, which is, of course, unacceptable to them.

We and our supporters around the country are deeply grateful to the U.S. Government and the Congress for having pursued negotiations with Russia (as well as other post-Soviet governments) on pensions to these former Soviet citizens. We applaud in particular the efforts of Congressman Jerrold Nadler who introduced **The Former Soviet Union State Pension Fairness Act of 2011** (H.R. 2494) and we extend our special appreciation to Congress Members Michael Capuano, Steve Cohen, Michael Grimm, James McGovern, and Robert Turner for co-sponsoring this bill which is currently in the House Foreign Affairs Committee. We respectfully ask the members of the Commission to help move it forward. The adoption of this bill would go a long way in helping to restore human rights and justice to a large group of former Soviet citizens. This, in turn, would have a systemic impact on the overall political climate in the country.

Finally, we thank the Members of the Commission for their care and concern for human rights in Russia and for organizing this hearing. This is extremely important for the people of Russia who are so often deliberately misinformed about U.S. policies in this regard and the extent of the U.S. commitment to human rights principles and values. Our organization and our friends and partners in the Russian-American community have much appreciation and support for the work of the Tom Lantos Commission in this area, and we stand ready to contribute to this discussion as Russia natives, Russia watchers, and as concerned citizens of the United States.

Alexander Bolonkin, Ph.D. and Dmitri Daniel Glinski, Ph.D.,
Co-Chairs of the Board, American Russian-Speaking
Association for Civil & Human Rights, Inc.

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)
Hearing**

Human Rights in Russia

**Thursday, November 15, 2012
2:00 PM– 4:00 PM
Longworth 1300 HOB**

Please join the Tom Lantos Human Rights Commission for a hearing on human rights in Russia.

In May 2012, Vladimir Putin was re-elected president after mass protests over alleged electoral fraud in the December 2011 parliamentary elections. Since that time, the human rights situation in Russia has continued to steadily deteriorate. Anti-government protests have been met with a series of repressive laws restricting freedom of expression and association. Civil society is experiencing a crackdown, while opposition figures and human rights defenders are facing frequent harassment and intimidation. There has been little progress in investigating and prosecuting attacks on journalists and whistleblowers, while violence and impunity in Russia's restive North Caucasus region remain a major problem.

In addition to assessing these systematic human rights abuses in Russia, this hearing will evaluate U.S. policy towards the country.

The following witnesses will testify:

Panel I

- Senator Benjamin L. Cardin

Panel II

- Ms. Susan Corke, Director for Eurasia Programs, Freedom House
- Mr. William Browder, Chief Executive Director, Hermitage Capital Management
- Ms. Tanya Lokshina, Deputy Director, Human Rights Watch (Moscow)
- Ms. Fatima Tlisova, Correspondent, *Voice of America's* Russian Service

If you have any questions, please contact the Tom Lantos Human Rights Commission at 202-225-3599 or tlhrc@mail.house.gov.

James P. McGovern
Member of Congress
Co-Chair, TLHRC

Frank R. Wolf
Member of Congress
Co-Chair, TLHRC