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AND COOPERATION IN EUROPE

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INTRODUCTION

I would like to thank Chairman Cardin, Co-Chairman Hastings, and Members of the Commission for convening this hearing to examine human rights and the rule of law in Russia and the extent to which the policies of Russian President Medvedev represent a genuine break from the growing authoritarianism of the past several years. Human Rights First welcomes the occasion to share our human rights concerns in Russia. We believe that the upcoming summit with Presidents Obama and Medvedev presents an opportunity for engagement between the two countries on these issues as part of an evolving U.S.-Russia relationship.

Human Rights First is a nonprofit, nongovernmental organization that has worked since 1978 to protect and promote fundamental human rights around the world. Since 2002, Human Rights First's Fighting Discrimination Program has sought to reverse the tide of racist, anti-immigrant, anti-Roma, antireligious, homophobic violence and other bias crimes across the fifty-six countries of the Organization for Security and Cooperation in Europe (OSCE). Human Rights First has been particularly concerned by the proliferation of violent hate crimes in Russia and by the inadequate government response to these heinous acts. Human Rights First has also long worked to defend the rights and freedoms of human rights activists and independent journalists in Russia, who have come under increasing pressure from the government and have been subject to violent attacks for which few, if any, perpetrators have been held accountable.

THE U.S.-RUSSIA SUMMIT, JULY 2009

This hearing is particularly timely in light of the upcoming U.S.-Russia Summit in Moscow on July 6-7.

When the two presidents met earlier this year, President Obama said that U.S.-Russia relations would "be guided by the rule of law, respect for fundamental freedoms and human rights." The Summit is an opportunity for the United States to underscore that Russia's respect for human rights and a vibrant civil society is essential to building a strong foundation for better relations between the two countries in the years ahead. Indeed, a more authoritarian Russia would be a less reliable partner for the United States in addressing a range of economic, security, and other issues of mutual interest in this vital relationship. We have urged President Obama to raise our concerns and to seek mechanisms of greater cooperation between our countries on areas of mutual concern, such as policies to combat racist, xenophobic and other violent hate crimes and to strengthen civil society. The recommendations that we have made are discussed in more detail below, and our letter to President Obama is attached to this testimony.

Human Rights First's CEO and Executive Director Elisa Massimino and I will travel to Moscow to participate in a civil society conference on the sidelines of the Summit that includes human rights activists from the United States and Russia. President Obama would

send a strong signal of support for human rights by meeting with Russian activists in the context of this meeting, and reflecting their concerns in contacts with government officials.

We recommend that Helsinki Commission encourage President Obama to set the tone to the new relationship with Russia by raising continuing human rights concerns and seeking ongoing constructive avenues of engagement between the two countries as part of the agenda of the upcoming U.S.-Russia Summit.

THE RULE OF LAW: HATE CRIME ON THE RISE

An important barometer of a government's respect for rule of law is its response to violent crimes motivated by intolerance and discrimination. Russia is experiencing a dramatic upsurge in hate violence to which the government has heretofore had a relatively weak response. Racist and ethnically motivated murders and other violent attacks by neo-Nazi skinhead groups have been steadily on the rise since 2004, increasing by approximately 15 percent each year. A leading NGO monitor in Russia reported 97 bias-motivated murders in 2008, up from 86 in 2007, 64 in 2006, and 47 in 2005. At least 32 such murders have taken place in the first five months of 2009. There have been few prosecutions in these cases.

In an all too representative incident, a 29-year-old Tajik migrant worker, Saidmuhtor Davlatov, was attacked in broad daylight in Saint Petersburg on May 3, 2009. The victim suffered a broken skull and died in a local hospital on May 11 after undergoing surgery. A criminal investigation was opened against unidentified perpetrators for "inflicting bodily harm resulting in the victim's death." A suspected bias motivation was not investigated by the police, despite the fact that on June 2 the authorities received a letter signed by the "national-socialist brigade *White March*," in which the group claimed responsibility for Davlatov's murder and two other recent racially motivated murders in Saint Petersburg, including the murder of a 30-year-old Uzbek migrant worker whose body was found in the city center on March 12, 2009.

Human rights defenders who monitor and engage in advocacy to combat hate crimes are also increasingly under threat. In one recent example, Galina Kozhevnikova, Deputy Director of the SOVA Center, received an email in early February, purportedly from the '*Combat Terror Group*,' which stated that journalists, lawyers and human rights defenders would be targeted for assaults, murders, and beatings in 2009.

The Russian government has made legal and political commitments within the framework of the Council of Europe, the Organization for Security and Cooperation in Europe, and the United Nations to provide protection from such forms of violent discrimination. Yet the government response to the increased violence has been grudging and feeble. Political leaders have begun to recognize neo-Nazi violence as a formal matter, but their calls for action against extremism have been misdirected by law enforcement officials who have focused their

attention on the nonviolent forms of speech prohibited by Russia's deeply flawed legislation on combating extremism, which has been used to silence government critics, rather than on investigating and prosecuting the cases of increasingly brutal violent hate crimes. Although President Medvedev has expressed public concern over the growing problem of extremism, he has yet to define a clear strategy and implement serious measures to combat the violence.

The recent murder at the United States Holocaust Memorial Museum is a stark reminder that our own country also continues to struggle with the scourge of violent hate crime. The United States' commitment to combating this scourge at home and abroad – a commitment demonstrated time and again by the work of the Helsinki Commission – makes our country well-placed to lead by example, sharing best practices and championing bilateral and intergovernmental efforts to stop hate crime. Thus, we have urged President Obama to engage his counterpart on this issue, by:

- ◊ **Expressing concern** about the sharp rise in violent hate crimes in Russia and the inadequate response of the Russian authorities and underscore the common interest of the United States and Russia in combating violent hate crime throughout Europe and North America through developing shared solutions to this important human rights issue.
- ◊ **Encouraging** a regular dialogue between the U.S. Department of Justice and the Russian Interior Ministry and prosecutorial officials to improve responses to hate crime. This dialogue can be supported with programs of technical assistance and other opportunities to exchange experiences and best practices.

FREEDOM OF RELIGION IN THE CONTEXT OF RISING XENOPHOBIA

Virtually every religious community in Russia has been subjected to acts of vandalism and other serious property damage, while individuals associated with religious groups have been targeted for violence. The desecration of graves and cemeteries is a common problem.

While adherents of those religions that are considered to be “traditional” to Russia—Orthodox Christianity, Islam, Judaism, and Buddhism—continue to be victimized by violent ultranationalists (despite the fact that the majority of neo-Nazi groups promote the view of a people united by its ethnic origins and its unitary Church), an increasingly high level of violence is directed toward so-called “nontraditional” religions.

Indeed, this bifurcation by some Russian officials as well as some religious leaders between “traditional” and “nontraditional” religious communities reflects a growing climate of intolerance and discrimination against members of the nontraditional groups, as documented by the State Department and the U.S. Commission on International Religious Freedom, as well as many Russian human rights groups. Harassment and violence against members of minority religions and faith communities in Russia occur in the context of public policies and

pronouncements restricting the freedom of religion of those professing nontraditional faiths. These included often arbitrary and overly burdensome registration requirements, restrictions on building permits for places of worship, formal or informal bans on the rental of places of assembly for religious services, and sporadic public statements by political leaders denouncing minority faiths. In the climate of xenophobia and religious chauvinism to which these policies contribute, members of minority religious congregations are particularly susceptible to threats and physical attacks carried out by private citizens. As with other forms of bias-motivated violence, the authorities have been slow to respond to this violence.

Nontraditional groups are often described by officials, media, and the public as “totalitarian sects.” In official rhetoric against these “new movements” and nontraditional faiths—including Baptists, Roman Catholics, and Pentecostals—public officials have emphasized their “alien” nature and foreign funding, sometimes adding accusations of espionage. The public discourse of hostility toward minority religions, official discrimination that limits the rights of freedom of religion, and the government’s failure to protect religious minorities combines to send a message of intolerance throughout Russian society.

In a particularly troubling development, in February 2009, the Expert Council for Conducting State Religious-Studies was established by the Justice Ministry. It remains to be seen what powers the Council will have, although its primary task is to investigate the activities and doctrines of any registered religious organization, making subsequent recommendations to the Ministry of Justice. However, the Council’s composition and leadership have been the subject of controversy and international scrutiny, as the new body is headed by a prominent “anticult” scholar Alexander Dvorkin and includes several other experts known for their opposition to nontraditional religious minorities.

The United States should continue to engage with the Russian Federation on the matter of freedom of conscience and religion. In the context of the upcoming Summit, the President can address this by:

- ◊ **Encouraging** the Russian government to investigate and prosecute cases of bias-motivated violence against individuals or property associated with religious communities in Russia and to take steps to ensure and affirm publicly Russian constitutional norms guaranteeing freedom of conscience and religion.

HUMAN RIGHTS DEFENDERS AND INDEPENDENT JOURNALISTS

A disturbing pattern of threats and assaults against human rights activists and independent journalists has emerged over the past few years. Perpetrators are rarely if ever brought to justice, and threats against nonviolent government critics of all kinds have escalated.

- On January 19, 2009, Stanislav Markelov—a human rights defender, lawyer, and founder of the Rule of Law Institute—was gunned down in the middle of the afternoon in downtown

Moscow. Anastasia Baburova, a young freelance reporter working for *Novaya Gazeta*, was fatally shot in the same attack. No perpetrators have been brought to justice.

- The October 2006 murder of independent journalist Anna Politkovskaya remains unresolved: after a deeply flawed police investigation, on February 19, 2009, a Moscow court acquitted four men accused of helping to organize the murder. The failure to identify and to bring to justice those responsible for one of the most brazen killings of a journalist and human rights defender has a chilling effect on activists and investigative journalists throughout Russia.

Additionally, the work of both human rights organizations and media outlets has been hampered by the misuse of antiextremist legislation, as law enforcement agencies have sought to unjustly shut down or freeze the operations of various groups under the guise of combating extremism.

In 2009, President Medvedev has made an important goodwill gesture by meeting with the *Novaya Gazeta* editor-in-chief on several occasions, including in the wake of the murder of Anastasia Baburova and Stanislav Markelov, thus showing a willingness to address the issue of attacks against independent journalists and human rights defenders. That important symbolic gesture must be turned into action.

The Obama Administration can support human rights defenders and independent journalists in Russia, by:

- ◊ **Showing support** for Russian human rights and other civil society groups by meeting with them during the U.S. – Russia Summit and, building on previous discussion with President Medvedev in London in April concerning the attack on prominent human rights activist Lev Ponomarev, calling for progress in the investigations into the unsolved murders of and assaults on human rights activists.
- ◊ Beyond the Summit, **demonstrating** support for Russia's independent civil society organizations by engaging in open dialogue with them inside and outside Russia, by providing financial support to independent human rights organizations, and by strongly protesting any attempts to silence them.

CONCLUSION: STRENGTHENING MULTILATERAL COOPERATION

As this Commission well knows, there are important opportunities for the U.S. and Russia to engage on the issues described above in the Organization for Security and Cooperation in Europe (OSCE), as that is the key multilateral institution, involving both the U.S. and Russia, that aims to promote human rights and safeguard basic freedoms. The great virtue of the Helsinki process that developed into today's OSCE is that it combines a broad range of issues of mutual concern, including national security, but also democracy and human rights without prioritizing one set of issues at the expense of another.

Human Rights First has worked closely over the years with the Helsinki Commission to strengthen U.S. support for the OSCE, and in particular its support for initiatives to combat antisemitism and hate crimes. Such support is crucial at this time, as the OSCE is entering a perilous period. Russia has actively been trying to undermine the OSCE's human rights and democracy promotion efforts, and Kazakhstan—an authoritarian country with a poor human rights record—is scheduled to serve as OSCE chair in 2010. Congress and the Obama administration should strive to ensure the continued viability of this important institution.

The U.S.-Russia Summit is an opportunity for President Obama to make clear his administration's support for the OSCE's democracy and human rights promotion work and to call on the Russian government to engage constructively in these efforts.