

DRAFT June 20/09

Testimony to Helsinki Commission  
June 23, 2009

Good morning and thank you for inviting me to speak before you. My name is Musa Klebnikov and I am here to discuss the assassination of my husband Paul Klebnikov, and the subsequent experiences with press freedom and Rule of Law in Russia.

All his professional life Paul was interested in Russia and pursued the truth as a journalist and author. He was highly respected for his bold investigative pieces on oligarchs during the Yeltsin years, and for his books, and many business articles. 5 1/5 years ago Paul was appointed the first editor of Forbes Russia. While this was an enormous challenge, it was exhilarating for Paul as he believed Putin was bringing needed change from the Yeltsin era and that Russian society could be encouraged to find its own roots of civil consciousness and individual responsibility. He did, however, say in his last interview the morning he was killed:

*"It (government) is meddling in absolutely everything it thinks should be meddled in. All too soon, we may begin talking of another danger. Instead of [this danger] being posed by oligarchs, it will be posed by the bureaucratic machinery applying the law as it sees fit."*

Paul's PhD was on Prime Minister Stolypin, a much-admired reformist before the Russian Revolution. With Stolypin and small town American civic responsibility as his inspirations, he wanted to enter public debate in Russia through Forbes and bring those values to the forefront. He also wanted to bring American style journalism to Russia and spent a great deal of time mentoring and training people in: fact checking, source development, style, ethics, and all the other standards we are used to. Journalism is not highly respected in Russia because so often truth is ignored and indeed false articles planted. There are of course many distinguished news

publications, which do adhere to our standards, like Vedomosti, Novaya Gazeta, Forbes, and Newsweek.

Six months into the job, and one day after I was sitting with him and our son in a playground in Moscow enjoying a summer afternoon, Paul was repeatedly shot by a group of hired Chechen hit men. He died stuck in a hospital elevator that broke down. There was much speculation about who ordered the assassination. We do not believe that it was someone from the Forbes 100 list necessarily, nor a rogue government official, but we cannot be sure. What we do know is that the hit men were hired, they are Chechen, they were apprehended, and after a long and expensive case, were released.

In a meeting in September 2005, President Putin informed us that Nukhaev, a Chechen business partner of various oligarchs and a professional criminal, was the one who had ordered the killing. Paul had written a book about Nukhaev called Conversations with a Barbarian. Others speculated that Boris Berezovsky, an oligarch now living in England and also the subject of Paul's book, Godfather of the Kremlin, was also involved. Investigative reporters in Russia believe that government agents, Chechens and Berezovsky could all be involved.

President Putin was greatly disturbed by the assassination and said so publicly several times. He also asked Foreign Minister Lavrov to send me a letter in which he said:

*“that he attaches utmost importance to resolving this crime that we consider to be a direct challenge to the society and its democratic foundations, to such holy values as people’s belief in justice, freedom of mind and speech. You may be confident that everything will be done to ensure that those who have ordered, organized and committed this crime are brought to justice. ”*

The investigative branches apprehended the shooters (but to my knowledge did not pursue the mastermind). The prosecutorial branch brought a case against the hit men. I committed to having a lawyer follow the case in order to be in the courtroom as the trial was

closed to the public. This was expensive and emotionally exhausting for my whole family. The trial had many irregularities and was even appealed to the Supreme Court, but ultimately the defendants were released, with the jury furious with the process. Some have bravely spoken publicly about what exactly transpired. We are trying to find out if there has been any further activity since Medvedev has become president but do not have any information yet. The State Department has taken this case very much to heart and Secretary Clinton and Ambassadors Burns and Beyrle have brought up the question with appropriate officials in the Russian government. I have submitted a summary of the trial for your information.

This brings up the issue of jury trials in Russia. Over the course of the trial we became acquainted with many admirable Russians working in law, and with US DOJ staff working to provide them more skills. The uncertain outcome of jury trials reflects a general reluctance of jurors to accept incomplete evidence. Their dissatisfaction with the irregular proceedings and misrepresentations leads to a high level of acquittals. We experienced a very high level of irregularities and episodes of undue influence from the defendants, as well as undue political influence, which ultimately doomed the trial. Nonetheless, I do believe that it is better to encourage the improvement of Russia's justice system through corrections of its procedural problems than to cynically give up. The general population has to be invested in the rule of law and experience the power of dispensing justice. I have submitted an excellent editorial by Ambassador Bill Burns .

The relationship between Rule of Law and journalism is now absolutely critical to the survival of civil society. Since Paul's assassination an additional 9 journalists have been killed. None of the murders have been solved, and they might have not happened if a different legal climate had been created.

Government control over society has increased. Self-censorship is high in the respectable papers, and TV is no longer considered independent. So while professional ability in the media overall has

improved, investigative journalism is highly limited, especially regarding upper echelons of government. Without stronger rule of law there will just be more and more dead journalists. This winter the Paul Klebnikov Fund, with DOJ invited a group of jurors to visit the US and examine our courts and meet our judges. I spent time with their organizer, an investigative journalist from Novya Gazeta called Nikitinsky. He claims that thuggish brute force often establishes how law is enforced in the provinces, be it by criminals, local rogue military or the official legal establishment. Legal power is not vertical, it is local. Nikitinsky investigates, he writes the truth, many of his colleagues have been murdered. But he continues exposing, organizing jury groups and hoping for a better system.

Journalism needs rule of law supporting it, and vice versa. I believe once the political will is there the Russian legal establishment could attain much better results from its courts. I also believe we should encourage President Medvedev in his Rule of Law initiatives as they really are the greatest hope for reversing the situation.

We are also convinced that supporting moral and courageous members of the Russian judiciary is crucial at this time. The Paul Klebnikov Fund is launching a legal scholar exchange between U.S. and Russian law schools. Scholars will visit each others universities, give lectures, attend classes and do research. The purpose is to provide respect and encouragement for the legal establishment in Russia, and offer scholarly contacts and opportunity for both sides.

A desire to assist in the evolution of rule of law in Russia is not contradicted by the demand for its application in the case of Paul's assassination. Rather, this presents a perfect opportunity for the Russian government to demonstrate that the law is supreme and can work.

I will be in Moscow during the upcoming summit, which happens to coincide with the 5 year anniversary of Paul's death. The family is holding a memorial service and has been told of the possible attendance by Prime Minister Putin and Secretary Clinton. This level

of attention is appropriate during a summit because all should be able to agree that seeking justice in this case could lead to a turning point in Russia.

My own experience is that whenever there has been a Congressional resolution or Committee letter regarding Paul's assassination the Russian government officials pay attention and question me about it.

My request today is that you consider the people of moral conscience in Russia as needing your encouragement and support. One way of showing that support is demanding justice in the case of Paul's assassination, and all the other assassinated journalists. Please send a strong signal to all those who support truth, rule of law and freedom of the press.

Thank you.