

THE PUTIN PATH:  
ARE HUMAN RIGHTS  
IN RETREAT?

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HEARING  
BEFORE THE  
COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE  
ONE HUNDRED SIXTH CONGRESS  
SECOND SESSION

MAY 23, 2000

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# THE PUTIN PATH: ARE HUMAN RIGHTS IN RETREAT?

TUESDAY, MAY 23, 2000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,  
WASHINGTON, DC

The Commission met at 10:30 a.m. in Room 2200, Rayburn House Office Building, the Honorable Christopher H. Smith, Chairman, presiding.

*Commissioners present:* The Honorable Christopher H. Smith, Chairman; the Honorable Ben Nighthorse Campbell, Co-Chairman; the Honorable Steny H. Hoyer, Ranking Member; the Honorable Matt Salmon; the Honorable Tim Hutchinson.

*Witnesses present:* Lt. General William Odom (Ret.), Director of National Security Studies, Hudson Institute; Igor Malashenko, First Deputy Chairman, Media-most, Moscow; Sarah Mendelson, Fletcher School of Law, Tufts University; Rachel Denber, Human Rights Watch; Georgi Derlugian, Northwestern University.

## OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN

Mr. SMITH. The Commission will come to order.

Good morning, ladies and gentlemen, distinguished guests, Members of the Commission. Welcome to this hearing entitled "The Putin Path: Are Human Rights in Retreat?"

This hearing on Russia is one of a series of hearings the Commission has held to examine human rights issues in the participating States of the Organization for Security and Cooperation in Europe (OSCE). The mandate of the Commission is to monitor and encourage compliance with the provisions of the Helsinki Accords and successive documents of the OSCE.

I have noted on previous occasions that Russia is no longer the dictatorial, closed society that it was during the Soviet period, and there are countries around the world where human rights are in much more perilous straits.

I have yet to hear of a working church in Russia being destroyed by bulldozers and wrecking balls, as happened last November in Turkmenistan. We know in China religious believers are under incredible repression, whether they are the Falun Gong, the Catholic Church or the underground religious evangelicals. Nevertheless, religious liberty can be hindered in more subtle ways; for instance, when bureaucrats send police to harass worshipers and refuse to register an organization.

Russia has multi-candidate presidential elections, with viable candidates, unlike the Central Asian states where presidents do not tolerate serious challengers. Nevertheless, how reliable are multi-candidate elections as a gauge of democratic development when the media is intimidated by government pressure and raids?

Under the administration of President Yeltsin, human rights activists achieved significant gains in making respect for human rights, if not a standard, at least a consideration in public policy. There is growing concern, however, that Russia's development in human rights is taking a turn for the worse under recently elected President Vladimir Putin.

The treatment of Radio Liberty journalist Andrei Babitsky and the recent armed raid on the offices of Media-MOST and Russia's independent NTV network are only two of the most brazen and prominent examples of government pressure on media freedom. Further from the international spotlight, local authorities in Russia's regions have been harassing and intimidating journalists who print what displeases the powers-that-be.

I dare say the treatment of Babitsky and the raid on Media-MOST, Moscow seems to signal to the regions that such a policy toward the media is acceptable.

One of the brighter spots of civil society under President Yeltsin was the expansion of NGO activity. Now some more active human rights NGOs in Russia have been told by the authorities that they may not be registered until they remove from their charters the phrase, "the protection of citizens' rights."

According to the legal wisdom behind this demand, only governments can protect human rights. Such a policy clearly contravenes Article Eight of the Helsinki Accords, which confirms the right of the individual both to know and to act upon his rights and duties in this field.

Of course, in some regions of Russia there is no pretense of legality. The region of Krasnodar has managed to acquire an especially negative reputation for its treatment of NGOs. According to a report I recently received, "local human rights activists have been beaten or jailed on bogus charges. The Krasnodar Public Association for the Defense of Human Rights was stripped of its registration and was threatened with liquidation." I have asked the State Department to look into this report.

Another significant area of NGO activity has been in the environmental field. While the Russian Supreme Court was finally vindicating Alexander Nikitin, other environmentalists are being harassed and even jailed by the security services.

Given the state of post-Soviet Russia's environment, one would expect that a government with any interest in the future of its citizens would support legitimate environmental activism, but the Russian security services appear to put paranoia ahead of both people and profits.

In today's *Washington Post* on page A-30, "Putin abolishes Russia's lone environmental agency" makes the news as another step backwards for Russia.

Of course, the carnage in Chechnya continues. The Helsinki Commission was recently visited by a physician from Chechnya who remained at his hospital while the war was raging about him. For trying to save the lives of both Russians and Chechens, both sides tried to kill him.

It is chilling to hear this doctor describe how a Russian spotter plane flew over his clearly marked hospital to take coordinates for the next wave of planes loaded with bombs. It is as if the Geneva Conventions and the Code of Conduct of the OSCE are no more than irrelevant scraps of paper.

Finally, I would mention a recent occurrence which I believe reflects very negatively on Moscow's attitude toward human rights overall. For a 5-day visit, Russia's Defense Ministry hosted the Yugoslav Defense Minister, a man whom the UN War Crimes Tribunal indicted on charges of war crimes.

As a Member State of the UN, Russia is obligated to detain war crime suspects so they can be brought to trial. Instead, Moscow allowed the Defense Minister to leave Russia freely, and later concluded a \$102 million loan agreement for Belgrade. The *New York Times* called these moves a direct slap at Washington. That is the least of the outrage. I happen to believe it's a direct slap at humanity.

These are just a few of the events that have caused concern both inside and outside Russia about the trajectory for human rights and civil society in that country. Ultimately, these events can affect the international community.

Can anyone be sure that there will be no more Chernobyls in Russia's future? Can the Russian Government—can any government, including our own—always be trusted to have the public good in mind?

Who will guard the guards if environmental NGOs are put out of business? What does it mean for business interests in the West if they cannot get an accurate picture of the political situation in Russia because only the media that sings the government's song is allowed to continue?

I want to thank you in advance, unfortunately I have to leave for a series of votes, but our co-chair, Senator Ben Nighthorse Campbell, will take over. Nevertheless, I look forward to hearing your testimony and returning when the votes are over. Senator?

**OPENING STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL,  
CO-CHAIRMAN**

Sen. CAMPBELL. Thank you, Mr. Chairman.

Today's hearing on the eve of President Clinton's first summit meeting with Russia's recently elected President, Vladimir Putin, provides a timely opportunity to assess bilateral relations between the United States and the Russian Federation as well as domestic developments.

Four years to the day after Russian forces entered the Chechen capital, Grozny, in the 1994-96 war, Boris Yeltsin caught many off guard when he announced his resignation as Russia's first democratically elected president. President Putin, a career functionary in the KGB, was suddenly propelled into the presidency, having never before held elected office. Less than 3 months later, he was elected in his own right, riding a popular wave of support for the current war in Chechnya.

Plucked from political obscurity, few facts were known about President Putin; even less was known about his agenda. I recently learned, in fact, that one of his accomplishments was in a sport that I spent many years in when I was a young man, the sport of judo. Clearly, he is a man of considerable tenacity, and he's going to need those skills, because he will be put to the test as he attempts to deal with a series of pressing economic, security and social problems.

His commitments to such core OSCE principles as democracy, human rights and the rule of law are in doubt. He has repeatedly talked about establishing a dictatorship of law. That raises some speculation about what those words mean to the new Russian president.

Recent actions against the independent media are a source of serious concern, as is the conduct of Russian forces in the ongoing war in Chechnya. Ironically, a protracted war there could be the Achilles heel for President Putin as casualties among Russian conscripts go up and so do desertions.

On the economic front, remedy of Russia's ailing economy will require President Putin to quickly get a handle on rampant corruption and continuing capital flight. Following such a path, however, would put the Russian President on a collision course with Russia's modern day robber barons, including some individuals instrumental in his rise to power.

Meanwhile, President Putin is confronted with an aging arsenal of nuclear weapons which represents a further economic drain on Russia's somewhat feeble economy and a likely factor in his personal push for a host of arms controls agreements in the closing months of the Clinton Administration.

We have some interesting and informative speakers today, and we'll go ahead and start with General Odom first, please.

**TESTIMONY OF LT. GENERAL WILLIAM ODOM (RET.),  
DIRECTOR, NATIONAL SECURITY STUDIES,  
HUDSON INSTITUTE**

Gen. ODOM. Thank you very much, Mr. Chairman. It's a pleasure and an honor to testify before this commission again.

I've been asked to address two questions: What is the state of U.S.–Russian relations? What are the prospects for liberal democratic development and effective U.S.–Russian trade relations, the business prospects for us there.

Now my testimony I've already submitted in written form, and I will not read it and go over it today.

Sen. CAMPBELL. Your complete testimony will be included in the record.

Gen. ODOM. I will simply make some major points in a different way, answering the same questions.

Sen. CAMPBELL. That will be fine.

Gen. ODOM. I'll try to be brief and leave time for questions.

I think the answer to both questions is better understood if we look at the nature of the Russian state, and I think it is in a classic weak state syndrome or weak state trap. Let me explain what I mean by that.

The strength of a state is the function of its institutions, its capacity to penetrate all elements of society, to manage the economy, to stabilize property rights, to impose law and order, to provide justice, etcetera.

Russia is caught with the legacies of the old dysfunctional Soviet regime, and there are mere incipient efforts at creating a new set of liberal legal and social and other kinds of institutions.

Now this is a highly dysfunctional kind of state to be in, and it prevents any serious progress toward liberal democracy and civil society in the short run. It leaves the government administratively extremely weak.

The best index of the strength of a state is its capacity to collect direct taxes. To do that, the state has to have all these other instances in place. We see how weak Russia is in that respect. Its ability to collect direct taxes is extremely limited.

Now let me make another point about the weak state trap, and here's where I think Americans misunderstand the Russian situation. The majority of the countries in the world is in this predicament. The majority of the members of the U.N. General Assembly would fit into this category.

Strong states are exceptions, but I think there is an expectation in the West in general, the United States in particular, that this is an aberration in Russia, that it is temporary, that Russia will rectify it in the not distant future, one way or another.

I doubt that seriously. I think that Russia is liable to linger in this predicament for decades. If you just look at the statistical record, states linger in it for scores of years. Some of them have been in it for a century or two. So to expect a quick recovery in Russia in 5 or 10 years is unrealistic in light of what we know about this.

Now if you take this background and you look at the nature of U.S.–Russian relations today, I think a quick way to sum them up is to say that U.S. strategy toward Russia is built on a pair of quid pro quos.

The Administration has provided quids. The first quid, I think, is to assume that Russia is a great power, to treat it like a great power, and to give it a seat at tables where it can participate as if it were a great power.

The second is to make capital assistance through the IMF, the World Bank and other institutions available, to make other kinds of technical assistance, and generally to be helpful in that regard to Russia.

In return, the United States expects constructive behavior from Russia in places like the G7 and its very special relationship with NATO which no other outside country has, in the U.N. Security Council dealings in places like Ethiopia, in settling issues like Kosovo last year, and in how it behaves toward its neighbors in former Soviet Republics.

The second quo this Administration expects from Russia is progress toward liberal democracy. The third quo I think it expects is constructive behavior in U.S.–Russian arms control developments.

Now clearly, Russia is not a great power. It doesn't have the power to play this role. By giving it the positions we've given it, we've tempted the Russian leadership to play a spoiling role, to play a role of making mischief, and we see clearly from many points that Mr. Smith, the



Chairman, read in his opening statement that liberal developments—that is, rights—are in a poor state of affairs and declining in Russia today, not improving.

Increasingly, therefore, it's hard for the Administration to stay on this course, because it is based on very false assumptions about what Russia really can do and what Russia really is doing. Therefore, I think, increasingly, it's going to be a disappointing and a very frustrated kind of development.

Now to the second question, trade: Western businessmen, as a rule, know they face high transaction costs in weak states. The buzzword for them is “emerging markets,” and we know that the emerging markets are risky.

That's extremely true for anybody who invests in Russia. Would you invest in Nigeria? Would you invest in the Congo? Would you invest in Angola? Now these are the comparisons one ought to draw when one starts looking at investment in weak states.

Thus, the general answer is “no,” but does this mean there are no trade prospects or business investment prospects with Russia? No, I don't think so. It means that there are selected ones.

One sector—extractive industries, particularly oil and gas—holds promise for Western investments. A few Western firms are doing well there today, and perhaps will continue to do well. They will have a fight on their hands periodically, but they will do reasonably well, just as they have done well in extracting oil from Nigeria, a weak state, from Angola as a weak state. That sums up what the overall business outlook is in Russia.

Now let me end with two or three important implications about what I've said.

First, I don't think we know what to tell the Russians to do. In fact, I think much of our advice on shock therapy, etc., has made us complicit in domestic politics in Russia. A certain amount of modesty on that front would be more appropriate for us.

It is not true, however, that we don't know what to tell the Russians *not* to do. I think we are obliged to tell them not to abuse their citizens in Chechnya. We are obliged to tell them not to violate media rights and to do similar sorts of things.

At the same time, I doubt that our telling them what not to do will change things very quickly, but at least it absolves us of the moral complicity for the actions of the Putin government.

Let me tell you why I think this is not a trivial matter. The president recently wrote in a piece in *Time* Magazine about the liberation of Grozny. Now that makes you and me as Americans complicit with a Russian military that turned Grozny in the liberation process into a heap of rubble that looked like Stalingrad in 1943.

If that is what the president has really signed us up for, I do not want to be counted among the members who sign up for it, and I don't think most Americans do.

The second point I would make—is that very often members of the Administration and others will say, well, you're saying we shouldn't engage with Russia. I'm not saying that at all. I think that question stated that way implies a confusion between engagement and capitulation.

To tell the Russians the straight facts about what they are doing in Chechnya and other places is engagement, and it's the kind of engagement we should be more vigorous about. We should be less vigorous about supporting what is clearly abuse of our own values and principles in Russia, a support that does not move Russia one whit more toward a liberal democratic development and economic success.

Now let me make a final point. Sadly, there is an illusion in Russia (and, to some degree, here in the West) that the so-called Pinochet model will work in Russia—that, if Putin wields a strong hand, over a period of time Russia will recover, like Chile did, with a strong economy.

I think this is a gross illusion. Let me explain why: Chile had a long history of property rights, courts, other institutions that make markets work. Those were very much in place, and when Pinochet initiated his dictatorship and was ruthless in his destruction of his opposition, he did not mess with those basic institutions during his dictatorship. That allowed the economy to begin to improve. Then he could withdraw, and a liberal regime was able to replace him.

Those kinds of preconditions do not exist in Russia. What is far more likely to happen with a hard line dictatorship in Russia is what happens in most praetorian regimes in Africa, Latin America, and elsewhere: where those institutions don't exist, it just becomes a bigger mess.

If you want to see Russia's future in this regard as oil prices go up and as gas and oil sales bring more money into Russia, look at what that has done to the governments of Nigeria and Angola, is now doing to Venezuela, what dependency on a few mineral exports have done over a century, century and a half, to Peru and other states.

It is not a pretty picture. Russia today faces this danger of being dependent on extractive industry exports as well.

So that, Mr. Chairman, summarizes my comments. Thank you very much.

Sen. CAMPBELL. Thank you, General. Well, one thing is certain: the Russians don't enjoy the background in democratic society as we do. We've had 220 years of practice, and we still make mistakes, and we draw some of our democratic institutions from centuries of culture. Clearly, they are in some deep trouble.

We were in Russia for the OSCE Parliamentary Assembly meeting last year in St. Petersburg, and very frankly, the difficulty that the common Russian has trying to just stay alive and make a living amazed me. It looked to me like corruption was just rampant.

By chance this morning, I had coffee with one of the U.S. Capitol policemen, who recently married a Russian woman, an immigrant from Russia. He just came back yesterday from St. Petersburg, Russia.

This officer told me about his experience there and the fear that is gripping, especially after dark. He couldn't wait to get back here, because he was so worried about the crime on the streets there.

I'll turn to Senator Hutchinson. Do you have time for an opening statement? Can you stay for a little bit?

Sen. HUTCHINSON. Yes. Just go ahead.

Sen. CAMPBELL. Mr. Malashenko, please proceed.

**TESTIMONY OF IGOR MALASHENKO,  
FIRST DEPUTY CHAIRMAN, MEDIA-MOST, MOSCOW**

Mr. MALASHENKO. Thank you very much, Mr. Chairman. I do appreciate an opportunity to testify before the Commission.

As you may know, on May 11 in Moscow heavily armed men in camouflage uniforms and black ski masks raided the offices of Media-MOST, the largest privately owned media company in Russia. There were FSB, Federal Security Service, a successor organization to the Soviet KGB, the General Prosecutor's Office, and Tax Police employees taking part in this raid.

They carted away documents, tapes, computer discs and equipment. Russian officials issued contradictory and unsatisfactory justifications for this raid. Whatever the rationale, however, it is clear that the forces involved in the operation were clearly disproportionate to any declared purpose.

This bizarre and frightening episode was widely reported by the U.S. and international press. In some reports, it was presented as a kind of personal vendetta of some people in Kremlin against media magnate Vladimir Gusinsky, who owns the controlling interest in Media-MOST. However interesting it may be to report on any conflicts or clashes of personalities, the importance of this case lies elsewhere.

Media-MOST is a unique media company in Russia. It is the largest privately owned media group, and it includes NTV, a national TV channel, TNT, a regional TV network, NTV-Plus, which is a pay TV operation, *Segodnya* newspaper, *Itogi* weekly magazine published in cooperation with *Newsweek*, Echo of Moscow radio station and other media outlets.

These are widely recognized as among the leading news organizations in Russia. In these organizations work many of the best reporters and commentators in Russia. They have written on news no other media outlets have reported on, and they are thoroughly professional.

For many months the Kremlin, both under President Yeltsin and now President Putin, has not made much effort to conceal how infuriated it was by the objective and penetrating reporting provided by journalists of Media-MOST on such issues as the war in Chechnya, on high level corruption, and the questionable activities of the FSB.

There is little doubt that the demonstration of force which occurred on May 11 was intended, on one hand, as a vengeance, as punishment for material already published or aired on television programs and, on the other, as an act of intimidation to prevent further investigative reporting by the media not only in Moscow but all over the country.

As with many acts of intimidation, this one was directed not only against its immediate target, Media-MOST, but also against other media which are not yet controlled by the Kremlin or by its proxy "oligarches," as they are known in Russia. It is well known that in Soviet era journalists were not only censored by authorities but also censored themselves.

The attacks on Media-MOST and other Russian media are intended to intimidate publishers and journalists and to make them to self-censor themselves again. What is going on in Moscow is just the tip of an iceberg of attacks on freedom of the press all over the country.

There are very few independent sources of information left in Russia, as Russian authorities, both in Moscow and in the regions, for years have been pursuing policies which aim at putting newspapers, TV and radio stations under their direct control.

The raid on Media-MOST is a signal to the governors of Russian regions, politicians who normally show even less respect to freedom of the press than officials in Moscow, that they have a green light to intimidate their local press. Media-MOST has a number of affiliated news organizations in the Russian regions, and some of them have already been harassed by local authorities.

The raid on Media-MOST also has broader implications. However important the freedom of the press issue is, as I say, it's also a broader issue. In fact, it speaks volumes about the kind of new Kremlin policies we can expect not only toward Russian media but also toward any businesses in Russia.

It's amazing what some Russian officials are saying. Probably they do not fully understand what they are saying. They say, okay, it's not a freedom of the press issue; news organizations were not directly attacked. It's just one of the Russian businesses, and it is treated as any Russian business.

In other words, they consider it as a normal practice of how to treat any business in Russia. This raid on Media-MOST was not the first time that armed government agents have burst into business establishments. The deployment of armed government agents is widely used in Russia to solve legal disputes or to change managers or even owners of some lucrative businesses.

For example, a few months ago dozens of government agents were used to remove the CEO of Transneft, the largest oil transporting company in Russia, and bring in a new manager who was more acceptable to the Kremlin. This incident was widely reported because it took place in downtown Moscow. However, the use of force against businesses has become so common that most of such cases, particularly in the regions, simply go unreported by the national press and also, of course, by the international press.

Western companies are also not immune from this kind of treatment, as it was demonstrated, for example, by the harassment of Johnson & Johnson by the tax police in 1998. President Putin promised in his inauguration speech to establish a dictatorship of law in Russia, as it was already quoted in this room. Unfortunately, after the raid on Media-MOST, it looks like the Kremlin intends to rely more on the arbitrary and disproportionate use of force rather than the use of law.

Only after criticism in Russia and abroad of the raid on Media-MOST, President Putin's press office issued a statement which said that Mr. Putin is "convinced that the freedoms of speech and of mass media are basic values." However, all too often Russian politicians pay only lip service to democratic values but disregard them in their actions.

As we know, both Mr. Putin and some of his aides spent many years in the Soviet KGB or Russian FSB, and we can hardly regard these organizations as strongholds of democratic values.

Earlier this year, Andrei Babitsky, the Radio Liberty reporter who broadcasted critical stories about Russian forces in Chechnya, was *in reality* taken hostage by Russian security services, abused by them

and treated as a criminal. To intimidate the press covering the war in Chechnya, Russian Ministry of Press issued formal warnings to two newspapers, namely *Kommersant Daily* and *Novaya Gazeta*, and just a week ago ministry officials said that Radio Liberty should have its license pulled in Russia, because its broadcasts, particularly on Chechnya, are hostile to the state.

After the attack on Media-MOST, Russian Press Minister Mikhail Lesin, who is believed to have taken part in planning the raid, declared that press freedoms were not endangered. Earlier, Mr. Lesin defined his main goal as to protect the state from the media. I find this statement bizarre, because the state has no reason to be protected against a free press.

On the contrary, in our view, the best protection a democratic society can have is a free press. However, there is an alarming trend here as the Russian Press Ministry is being transformed into a weird combination of an Orwellian Ministry of Truth and private media company, as the minister himself has extensive business interests.

Freedom of press is a very new phenomenon in Russia. It is also the first target for those Russian officials who consider democratic values and institutions a nuisance and would like to reverse democratic reforms in Russia. Their goal is to establish a more authoritarian regime to control both political life and major economic assets of the nation.

This goal, however, is incompatible both with the requirements of functioning democracy and the long term interests of Russia's economic growth, as it inhibits the further development of a market based economy.

In the end, Russia's problems should be managed by Russians themselves. After all, it is up to us, to all Russians, to decide whether we would like to live in a modern society, enjoying freedom of the press among other freedoms, or would accept political authoritarianism and crony capitalism.

Still, today's Russia is not an isolated nation. For too long there was an iron curtain between Russia and the West. After the fall of Communism, we earned the right to be included in the ranks of democratic nations.

Ongoing dialogue between Russian and Western leaders should be used to remind the Kremlin that adherence to democratic principles, as stated in the Helsinki Accords and other documents, cannot be considered the domestic affair of any nation. These are subjects of universal concern.

Perhaps new Russian leaders do not fully appreciate that for the outside world the treatment of the free press is one of the most important indicators of not only the direction in which Russia is heading domestically, but also of its future policies toward its neighbors and toward the West.

I also have no doubt that the democratic ideals of the Western community and the long term interests of the Russian people coincide. There are many Russians, myself included, who welcome international support of these principles in my country.

One U.S. politician once said, "This is my country, right or wrong. If right, keep it right. If wrong, put it right." Both myself and my colleagues in Media-MOST want a strong, united Russia. We also want

a free, democratic Russia. We do believe that an independent press furthers all these goals, and we do hope that the new leaders of Russia will come to understand it as well.

Thank you very much. I appreciate your attention.

Sen. CAMPBELL. Thank you. General Odom, thank you also. Before I ask some questions, Senator, do you have an opening statement?

Sen. HUTCHINSON. No. I have some questions.

Sen. CAMPBELL. All right. I'll start with a few questions. You both dealt quite a bit with the corruption.

By the way, as you probably know, last year we did have a resolution that was passed by the OSCE Parliamentary Assembly to try to encourage countries to have transparency in government and to combat corruption and organized crime. In fact, I offered it at The St. Petersburg meeting, and I was happy to see they accepted it.

There has been much talk about corruption in Russia but not very much about corruption in the military. You touched a little bit on the military, General Odom. Could you address corruption in the Russian military and perhaps deal with security implications?

Gen. ODOM. As far as I know the details of it, the—

Sen. CAMPBELL. Talking about our security, obviously. If there is corruption in the Russian military, as there is in the civilian sector, does that pose any threat to our country?

Gen. ODOM. I don't think it imposes a direct military threat to us. In fact, I think there is a tendency to overrate this problem from our viewpoint. I think from the Russian viewpoint it's very serious internally.

There is, of course, a concern of nuclear proliferation and perhaps other weapons of mass destruction that could occur through that kind of corruption and weak administrative capacity within the Russian military.

Sen. CAMPBELL. We spent over \$3 billion in a cooperative threat reduction program with Russia. Could you give us an assessment on the impact of that spending? Has it been working?

Gen. ODOM. My impression is that in selected cases where sponsors of that legislation in the U.S. Congress have gone and looked at it. They have seen some positive results.

My impression overall is that it probably doesn't come out positively. I think it's a sad situation where good intentions really can't be realized because of the administrative incapacity of the Russians to carry through on this, and this goes back to the points I made in my opening statement about Russia being a weak state.

We may want to help the Russians a great deal on some of these things, but I think it's really beyond our means to do it. In fact, money given that way may have precisely the opposite effect. It probably has, occasionally, increased the level of corruption.

I've talked to some people who have been involved in implementing this program who will tell me examples of dealing directly with Russian officers or Russian civilian officials. They make a proposal to them. It's very much in their interest and brings money with it; and they don't want to accept it. They want to take the money and do nothing.

Sen. CAMPBELL. We don't have a very good method of monitoring how it's used or if whether some is being gleaned off and put in Swiss accounts.

Gen. ODOM. Exactly. While I've always shared the sentiments that Senator Lugar and Senator Nunn expressed when they appropriated that money originally, but I've been increasingly skeptical that the money could be made truly effective.

Sen. CAMPBELL. As I understand your testimony, Mr. Malashenko, is there anything—In the United States we have laws dealing with conflict of interest, and it's very strict when you are elected to public office.

Is there something along these lines in Russia or is that pretty widespread that are elected officials can also have business interests that they oversee from their elected position?

Mr. MALASHENKO. Well, theoretically, of course, it is not acceptable, but the law which we have—it's very difficult to apply it to real cases, because it's a very broad statement, I would say. It's not a real legal procedure. So it is—

Sen. CAMPBELL. They have no internal body like here in the Senate and the House? We have ethics committees that evaluate us if there are charges made about conflict of interest.

Mr. MALASHENKO. Well, I am not aware about any such body in Russian Government, and it is a rather common practice among members of Russian executive authority, those kinds of conflicts of interest.

The case I quoted of the Russian Press Minister is probably one of the bizarre cases, because he was, and widely believed that he still is, a shareholder in the largest Russian advertising agency. So he is directly interested in the situation on the Russian media market, and he acts respectively.

So, unfortunately, the profit-loss are not there, and it's a pressing necessity for them to be introduced. I do consider it to be a priority.

Sen. CAMPBELL. President Putin inherited many people that had been with the former Yeltsin administration. He has retained many same officials in his administration that were arguably not honest when they were with the Yeltsin Administration.

What chance does President Putin have, or how is he going to be capable of combating corruption if he inherited some of the same people who were corrupt in the former Administration?

Mr. MALASHENKO. From my point of view, with the current government and Presidential administration, he is not capable of doing so. His situation is very simple. A year ago he was not even thinking to become a President of Russia. He does not have a team. He does not have a list of would-be appointees to change a few dozens or hundreds of officials.

So he relies heavily on the old people, and we should keep in mind that they were instrumental in bringing him to power. It's one reason to keep those people. So it's a widespread perception in Russia that it will take months, if not years, for Mr. Putin to introduce a new team, if he wishes to do so.

Sen. CAMPBELL. When we were in St. Petersburg, I was interested in your comments about the difficulty of American businesses and the—I know Russia, like many countries, are looking for American investment. When we were in St. Petersburg, we met with representatives of Johnson & Johnson, Gillette and McDonnell Douglas and several other large American corporations and asked them about the difficulties they faced when they were trying to extend or establish

markets in Russia. They underscored the considerable difficulty they had in the court system because there doesn't seem to be a court of appeals like we have.

They described how you can get two different judgments from two different courts. So I guess you pick the one you want or don't abide by the one you don't like. They also had endless processes of issuance of permits. For instance, if you wanted to build something, they would go through the permitting process only to find out after they finished they had to go through some other process administered by another level of government or a different group of government officials that had nothing to do with the first group.

Several of us also met with the St. Petersburg Chamber of Commerce. They were, of course, very interested in attracting American investment, too.

They asked us how they would go about doing that. I told them, as a member of this body, that it would be very difficult without stable government, without the rule of law to ask American investors to come in and take a chance, take that risk with their money.

I know some have had some success in Russia, while others are rethinking their decision. Are there any financial disclosure laws in Russia today for elected officials?

Mr. MALASHENKO. Yes. There is a law on financial disclosure. For example, members of Russian Parliament should fully disclose their financial situation before being elected. Unfortunately, the enforcement of this law is not particularly efficient.

For example, some very rich Russian businessmen were elected to Duma, which is the lower chamber of the Parliament, but the information they presented simply made many people laugh; because it clearly had nothing to do with their real financial situation.

As far as I know, there is no legal investigation of such cases and, unfortunately, to a large extent, it simply remains on paper where it exists.

Sen. CAMPBELL. We have been joined by Matt Salmon. So why don't you go ahead, Senator Hutchinson. I'll pursue my questions later.

Sen. HUTCHINSON. Thanks, Senator Campbell. First, thank you for your excellent statements and your participation today.

Gen. Odom, I want to particularly associate myself with your definition and your comments on the definition of engagement. I couldn't remember exactly what you said. So I looked up your written comments, and you said, "Some administration officials argue that to condemn these Russian actions is to refuse to engage with Russia. How can we not engage, they ask. This question confuses engagement with capitulation. Taking Moscow to task for its brutality," and you give several examples, "is engagement."

Well, I think that's exactly right, and we need to have that understanding of engagement in not only our relationship with Russia but with China and many other places where we want to engage, but our engagement too often becomes capitulation.

You spoke very eloquently about our moral complicity if we are silent or, in fact, the complicity we may encourage by our policies. So if you would expand upon the idea of our voice and what influence we have. What leverage do we have in improving the rule of law, human rights, those basic values that we cherish as Americans?



Gen. ODOM. Unfortunately, I don't think we have much leverage. I think, even if we engage the way I'm talking about, we cannot expect much change to occur quickly in Russia.

I think it's more important or equally important, besides engaging this way, to begin to treat Russia as the power it really is. It's not a major power. It should not have a say in what we do in Yugoslavia, for example. It should not be tempted with these opportunities to create mischief.

The idea that Russia, with its financial and economic messes, participates in the G-7 borders on the comical. Participation there also encourages illusions and misbehavior on the part of Russians. We can be more clear without being anti-Russian or reviving the Cold War.

We really need to be factual with them in the sense that I expressed in my opening statement and that Mr. Malashenko expressed at the end of his statement. I was delighted to hear him say that finally these Russians are going to have to fix their own problems. We've had a policy based on thinking that we could fix them by ventriloquy.

I don't think we can, and we will have to live with many failures in Russia for a long time, but if we maintain our positions and maintain our standards on this, there will always be liberals in Russia who can point to them usefully, and they have traditionally done that. They have traditionally looked to the West to stand up for these standards.

I've had a number of Russian friends say, particularly during the first war in Chechnya, where are you Americans? You were with us during the Cold War and the Soviet period. You won't stand up against these abuses today.

I don't expect any kind of magic change from us taking these positions; but we have to be modest about what we can and can't do; and because we can't change it overnight, I don't think we ought to not do what is morally correct.

Sen. HUTCHINSON. One thing you mentioned in your answer was our perception—how we deal with Russia today—treating them as a power that they may not be militarily or economically.

I just came from a hearing on the Senate side of the Armed Services Committee that dealt with our nuclear deterrent and, particularly, about the upcoming summit between President Clinton and Putin. There has been much talk about a grand compromise and some a START III agreement that might lower the numbers of nuclear weapons.

I think the Russians have talked about reductions even to 1500. My understanding of the Russian military is that their nuclear arsenal is deteriorating and that those numbers are going down on the Russian side anyway, whether there is an agreement or not. Therefore, I question the logic or the self-interest in making an agreement, a START III agreement, with Russia as the centerpiece, as if to ignore the growing threats in Asia with North Korea and China and other rogue nations.

What do you see as any kind of other implications or impact that such a last minute agreement between this Administration and the new Russian Administration on lowering those numbers would have?

Gen. ODOM. It would be unfortunate. Your assessment of what's happening with the Russian arsenal is right, and I think our making arms control a centerpiece of relations with Russia today is to engage in Cold War thinking.

That arms control framework was designed for a period when we were hostile to one another. I do not think we need a very high level of nuclear weapons, and I think we should reduce our own weapons, and I think we should invest a lot more money in cleaning up some of our contaminated production facilities.

I don't see any reason to negotiate this with the Russians. In fact, I think the reason you've seen Putin suddenly turn to the arms control card and the reason why the Duma in Russia has supported him is that they see arms control negotiations as another opportunity to make mischief and embarrass the U.S.

They clearly, I don't think, would not have supported, or rather, ratified the Comprehensive Test Ban Treaty if they thought it would actually come into effect. They are doing it largely to embarrass the United States vis-a-vis its allies and others for failing to ratify it. I think they want to begin START III negotiations, because that's a forum which lends them status that their power really doesn't justify.

As I said earlier, there's a lot of Cold War thinking in the arms control framework. Some people may think that's a strange view, but these same people encourage us not to engage in Cold War thinking about other aspects of our dealings with Russia. Well, I would encourage such people to follow their own advice regarding arms control.

I don't think we should have the "single integrated operations plan" for nuclear weapons targeted on Russia. I think that's unwise, and we should just dismantle it unilaterally and not make a big deal of it.

Sen. HUTCHINSON. I agree virtually with everything you said. I have some questions, but I don't want—I know Congressman Salmon is ready, but I do want to—Before I have to leave, I wanted to ask the panel: Back when the law on freedom of conscience and religious associations was being debated in the Russian Duma, there were many of us who spoke out, wrote letters, lobbied, to no effect, obviously.

Has that 1997 law—How has it been used by local officials? Has there been harassment of minority religious faiths or attempts to deregister organizations or the seizure of property or any of the kinds of abuses that many of us were concerned about with the broad, far reaching law on freedom of conscience and religious associations?

Gen. ODOM. I only have hearsay, impressionistic evidence that, yes, there is a lot of harassment. Mr. Malashenko probably is in a better position to report direct evidence on treatment of various religious groups.

Mr. MALASHENKO. Yes. I can make a general observation. There is a process of deregistration of many NGOs, and it has been a problem recently for many of them, because it's clearly a part of practices or policies of Russian authorities to decrease their number.

We find it very disturbing, because we are talking basically about elements of civil society, which I just mentioned, and actually it puts them on retreat.

I will say that from my opinion, we were very much more concerned in '97 when this law was discussed. Fortunately, because of much criticism, I wouldn't say that practices at the moment are as bad as we expected 3 years ago.

The important thing is that they vary greatly from region to region, that there is no universal pattern all over Russia. We have some governors who are particularly tough on all kinds of NGOs, and more liberal governors, and the situation is much better in certain regions of the country.

Sen. HUTCHINSON. That's very helpful, and I think your answer emphasizes the value in us using our voice in the United States, that part of the mitigation of the expected utilization of this law has been because of international pressure.

Mr. MALASHENKO. Yes, I do believe that probably the kind of exposure was very instrumental in this respect, and this law was changed and practices are quite different.

Sen. HUTCHINSON. Well, I will just close and yield my time. But Mr. Malashenko, I think your comment that Russia must solve Russia's problems or fix it is exactly true, but General Odom's point, there's a balance here, that we become morally complicit if we don't speak out.

These kinds of hearings are helpful, Mr. Chairman, in doing exactly that. To the extent that any nation is somewhat responsive and sensitive to international pressure and international human rights norms, we need to certainly continue to keep the spotlight on that and focus upon it and, hopefully, it will be helpful.

Mr. SMITH. Thank you, Senator.

We are joined by our very distinguished colleague and member of the International Relations Committee. He was Chairman. Then I was his ranking. I was Chairman; he was my ranking in given years, Tom Lantos, who has been a real tireless defender of human rights overseas, especially in Eastern Europe and in what is now the former Soviet Union. So I want to welcome our friend and colleague and yield to him for any comments he might have.

#### OPENING STATEMENT OF HON. TOM LANTOS

Mr. LANTOS. Thank you very much, Mr. Chairman. Delighted to be here with my old friend, Senator Campbell, and my good friend, Congressman Salmon.

There are a few observations I'd like to make, Mr. Chairman, on the topic the Putin Path: Are Human Rights in Retreat, which is the title of this hearing.

In democratic societies we have grown accustomed, naively, to having pleasant alternatives. In other societies, we have excruciating choices and, clearly, with respect to Russia, we are now witnessing one of those excruciating choices.

We had the chaos and the instability of the Yeltsin era with all of its flaws that are so familiar to all of us, and we are now moving into an era of structure and order, but at what price?

I suggest, Mr. Chairman, that the price is enormous. If we are to even begin to understand the price, we have to look at the background of Mr. Putin himself. This is a man who volunteered for the KGB. This is a man who has throughout his career demonstrated a very high degree of intelligence and a determination to get things done.

I suspect one must have some sympathy for him at the outset, because clearly some order must be brought to the chaotic conditions of Russia, and Mr. Putin believes that he is the one to do so. But I think the price is appearing to be excessive, and I'd like to talk about a few aspects of that price.

The question that you pose, "Are human rights in retreat?" can be answered without any doubt and any hesitation. Human rights are very much in retreat. Religious freedom is very much in retreat, but most importantly, freedom of the press is very much in retreat.

It would have been very naive of any of us to expect that a man who volunteered for the KGB—if there is one thing the KGB has been unwilling to tolerate, it has been dissent—will welcome and free and active and open and probing media. There is nothing a leader who has been brought up in a totalitarian tradition detests more than free media, and nothing is more critical for the building of a democratic Russia than is free media.

So I suspect the people who naively ask if Putin knew about the attack on the headquarters of Media-MOST, or if he approved it—he obviously did. Moreover, he obviously did even the physical paraphernalia involved, because this was an attempt at blatant intimidation of all free media and all dissent.

What Putin has in mind is already clear. He is impressed by the Chinese model. He is impressed by the Pinochet model. He is impressed by all models which allow some degree of economic development under conditions of stability, predictability at any price in terms of political freedom or media freedom.

I think our government is in a rather difficult position to deal with Mr. Putin. At the present moment our government is engaged in a gigantic effort to make China acceptable to the American people. The effort that is ongoing today and tomorrow is too well known for all of us for me to comment on.

Without getting into the debate, I would merely like to state the obvious. If Putin looks at our government's and our business community's approach to China where, of course, freedoms are infinitely less present than they are in Russia—Russia has some electoral freedom; Russia has some press freedom; Russia has some freedom of religion.

If you contrast that with the ruthless oppression of all these freedoms in China, yet this historically remarkable attempt to paint China as utterly acceptable, Putin really has very little to worry about. All he has to do is to read the speeches of our leading political figures in both political parties, to look at the reaction of the business community, to lack of press freedom, religious freedom, any kind of freedom in China, and he, of course, is utterly reassured that, as long as he will provide stability in Russia, the American attitude will be a very positive one.

Now those of us who place greater importance on these freedoms have a different opinion, apparently, than others do: in fact, if you look carefully at recent actions of the Putin regime, for instance, the invitation to the Yugoslav Defense Minister, a war criminal whom they should have arrested and turned to the international tribunal at The Hague. Instead, in point of fact, they greeted him as a high-level international visitor much appreciated by the Putin government; he went home with \$102 million in Russian loans to Milosevic and with \$32 million in oil.

It's quite clear that Putin's approach is a very self-assured, arrogant and provocative approach.

He is opening up the channels to Iran, making Iran an even more dangerous state in terms of weapons of mass destruction. His refusal to abide by the arms embargo on Ethiopia—all of these items accepted by the international community, all of these items advocated by the United States—clearly indicate that he has measured our probable response very accurately.

Some speeches will be given in the halls of Congress. Some hearings will be held such as this one. Nevertheless, basically, the American governmental and business attitude will be extremely supportive of Putin. Putin has gauged our reaction with remarkable accuracy.

In fact, while the attack on Media-MOST was an attack on a media enterprise, the outrageous treatment of the Russian journalist Babitsky was a human outrage. This journalist was attempting to report accurately on the crimes in Chechnya, and as his reward he was arrested, traded, physically mistreated, and his freedom is still not assured.

Putin exhibits all of the characteristics of would-be dictators, revenge and intimidation. He talks about the dictatorship of the law. He talks about the state being above the law. I find it particularly noteworthy, Mr. Chairman, that the contract murder of one of Russia's most impressive democratic and liberal political figures, a woman, Galina Starovoitova, in St. Petersburg which took place in November '98, has not yet been solved.

I have difficulty visualizing the KGB not being able to solve a contract murder of a political figure in 2 years. I believe, Mr. Chairman, we have to remember the old saying of the Soviet period when the workers said they pretend to pay us, and we pretend to work.

We now have another double pretense. We pretend that Russia is a liberal democracy, that Russia is a great power on this planet. They include it in the G-7, which is now the G-8, when in point of fact neither economically nor in any other sense except, of course, in terms of its nuclear capability is Russia a great power, and it certainly is not a liberal democracy.

I have tremendous affection and admiration for the Russian people. I first visited Russia in 1956, and I have been back countless times. There are no more people who have been as long suffering, as talented, as decent as the Russian people, and they will now have to put up with the Putin era, which I predict may last a quarter century or longer.

If anybody really believes that Mr. Putin is eagerly looking forward to the next elections to peacefully relinquish his position of power, then I have a bridge that I would like to sell that person.

We are destined to live with this man. It is very important that we try to build relationships with him. Nevertheless, I think it's equally important that we do so with our eyes open and without restraint with respect to our criticism of what Russia is doing.

What happened to Media-MOST was an outrage. If you would assume CBS or NBC or CNN headquarters being attacked by masked people with assault weapons in broad daylight, you would think you are living in a different world in a different country. Well, Russia today is a different world. It is a different country.

It is extremely critical that we are not deluded by our hopes for Russian democracy. I certainly share those hopes; the reality of a Russian democracy is a long way off. When Mr. Clinton goes there in a few days, there is nothing more important for the president to do than to make clear to Mr. Putin that free press is the cornerstone of a free society. As Mr. Malashenko has indicated, Russians will have to solve their problems. However, they can't solve their problems if the voice of free media will be silenced.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Lantos, thank you very much for your very wise and incisive commentary today, and I certainly share your view, and I do appreciate you testifying today.

I'd like to yield to Mr. Salmon.

Mr. SALMON. Thank you very much. I'd like to apologize, first, for being late to the meeting. All of us on the House side were vulnerable to Murphy's Law today: if anything can go wrong, it will. We had three votes that were called right at the very time that this hearing was supposed to begin.

I'd like to thank both Chairman Smith and Co-Chairman Campbell for putting this hearing together. I know that all four of us at the dais were in St. Petersburg about a year ago, and we actually met with a staffer of the murdered politician that you spoke of. He was also, as you might remember, shot and left for dead and was very fearful of the situation that he was in.

We also learned while we were there of a terrible slave trade that now occurs in Russia where children are being sold from orphanages into prostitution, and it's another very frustrating and terrible thing that's happening in Russia. Last week we passed a vote, Chairman Smith has reminded me, dealing with this slave trading issue.

We are here yet with another problem. Congressman Lantos has said—I almost said Chairman. Maybe that's a prophecy of things to come. But Congressman Lantos talked a little about some religious freedom issues that have caused great concern and consternation here among those of us in Congress, but I think not only of those of us in Congress but the entire American public; because that was the premise that our government was founded upon. It was the most basic right in the Bill of Rights, the freedom to believe according to the dictates of one's conscience.

As Congressman Lantos has pointed out, in a truly free society there is a system of checks and balances, and the one check and balance that we have in this country that is a constant that always keeps us all on our toes to make sure that we are not doing things that are counter to the benefit of the American public is the press.

The freedom of the press is something that we hold very dearly in this country. I am frustrated that now we have a President in Russia who talks the talk, but he doesn't walk the walk.

I do have a question for you first, Mr. Malashenko. Following the raid on the Media-MOST office and NTV Television, President Putin made a statement defending freedom of the press.

Evgeny Kiselyov, the anchor man of NTV's Itogi program, said he believed there were two Putins, on the one side a leader who spoke the language of reform for the benefit of foreign leaders and journalists, and on the other for domestic consumption the tough KGB operative who would brook no dissent.

How would you assess Mr. Putin's foreign and domestic statements and policies?

Mr. MALASHENKO. Traditionally, Soviet and Russian leaders are very cynical about values. They do not think that democratic values are for real. So they are ready to pay lip service to those values, but they act on entirely different assumptions.

Unfortunately, I do not think that Mr. Putin is an exception. His press office makes statements supporting freedom of the press, but we discussed some real actions. My perception of Mr. Putin is simple. Now it's a formative time for him, because he was not qualified to become the president a few months ago, and very quickly he tried to define himself as a president.

Unfortunately, his attitude toward values reinforced by his world view, I would say, because I have no doubt that Mr. Putin and his aides perceive, actually, Western leaders as equally cynical people who do not believe much in values but have to pay lip service because they have all this free press behind them, public opinion, reelection and so on and so forth; and when they listen to Western leaders, they could make this very wrong conclusion.

So if this misperception is reinforced, we are in trouble. In the end of this formative period of Mr. Putin, he wouldn't pay maybe even lip service to freedom of the press and other democratic freedoms. But there is no preordained outcome.

Yes, there are two Putins, but we don't know which of them would emerge as a leader of Russia potentially for many years to come. If Russian press and public opinion in Russia and elsewhere is active in this regard, yes, Mr. Putin who understands that freedom of press is an important issue, at least in his public statements, may become a real one. If otherwise, we'll be in big trouble.

Mr. SALMON. I have a couple of other follow-up questions. Of the three or four major TV networks in Russia, NTV has been probably the one considered to be most critical of the Putin Administration.

Did you or any of the other members of the Media-MOST management have any indication of the raid that happened?

Mr. MALASHENKO. Indications of what?

Mr. SALMON. The raid?

Mr. MALASHENKO. You mean—

Mr. SALMON. Did you have any indication?

Mr. MALASHENKO. Yes, we had some indications. For many months, we were told, basically by friends—Moscow is a very Byzantine place—that there were many people in Kremlin who were dissatisfied with our coverage of the war in Chechnya.

We were specifically warned about one of our TV programs on a questionable FSB operation in the Russian city of Ryazan where a large amount of explosives was allegedly found by Russian police, but then it was declared by FSB that those were not real explosives but that it was some kind of a training for FSB, and this incident left a lot of questions unanswered.

We made a special TV program which we call Independent Investigation on this incident, and we got warnings that it is the kind of, you know, threshold we crossed, and we are outlaws, in a sense.

For a long time, our newspaper was investigating records of some senior FSB officials, and actually, after the publication of an article of one of these officials, a deputy to the director of FSB, we got information that this raid was being planned.

We took the warning so seriously that the editor of the newspaper sent a letter to President Putin telling him the whole story that according to our information a raid was being planned and requesting his interference. We also sent a letter to the general prosecutor's office with basically the same information, warning him that an illegal action was going to take place and asking for his interference.

It never occurred, and the raid took place on May 11. So, unfortunately, we were getting these kinds of warnings for quite a while.

Mr. SALMON. Thank you. Congressman Lantos, I don't know if it's an accurate statement to say that maybe with the Western media and the Western world that Putin is still kind of in this honeymoon period. But we have a golden opportunity right now.

I mean, the president is going to visit with Putin within the next few days, and we have an opportunity, I think, to draw some lines in the sand to put them on notice that the United States is not going to stand idly by while these things take place.

Do you have any thoughts about what we can do here in the Congress to nip it in the bud, so to speak?

Mr. LANTOS. Well, Congressman Salmon, I fully agree with Mr. Malashenko that Putin is in a period of learning. He has been made the new czar of Russia with pomp and circumstance which fully matched the previous coronation of Russian czars.

He clearly is unsure of how the rest of the world will react, and I think all of us have a pedagogic responsibility vis-a-vis Putin, beginning with the president. My feeling is that Putin is intelligent enough to understand that the future of Russia in terms of prosperity and peace is inextricably intertwined with the West.

Therefore, it is in his best interest to have good relations with the European Union, with ourselves, others, and that the price for this is not retrograde movements in the field of religious freedom or press freedom or any other freedoms, but a recognition that these are non-negotiable items in the value system of the West; and although occasionally we deviate from this, as is the case of China today and tomorrow, we are serious about it in building a relationship with the new Russia.

If this is made clear to him, as I believe this hearing helps to begin this process, there is certainly hope that a man of his intelligence and flexibility and youth and experience will recognize that the price of suppressing religion, suppressing the free media will be too high in the long run.

He may get away with it once or twice or for a year or two. However, the American people on the whole do not stand for this. So I am not pessimistic, if the president and the Congress and our media make it clear that what happened in recent months is unacceptable.

I want to commend Chairman Campbell and Chairman Smith for holding this hearing, and Mr. Hoyer and you, because word of this will get back to Putin. There is no question about it, and he needs to understand that, while he can probably cover up a contract murder in St. Petersburg, he cannot silence the Congress of the United States.



We may have very limited power, but we have an enormously impressive power with respect to embarrassing people who deserve to be embarrassed.

This action of intimidating the Russian media is an action that calls for embarrassment.

Mr. SALMON. They say sunlight is the best disinfectant.

Gen. ODOM. Mr. Chairman, I am up against a time constraint. I'd like to be excused, if it's possible.

Mr. SMITH. Okay. We knew that in advance, and I do thank you for testifying. I did have some questions I'd like to at least submit to you in writing, unless you can stay a little longer.

Gen. ODOM. Well, I can stay about 5 or ten more minutes.

Mr. SMITH. Mr. Hoyer? Just let me ask one basic question with regard to human rights in Chechnya.

This Commission has held a number of hearings during the first Chechen war. We had Yelena Bonner. We had Kovalev, whom you reference in your testimony, and many of us made the comment that there was far too little response from the West, including the United States, in terms of saying there is a penalty when you invade, when you kill and maim and do a scorched earth policy, and Chechen II seems to be just a pick-up where they left off to try to finish the job.

If you could elaborate, if you would, on—You know, you say at the same time, we do know what to tell Russia not to do. Is it your testimony that we have been too timid as a country, as a nation, that there's been no linkages perhaps to IMF loans or other kinds of things that might better get their attention?

Gen. ODOM. Absolutely. I haven't heard a word from the president condemning the war in Chechnya. In fact, to the contrary, the president has talked about the "liberation of Grozny," which I find morally outrageous.

I think that the Administration is deeply embarrassed by this, but it's so hung up on what it wants in the way of arms control concessions that it's not willing to pay the price on it. It is a moral outrage.

As I said in my opening remarks, you know, I don't think we can force them not to do these things. Still, I think it's very important that we have voices, starting with the president. Mr. Lantos' voice, of course, is very powerful and all of your voices are. And those voices are unambiguous in letting Mr. Putin and the rest of the Russian Government and population know that is where we stand on these matters.

Now I'm quite prepared to go along with other things like IMF linkages and other linkages, and I think we have to look at each in detail and decide how best to use it. I certainly would encourage us to investigate our options for sanctions.

Yes, it's not just Chechnya right now. It's also the other republics. If you investigate the mood in Georgia and Azerbaijan, you'll find their leaders terrified. We are seeing already in Putin's behavior within the CIS a neo-imperialism that is very disturbing. We will be very irritated with this trend in the next year or 2 or 3.

Mr. SMITH. I do have other questions, but in keeping with your time constraints. Mr. Hoyer?

Mr. HOYER. No. General, I've read your statement. I found it very interesting and provocative, and I appreciate your taking the time.

Gen. ODOM. Thank you very much.

Sen. CAMPBELL. Before this panel leaves, Mr. Chairman, let me ask my dear friend of so many years, Mr. Lantos, whose guidance is looked to by many of his colleagues, to clarify something for me. Rep. Lantos and maybe Mr. Malashenko could visit this question, too.

As I understood your statement, you believe that if President Putin gives the appearance of stability, although it may be oppressive, abusive with human rights and so on, that American investors will invest? You think American investors will, for the profit margin, overlook those things, as they now seem to be doing in China, by the way?

Mr. LANTOS. Yes, I do, Senator Campbell. This won't happen overnight. Putin is a remarkably skillful individual, capable of building a stable society. Once he has done that, and once American investors are satisfied that their investments are safe, they will pay as little attention to human rights violations in Russia or freedom of press violations in Russia as they do in China.

So Putin, from that narrow vantage point, is on the right path. It will take some time to gain the confidence of Western investors. Many people have lost vast amounts of money in Russia in the last few years, and these people and others will be cautious in making new commitments except perhaps in the extractive industries where controls are easier to handle.

There is no doubt in my mind that, if stability is restored in Russia, if the role of the mafia, however understood, is diminished in Russia, Western investments will flow in. The economic conditions will improve, and Putin most likely will be reelected, particularly if he does away with any critical media coverage.

Sen. CAMPBELL. Do you agree with that, Mr. Malashenko?

Mr. MALASHENKO. Yes. I would say the answer to your question is yes. Highest Russian officials today do believe that the most important thing is stability, and the investment would come if the country is stable.

Sen. CAMPBELL. They will overlook the abusiveness and the human rights violations?

Mr. MALASHENKO. Yes. As I said, many of them are quite cynical, and they do believe that others are cynical as well.

But there is also a worst case scenario: an isolated Russia and isolated economy.

There is a widespread Russian belief that Russia is extremely rich in natural resources, which is true; but it's not enough for economic development. However, many Russians are old fashioned, and they do believe that by using country riches, it may be a self-sustaining economy, and these would be developed even without foreign investment. I do believe that, if the West becomes too pushy on Russia, they might develop these natural resources even without foreign investment. Even for them, it's the worse case scenario, but I think there are some indications they may be ready to follow this more isolationist path.

Sen. CAMPBELL. Thank you. I appreciate that.

Mr. HOYER. Thank you, Mr. Chairman. Mr. Malashenko, you indicate they may be willing to follow a more isolationist path. What would you recommend the policy of the United States be considering that?

Mr. MALASHENKO. Well, I do believe that, as I said, it's up to the Russians themselves to solve Russia's problems. That's why I do believe that foreign policy of any nation should not be used on assumptions that a direct involvement in Russian transition could bring a different Russia.

You cannot get involved in Russian affairs and guarantee a positive outcome of economic and democratic reforms in Russia. I think that there should be no direct involvement. No foreign nation, the United States included, should take a responsibility for domestic processes in Russia. Nevertheless, there should be certain limits.

There should be certain limits made clear, such as human rights, freedom of the press, and religious freedoms, which are not domestic affairs of any nation but the subject of universal concern.

From my point of view, it should be made abundantly clear to Russian leaders, as to leaders of any nations which signed the Helsinki Accords, that these are the limits, and Russian compliance will be watched closely.

Second, I do believe that there are legitimate Russian national interests and Russian security concerns which should be taken seriously by its neighbors, by the West, and by the United States.

In other words, as Dr. Kissinger put it in one of his recent articles, Russia should be treated seriously. There are, however, delusions of grandeur which are still shared by many members of the Russian elite, and they should not be supported.

Russia is not a superpower, but it occupies a huge land mass in Eurasia. It has many geopolitical interests, and they should be dealt with seriously and professionally, and any involvement into domestic processes in Russia should not be a substitute for normal international practices.

Mr. HOYER. Are there any specific policies the United States has followed over the last few years that you would say are contrary to your view about how we ought to treat Russia vis-a-vis realizing that they have to develop internally?

Mr. MALASHENKO. My perception of the U.S. policy is very simple. I do not see what was the clear goal of U.S. policies toward Russia in the last few years. I do believe there was some kind of belief that domestic transformation of Russia would solve all the issues, all the problems in bilateral relations automatically.

That's why there was such a degree of U.S. involvement in domestic reforms. I would recall that politicians who were considered reformists were openly and directly supported by the U.S. administration. Many practices of Boris Yeltsin and now President Putin are supported for the same reason, because there is a belief that if they are not supported, domestic transformation in Russia would not go well, and then it leaves too many questions in U.S.-Russian relations.

I think it is misleading and counterproductive, because many Russian reforms were ill conceived. They brought many negative consequences, much suffering to many Russian people, and that's why for many of them market based economy and political democracy, unfortunately are four-letter words. Forgive me this language.

In this respect, of course, it was counterproductive for the United States to be directly involved with these kinds of reforms. It's one reason why it will take years and years now, I believe, to restore a belief of many Russians in democratic and economic values.

Mr. HOYER. Thank you. Thank you, Mr. Chairman.

Sen. CAMPBELL. Let me ask one last question, Mr. Malashenko.

There is an OSCE Mission to Chechnya that's been operating out of Moscow since 1998. Do you think that the OSCE can have a meaningful role in this terrible tragedy in Chechnya?

Mr. MALASHENKO. Yes, I do believe so. It is not easy, because the situation is very tragic, and there is no obvious solution for the situation as it exists now. But on the other hand, there is no alternative, because there is no military solution to the Chechen problem.

The official goal of the military operation in Chechnya, as it was defined last year, was to eliminate all terrorists and all terrorist gangs, as they are called, one hundred percent. For many reasons, it is not a feasible goal.

It means that some kind of political settlement should be found. It's not easy, because there is no central political leadership in Chechnya. President Maskhadov, who is an elected leader, unfortunately does not control the situation in Chechnya.

So it's going to be very difficult. It's going to be a piecemeal approach, and it will take many years. Given the level of antagonism between Russian authorities and Chechen leaders and population of Chechnya in general, I do believe that participation of such organization as OSCE would be very helpful and instrumental, but it will take years and years to bring a solution to this problem. It should be appreciated right now.

Sen. CAMPBELL. What recommendations would you have for the president, since he will be meeting with Mr. Putin in the next few days?

Mr. MALASHENKO. Well, Senator Campbell, I should tell you the truth. I feel uneasy about these kinds of questions, because I was labeled a traitor publicly by the state-controlled Channel 1 for my intention to go to the U.S. Congress and testify before this committee.

Sen. CAMPBELL. We don't want to get you in any more trouble.

Mr. MALASHENKO. Well, no. I am not intimidated, Senator, but just to explain. But as I don't want to make an impression of being intimidated, I would answer your question.

When we talk about free press, I think the worst thing would be to create a false impression, a misperception, that the U.S. President actually does not care much about the whole thing, that for him political stability is the only important goal.

A very simple thing should be demonstrated, that freedom of the press is taken seriously. I do believe that it is important, as Mr. Putin wants to be accepted as an equal to the exclusive club of Western leaders. So this kind of message could be quite important.

Sen. CAMPBELL. Well, I'm sure there are people from the State Department here in the audience. I hope you will take that message back to the president.

Mr. HOYER. Mr. Chairman, we can send that message without regard to the State Department. Hopefully, the State Department receives that and, hopefully, the president will be strong in his representations to Mr. Putin, both in private and in public. Nevertheless, we need to make that message clear, as we have raised the issue of Chechnya at the annual meeting of the Bureau of the OSCE Parliamentary Assembly.

Our resolution was not successful because it takes a unanimous vote. However, we had all but three OSCE participating States condemn, in effect, Russia for its actions in Chechnya, and we need to continue to do that.

We have an opportunity in Bucharest to raise the issue very pointedly and vociferously. The strength of the Helsinki Process, the raising in public fora the cases of individuals who were mistreated as well as general propositions that were inconsistent with the Helsinki Final Act. Ambassador Goldberg initiated this process in Belgrade in 1976. But it is an opportunity, and I think Mr. Malashenko is correct. Mr. Putin does, I believe, aspire to respect in the international community.

To some degree, that makes him vulnerable to criticism in the international community and gives us some leverage. I would hope, Mr. Chairman—I know you will be there. I will be there in Bucharest. Hopefully, Mr. Lantos, who is as articulate and powerful a voice as I think we have in the West on these issues, will be there as well. We need to raise these issues very pointedly.

In addition, we have bilaterals with the Duma. We met with some Duma members last week who were here in the program that is set up for exchanges—for Russian leaders to visit the United States.

We can and should raise those issues very pointedly. General Odom's propositions, I think, were interesting ones. Mr. Chairman, on the one hand, I agree with him that we want to treat Russia as what she is. On the other hand, I do not think it particularly productive to demean the Russian people as a nation. I think to do so, frankly, will engender greater nationalistic, bellicose activity and actions by Russia.

On the other hand, I think we do need to deal with Russia realistically, both from the Congressional standpoint, through the Helsinki Process, as well as a nation. However, the success of the Helsinki Process and this Commission has been that we were prepared to be very candid and not have diplomatic speak at international meetings. I think it is important that we continue to pursue that mission.

If the Commission has a mission, that's it: raising the banner of freedom of the press, absolutely essential to any kind of democracy, individual respect for individuals which is so clearly a Helsinki Final Act vital principle, and respect for democratization as well.

So I think this hearing is a very good one. I think, frankly, we have been lulled to sleep for some time now. During the last decade we have not been as critical, although we have raised concerns about human rights abuses in chechnya and other violations of human rights in Russia. I am very concerned about some of the prosecutions that are going on in Russia. We continue to need to raise that question and not be lulled by the fact that our relations are at least apparently better. But I think this hearing will go some way toward energizing the Commission and perhaps the American public as well.

So I thank you for your testimony. Mr. Chairman, thank you for your leadership on this, and Mr. Smith.

Sen. CAMPBELL. I thank you, too. If I could ask Congressman Salmon to chair, I also have a conflict.

Mr. HOYER. I've got to go, too.

Mr. SALMON. We will have the next panel called up. Thank you, gentlemen.



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We have three witnesses on our next panel: Dr. Sarah Mendelson, Rachel Denber; and Dr. Georgi Derlugian. I am going to go ahead and introduce the three panelists.

First is Sarah Mendelson, Assistant Professor of International Politics at the Fletcher School of Law and Diplomacy. Dr. Mendelson served on the staff of the National Democratic Institute's Moscow office from 1994 to 1995 and is currently a research associate of Harvard University's Davis Center. She has published in the *Washington Post* on foreign affairs and a variety of scholarly journals.

Rachel Denber is Deputy Director for Europe and Central Asia, Human Rights Watch. She has conducted human rights fact-finding missions throughout the Russian Federation and the former Soviet Union. Ms. Denber has authored or co-authored reports on the armed conflicts in Chechnya and other regions of the former Soviet Union and on human rights violations in Russia, Tajikistan, Georgia and the Baltic States.

Dr. Georgi Derlugian is Assistant Professor, Department of Sociology at Northwestern University. A graduate of Moscow State University and the State University of New York at Binghamton, he has held research and teaching positions at Cornell University, University of Michigan, and the U.S. Institute of Peace. He is currently finishing projects on the dynamics of post-Soviet organized crime and the Chechen struggle for independence.

I would like to also add that we had planned to have with us via video conference Mr. Andre Babitsky, Radio Liberty journalist. Unfortunately, technical problems precluded that opportunity, but he has provided a written statement for the record, and his story deserves to be told.

As a result of his reporting from besieged Grozny last year, Mr. Babitsky remains in Moscow under investigation for allegedly participating in an armed formation. Babitsky was recently awarded the OSCE Parliamentary Assembly prize for journalism, and we hope that he will be able to join us in Bucharest this July for the OSCE Parliamentary Assembly awards ceremony.

Ladies and gentlemen, we look forward to your testimony, and we'll start with you, Dr. Mendelson.

**TESTIMONY OF DR. SARAH MENDELSON,  
FLETCHER SCHOOL OF LAW, TUFTS UNIVERSITY**

Dr. MENDELSON. The last several months have been an increasingly difficult and dangerous time for democrats in Russia. In this testimony, I'm going to argue that human rights are, in fact, in retreat under Vladimir Putin.

I'm going to discuss the specific ways in which life for political activists and for journalists has become more complicated. I will suggest limited but important measures that Congress as well as President Clinton can pursue to try and improve the situation.

In the interest of time, I want to enter my full testimony into the record, but now I'll highlight only a few points for you.

The rise of Putin in 1999 and 2000 has been accompanied by a range of activity that points to the consolidation of what I'll call creeping statism. Mr. Putin has not come out of a vacuum. He is in many ways an extension of a dynamic that propelled Evgeny Primakov first to the position of Foreign Minister and then to Prime Minister.

Mr. Putin's methods are, however, characteristic of the Soviet, not the post-Soviet era in terms of their brashness. Specifically, the FSB has become emboldened under Putin's leadership, first when he was director of the FSB, then Prime Minister and now as President.

This fact has very real consequences for Russia's fragile democratic institutions. It's harder today to be an activist than at any time in the post-Soviet period and, while service providing organizations, for example, that work with the disabled or the elderly, veterans or orphans may be left alone, Putin's politics target advocacy groups and opposition media.

Many believe that Putin's ultimate goal, whether or not he can achieve it, is not merely to harass and intimidate but to neutralize opposition, stop criticism, and control competition.

We must recognize that Putin not only speaks fluent German, but he's very good at speaking Western, as several witnesses have noted. We need to pay special attention not to what Putin says, but to what he does. He says what Westerners want to hear, but then he does as he likes at home, which too often looks and smells like the tactics used by the KGB.

While some in the West may say, we don't know who Mr. Putin is, activists in Russia feel they know all too well. If the last several months are an accurate indication, and many believe they are, politics in the Putin era are likely to be secret, hidden and corrupt.

Let me explain what I mean by this. The treatment of Andrei Babitsky was shocking, and the FSB raid on Media-MOST was brazen. But these acts should be seen as part of a larger pattern that has grown steadily worse over the last year and a half.

There are many cases of other journalists and also environmentalists, human rights activists, and academics, Russians but also Americans and Europeans, who have been intimidated, interrogated, trailed, jailed, robbed, accused of treason, run out of the country and, of course, in the case of Mr. Babitsky, disappeared, all by federal authorities.

Fear in the activist community stems in part from the arbitrary use of administrative means to crack down on groups that the state does not like. Over the last 2 years, according to Russian groups, regional and local authorities have used a requirement that nongovernmental groups must re-register with the state as an opportunity to get rid of "undesirable" organizations which criticize the authorities' actions in certain areas or suggest alternative remedies. They have been marginally successful in this.

Currently, Russian activists estimate that less than 50 percent of all national organizations have been re-registered by federal authorities. In addition, many NGOs, including well-known Moscow-based human rights organizations such as the Glasnost Defense Foundation, Memorial, the St. Petersburg-based group Citizens' Watch, were told that the phrase "the protection of citizens' rights" had to be deleted from the organization's name, goals and objectives. Why? According to officials, NGOs do not have the right to protect citizens. The protection of citizens' rights is the business of the state.

We see a similar campaign against religious organizations and, just as the Russian Government tolerates certain service provision groups but increasingly does not tolerate advocacy groups, the authorities are likely to pick and choose which religious groups they will tolerate.

These and other abuses all connect into larger issues concerning democratic institutional development. For example, some religious associations have been able to defend their rights in court.

There are also some attorneys in Russia today that specialize in religious legal issues, environmental and human rights cases. To a large extent, the question of religious freedom of advocacy groups being allowed to operate hinges on developments in the rule of law in Russia.

Similarly, investigations into corruption or terrorism, which many Media-MOST groups were engaged in before the May raid, hinge on the ability of independent media to operate.

Now Putin alone cannot create this hostile climate. Many people and institutions participate in this. For example, in addition to the work of the FSB, there is also the Office of the Prosecutor General. The Ministry of Press that was mentioned now wants to amend a law on the media to revoke the licenses of foreign media, when they are considered by the authorities to be hostile to the Russian state. Radio Liberty is at the top of this list. Putin, of course, plays an extraordinary role in creating a political environment hostile to democracy. The climate of fear stems in part from statements made over the last year where he claimed that environmental groups were in the employ of foreign intelligence agencies.

These statements paved the way for the FSB to increasingly harass activists. In the fall and winter of 1999, several environmentalists were detained in connection to various bombings in Moscow. Russian groups that have received Western assistance or have links to Western groups, which the best organized ones do, have come under the closest watch of the state. This activity has been particularly common since early March.

Environmental groups here and in Russia believe that the state is doing this not because it is seeking out terrorists, but because many government officials see organizations which strengthen civil society as a security threat.

Specifically, the authorities have objected to the fact that some environmental groups have thrown a spotlight on the wrongdoings of the state, as they do in this country and in democracies around the world. Not all harassment is equal. Some pay small bribes and fees. Others have been less lucky. Igor Sutyagin, a researcher at the USA and Canada Institute in Moscow, was arrested in October by the FSB and is sitting in jail. His crime? The Russian state is likely to charge him with treason for working on a survey of civil-military relations in Russia that's been partially funded by two Canadian universities.

The FSB has interrogated people that Mr. Sutyagin has spoken to as part of his research, and they claim that the survey was carried out under the orders of the Canadian Ministry of National Defense.

I want to bring up two lesser known examples of intimidation and harassment that involve organizations that I have ties to. I'm a member of a network of Russian and American scholars. It's called the Program on New Approaches to Russian Security.

One of our members, Pavel Podvig, was a target of FSB harassment in October 1999. Mr. Podvig's apartment was searched. His office was ransacked. All his research materials were confiscated. That is to say every single bit of paper, and all his computers.



The FSB came twice looking for incriminating material, but found none. This action suggests to everyone in our group that in this political climate literally anything could be considered cause for investigation and harassment.

The other case involves an organization that you might be familiar with, since Congress indirectly funds it, the National Democratic Institute. I worked for NDI in Moscow in 1994 and 1995 as a program officer. One person, a non-Russian who succeeded me at NDI-Moscow, was repeatedly harassed by the FSB, and in the fall of 1999 FSB agents came to this person and said you must work for us or else. This person fled the country.

I won't speak at any length about Chechnya, because Rachel Denber will do so. I want to note, though, that the way in which this war is being waged by the Russian federal forces is part of a larger pattern of disregarding civil rights.

Among the most powerful pieces of evidence, particularly concerning war crimes, is a survey that's due to come out by the Physicians for Human Rights. This organization recently interviewed 1140 refugees from Chechnya who were displaced by the war to Ingushetia.

When I compare the findings of their survey with a similar one that they did in Macedonia with Kosovar Albanians in the spring of 1999, I see that the level of violence committed in Chechnya by Russian federal forces against the civilian population is significantly greater than the violence in Kosovo of Serb forces against the civilian population.

So what can the president do about this? President Clinton has an opportunity to be loud and clear at the June summit about the importance of human rights and democracy, in contrast with other Western leaders meeting with Putin who have only whispered.

President Clinton should show solidarity with those activists in Russia who believe in the plurality of views by meeting with them. That would be a change from the usual schedule. High level officials from the United States Government that come to Russia always talk about the importance of creating democratic institutions and respect for human rights, but they rarely meet with the people who work on these issues.

This time he should hold a roundtable discussion with investigative journalists like Andre Babitsky. He should meet with environmental NGOs such as the Socio-Ecological Union, and he should visit with human rights organizations such as Memorial. These gestures would send a signal not only to those in Russia who care about democracy but to those in Russia who do not.

An additional way to show real commitment to democracy and human rights involves Congress. The U.S. Congress should adequately fund democracy assistance to Russia.

I ran a collaborative study evaluating working democracy assistance to Eurasia, and I can tell you that it has been consistently underfunded. Currently, the budget for Russia is \$16 million. That's a small fraction of what goes for other forms of engagement with Russia, and pocket change compared to what the United States spent on defense during the Cold War.

Some money should be added now to the democracy assistance budget to show that the United States supports a plurality of views. This would be money to help Russians, not the Russian Government. This would be support, symbolic and real, for those who have a stake in pursuing a democratic path in Russia.

Why is this important? To combat the creeping statism that I referred to earlier, U.S. groups working on democracy assistance need now to step up their work, helping Russians make these institutions like civic organizations and political parties actually function.

There's long been a crisis of governance in Russia. This in part has given way to the rise of Mr. Putin. U.S. assistance has been influential in helping Russians build institutions that we associate with a democratic state, but there is still much work to do to get these institutions to function. While this fact is independent of Putin, the rise of Putin has made this work more urgent than ever.

I want to close by arguing that democracy promotion should no longer be considered exclusively as assistance, which can be stopped and started again as if it were a gift to Russia. I consider it more like cooperative threat reduction. It is preventive defense.

The consolidation of Russian democracy is, in the long run, as necessary for ensuring U.S. security as the dismantlement of weapons. This understanding is not widely held. Instead, there is a tendency by U.S. policy makers to talk about democracy and human rights when it seems strategically convenient.

The selective focus on democracy actually undermines the process of helping to build democratic institutions, and which has been a rhetorical cornerstone of this Administration's policy toward Russia.

The selective focus makes the U.S. commitment to democracy appear hollow and inconsistent. Moreover, it suggests that policy makers do not understand that democracy promotion is defense by other means. This then leads them to miss opportunities to enhance Russia's security and our own. I'm afraid the Administration is poised to miss such an opportunity in June.

Thank you very much.

Mr. SALMON. Thank you, Dr. Mendelson. Ms. Denber.

**TESTIMONY OF RACHEL DENBER,  
DEPUTY DIRECTOR FOR EUROPE AND CENTRAL ASIA,  
HUMAN RIGHTS WATCH**

Ms. DENBER. Thank you, Mr. Salmon. It's an honor for me to be here today, and I certainly appreciate the attention that the Commission is giving to Chechnya as part of Putin's path.

The war in Chechnya is undoubtedly Putin's war. I don't think any among us have any doubts about that, and I also think that President Putin has no doubt about that. President Putin has stated in his recent book "First Person" that he viewed bringing stability to the northern Caucasus as his historic mission.

As everyone knows, he was catapulted to national visibility because of his undertaking on the Chechnya war. It is the one project, the one main project, we have to judge his commitment to human rights principles, and in this context I have to say that human rights aren't in retreat. They are under outright siege.

I have been overseeing our 7-month continuous research presence in Ingushetia, the republic that neighbors Chechnya. We have a team of researchers there that have conducted more than 700 detailed interviews. This is not a survey. I'm talking 3-4 hour interviews with victims of human rights violations and war crimes, with witnesses and their relatives.

Through their efforts we have been able to collaborate eyewitness testimonies and come up with a very consistent record about what has indeed happened.

What indeed has happened is unquestionably that war crimes have been committed by Russian forces in their campaign in Chechnya, and Russian authorities have done little, if anything, to investigate and prosecute these crimes.

By contrast, they have gone to great lengths to deny these crimes and other violations committed by Russian forces and great lengths to attempt to derail any kind of debate and criticism of them in international fora and in local fora, as Sarah has suggested.

With Russian forces' control posts in place throughout most of Chechnya, the war is now in a relatively inactive phase except for weekly ambushes of Russian columns. For civilians, though, what remains active and vivid are memories of atrocities visited upon them and the knowledge that their perpetrators have not been brought to justice.

In 3 months, December, January and February, three large scale massacres claimed the lives of at least 127 civilians. These are war crimes. Other violations of international humanitarian law include arbitrary detention and subsequent beating and torture of detainees, arguably also in certain contexts in Chechnya a war crime; the indiscriminate bombing and shelling of densely populated areas; systematic looting; and rape.

Even as the active fighting has waned in most of Chechnya, Chechen civilians, and particularly the male population, continues to live in fear as Russian forces arbitrarily detain men, demand a ransom for their release, and often subject them to beatings and other forms of ill treatment.

I'm just going to summarize the rest of my testimony, since I'm entering it for the written record.

In Grozny, the graffiti on the walls reads "Welcome to Hell: Part Two," and I think this is about as good a summary as any of what Chechen civilians have been living through in the past 8 months.

Since the beginning of the conflict, Russian forces have just absolutely pounded civilian objects, shelling and bombing indiscriminately and disproportionately and causing heavy civilian casualties. They have often refused to create safe corridors to allow civilians to leave areas of active fighting, trapping civilians behind front lines, sometimes for months.

On several occasions refugee convoys came under intense bombardment and strafing by Russian forces, causing heavy casualties. Perhaps the worst kinds of war crimes that we have documented have been the summary executions.

In most cases when Russian forces establish control over towns and villages, they conduct what they call mop-up operations or sweeps whose ultimate aim is supposed to be to ferret out Chechen fighters. They also loot with complete impunity and make massive arbitrary arrests.

In the village of Alkhan-Yurt and in the Staropromyslovski and Aldi districts of Grozny, these mop-up operations ended in summary executions of civilians, as Russian forces went on house-to-house passport checks that turned into vicious looting rampages.

In the first 2 weeks of December, Russian troops killed 17 civilians in the village of Alkhan-Yurt, a village of 9,000. They went on a wanton looting spree, burned many remaining homes and raped several women.

Human Rights Watch documented at least 50 murders, mostly of older men and women, by Russian soldiers in the Staropromyslovski district of Grozny. They were innocent civilians, shot to death in their homes and in their yards. In one case, three generations of one family, the Zubayev family, were shot to death in the yard of their home.

Then on February 5, just a few days after Secretary of State Albright met with President Putin in Moscow, Russian forces went on a killing and looting spree in the Aldi district of Grozny, shooting at least 60 and perhaps many more civilians who were in the streets and in their yards, mostly waiting for soldiers to check their documents.

We have received numerous more reports of summary executions that allegedly took place in Grozny and various other parts of Chechnya but which we have not been able to confirm.

I just want to point out that these were entirely preventable deaths. They were not the unavoidable casualties of war. They were not collateral damage. They were war crimes, acts of murder, plain and simple.

Human Rights Watch interviewed nearly 100 eyewitnesses who provided credible testimony about these crimes, and we have established that at least 134 people were killed in summary execution style throughout Chechnya.

We have published reports on the Alkhan-Yurt and Staropromyslovski massacres, and our report on the Aldi massacre will be published imminently.

The Russian authorities have made really no meaningful efforts to investigate these crimes or to punish their perpetrators. In March the military procurator, the agency that's responsible for investigating crimes committed by military, by the Ministry of Defense troops, told Human Rights Watch that it had closed its investigation into Alkhan-Yurt, having found no evidence of a crime.

Notably, the military procuracy limited its investigation to the period of time leading up to the seizure of the village on December 2, 1999. Our research indicates that this was the date, in fact, when the abuses began.

Also when we met with the military procurator in March, he told us that he had never heard of the massacres at Staropromyslovski and Aldi. Ten days later the military procuracy determined that Ministry of Defense troops were involved in no crimes in Aldi and transferred the inquest to the civilian procuracy.

Now the civilian procuracy has confirmed that at least 13 civilian deaths took place in what was called a mass murder, but to the best of our knowledge, the procuracy has not indicted a single serviceman in relation to the Aldi massacre.

Another big, serious human rights violation currently in Chechnya is the arbitrary arrest and torture of people in custody. In January Russian authorities began arresting large numbers of men and some women throughout Chechnya.

They were ostensibly suspected either of rebel activity or of abetting Chechen fighters. Russian forces would bring them to detention facilities, which range from remand prisons to makeshift huts to primitive pits dug in the ground.

We have interviewed at least 60 victims and eyewitnesses of abuse in these so-called filtration camps, or done interviews with their close relatives—with close relatives of detainees. They told us very highly consistent accounts of routine beatings and other severe mistreatment of detainees.

The most infamous facility or filtration camp was at Chernokozovo in northern Chechnya. It's difficult, really, to use bland words like relentless beatings, beatings while forced to run a gauntlet of prison guards, beatings on the feet. They are, in fact, bland words when you read the testimonies that these people have given to us about the unspeakable abuse that they were submitted to.

The facility itself was filthy and utterly uninhabitable. In addition to the beatings, men and women were subjected to sexual violence, including rape.

In response to an international outrage about these reports of torture at Chernokozovo, the Russian authorities actually starting busing out inmates, improved the conditions, and rotated out the truly abusive prison staff. But problems relating to the torture and arbitrary detention of Chechen men and women continues through to this day.

Just as recently as May 2 we got testimony about a man who died because of the torture he was subjected to during his 5-day detention in a pit. Chechen fighters have also been involved in horrible violations of international humanitarian law and war crimes, particularly summary execution of Russian soldiers and of intimidating villagers where they would like to set up command posts.

I will leave this—This is detailed in my written testimony.

I'd like to turn right now to U.S. policy. We think that the U.S. policy—the U.S. responses to abuses in Chechnya has been actually quite weak. The policy has been to engage in rhetoric but in no action.

Instead of using its relationship with Russia to bring an end to the abuse in Chechnya, the Clinton Administration has focused on cementing its relationship with President Putin, who in fact was the prime architect of this abusive campaign.

The Administration has undertaken no effective action to make the brutal conduct of the war truly costly for Putin. It rejected emphatically several times any link between support for World Bank or IMF loan payments in return for improvements in Russian conduct.

The rhetoric itself lacked a crucial element, calling some abuses, especially the summary executions in particular, by their proper name, war crimes.

To its credit, at last months' United Nations Human Rights Commission the Clinton Administration emphatically supported a resolution that called on Russia to establish a broad based and independent commission of inquiry to establish—investigate and establish the truth about international humanitarian law violations.

Given the failure by Russian authorities to date to engage in good faith investigations, we remain profoundly skeptical that they will do so in the future without serious external pressure. For this reason, we are advocating for an international commission of inquiry.

To ensure that the hard won U.N. resolution does not lose its relevance, the United States Government should make it clear to President Putin that it will assess the credibility of its national commission of inquiry according to a set of criteria that are standard for international commissions of inquiry.

These standards should guide the Russian commission's purpose, its composition, its responsibilities, and its methodology. I have provided a full set of standards in my written testimony.

They include such things as a clear mandate to investigate massacres, unimpeded access to evidence, full cooperation of the military procuracy, legal authority to subpoena evidence and witnesses, and the like.

The Russian Government should also be encouraged to follow closely the guidelines on national commissions of inquiry issued by the High Commissioner for Human Rights, Mary Robinson, on April 13..

Finally, the United States Government should put the Russian Government on notice that any failure to make significant progress on implementing the Human Rights Commission resolution before July 1 will trigger U.S. calls for an international commission of inquiry, and will jeopardize U.S. support in multilateral lending institutions for loan payments to Russia. Anything less would squander the influence the United States Government does, in fact, have in its relations with Russia.

Mr. SALMON. Thank you very much. Dr. Derlugian.

**TESTIMONY OF DR. GEORGI DERLUGIAN,  
NORTHWESTERN UNIVERSITY**

Mr. DERLUGIAN. Thank you Mr. Salmon. It is an honor for me to appear before this Commission. Let me be brief at the end of the day, and jump straight to my conclusions.

What is happening in the big picture with Russia? We had actually a very functional state 50 or 60 years ago in the place called the Soviet Union. It was quite functional in terms of winning tank wars and blitzkrieg of Second World War vintage.

Let me draw a biological parallel. There was a creature called the saber toothed tiger that had big fangs which were extremely well designed to kill the woolly mammoth. But when the mammoths were gone, the saber-toothed tiger died out because it wasn't designed to catch mice. By the same token, the Soviet Union's tanks became redundant, World War II was over and there were no more blitzkriegs. That's when it became dysfunctional, dispirited, and corrupt.

To continue the biological metaphor, which is quite appropriate in the study of historical formations, the USSR, which was our "saber toothed tiger" was told to become a cow and to graze.

It did try for a while, but the fangs were still there, and there was a big question what to do with them. You can call those fangs the military-industrial complex and the KGB and the remains of the army. The general approach was just let them decay, they will fall out, and something new will grow in their place.

This is where we were for the past ten years.

It is no accident at all that the new Russian President is a man from the KGB, which was the elite military service corps of the Soviet Union. We know Putin's dispositions quite well. He is a tough guy. He is a judo master. He speaks tough language, both in German and the criminal hoodlum jargon in Russian, which is usually lost in English translations. But apparently he doesn't know yet himself what to do with his tough dispositions.

He doesn't have a team, as Mr. Malashenko quite rightly pointed out. He doesn't have a program. He just knows he wants to be tough, and he knows that Russia must be restored.

Mr. Putin will figure it out eventually and he will recruit his team. Mr. Putin enjoys power now, and his election is widely interpreted in Russia as a promise of a new start. There is a huge line waiting in his anteroom to join his team and right now he is listening to various projects of what to do and how to restore Russia.

Is there a possibility to direct this contradictory process in a more amenable direction? We heard lots of ominous predictions today, and indeed the horizon looks extremely clouded, but at any moment in history, and especially in the moment of decision, as Russia is facing now, there are opportunities.

In fact, three opportunities were mentioned today: One, business as usual, which means that Mr. Putin will become just another Yeltsin. He probably will be personally different, but otherwise he will be just a more vigorous reincarnation of the central pivotal figure that balances among dozens of vested interests, governors, powerful generals, mayors, oligarches, and the men who control the media trust.

This is, however, the least likely scenario, simply because Russia is running out of money. What could have been looted from the Soviet wealth was mostly looted and appropriated. It is quite unlikely that there will be another round of looting and mafia style wars to redistribute what has been redistributed already.

So there is another scenario to which Mr. Malashenko alluded: an isolationist Russia, a more nationalist Russia, the Russia which is intent on reestablishing itself as a world power, but since it direly lacks the resources to do that, there will be ever more frustration.

Russia can go through a process of further degeneration as a country in denial, a country which cannot acknowledge to itself that the Cold War is over and it cannot become a superpower the way it was.

There is, however, another possibility. The possibility is to foster vigorous opposition to the consolidation of authoritarian tendencies, and here I mean not just acting from top down, as we are discussing here.

I would urge you to think about those millions of readers and viewers of independent media in Russia. What happened to them? Ten, 15 years ago, there was a huge explosion of independent reporting with mass readership going in tens of millions. It was called *Glasnost*.

The people were then buying newspapers and magazines. They no longer do. From tens of millions, the circulation has dwindled to tens of thousands probably, maybe less, and circulation is largely restricted to Moscow.

In fact, you cannot buy most of the products of Media-MOST, Mr. Malashenko's organization, outside the Moscow city limits. One reason is transportation costs. Other reasons are a lack of interest and lack of funds.

The NTV-Plus TV package costs the total monthly budget of a middle class Russian family. The real problem is not so much supporting the civil society from above, but supporting it from below, to support as many readers as we can.

This fully applies to places like Nigeria or Indonesia. To support democracy means to support the people who are vested in democracy from below, who want to vote, who want to be able to monitor their authorities, who want to read about the people whom they elect.

We need to foster impractical things that are not very costly. We need to patronize poets and artists. It is great to have more educators, whose wages must be raised and paid on schedule.

We need to take great concern not only with human rights but with the plight of teachers in Russia who go unpaid for months in a row, with all these professors and medical doctors who go begging their Western colleagues for books. We need not subsidize only the unemployed nuclear physicist but also the people who write the books that nuclear physicists read, and the courageous people who write the newspaper articles that run against the views of the powerful and wealthy.

We must realize that democracy does not depend only on government policies and international criticisms. We are in a grave crisis of supporting the basics of reading civil culture in many countries.

My final conclusion is that in the last 25-30 years, we, the historical sociologists, have learned a great deal about how democracy really got started in the Western countries. We learned something quite surprising about the significance of the mundane. Democratization went hand in hand with barring torture but also with using a fork and knife, with ballroom dancing, with good manners, and with the respect for privacy and the rights of common individuals.

Those are apparently very important conditions of democracy, the very soil that we often neglected. There is one way of restoring dead grass on a lawn. One is to spray paint it green from above. This is what was done with lots of democratic and market institutions, all around the world in the past ten years. They all looked great for awhile.

There is another and much more difficult way. That's to sprinkle the lawn. We need to sprinkle more of the democratic soil around the world. We need to provide water and resources for the grassroots really, for the people.

We need to defend forcefully the newspapers and media freedom, but we need to cater also to the people who are the consumers of Mr. Malashenko.

Thank you.

Mr. SALMON. Thank you very much. I have a few questions, and I'd like to direct my first one to you, Dr. Mendelson.



I've been really intimately involved in some religious freedom issues in Russia. I've been going to these annual OSCE meetings for sometime, and I remember a few years ago when the Duma passed a new law basically designating certain religions as okay and others not.

I know that the continuing problems for religious groups seems to be most acutely felt at the local level or in places such as Krasnodar and Bashkortistan where local bureaucrats can effectively stymie religious activity that they dislike.

How much of this can be attributed to the 1997 law or the lack of will by central authorities to enforce the national law or just the decentralization of power in Russia today?

Ms. MENDELSON. The answer is that the 1997 law is permissive of some discriminatory behavior, and at the same time, local officials can often also do what they like concerning these matters. When the arrows from the law and the local authorities are going in the same direction, you can find especially egregious violations of civil rights.

This is true not only for religious organizations but NGOs overall. I have tried to describe for you a pattern in which authorities impinge on the civil liberties of religious groups and other non-governmental groups. It is done unevenly for different organizations in different regions. Krasnodar is worse than some other regions..

I think that there is a phenomenon where, if you're unlucky to be born and live in certain parts of Russia and if you're an activist, life can be extremely unpleasant; and local authorities will interpret things in ways that are unfavorable to you.

So as to your specific questions, I think it's a combination of the national law and the way in which local authorities interpret it and implement it.

But I want to note that actually there are lots of good laws in Russia that are not implemented that do protect citizens' rights. Frankly, the Russian constitution has many good aspects to it. It's just that it is sometimes interpreted either in strange ways or ignored altogether.

We have a situation now where Mr. Putin has appointed "seven samurai," or "seven dwarfs," depending on how powerful you think they are likely to be. In any case, he has appointed seven representatives of his administration to the regions. Five of these men come from either the military or the KGB.

This means that, for social or political activists who live in one of the five regions, life could possibly be even more difficult. Now it's also possible that these guys are just another level of bureaucracy and their presence will not be very meaningful. But the reality is that certain places are worse to live in than others (from a civil liberties perspective), and much of this has to do with local authority.

Some scholars argue that Mr. Yeltsin controlled—everything was controlled from the center. That's not my experience. It's not what I see when I go to the regions.

Mr. SALMON. Dr. Derlugian, I found your comments very telling. I understand that the approach often taken is to try to whitewash or to try to make things look beautiful immediately.

We've become a society, I think, of instant gratification. We want things to be fixed. We want them to be fixed now, and then we want to move to the next problem or issue, and often with problems as complex as this one or opportunities as complex this one, the solutions are a long time in coming.

I, like many Members of Congress, have been very frustrated. We had high hopes with the disillusionment of the Soviet bloc that there would be major political reforms in Russia that would soon follow.

I think a frustration is that the emergence of organized crime, the transfer of wealth as you've described, as Putin tries to gain the stability and at the same time we are pushing him to honor human rights. Are those two goals conflicting? Is it possible for him to restore some semblance of order where there is a movement toward a real democracy and the power is taken out of the thug's hands and put more into the people's hands?

Is that really possible and, if so, can you explain how?

Mr. DERLUGIAN. First of all, I must mildly disagree with you that there was little progress in building democracy in Russia. It's an enormous change.

In 1990 people could not have even imagined the Communist party being a law abiding oppositional party. But at the same time, the breakdown of the USSR left the provincial governors with all their despotic powers, which are not quite unprecedented—you can think of some political machines in the history of this nation. Still, governors can lose power through elections, and that Mr. Malashenko's media conglomerate emerged and still exists.

It is actually a splendidly professional media conglomerate. Admittedly, Media-MOST and NTV did emerge as a particular private weapon in political struggles, but then journalists were able to explain to the owners of the controlling package in their enterprise that it would be much wiser to let those journalists run on a longer leash.

That's how in real life democracy first emerged, and democracy emerges many different ways. It's like a lake. You can have a lake out of a glacier in some country. In another place you can have it because of a log jam on the river. Beavers can build one.

Very specifically then, Putin can unwittingly be a ruler conducive to future democracy, because what we have so far in Russia is 88 or 89 if you count Chechnya, regional fiefdoms which are lesser despotisms. There can be no national democratic institutions without the consolidated national institutions being restored in Russia.

Putin's victory in the elections was actually a better option; because the only other realistic option was an alliance of provincial governors who poised to redistribute the spoils of Yeltsin's decaying quasi-monarchy.

Putin is undecided, and this is where I see the window of opportunity. He knows what he wants to do, and that's why he keeps over his desk the portrait of Peter the Great as the symbol of the czar who, after all, built up the empire and made every bureaucrat wear German style wigs.

The most important thing about Putin is that he is pragmatic. He will be deterred if he feels that he is running into an impenetrable wall, that he's constrained in some of his actions. The acts of the U.S. Congress are a possible deterrent.

That's where much thinking should go, how to create those constraints on the least desirable of Mr. Putin's policies. At the moment, it is absolutely necessary to recentralize Russia, to rein in the mafia and regional barons.

Let me remind you that 15 years ago Academician Sakharov, the leader of the dissident movement in the Soviet Union, just out of exile startled the journalists by declaring that the KGB was the only hope of reforming the Soviet Union; because the KGB officers were the least corrupt part of the Soviet state.

Democracy cannot be built without reining in the corrupt bureaucrats. The rule of President Yeltsin really resembles the twilight of Brezhnev, and we are today very much at ground zero, as we were in 1985.

Mr. SALMON. I know that I visited Moscow for the first time back in the early nineties. I think it was '91, '90 or '91, and I at the time worked for a telecommunications company. We were looking for opportunities. In fact, we were the first to introduce cellular phone service in St. Petersburg.

A lot has happened in that decade. As I talk to many business people, American business people, who have tried to do business in Russia, many of them who have tried and come home unsuccessfully, they are frustrated and fearful with the advent of organized crime, and they don't want to do business there.

Is there hope on the horizon for foreign companies to come back in and feel less fearful; and if so, what can Putin do to rein in this organized crime?

Mr. DERLUGIAN. There is hope, but the hope is rather gruesome. There has been a decline in organized crime by default. They have been killing each other at a rate that, like medieval lords during the War of the Roses in England, has amounted to mutual suicide. What is worrying here but also what is the hope by this weird dialectic is that the police and the law enforcement agencies themselves were going into the business of private protection, offering on the side to protect businesses for—well, contributions that could be paid in lots of different ways, as charities for instance.

Therefore, the police entered market-like competition with private organized crime. In my estimate, we are at the point where the police really see an opportunity to win in this business, and on the other hand, they see the private mobsters increasingly as a nuisance, as competitors.

I hear lots of voices in Russia today suggesting that this could end in something like Chechnya-like operation, a command to eliminate the private mobsters overnight, because they are actually well known.

Mr. SALMON. Thank you. Ms. Denber, during the first war, the OSCE mission in Chechnya was active in trying to find a solution to the conflict. Due to security concerns, the OSCE Chechnya mission has been operating out of Moscow since December 1998.

Do you think that OSCE has a meaningful role to play in resolving the current conflict? If so, in what way?

Ms. DENBER. Absolutely. We've been very distressed that the OSCE has been sitting—has been forced, really, to sit this conflict out, and it has done so in spite of its vociferous efforts to be able to set up a mission, if not in Chechnya, then at least in Ingushetia.

The OSCE tried very hard to get—to do this, and I know that the U.S. administration and the administrations of several European governments tried very hard to put pressure on the Russian Government to facilitate this. It was really a tragedy that the OSCE was not in Ingushetia during this war or in some other place where it could have been at least an observer, a witness to the carnage that was taking place.

The excuses that the Russian Government came up with were some of the most interesting interpretations of OSCE mandates or any kind of, you know, legal document, I think, more interesting lies than I've ever had to hear from the Russian Government, trying to pretend that it wasn't in the OSCE's mandate to be in the northern Caucasus except in Grozny.

We had some pretty volatile debates with Russian officials about what the mandate allowed the OSCE to do. Now that the active conflict is over, the OSCE does have a meaningful role to play, and the sphere that I would like to emphasize is not so much negotiations but, in fact, in documenting these war crimes; because it's one thing for Human Rights Watch to document the war crimes, and it's one thing for Memorial and the very strong Russian NGO community to do it. The OSCE has to lend its authoritative voice to this kind of documentation. For as much as we consider our documentation to be irrefutable, because of our—thanks to our methodology, it's just all too easy for the Russian Government to cast it off as rumors, pro-Chechen propaganda, and the like.

They can't do that to the OSCE, and the OSCE in the last war played, as you know, a big role, an important role in facilitating negotiations, and it also started out playing—Well, it also played an important role in documentation as well, but the mission was very small.

Peace negotiation efforts were, I think, absolutely exhausting and perhaps (i.e. if there had been a bigger staff, they would have done more of the sort of documentation work). But there is also not just the staffing problem. It's also a mandate problem.

The way the mission was structured in the last war, there really was no separation between the staff—The mission didn't have separate divisions. It was just, you know, a six-person mission. So you had the same people who were documenting human rights violations—These people were also the people who were trying to get people down to—getting people from both sides at a negotiating table.

These are not very—These are incompatible tasks. So the OSCE has a role to play, we hope more in documentation than in negotiations. But if it does choose to play both roles, then it has to have the staff—the adequate staff.

Mr. SALMON. And they should probably be separate.

Ms. DENBER. And there should be a separation. There should be separate departments within the mission.

Mr. SALMON. Thank you very much. I really appreciate your testimony, and I don't have anything else to add, and it looks like I'm the only one to ask questions.

So with no further ado, I'll go ahead and dismiss the meeting. Thank you.

[Whereupon, at 1:08 p.m., the Commission was adjourned.]

**WRITTEN STATEMENT OF  
HON. CHRISTOPHER H. SMITH, CHAIRMAN**

Ladies and gentlemen, distinguished guests, Members of the Commission, welcome to this hearing entitled "The Putin Path: Are Human Rights in Retreat?"

This hearing on Russia is one of a series of hearings the Commission has held to examine human rights issues in the States of the Organization for Security and Cooperation in Europe. The mandate of the Commission is to monitor and encourage compliance with the provisions of the Helsinki Accords and successive documents of the OSCE.

I have noted on previous occasions that Russia is no longer the dictatorial, closed society that it was during the Soviet period, and there are certainly countries around the world where human rights are in much more perilous straits. I have yet to hear of a working church in Russia being destroyed by bulldozers and wrecking cranes, as was the case last November in Turkmenistan. But religious liberty can be hindered in more subtle ways. For instance, when bureaucrats send police to harass worshipers and refuse to register a religious organization. Russia has multi-candidate presidential elections, with viable candidates, unlike the Central Asian states where presidents do not tolerate serious challengers. But, how reliable a gauge of democratic development are "multi-candidate" elections when the media is intimidated by government pressure and raids?

Under the administration of President Yeltsin, human rights activists were able to achieve significant gains in making respect for human rights, if not a standard, at least a consideration in public policy. There is growing concern, however, that Russia's development in the area of human rights is taking a turn for the worse under recently-elected President Vladimir Putin.

The treatment of Radio Liberty journalist Andrei Babitsky and the recent armed raid on the offices of Media-MOST and Russia's independent NTV network are only two of the most brazen and prominent examples of government pressure on media freedom. Further from the international spotlight, local authorities in Russia's regions have been harassing and intimidating journalists who print what displeases the powers-that-be. I dare say, with the treatment of Babitsky and the raid on Media-MOST, Moscow seems to signal to the regions that such a policy toward the media is acceptable.

One of the brighter aspects of civil society under President Yeltsin was the expansion of NGO activity. Now, some of the more active human rights NGOs in Russia have been told by authorities that they may not be registered until they remove from their charters the phrase "the protection of citizens' rights." According to the legal wisdom behind this demand, only governments can protect human rights. Such a policy clearly contravenes Principle Seven of the Helsinki Accords, which confirms "the right of the individual to know and act upon his rights and duties in this field."

Of course, in some regions of Russia there is no pretense of legality. The region of Krasnodar has managed to acquire an especially negative reputation for its treatment of NGOs. According to a report I recently received, "local human rights activists have been beaten or jailed on bogus charges, and the Krasnodar Public Association for the

Defense of Human Rights was stripped of its registration and threatened with liquidation." I have asked the State Department to look into this report.

Another significant area of NGO activity has been in the environmental field. While the Russian Supreme Court was finally vindicating Alexandr Nikitin, other environmentalists being harassed and even jailed by the security services. Given the state of post-Soviet Russia's environment, one would expect that a government with any interest in the future of its citizens would support legitimate environmental activism, but the Russian security services appear to put paranoia before both people and profits.

And of course, the carnage in Chechnya continues. The Helsinki Commission was recently visited by a physician from Chechnya who remained at his hospital while the war was raging about him. For trying to save the lives of both Russians and Chechens, both sides tried to kill him. It is chilling to hear this doctor describe how a Russian spotter plane flew over his clearly marked hospital to take coordinates for the next wave of planes loaded with bombs. It is as if the Geneva Conventions and the Code of Conduct of the OSCE are no more than irrelevant scraps of paper.

Finally, I would mention a recent occurrence which I believe reflects very negatively on Moscow's attitude toward human rights in general. For a five-day visit, Russia's Defense Ministry hosted Dragoljub Ojdanic, the Yugoslav Defense Minister and a man indicted by the UN war crimes tribunal on charges of war crimes. As a Member State of the United Nations, Russia is obligated to detain war crimes suspects so that they can be brought to trial. Instead, Moscow allowed the Defense Minister to leave Russia freely, and later concluded a \$102 million loan agreement for Belgrade. The New York Times called these moves "a direct slap at Washington." That is the least of the outrage. It is a direct slap at humanity.

These are just a few of the events that have caused concern both inside and outside Russia about the trajectory for human rights and civil society in that country. And ultimately these events can have their effect on the international community. Can anyone be sure that there are no more Chernobyls in Russia's future? Can the Russian Government, can any government—including our own—always be trusted to have the public good in mind? Who will guard the guards if environmental NGOs are put out of business? And what does it mean for business interests in the West if they cannot get an accurate picture of the political situation in Russia because the only media allowed sing the government's song?

Our witnesses today are uniquely qualified to answer these and many more questions.

#### INTRODUCTION OF WITNESSES

I am pleased to welcome again General William Odom at a Commission hearing. He is the Director of National Security Studies at the Hudson Institute, and former Director of the National Security Agency. General Odom is a frequent radio and television commentator, and a periodic contributor to the op-ed pages of The New York Times, the Wall Street Journal, and the Washington Post, among others. His most recent book is the *Collapse of the Soviet Military*.

It is a pleasure to see Mr. Igor Malashenko again on Capitol Hill, but I'm sure we all wish the circumstances were more favorable. Mr. Malashenko is First Deputy Chairman of the Board of Directors of Media-MOST and President of NTV, whose offices were the subject of the government raid on May 11 last. A graduate of Moscow State University, Mr. Malashenko has contributed numerous articles to *Time*, *Newsweek*, *The New York Times*, and the *Los Angeles Times*.

Our third witness is Sarah Mendelson, Assistant Professor of International Politics at the Fletcher School of Law and Diplomacy. Dr. Mendelson served on the staff of the National Democratic Institute's Moscow office from 1994-95, and is currently a research associate at Harvard University's Davis Center. She has published in the *Washington Post*, *Foreign Affairs*, and a variety of scholarly journals.

Rachel Denber is Deputy Director for Europe and Central Asia at Human Rights Watch. She has conducted human rights fact finding missions throughout the Russian Federation and the former Soviet Union. Ms. Denber has authored or co-authored reports on the armed conflicts in Chechnya and other regions of the former Soviet Union, and on human rights violations in Russia, Tajikistan, Georgia and the Baltic States.

Dr. Georgi Derlugian is assistant professor, Department of Sociology, at Northwestern University. A graduate of Moscow State University and the State University of New York at Binghamton, he has held research and teaching positions at Cornell University, the University of Michigan and the U.S. Institute of Peace. He is currently finishing projects on the dynamics of post-Soviet organized crime and the Chechen struggle for independence.

I would add that we had planned to have with us via video conference Mr. Andrei Babitsky, Radio Liberty journalist. Unfortunately, technical problems precluded that opportunity, but he has provided a written statement for the record, and his story deserves to be told. As a result of his reporting from besieged Grozny last year, Mr. Babitsky remains in Moscow under investigation for allegedly "participating in an armed formation." Babitsky was recently awarded the OSCE Parliamentary Assembly's prize for journalism, and we hope that he will be able to join us in Bucharest this July for the award ceremony.

Ladies and gentlemen, we look forward to your testimony and we will have some questions to follow.

**WRITTEN STATEMENT OF  
HON. BEN NIGHORSE CAMPBELL, CO-CHAIRMAN**

Today's hearing—on the eve of President Clinton's first summit meeting with Russia's recently elected President, Vladimir Putin—provides a timely opportunity to assess bilateral relations between the United States and the Russian Federation as well as domestic developments. Four years to the day after Russian forces entered the Chechen capital, Grozny, in the 1994-96 war, Boris Yeltsin caught many off guard when he announced his resignation as Russia's first democratically elected president. President Putin, a career functionary in the KGB, was suddenly propelled into the presidency, having never held prior elected office. Less than three months later, Putin was elected in his own right, riding a tide of popular support for the latest war in Chechnya.

Plucked from political obscurity, few facts are known about President Putin and even less about his agenda. I recently learned that he is accomplished in judo, a sport that has helped shape both our lives. Clearly, he is a man of considerable tenacity and ingenuity.

These skills will certainly be put to the test as he attempts to deal with a series of pressing economic, security, and social problems. His commitment to such core OSCE principles as democracy, human rights and the rule of law are somewhat in doubt. He has repeatedly talked about establishing a "dictatorship of law." Recent actions against independent media are certainly a source of grave concern as is the conduct of Russian forces in the ongoing war in Chechnya. Ironically, a protracted war there could prove an Achilles heel for President Putin as casualties among young Russian conscripts rise along with desertions.

On the economic front, remedy of Russia's ailing economy will require President Putin to quickly get a handle on rampant corruption and continuing capital flight. Following such a path, however, would put the Russian President on a collision course with Russia's modern day robber barons, including some of the individuals instrumental in rise to power.

Meanwhile, President Putin is confronted with an aging arsenal of nuclear weapons which represent a further economic drain on Russia's somewhat feeble economy and a likely factor in his personal push for a host of arms control agreements in the closing months of the Clinton Administration.

We have an impressive array of witnesses and I look forward to hearing their testimony.

Thank you, Mr. Chairman.



**WRITTEN STATEMENT OF HON. STENY H. HOYER,  
RANKING MEMBER**

Mr. Chairman, thank you for holding this timely and important hearing which examines the prospects for continued democratic development in Russia under President Vladimir Putin.

In this new century, and for the first time in history, we have witnessed a peaceful democratic transfer of executive power in Russia. The Russian people have expressed their will through the ballot box and we congratulate them. We support the people of Russia in their efforts to strengthen democratic institutions and the rule of law.

As President Putin said in his inaugural address, "the establishment of a democratic state is a process still far from completion. We must safeguard what has been achieved, maintain and develop democracy, ensure that the authorities elected by the people work in their interests...and serve the society."

Mr. Chairman, President Putin, like all of us, will be judged by his words and his deeds. Unfortunately, in many respects President Putin's actions since his inauguration do not reflect his promises.

For example, I am outraged that the Government of Russia hosted a visit by General Dragolub Ojdanic, the defense minister of Yugoslavia who served as army chief of staff during the war in Kosovo. General Ojdanic has been indicted for war crimes by the International Tribunal. As a permanent member of the U.N. Security Council, Russia was obligated to detain him as a war crimes suspect. Instead, General Ojdanic met with high level Russian officials and attended World War II commemorations. Additionally, the Government of Russia has granted Belgrade a \$102 million loan and announced the sale of \$32 million worth of oil to the Milosevic regime. This is in direct violation of the international sanctions imposed on Serbia. I am convinced, Mr. Chairman, that these funds will only serve to enrich the dictator in Belgrade and his cronies and enhance the suffering of the Serbian people.

The recent raid on the headquarters of the Media-MOST organization by a SWAT team under the direction of the Putin administration, causes serious misgivings about the new president's commitment to "maintain and develop democracy." Free speech is the cornerstone of democracy and a guiding principle of the Helsinki Final Act. I would suggest that the Putin administration develop strategies for responding to public criticism which do not involve masked men carrying assault weapons.

Mr. Chairman, the United Nations Human Rights Commission recently passed a resolution condemning "gross, widespread and flagrant violations of human rights," in Chechnya, including attacks on civilians. While we condemn terrorism in all its forms, wherever it may be found, the wholesale devastation of a people and their lands in an attempt to seek out and punish those who may be guilty of lawlessness is completely unacceptable.

At the OSCE Summit held in Istanbul, Turkey, last November, the Russian Federation committed itself to seeking a political solution to the crisis in Chechnya with the aid of the OSCE. I believe President Putin's ability to seek peace in Chechnya and reconcile with the Chechen people will serve as a bellwether for his ability to build a democratic future for Russia.

I look forward to hearing the testimony of our distinguished witnesses.

Thank you, Mr. Chairman.

**WRITTEN STATEMENT OF HON. MATT SALMON,  
COMMISSIONER**

I want to thank Chairman Smith for holding this timely and important hearing today. I look forward to hearing the testimony of our invited guests, particularly Mr. Malashenko's account of the recent attack by armed government security agents on the Media-MOST headquarters in Moscow.

As a member of this Commission and the House International Relations Committee, I have been a strong advocate for freedom of speech and religion throughout the world.

Many of us have witnessed Russia's struggle for democracy in the post-communist era with great expectation and hope. A few signs of progress have been recognized over the years. For example, the improvement of human rights in the major metropolitan areas of Russia and the recent constitutional presidential succession of Boris Yeltsin. While these advancements are encouraging, recent actions by the Putin government are of great concern.

Just over one week ago, masked men posing as tax inspectors were seen guarding the entrance of the privately run Media-MOST group as other agents raided the office. Dozens of investigators and police commandos searched documents and recorded workers's personal data while toting submachine guns. When asked why the search was taking place, police officials withheld comment.

Media-MOST denounced the raid, stating that it was retribution by the Putin government for their reports of government corruption and incompetence. It is also believed that the raid took place because of Media-MOST's owner, Vladimir Gusinsky's, lack of support for President Putin's election.

Some analysts believe that these actions by President Putin are the groundwork for a return to a more repressive state and a revival of Soviet-style intelligence of the media. In fact, in January of this year the president endorsed a law which gives Russia's intelligence agencies "real-time eavesdropping" access to all e-mail and e-commerce transactions.

Obviously, these actions by the government are a step in the wrong direction and seriously jeopardize the hope of democracy in Russia. As Russia struggles to recover from more than 70 years of Communist oppression we must do everything in our power to encourage freedom and democracy.

Again, I congratulate Chairman Smith for holding this meeting today and look forward to hearing from our distinguished panel of guests.

**PREPARED STATEMENT OF  
LT. GENERAL WILLIAM ODOM (RET.)**

Good morning Mr. Chairman and members of the commission. Thank you for this opportunity to share some thoughts with you about Russia. You have asked me to address two general questions. First, how do I assess the overall state of US-Russian relations? How will Putin treat the United States? What will be his strategy? Second, what are the prospects for democratic development and civil society as well as Western business investments and trade with Russia? Let me offer summary answers to both questions and then respond to your questions.

The best way to understand the status of US-Russian relations is to recognize that they have been built on dubious assumptions. Today, the realities they hide are becoming more difficult to ignore or disavow.

Let me elaborate three of them, the ones that are most critical, to make this case clear. The first is that Russia is still a great power, militarily if not economically, that it must participate in all kinds of international matters such as the G-7, security in the former Yugoslavia, NATO's affairs, and other such things. Second, US policy makers have assumed that Russia is becoming a liberal democracy. It may have problems and illiberal features, but it is making progress, albeit slow, toward a liberal political system and an effective market economy. Third, they assume that Russia has abandoned its imperial aspirations vis-à-vis the former Soviet republics.

On this platform of misperceptions, the administration's strategy boils down to a set of *quid pro quos*. As *quids*, the Clinton administration gives Russia the role of a great power and facilitates large capital assistance to Moscow as well as granting many small technical and direct financial assistance programs. As *quos*, it expects Russia to make more progress toward democracy, to play a constructive international role, and to cooperate in arms control, especially in START II and III, in enforcing the NPT, adhering to the CFE limits, and revising the ABM Treaty.

If the assumptions were sound, the strategy might make sense, but they are not.

Take the first, progress toward liberal democracy. While Russia maintains some of the formalities of electoral democracy, its policy in Chechnya and its management of the recent parliamentary and presidential elections make it difficult to believe that it is even marginally liberal. Freedom of the press, due process in law, and personal security for all citizens of the Russian Federation have all suffered setbacks. In fact, Russia's behavior towards its own citizens in Chechnya has been called "near genocide" by Sergei Kovalev, the former human rights advisor to Yeltsin. The stories of a Chechen doctor to an audience in Washington last week about Russian forces shooting all the wounded Chechens in his hospital, the video tapes of a Czech journalist recording Russian behavior there, and dozens of other sources reveal a horrible picture. One could make a case that many Russian officials should be indicted for war crimes.

Concerning Russia's transition to a market economy, the crash in August 1998 stripped away some of the illusions about this point. In fact, the overall impact of that crash, especially that it has blocked

renewal of IIME loans, has been positive for the Russian economy. IMF loans have kept the exchange rate unrealistically low, facilitating imports that destroy Russian domestic production. Curbing them, therefore, has a positive effect, but this is not to say that the Russian economy will make great progress in the next few years. Effective institutions necessary for sustained progress simply do not yet exist in Russia. And some of President Putin's new policies are not promising for their creation. His claim that the state is above the law, for example, threatens all human rights. So too, his emphasis on investing more money in state-owned military industries is not good for the economy. This can only shore up the anti-market forces in Russian industry.

Russia's international behavior, starting with its role in Kosovo, can hardly be characterized as constructive. Moreover, the new Russian "national security concept," Putin's official document, and its complementary "military doctrine," make the creation of a "multi-polarity" world Russia's primary strategic objective. To understand this seemingly innocuous aim, one need only recall that the collapse of the Soviet Union left a "uni-polar" world with the United States as the only superpower. Multi-polarity requires the demise of American power and influence. Were this mostly rhetoric, as is the case with President Chirac of France, who occasionally calls for multi-polarity, there would be little reason for concern. But Russia seems bent on pursuing every opportunity to spoil American policies and to support anyone opposed to the United States. Why else invite Serbian officials to Moscow who are indicted for war crimes? Why make loans to Serbia? Why aid her nuclear program? Why support Ethiopia against the UN's effort to embargo weapons to that country in an effort to stop its war with Eritrea? Why attempt to play the "China card" against the United States even when that hurts Russia and undercuts its own security in the Far East?

The sudden willingness of the Russian Duma to ratify START II and the CTBT should also be seen as aimed at creating multi-polarity. This does not signal a shift in Russian policy toward cooperation. Rather it is a tactic to tie down and frustrate the United States and to embarrass it before world opinion and in the eyes of arms control proponents. President Putin took advantage of the chance afforded Russia to hoist President Clinton on his own petard by re-emphasizing Cold War thinking on the arms control.

Most embarrassing in this regard is the administration's attempt to persuade Russia to amend the ABM treaty. Having failed to line up our European allies and the Japanese and South Koreans beforehand, having inadequately considered their interests and needs for missile defense while lunging ahead with emphasis on a US national missile defense program, it has provided Russia with opportunities to create tensions within US alliances. And Putin's people are exploiting them while contributing to proliferation of nuclear weapons and ignoring the GEE treaty limits in the Caucasus region.

Multi-polarity especially appeals to the Russian military and security services because it replaces the old Soviet concept of the "international class struggle," which made the United States and all of its allies "the enemy" against which Soviet strategy could be designed. The new multi-polarity concept would remain benign had not the

United States made itself so vulnerable to mischievous Russian diplomacy by giving it a voice and an international role not at all commensurate with its present power.

This, then, is my summary assessment of US-Russia relations. Let me point out a few implications.

First, I do not see the situation as terribly alarming unless the United States continues to overrate Russian power and to make Moscow the main focus for US foreign policy. Our relations with Europe, Japan, and South Korea are vastly more important, deserving far more attention. We must overcome our residual Cold War thinking in which Russia is the most important country in the world. That is good neither for Russia nor for the West.

Second, Russia is going through a difficult time. It is in a classic "weak state" trap common in many third world countries today. It will not recover in a decade, and is not likely in many decades. This weak Russia will be with us for a very long time.

Third, we can do little to change this. We do not know what to tell the Russian Government to do, and we have become partly culpable in Russian domestic politics because we have lectured Moscow on how to transform its political and economic system. The United States should stand aside, modestly recognizing that Russia's problems are enormous and that only Russians can solve them if they are ever to be solved.

At the same time, we do know what to tell Russia not to do. We should tell them to cease their gross human rights abuses in Chechnya and to stop meddling in the affairs of the other former Soviet republics. Several former Soviet republics feel sorely threatened by Moscow, especially since Putin came to power and has tried to turn the CIS into a tool for Russian domination. OSCE observers have been quite explicit about these aspects of Russian behavior, but the United States has not lent its international prestige or moral authority to making Russia face up to the charges. This failure encourages the worst political elements in Russia and makes improvement in US-Russian relations more difficult and distant.

Some administration officials argue that to condemn these Russian actions is to refuse to "engage with Russia." How can we not "engage?" they ask. This question confuses engagement with capitulation. Taking Moscow to task for its brutality in Chechnya and its unfriendly actions in Georgia, Azerbaijan, Moldova, Ukraine, and the Baltic states is engagement. A few voices in Moscow are not yet fully intimidated by Putin's assertive police tactics and speak out on these matters, but the Clinton administration gives them neither attention nor comfort. Calling Putin's hand will not turn Russia into a liberal democracy overnight or in a couple of decades, but it will absolve the United States of moral complicity in the war in Chechnya of the kind the president committed recently when he called for the "liberation of Grozny" by Russian forces. They indeed liberated it by making the city look like Stalingrad in 1943! No engagement policy requires this kind of twisted moral and policy thinking.

Let me now turn to the prospects for Western business in Russia. For those who understood the true nature of the old Soviet political and economic institutions, it was clear in 1992 that no rapid and successful transition to an effective market economy was possible in Russia. Not only were those voices wrong which advocated a set of

rapid transition policies, but so too are the voices which today insist that there was an alternative strategy for making a transition successful by slow steps or some other strategy, although they are convincing about some aspects of “shock therapy” policies. Given the massive property transfers and other wealth transfers that a market transition involves in Russia, the struggle was bound to be messy, vicious, and chaotic. And so it will be for a long time. Western advisors have no magic formulas allowing Russia to evade the pain.

This means, of course, that transaction costs for most business endeavors in Russia today are very high and will not soon decline. Investing in extant Russian enterprises or in building new firms will remain extremely risky. One sector, however, is an exception extractive industries, especially minerals, and among them oil and gas top the list. They are far from risk free, but careful business deals with Russian firms in these areas offer profits. It is not greatly different from investing in weak states in Africa, Latin America, or in Asia. Oil companies make money in Angola and Nigeria although both countries are extremely unstable. Western businessmen in most other sectors, however, rarely invest in such places.

The underlying point for business prospects in Russia is the same as the one for assessing Russian foreign and military policy. In both cases, the problem is a very weak state that cannot penetrate and control many social, political, economic, and regional enclaves. The most reliable index of a strong state is its capacity to collect direct taxes equitably. To do that, Russia would need effectiveness in all the institutions of central and local government that is, courts, law enforcement, financial and business regulatory institutions, and many others. Perhaps Putin will produce a miracle, but he is more likely to bog down in struggles with the various “strong men” in business and in regional governments. The Russian military, however, appears ready to help him to knock his opponents into line. But until the army ends the war in Chechnya, not any time soon, the generals may not be durable allies for Putin.

More promising for Putin’s fight against “localism” and business tycoons is the very large number of FSB (former KGB) officers who are creating parallel lines of control for Putin to use against the regional governors and other strong men in the bureaucracy and business. If this approach works, then something like the political systems in Iraq, Syria, Uzbekistan, and Turkmenistan might emerge in Russia highly oppressive but not very effective in economic performance, heavily dependent on the export of oil and gas.

Understandably, many Russians have been attracted to the so-called “Pinochet model” in Chile for escaping the weak state trap. But military dictators in weak states do not fit the Pinochet model. Chile had well established institutions of property rights, courts, regulatory systems, etc. And Pinochet left them alone for the most part after he butchered his political opposition.

Dictators in weak states are better illustrated by Abacha in Nigeria, Mobutu in Zaire, and many others. Even dictatorships like Iraq and Syria have more developed institutions than Russia does today, and that is why they are more stable although highly oppressive.

Russia cannot escape through a praetorian model, although Putin often sounds as though this is what he has in mind. A praetorian approach will probably give Russia sufficient strength to cause great

trouble for its weak neighbors but not enough to become a great power. Russia's alternatives are essentially two. First, it can remain indefinitely caught in the weak state trap. Or second, it can continue its struggle to achieve a liberal breakthrough, that is, securing an elite consensus on a minimal set of rights most important being property rights and due process which the state cannot abridge. This cannot happen soon, but it cannot be ruled out.

At least a few the Russian intelligentsia seem to realize this. Let us hope that they succeed although it will take a long time. A US policy that patronizes a weak Russia, sustaining its illusions of being a great power today, does not improve the chances for their success and probably reduces them.

### PREPARED SUBMISSION OF IGOR MALASHENKO

May 11th, in Moscow heavily armed men in camouflage uniforms and black ski masks raided the offices of Media-MOST, the largest privately owned media company in Russia. There were up to five hundred government agents involved, including the FSB (Federal Security Service, the successor to the Soviet KGB), the General Prosecutor's Office, and Tax Police employees. They carted away documents, tapes, computer discs and equipment. Russian officials issued contradictory and unsatisfactory justifications for this raid. Whatever the rationale, however, it is clear that the forces involved in the operation were clearly disproportionate to any declared purpose.

This bizarre and frightening episode was widely reported by the US and international press. In some reports, it was presented as a kind of personal vendetta of some people in Kremlin against media magnate Vladimir Gusinsky, who owns controlling interest in Media-MOST. However interesting it may be to report on any conflicts or clashes of personalities, the importance of the case lies elsewhere. Media-MOST is a unique Russian media holding which includes NTV, a national television channel, TNT television network, NTV-plus pay-TV operation, Echo of Moscow radio station, Segodnya newspaper, Itogi weekly magazine and other media outlets. These are widely recognized as among the leading news organizations in Russia. In these organizations work many of the best reporters and commentators in Russia. They have written on news no other media outlets have reported on and they are thoroughly professional.

For many months the Kremlin both under President Yeltsin and now President Putin has not made much effort to conceal how infuriated it is by the objective and penetrating reporting provided by journalists of Media-MOST on the war in Chechnya, on high-level corruption and on the questionable activities of the FSB. There is little doubt that the demonstration of force which occurred on May 11th was intended, on the one hand, as vengeance, as a punishment for material already published or aired on television programs, and on the other—as an act of intimidation to prevent further investigative reporting by the media not only in Moscow but all over the country.

As many acts of intimidation, this one was directed not only against its immediate target, Media-MOST, but also against other media which are not yet controlled by the Kremlin or by its proxy "oligarchs" as they are known in Russia. It is well known, that in Soviet era journalists were not only censored by authorities, but also self-censored themselves. The attacks on Media-MOST and other Russian media are intended to intimidate publishers and journalists and to make them to self-censor themselves. There are very few independent sources of information left in Russia, as Russian authorities both in Moscow and in the regions for years have been pursuing policies which aim at putting newspapers, TV and radio stations under their direct control. The raid on Media-MOST is a signal to the governors of Russian regions—politicians who normally show even less respect to freedom of the press than officials in Moscow, that they have a green light to intimidate their local press. Media-MOST has a number of affiliated news organizations in the regions, and some of them have already been harassed by local authorities in the past.

But the raid on Media-MOST also has broader implications. In fact, it speaks volumes about the kind of new Kremlin policies we can ex-



pect not only towards Russian media, but also towards any businesses in Russia. This raid on Media-MOST was not the first time that armed government agents have burst into business establishments. The deployment of armed government agents is widely used in Russia to solve legal disputes or to change managers or even owners of some lucrative businesses. For example, a few months ago dozens of government agents were used to remove the CEO of Transneft, the largest oil transporting company in Russia, and bring in a new manager, more acceptable to the Kremlin. This incident was widely reported because it took place in downtown Moscow. However, the use of force against businesses has become so common that most of such cases, particularly in the regions, simply go unreported by the national press. Western companies are also not immune from this kind of treatment as it was demonstrated, for example, by the harassment of Johnson & Johnson by the tax police in 1998. President Putin promised in his inauguration speech to establish a “dictatorship of law” in Russia. Unfortunately, after the raid on Media-MOST it looks the Kremlin intends to rely more on the arbitrary and disproportionate use of force rather than the rule of law.

Only after criticism in Russia and abroad of the raid on Media-MOST, President Putin’s press office issued a statement, which said that Mr. Putin is “convinced that the freedoms of speech and of mass media are basic values”. However, all too often Russian politicians pay lip service to democratic values but disregard them in their actions. As we know, both Mr. Putin and some of his aides spent many years in the Soviet KGB or Russian FSB, and these organizations can hardly be regarded as strongholds of democratic values. Earlier this year, Andrei Babitsky, the Radio Liberty reporter, who broadcasted critical stories about Russian forces in Chechnya, was de-facto taken hostage by Russian security services, abused by them and treated as a criminal. To intimidate the press covering the war in Chechnya, Russian Ministry of Press issued formal warnings to two newspapers, Kommersant Daily and Novaya Gazeta. Just a week ago ministry officials said that Radio Liberty should have its license pulled in Russia because its broadcasts, particularly on Chechnya, are hostile to the state. After the attack on Media-MOST Russian Press Minister Mikhail Lesin, who is believed to have taken part in planning the raid, declared that press freedoms were not endangered. Earlier Mr. Lesin defined his main goal in this manner: to “protect the state from the mass media”. The state has no reason to be “protected” against a free press. In fact, in our view, the best protection a democratic society can have is a free press. However, there is an alarming trend here as the Russian Press Ministry is being transformed into a weird combination of an Orwellian Ministry of Truth and private media company, as the minister himself has extensive business interests which may conflict with.

Freedom of press is a very new phenomenon in Russia. It is also the first target for those Russian officials who consider democratic values and institutions a nuisance and would like to reverse democratic reforms in Russia. Their goal is to establish a more authoritarian regime to control both political life and all major economic assets of the nation. This goal, however, is incompatible both with the requirements of functioning democracy and the long-term interests of Russia’s economic growth, as it inhibits the further development of a market-based economy.

In the final analysis, Russia's problems should be managed by Russians themselves, after all it is up to us, to all Russians, to decide whether we would like to live in a modern society, enjoying freedom of the press among other political and economic freedoms, or would accept political authoritarianism and crony capitalism. Still, today's Russia cannot and should not become an isolated nation. For too long there was an iron curtain between it and the West. After the fall of Communism, we earned the right to be included in the ranks of democratic nations. Ongoing dialogue between Russian and Western leaders should be used to remind the Kremlin that adherence to democratic principles, as stated in the Helsinki Accords and other documents, can not be considered the domestic affair of any nation. These are subjects of universal concern. Perhaps Russian new leaders do not fully appreciate the fact that for the outside world the treatment of free press is one of the most important indicators of not only of the direction in which Russia is heading domestically, but also of its future policies towards its neighbors and towards the West. I also have no doubt that the democratic ideals of the Western community and the long-term interests of the Russian people coincide. There are many Russians, myself included, who welcome international support of these principles in my country. One of US politicians once said: "This is my country, right or wrong. If right, keep it right, if wrong, put it right." Both myself and my colleagues in Media-MOST want a strong, united Russia. We also want a free, democratic Russia. All of these goals are furthered by an independent media. We hope the new leaders of Russia will come to understand this as well.

**PREPARED SUBMISSION OF DR. GEORGI DERLUGIAN**

Thank you, Mr. Chairman and Members of the Commission. I welcome this opportunity to present my thoughts today on the future of Russia under President Putin.

The emergence of Putin was scarcely an accident. Unlike the Third World militaries, the elite corps of officers guarding the Soviet state was not found in the huge and sloppy former Red army but in the secretive and highly professional KGB. In the early days of perestroika the patriarch of Soviet dissidence Academician Sakharov made a startling statement recognizing the KGB as the only institution capable of reigning in the corrupt and self-serving nomenklatura of the Communist party. Gorbachev paid dearly for failing to see the deeply practical sense in the words of the man whom everyone considered a visionary.

After the mishandled coup attempt in August 1991 the KGB was undone as the single organization, but it survived as the network of veterans who cherished their *esprit de corps* and loyalty to the abstract great State despite having to serve in the private protection agencies and various bureaucracies of Yeltsin's regime. Their hour arrived after the bungled market transition and the bankruptcy of Yeltsin's quasi-absolutism. The political change in Russia since Putin's appointment last August amounts to a successful coup carried out by formally constitutional means. Putin is a paradigmatic anti-Gorbachev: he talks little, exudes masculinity and professional harshness, dislikes the media and parliament chatterboxes, uses unrestrained force against the ethnic separatists, appeases the West...but not before his subordinates create some kind of uproar. In the spirit of KGB culture, Putin gives every signal of being pragmatic and professionally loyal to the idea of Russian state rather than any ideology. He now faces the uphill battle to consolidate the new regime and use its levers to restore Russia as respectable world power.

At the moment the second Russian president does not seem to have a clear plan, but his moves, objectives and the possible means are nonetheless quite calculable. Indeed almost too calculable because he will be operating under the weight of Russia's statist tradition and the stiff constraints imposed by the current globalization.

**SOME HISTORICAL BACKGROUND: WHAT ACTUALLY CAUSED THE SOVIET COLLAPSE AND WHO GRABBED THE BENEFITS?**

After 1945 the Soviet state designed for the war-like campaigns and the mass production of industrial-age weaponry entered a long period of peace in which it found itself confronted with the tasks most unnatural for such an organization: namely, the cost-efficient, flexible and uninterrupted production and distribution of consumer goods and services.

The Cold War competition with the much wealthier America played a hugely aggravating role. Moscow had to continue paying for the largely impassed but exceedingly costly arms race. To maintain the appearance of superpower, the USSR had to support a spate of symbolically important foreign clients. But above all the Soviet leaders had to deal with the mighty demonstration effects of Western consumption patterns. To put it bluntly, the Western automobiles, rock music and blue jeans created a political pressure on Moscow even more grave than the Western military bases and defense alliances.

Their attempts to curb the flow of cultural information from the West were futile not simply because of the mass communications technology. The Soviet leaders themselves (and even more so their children) proved eagerly susceptible to the temptations of capitalist lifestyle. Power, after all, carries the seduction of enjoying its material fruits.

For a long time the Soviet leaders have been toying with various surrogates of market discipline and accountability. The reform attempts culminated in Gorbachev's perestroika that in its first phase questioned the central controls and then spectacularly failed to move into the second phase of installing the competitive mechanisms in politics and economy. (But Gorbachev's romantic attempt likely spared us the more catastrophic pattern of imperial demise with the outright reactionary chauvinists like Serbia's Milosevic.)

The Soviet Union was not brought down from without and presumably by the West, that in fact stood watching in amazement. It was undermined neither from above (by Gorbachev) nor from below (presumably by a popular revolution). It rather imploded from the middle and fragmented along the lines of bureaucratic turfs. The Soviet collapse occurred when the mid-ranking bosses felt threatened by Gorbachev's unreliability from above and sometimes pressured by their newly assertive subordinates from below. The 1989 in Eastern Europe provided the demonstration prod.

The particularly cynical apparatchiks of the already decomposed Young Communists League (Komsomol) led the way. Following them were the governors of national republics and Russian provinces, senior bureaucrats of economic ministries, and all the way down to supermarket managers. As in many declining empires of the past, the vile servants emboldened by the incapacitation of emperors and frightened by chaos, rushed to grab the assets that laid nearest to them. Typically, they were helped by the enterprising nimble personalities ranging from the self-styled Yuppie imitators (what Yale's sociologist Ivan Szelenyi wryly called *Comprador intelligencia*<sup>1</sup>) to former black marketeers and outright gangsters. The luckiest few from this motley category would become the celebrity post-communist tycoons.

The grabbing privatization (*prihvatizatsia*), fortunately perhaps, normally stopped there. With the removal of organizing central stem the Soviet pyramid of power fell into segments and remained in this awkward position. The former nomenklatura sought to assert their property rights *de facto* and *de jure*, but succeeded quite imperfectly. Some attempted to liquefy their assets, often at cannibalistic costs, and transport the loot abroad.

#### PUTIN'S AGENDA

Col. Putin served well the original purpose of his surprise promotion: to cover Yeltsin's retreat. This mission was coterminous with beating back the opportunistic coalition of provincial governors who were posed to divide the spoils of what in 1999 seemed the imminent demise of Yeltsin's quasi-monarchy. Chechnya as the extreme example of provincial separatism was selected as the beating boy. But the success of first stage in the re-centralization of Russian state now hinges on the promised pacification of Chechnya. This objective appears ever remoter but not entirely impossible. In the heat of the battle it was often overlooked that the Russian were more successful this time because the Chechen warlords have severely overtaxed the

patience of their own population. This creates so far a theoretical possibility of resolving the current crisis by political means, though rather unsavory in any case.

The common cliché presents Russia at war with the whole Chechen people for three centuries. It is a gross over-generalization. The bitter irony is that Russian bureaucrats—under the tsars, Stalin, or Yeltsin—invariably sought to rule this frontier tribal society in a harshly direct manner, the way they were used to. Maskhadov who was insistently offering Moscow to serve as surrogate governor of nominally independent Chechnya, fell the latest victim. The best outcome Putin can now hope for is the perennial blockade of the mountainous parts of Chechnya and the dispersal of Chechens in the internal diaspora; the luckier two thirds of Chechens already live outside their devastated homeland. But diaspora breeds nationalism too, unless its leaders are assiduously bribed and coopted. The Moscow handlers of minority nationalists must be learning this imperial game now.

Fairly soon Putin will have to seek a distraction from the Chechen quagmire. Most likely it will be a massive anti-crime campaign. This fits Putin's profile and the recent trend towards squeezing the illegal providers of coercion from the protection market. The policemen on active duty or in the more lucrative private protection agencies will eagerly massacre their criminal competitors, while the Russian society surely wouldn't mind.

Far trickier will be the struggle to reign in the governors of provincial fiefdoms and the notorious economic oligarchs with their mechanisms of political corruption and media manipulation. These potentates may hold some poisonous weapons as the last resort against Putin. But the clash is unavoidable. Moscow can no longer rely on the external credits and therefore must wrestle back the internal resources.

The battle will be ferocious and unlikely to remain constitutional. The central ruler, relying on the former KGB network and the passive sympathy of Russian population, may probably win; the vested interests will perish or sue for peace. The Russian politics and media will become quite boring. Some enthusiasts wishfully predict that in this case Putin would become the Russian Pinochet, which to them means the harsh midwife of liberalized markets. The pessimists fear an aggressive re-militarized Russia (the present condition of Russian military warrants a thorough re-militarization.) Most likely we shall see a bit of both, because neither the capitalist nor the imperial option is quite open.

Putin may become the founder of the IVth Russian Empire, informal and more capitalist. The Russian capital begins to realize its common longer-term interest in staying confined to the former Soviet borders. The majority of Russia's enterprises are redundant to the world markets, and this condition will persist. Though cheaper compared to the West, the post-socialist labor remains too costly and undisciplined compared to the huge and widely available pools of the Third World. The former Soviet bloc is attractive to the Western corporations only as the large concentration of consumers. Meantime the big Russian industrialists will enjoy a sufficient leverage to demand protection from their state. If the new class manages to consolidate itself around its state, it will certainly demand special preferences in the former

Soviet republics too. But no further because the Russian state is too much down to aspire for more than establishing the military and commercial protectorates within the former Soviet frontiers.

If in the coming decade Russia re-militarizes and manages to build a new professional army (to which the current Chechen War seems conducive), we may yet see the emergence of mercenary Russia (the state that undertakes, for an agreed compensation, the risks and the dirt of imposing stability in some of the nastiest geopolitical areas. If the markets won and globalization is to endure, the supply of military protection will become a marketable commodity, as it in fact was in the early modern markets. Central Asia and Transcaucasia are the obvious applications, plus the Balkans, perhaps parts of Middle East and Africa, the Indian subcontinent, and the biggest worry of all—the China-Korea-Japan triangle.

The West will have to decide how to react, for a remilitarized Russia can be an even more effective provoker of potential conflicts than a mercenary peacemaker.

Such an outcome would be very much in the Russian historical tradition, looking hopelessly backward in the beginning, but then applying the concerted state power to set on a substantially different path. If Putin ever emerges even moderately successful from his struggles, over the medium run (five to ten years) the likely result will be a moderately protectionist, semi-authoritarian, still inescapably corrupt but better off Russia commanding an unstable informal empire. Pragmatically, the West should not mind this Russian trajectory and continue to offer Moscow a degree of political and financial accommodation, the West seems to have made its mind on Putin and his prospective agenda.

### PREPARED SUBMISSION OF SARAH E. MENDELSON

The last several months have been an increasingly difficult and dangerous time for democrats in Russia. In this testimony, I will try to show that human rights are in retreat under Vladimir Putin. I will discuss the specific ways in which life for political activists and for journalists has become more complicated. I will also put these developments in a larger context and suggest that not only are human rights threatened, but so are the fragile democratic institutions that have developed since the collapse of the Soviet Union. And finally, I will discuss the limited but important measures that the international community can pursue, including Congress, to try and improve the situation, and more specifically, what President Clinton should do during his June visit to Moscow.

### POLITICS WITH PUTIN

The rise of Vladimir Putin in 1999 and 2000 has been accompanied by a range of activity that points to the consolidation of creeping statism. Mr. Putin has not come out of a vacuum; he is in many ways an extension of the dynamic that propelled Evgeny Primakov first to the position of Foreign Minister in 1996, and then to Prime Minister in 1998. Mr. Putin's methods are, however, characteristic of the Soviet, not the post-Soviet era in terms of their brashness. Specifically, the Federal Security Service (the FSB, to use the Russian acronym) has become emboldened under Putin's leadership, when he was director of the FSB, then Prime Minister and now as President. This fact has had very real consequences for Russia's fragile and fledgling democratic institutions. In short, social and political activists and opposition journalists will tell you that it is harder today to be an activist than at any time in the post-Soviet period. Many believe that Putin's ultimate goal—whether or not he is capable of achieving it—is not to harass and intimidate but to neutralize opposition, stop criticism and control competition.

Let me explain what I mean by this. The treatment of Andrei Babitsky in January and February was shocking and disturbing, and the FSB raid on Media-MOST in May was brazen. These acts, however, should be seen as part of a larger pattern of harassment that has grown steadily worse over the last year and a half. There are numerous cases of other journalists as well as environmentalists, human rights activists, scientists, journalists and academics—Russians but also Americans and Europeans—who have been intimidated, interrogated, trailed, jailed, robbed, accused of treason, run out of the country, and, in the case of Mr. Babitsky, "disappeared," all by the federal authorities. Harassment has not occurred for the first time under Mr. Putin, and in fact, the environmental activists have been the target of systematic harassment for several years, but the pattern has gotten clearer and more common as the scope of FSB harassment has widened.

This pattern—of which the systematic human rights abuses in Chechnya are also a part—has led to an atmosphere in Russia today that is hostile to civil rights activists, and in fact, anyone with opinions that differ from the Kremlin's. While service providing organizations, for example that work with the disabled or the elderly, orphans or veterans, appear to be left alone, Putin's politics target advocacy groups and opposition media.

We in the West must recognize that Putin not only speaks fluent German, but he is pretty good at speaking Western. We need to pay special attention not to what Putin says but to what he does; he says what Westerners want to hear, but then he does as he likes at home. And it turns out, what he does at home too often looks and smells like tactics used by the KGB. While some in the West may say "we don't know who Mr. Putin is," activists in Russia feel they know all too well. If the last several months are an accurate indication, and many Russian activists believe they are, then politics in the Putin era are likely to be secret, hidden, and corrupt.

#### INTIMIDATION AND HARASSMENT OF RUSSIAN NGOS

Mr. Babitsky's treatment by the Russian authorities is well known. Less well known is the fear that permeates the activist community. This fear stems from the arbitrary use of administrative means and an absence of the rule of law to crack down on groups that the state does not like. And while the May raid against Media-MOST was bold, loud and shameless, more often, the authorities have worked doggedly but more quietly to silence groups.

The most pervasive effort over the last year has been to deny NGOs the ability to re-register with the Ministry of Justice or regional and local agencies. According to the Russian Constitution (Article 30) each individual has the right to participate in non-governmental associations. Yet according to Russian groups, "regional and local authorities used the requirement for NGOs to re-register as an opportunity to get rid of 'undesirable' organizations which criticize the authorities' actions in certain areas or suggest alternative remedies." At this moment, Russian activists estimate that less than 50 percent of all national organizations have been re-registered by federal authorities. Activists fear that a law may soon be introduced in the Duma which would allow the Prosecutor General's office to shut down NGOs that have not been allowed to register without a court order and without any sort of inquiry. In other words, the Prosecutor General could silence those that the Kremlin wants silenced. Given that the new Prosecutor General, Vladimir Ustinov, has done the bidding of the Kremlin before and is considered to be corrupt, NGOs appear to have good reason to be afraid.

This re-registration campaign has targeted human rights groups. Numerous NGOs, including well-known Moscow-based human rights organizations such as the Glasnost Defense Foundation, Memorial, and St. Petersburg-based Citizen's Watch were told when they tried to re-register that the phrase "the protection of citizens' rights" had to be deleted from the organization's name, goals and objectives. The reason? According to the officials, NGOs do not have the right to protect citizens; the protection of citizens' rights is the business of the state. Organizations like the Center for the Development of Democracy and Human Rights in Moscow feel increasingly isolated inside Russia, since they are more and more uncertain of the Russian Government's intentions concerning rights.

We see a similar campaign against religious organizations. Just as the Russian Government tolerates certain service provision groups but increasingly does not tolerate advocacy groups, it is likely that some religious groups—and not just Russian Orthodox ones—will be able to more or less operate without interference. This should not,



however, be confused with genuine religious freedom. For instance, in order to enjoy the freedoms and privileges generally associated with organized religious activity, such as publishing, or having educational facilities, owning property, and hiring employees, a religious organization must be re-registered with the government by December 31st of this year. After that, they will be "subject to liquidation through a court procedure...."

Based on what we have seen with the NGOs, we are likely to see the following pattern: established, "familiar" churches and religious associations will probably be able to go on about their business, i.e., holding services, doing outreach, and engaging in social work. But if the church or religious association is new or unfamiliar, or if, for some reason, national or local politicians or influential clergy are hostile to it, or if powerful interests cast a covetous eye on its property, then that religious organization may find itself subjected to very close scrutiny by the militia or the tax police or anyone with an iota of authority or the ability to intimidate. Local authorities may well try to close down such religious organizations if they think they can do it without a lot of adverse publicity.

These and other abuses all connect into larger issues having to do with democratic institutional development. For example, some religious associations have been able to defend their rights in court. There are a small number of attorneys in Russia today who specialize in religious-legal issues (as well as those who focus on environmental and human rights cases). To a large extent, the question of religious freedom and the issues of advocacy groups being allowed to operate hinges on developments in the rule of law in Russia. Similarly, investigations into corruption or terrorism, which many Media-MOST groups were engaged in before the May raid, hinges on the ability of independent media to operate.

The re-registration campaign by authorities to intimidate or shut down organizations suggests that many in Russia share Putin's intolerance of criticism and competition. Putin alone cannot create this hostile climate. Many people and institutions participate in the spreading of intolerance and fear. For example, in addition to the work of the FSB and the office of the Prosecutor General, the Ministry of Press and some deputies in the Duma are suggesting that the law on the media be amended to revoke licenses of foreign media which are deemed by the authorities to be "hostile to the Russian state." That's code for wanting to silence Western critics. Radio Liberty, which Congress funds, is at the top of this list.

Putin of course plays an extra-ordinary role in creating a political environment hostile to democracy. Activists will tell you that the climate of fear stems in part from statements made over the last year where he claimed, but provided no evidence, that environmental groups were in the employ of foreign intelligence agencies. (For example, *Komsomolskaya Pravda*, July 8, 1999.) His comments served as a means for the FSB to step up investigations of environmental activists. That this occurs is not to say that Putin is all powerful nor that there is a coherent structure over which he rules. But the pattern of behavior suggests that there are shared values binding many to Putin and these values are not ones favorable for democratic institutions.

Perhaps nowhere are these negative shared values more evident than in the harassment of environmental organizations which has grown over the years increasingly systemic and extreme. In the fall and winter of 1999, several environmentalists were detained in connection to various bombings in Moscow. Some activists were interrogated for hours and urged to "confess" links to terrorists. Russian groups that have received Western assistance or have links to Western groups (as most of the best organized ones do) have come under the closest watch of the state, and this activity has gotten particularly bad since March.

Environmental groups here and in Russia believe that the state is doing this not because it is seeking out terrorists but because many government officials see the strengthening of civil society as a security threat. Specifically, the authorities have objected to the fact that some environmental groups have thrown a spotlight on the wrongdoings of the state (as they do in this country and in democracies around the world). The government treats environmentalists as "enemies of the people" to use a phrase common in Stalin's time, rather than as patriots trying to make Russia healthier and stronger. Harassment has been so pervasive that US-based environmental groups have contacted Putin to say that this sort of treatment is unacceptable.

Not all harassment is equal. Some activists have been lucky, charged only small fees or bribes, and left to go about their business. But others have been much less fortunate. The FSB's hounding of the environmental activists Alexander Nikitin and Grigory Pasko are well documented. A lesser known case is that of Igor Sutyagin, a researcher at the US and Canada Institute in Moscow arrested by the FSB in October 1999 and still in jail. His crime? The Russian state is likely to charge him with treason for working on a survey of civil-military relations in Russia, funded partially by two Canadian universities, York University and Carleton University. The FSB has interrogated people that Mr. Sutyagin spoke to as part of his research, claiming that the survey was carried out on the orders of the Canadian Ministry of National Defense and that he was engaging in espionage. More likely, the FSB was unhappy with what the survey was suggesting.

I want to bring up two other lesser known examples of intimidation and harassment involving organizations that I have ties to. A member of an organization that I am on the board of was a target in October 1999. Pavel Podvig is part of a network of scholars—Americans and Russians—who study Russia called the Program on New Approaches to Russian Security. Our group receives funding from the Carnegie Corporation of New York and the MacArthur Foundation to conduct meetings twice a year to discuss policy issues with decisionmakers in Washington, and to discuss our scholarly work and to print and distribute work. In connection with the case of Mr. Sutyagin, the FSB searched Podvig's apartment, ransacked his office and confiscated all his research materials—that is every single bit of paper—and all his computers. The FSB came twice looking for incriminating material but found none. This action has suggested to everyone in our group that in this political climate, literally anything could be considered cause for investigation and harassment.

The other case involves an organization you might be familiar with: the National Democratic Institute. NDI receives funding for its work in Russia from US AID. I worked for NDI in Moscow in 1994 and 1995 as a program officer. One of the people who succeeded me at NDI-Moscow, a non-Russian, was repeatedly harassed by the FSB, and in the fall of 1999, FSB agents said this person had to work for them or else. This person fled the country.

#### CHECHNYA

Some of the harassment and intimidation described above has been connected to the war and some independent of the war, but the way this war is being waged by the Russian Federal Forces is part of the larger pattern of disregarding civil rights. Abundant and consistent testimony gathered by organizations such as Human Rights Watch, Amnesty International, Physicians for Human Rights, the Russian group Memorial, the French groups Doctors of the World and the Nobel Peace Prize Winner Doctors Without Borders, indicates the Russian Federal Forces are involved in war crimes. Testimony points to systematic and indiscriminate use of force against both civilians and those who care for the wounded. Evidence suggests that Russia is in violation of the Geneva Convention and the Universal Declaration of Human Rights.

Among the most powerful pieces of evidence is a survey done by Physicians for Human Rights (PHR). This organization recently interviewed 1140 refugees from Chechnya who were displaced by the war to Ingushetia. When I compare the findings of this recent survey with a similar one they did in Macedonia with Kosovar Albanians in the spring of 1999, I see that the level of violence committed in Chechnya by Russian Federal Forces against the civilian population is quantitatively greater (with as many as four times the number of civilians killed) than the violence in Kosovo of Serb forces against the civilian population—a situation which roused the international community to action.

A few Western journalists have also witnessed the nature of the violence. One French journalist who had been in Chechnya for much of this latest war—until she was escorted out by the FSB in the middle of February—painted for me a particularly vivid picture of a Russian bombardment that she experienced on February 1 from 11:30 am until 5:15 p.m. in Alkhan-Kala (which was said at the time to be controlled by Russian forces). Her account is very similar to those gathered by Western NGOs detailing bombardments in late January-early February in places such as Katyr-Yurt and Aldi. This journalist considered it a miracle that she had lived through it. Not a house was left standing.

In terms of a crack down on independent media, perhaps no where has it been stronger than concerning coverage of the war. The Russian authorities have gone far beyond controlling public access to the battle zone common in wars. And it is not just that the Russian Government has done a masterful job of controlling the media, a lesson policymakers learned from the last war in Chechnya. The government has harassed, intimidated and beaten journalists who have pursued stories contradicting the Kremlin line on the "anti-terrorist operation."

### WHAT THE PRESIDENT AND THE US GOVERNMENT CAN DO

The President of the United States—and every Western leader that meets with President Putin—has an important opportunity and obligation to be clear that this pattern of behavior must stop. The President in his upcoming meeting with Putin should stress that if Russia wants to be part of the global community, then the Russian authorities must increasingly tolerate certain ideas, practices, values and norms, including criticism, including competition, including advocacy groups. They must also address the rebels and the larger problems of lawlessness in Chechnya by means other than the indiscriminate use of force on the civilian population. The Russian Government should welcome an independent international commission of inquiry.

Overall, the message to the Russian Government should be that the current pattern of behavior sends the wrong signals to the West. Good relations and substantive integration with the international community—which many in Russia think he cares about in order to receive Western credits and direct investment—can only be based on shared values. Beyond the tragedy of what is going on in Chechnya, the actions of the FSB and other authorities demonstrate that the Russian Government not only does not share values with Western democracies today, it has a very long way to go.

President Clinton has an opportunity to be loud and clear in June about the importance of human rights and democracy, in contrast to other Western leaders meeting with Putin who have only whispered. President Clinton should show solidarity with those activists in Russia who believe in the plurality of views by meeting with them. That would be a change from the usual schedule; high-level officials from the US government that come to Russia always talk about the importance of creating democratic institutions, civil society, and respect for human rights. But they rarely meet with the people who work on these issues. This time, he should hold a round-table discussion with investigative journalists like Andrei Babitsky, meet with environmental NGOs such as the Socio-Ecological Union, and visit with Russian human rights groups such as Memorial. These gestures would send a signal not only to those in Russia who care about democracy but to those in Russia who do not.

An additional way to show Russians that the United States is really committed to democracy and human rights, particularly when the going is rough—and that would be right now—involves the Congress. The US Congress should adequately fund democracy assistance to Russia. Currently the budget for "democratic initiatives" in Russia is \$16 million. That's a small fraction of the budget that goes for other forms of engagement with Russia (and pocket change compared to what the US spent on defense during the Cold War). Some money should be added now to the democracy assistance budget to show that the US supports a plurality of views. This would be money to help Russians—not the Russian Government. This would be support—symbolic and real—for those who have a stake in Russia pursuing a democratic path.

Why is this important? In order to combat creeping statism, Western groups engaged in democracy assistance, especially those funded by US AID, need now to step up their work helping Russians to make institutions, like civic organizations and political parties, function. There has long been a crisis of governance in Russia. This in part has

given way to the rise of Putin and his calls for "the dictatorship of law." The type of Russia that the international community has wished to nurture for the last eight years is one in which democratic institutions and civil society are robust. Perhaps it is not surprising that only eight years into the transition after seventy-five years of communist party rule, expectations have not been matched by the pace and scope of change in Russia. Western assistance has been influential in helping Russians build and support institutions that we associate with a democratic state, such as the Russian NGOs I have mentioned. But there is still much work to do helping these institutions actually function. While this has long been true, the rise of Putin has made this work more urgent than ever before.

Policymakers have a role to play. At the moment, Western leaders, and especially many in this Administration, are publicly reluctant to acknowledge that Russian political and social institutions do not function as they should. They call elections in Russia "free and fair" despite well publicized manipulation. They imply that the number of NGOs in Russia signifies the health of democracy in Russia. This rhetoric comes at a price and should be corrected. This rhetoric undermines the very efforts at globalization that they think they are supporting. Globalization in this context stands for the spreading of ideas, norms and practices that underpin democratic institutions that actually function. What is occurring in Russia, and what the West applauds, is instead internationalization; ideas have spread but as yet they have little affect on the authorities. There's form, but very little function. Russian political rules and indeed Russian laws resemble those observed by democracies, but non-democratic procedures still permeate and drive much of Russian politics. The rule of man rather than the rule of law is common. The President of the United States would be showing those involved in the struggle for democracy in Russia that he had a greater understanding of their situation if he were to acknowledge this fact, rather than providing Putin with the approval that the Russian President seeks at the same time he undermines precisely the institutions necessary for a democratic state.

#### **DEMOCRACY IN RUSSIA IS A U.S. NATIONAL SECURITY ISSUE**

U.S. national security has benefited tremendously from the Russian transition from communism, however bumpy and incomplete. Just as we have an interest in seeing the continued dismantlement of weapons of mass destruction, the United States has a security interest in supporting where possible the consolidation of Russian democracy. To this end, democracy promotion should no longer be understood exclusively as "assistance" which can be stopped or started again as if it were a gift to Russia, but like Cooperative Threat Reduction (CTR), the weapons dismantlement program, it is "preventive defense." It is as necessary for ensuring US national security as the dismantlement of weapons.

This understanding of democracy assistance is not widely held. Instead, there is a tendency on the part of US policymakers to talk about democracy and human rights when it seems strategically convenient. If they think that a focus on these issues threatens to interfere with traditional security matters, such as getting an agreement on nuclear weapons, then democracy and human rights fade from the agenda.

The selective focus on democracy undermines the process of helping to build democratic institutions—a rhetorical cornerstone of this

administration's policy towards Russia. It makes the US commitment to democracy appear weak and uneven. Moreover, it suggests that policymakers do not understand that democracy promotion is defense by other means, which then leads them to miss opportunities to enhance Russia's security and our own. I am afraid that the Administration is poised to miss such an opportunity in June.

Ultimately, the degree to which Russia becomes like-minded with the democratic states, the less need for traditional forms of security. After all, it is not the fact of having nuclear weapons that causes concern, it is who has the nuclear weapons. No one in the US government worries about Great Britain's nuclear weapons. They worry about North Korea having nuclear weapons.

The bottom line is that long-term US security is tied to Russia's political transition. An indication the transition is moving in the right direction occurs when the plurality of views in Russia is allowed to flourish. When it is not, this suggests danger. This US Administration needs to encourage Putin to be in compliance with Russia's own laws and with those it has signed on to in the international community. Then we will have more confidence that it is becoming like-minded. In the long run, that will be as good for our national security and Russia's as any deal the administration gets on nuclear weapons.

**PREPARED SUBMISSION OF RACHEL DENBER**

Mr. Chairman,  
Members of the Committee,

It is an honor to be here today, and I appreciate the attention the Commission is devoting to the crisis in Chechnya. This hearing is particularly timely, coming as it does on the week before President Clinton meets with Russian President Vladimir Putin.

My name is Rachel Denber, and I am the Deputy Director at Human Rights Watch's Europe and Central Asia division. I have overseen our seven-month, continuous research presence in Ingushetia, the republic neighboring Chechnya. Our team of researchers there has conducted more than 700 detailed interviews with witnesses to violations in Chechnya. Through their efforts, we have been able to collaborate eyewitness accounts through independent and consistent testimonies.

Our research findings on Chechnya are publicly available in the form of more than fifty press releases and three reports, and provide detailed information about the abuses summarized in my testimony. The press releases and short reports are available on our website, [www.hrw.org](http://www.hrw.org), and I have brought some copies with me today.

What these reports document is, unquestionably, war crimes committed by Russian forces in their campaign in Chechnya. The Russian authorities have done little, if anything, to investigate and prosecute these crimes. By contrast, they have gone to great lengths indeed to deny these crimes and other violations committed by Russian forces and to attempt to derail debate and criticism of them in international fora.

With Russian forces' control posts in place throughout most of Chechnya, the war is now in a relatively inactive phase. For civilians though, what remains active and vivid are memories of atrocities visited upon them, and the knowledge that their perpetrators have not been brought to justice. In a span of three months, three large-scale massacres claimed the lives of at least 127 civilians. This is a war crime. Other violations of international humanitarian law include arbitrary detention and subsequent beating and torture of detainees, the indiscriminate bombardment of densely populated areas, systematic looting, and rape. Even as the active fighting has waned in most of Chechnya, Chechen civilians, and particular the male population, continues to live in fear as Russian forces arbitrarily detain men, demand a ransom for their release, and often subject them to beatings and other forms of ill-treatment.

**ATROCITIES IN CHECHNYA**

In Grozny, the graffiti on the walls reads "Welcome to Hell: Part Two," about as good a summary as any of what Chechen civilians have been living through in the past eight months. Since the beginning of the conflict, Russian forces have indiscriminately and disproportionately bombed and shelled civilian objects, causing heavy civilian casualties. Russian forces have ignored their Geneva convention obligations to focus their attacks on combatants, and appear to take few safeguards to protect civilians: It is this carpet-bombing campaign which has been responsible for the vast majority of civilian deaths in the conflict in Chechnya. The Russian forces have used powerful surface-to surface rockets on numerous occasions, causing death tolls in

the hundreds in the Central Market bombing in Grozny and in many smaller towns and villages. The bombing campaign has turned many parts of Chechnya to a wasteland: even the most experienced war reporters we have spoken to told us they have never seen anything in their careers like the destruction of the capital Grozny.

Russian forces often refused to create safe corridors to allow civilians to leave areas of active fighting, trapping civilians behind front lines for months. On several occasions, refugee convoys came under intense bombardment and strafing by Russian forces, causing heavy casualties. The haggard men and women who managed to flee Grozny before Russian forces established control over it in late January told Human Rights Watch of living for months in dark, cold cellars with no water, gas or electricity and limited food: their little children were often in shock, whimpering in the corners of their tents in Ingushetia and screaming in fright whenever Russian war planes flew over, reminding them of the terror in Grozny.

Summary executions. In most cases, when Russian forces established control over towns and villages they conducted "mop-up" operations to ferret out Chechen fighters. They also looted with complete impunity and made arbitrary arrests. In the village of Alkhan-Yurt, and in the Staropromyslovski and Aldi districts of Grozny, these "mop-up" operations, or sweeps, ended in summary executions of civilians, as Russian forces went on house-to-house passport checks that turned into vicious looting rampages.

In the first two weeks of December, Russian troops killed seventeen civilians in the village of Alkhan-Yurt, went on a wanton looting spree, burned many of the remaining homes and raped several women. Human Rights Watch has documented at least fifty murders, mostly of older men and women, by Russian soldiers in the Staropromyslovski district of Grozny: innocent civilians shot to death in their homes and their yards. In one case, three generations of the Zubayev family were shot to death in the yard of their home.

And on February 5, a few days after Secretary of State Albright met with President Putin in Moscow, Russian forces went on a killing and looting spree in the Aldi district of Grozny, shooting at least sixty and possibly many more civilians who were in the street and their yards, mostly waiting for soldiers to check their documents. Human Rights Watch has received numerous more reports of summary executions that allegedly took place in Grozny and various other parts of Chechnya but which it has as yet not been able to confirm.

These were entirely preventable deaths, not unavoidable casualties of war. They were crimes, acts of murder, plain and simple. Human Rights Watch interviewed nearly 100 eyewitnesses who provided credible testimony about these crimes, and has established that at least 134 people were killed summary execution style throughout Chechnya. We have published reports on the Alkhan-Yurt and Staropromyslovki massacres; our report on the Aldi massacre will be published imminently.

Russian authorities have made no meaningful efforts to investigate these crimes and to punish their perpetrators, and they blocked efforts by the U.N. High Commissioner for Human Rights to investigate them in a meaningful way. The efforts the Russian Government has so far undertaken are unfortunately little more than empty gestures, bearing little resemblance to the thorough and transparent



investigation that such serious violations warrant. In March, the military procurator told Human Rights Watch that it had closed its investigation into Alkhan-Yurt, having found "no evidence of a crime." Notably, the procuracy limited its investigation to the period of time leading up to the Russian seizure of Alkhan-Yurt on December 2, 1999. Our research indicates that this was the date on which the abuses began. Also in March, the military procurator told us that he had "never heard" of the massacres at Staropromyslovski and Aldi. Ten days later, the military procuracy determined that Ministry of Defense troops were involved in no crimes in Aldi, and transferred the inquest to the civilian procuracy. The latter confirmed at least thirteen civilian deaths in what it called "mass murder." To the best of our knowledge, however, the procuracy has not indicted a single serviceman in relation to the massacre.

Arbitrary arrest and torture in custody. In January, Russian authorities began arresting large numbers of men, and some women, throughout Chechnya. They were ostensibly suspected either of rebel activity or of abetting Chechen fighters. Russian forces brought them to detention facilities, which range from remand prisons to makeshift huts to primitive pits dug in the ground. Human Rights Watch has interviewed at least 60 victims and eyewitnesses of abuse in filtration camps, or who are the close relatives of detainees. They told highly consistent accounts of routine beatings and other severe mistreatment of detainees.

The worst among these was the now infamous facility at Chernokozovo, in northern Chechnya. Human Rights Watch interviewed 18 former detainees of Chernokozovo, who recounted in credible detail the unspeakable abuse they suffered in January and February: relentless beatings, beatings while forced to run a gauntlet of prison guards, beatings on the feet, rape of men and women, and burns inflicted by heated bricks. The facility itself was filthy and utterly uninhabitable. Several survivors of Chernokozovo, interviewed separately, told Human Rights Watch how they had witnessed a man being beaten to death while running the gauntlet. As recently as May 2, a man died as a result of the torture he was subjected to during his five-day detention in a pit.

In response to an international outrage about the reports of torture at Chernokozovo, in late February Russian authorities bused out inmates, improved the conditions somewhat and rotated out the prison staff. Abuse continued, albeit not on the same gruesome scale. The remaining filtration points are notorious for routine beatings and complete denial of due process. There is also gratuitous violence against civilians at checkpoints.

Chechen situation. The civilian population suffers from thefts committed by soldiers from the very beginning of the operation. I would like to mention the problem of refugees who today find refuge on the territory of Ingushetia. The authorities do not devote to them the necessary attention and in the camps the most essential things are often lacking.

**PREPARED SUBMISSION OF ANDREI BABITSKY**

From the very beginning in September 1999, the actions of the Russian group of forces in Chechnya have had the logic of a crime. Instead of using the special forces needed in my view for the resolution of local tasks, Moscow decided to employ a colossal, 90,000-strong, military force. By that time, as a result of a massive information campaign, most Russians had become convinced that the overwhelming majority of Chechens are hostile to Russia. In fact, the entire Chechen people have been declared responsible for the criminal actions committed by bandit formations on the territory of Chechnya and in territories bordering it in the pre-war period. This too defined to a remarkable extent the indiscriminate application of military force during the first stage of military actions when federal units took control of the territory of the republic.

During this period, a multitude of crimes were committed against the civilian population. Most of the destruction and victims were the result of massive aviation, rocket and artillery shelling of the populated locations of Chechnya.

In October 1999, I became a witness of a rocket strike on the central market of Grozny. At the 9th city hospital, I saw dozens of killed and wounded. As a result of such attacks, to which a large part of the republic was subjected, thousands of people died—even though it is impossible today to establish with confidence the exact number.

Every such case of mass destruction of the population was tracked by journalists and human rights activists, but not once did the military and political authorities of Russia permit a full accounting of what had taken place and make an effort to find the guilty.

The city of Grozny, destroyed almost to its foundations, was subjected during the course of several months to daily attacks. During all this, many civilians, from 15,000 to 30,000, were forced to try to find shelter. The authorities declared the city empty and claimed that the civilian population had left Grozny through the so-called "humanitarian corridors." Such arrangements are well-known from other cases.

But one of the reasons many people remained in the city under attack was their fear of the federal soldiers, who regularly without any obvious reason shot refugees from their guard posts. Two cases which I learned about from eye witnesses involved the disproportionate shooting of a column of refugees from the village of Goita at the end of September. At the guardpost, masked soldiers opened fire on the column from five cars. More than 40 people died. Only seven remained alive, and they were taken off to Ingushetia in one car. I spoke with a wounded woman literally a few hours after this happened in the hospital of the city of Sleptsovska.

Another case occurred on February 2 near the Achkha-Martan settlement. Three cars attempted to enter the settlement, but contract soldiers opened fire on them from the guard post. The soldiers allowed the women in the car to leave, but they seized two young men from Somashka who had been wounded during the shooting, tied them with barbed wire, doused them with gasoline, and burned them. One of the young Chechens, already covered with flames, screamed at the woman that she should tell his relatives in Somashka about his end.

There are an enormous number of such episodes about which journalists and human rights works have gathered evidence. However, the authorities have not taken any actions in order to stop this widespread

crime in the zone of military actions. The soldiers of the Federal Group of Forces are not required to bear any responsibility for such actions.

Up to now, people continue to disappear on the territory of Chechnya about whose fate no one has any information. Lists of those who have disappeared frequently are handed over by representatives of Chechen society to the command of the Federal Group of Forces as well as sent to Moscow. But the situation remains unchanged. Indeed, disappearances have assumed a standard form. Generally, these are men who have been captured by soldiers of the Federal Group of Forces or co-workers of the interior ministry during the checking of documents at guard posts or in populated areas.

I suppose that many of those who have disappeared are no longer alive. On January 16 and 17 after leaving Grozny, I found myself under the control of a military unit of the Federal Group of Forces in Khankala. Like others who were detained, I was kept in a military car that had been assigned for the transfer of prisoners. The interior of the car in which I was kept was covered with a layer of ice. In the neighboring unit, the three Chechens being held were subjected to constant beatings. The head of one of them, Aslanbek Shaipov from Kotyr-Yurt was smashed and his teeth had been knocked out. He told me that during the beating, he was subjected to kicks in the chest and elsewhere. At night, the guard several times turned to the Chechens with the question, "Are all of you alive?"

Later in the investigation isolation camp at Chernokozovo, I witnessed the constant, round-the-clock beating of detainees. With me in the cell were 13 young Chechens from the settlement of Berdykel. They had been arrested in their native village without any basis. All of them, including me, passed through the standard procedure of beatings during questioning. Several more than once.

I have mentioned only several episodes which characterize the arbitrariness of the military and police system existing even now in Chechnya. One can also speak about the most varied aspects of the Chechen situation. The civilian population suffers from thefts committed by soldiers from the very beginning of the operation. I would like to mention the problem of refugees who today find refuge on the territory of Ingushetia. The authorities do not devote to them the necessary attention and in the camps the most essential things are often lacking.

To sum up, I can say that in my view, the current authorities have decided to rely exclusively on force as the means to resolve the situation in the North Caucasus and have excluded any possibility of political talks. It seems to me that such an approach is without much prospect of success is the real goal is to stop the military operation and restore peaceful life in the Chechen Republic. Every day the war creates the conditions for its continuation, because many Chechens under conditions of total arbitrariness see no other way out than to take up arms themselves.

The organs of power in Chechnya are being formed on the basis of the principles of external force alone. The military commandants play a key role in this, and as a result, the population of Chechnya today is kept out of any role in running the administration. And the last thing: On the entire territory of Russia, the Chechens today are deprived of their civil rights simply because of their ethnic membership. No serious positive changes in this situation can take place as long as the authorities and popular opinion conceive the Chechen nation as a threat to the existence of Russia.

**PREPARED SUBMISSION OF BORIS PUSTINTSEV****“RUSSIAN AUTHORITIES DECLARED WAR ON HUMAN RIGHTS  
NGOS”**

It all started in June 1998, with a decree issued by the then Minister of Justice Pavel Krasheninnikov obligating all Russian NGOs to get re-registered in their regional legal departments (local branches of the Ministry of Justice) by 1st of July, 1999. Those who would fail, were to be judicially liquidated, i.e. by a court decision. The official reason, as outlined by Minister Krasheninnikov, was that too many NGOs field candidates for elections to the federal parliament in defiance of the law, that is, without having formed acting branches in more than 50 percent of the regions; the same applies to regional elections. It was said that the move would help to curb the number of extremist political groups.

The 1993 Law on NGOs does not allow for refusal of registration for the reason of “inexpediency” or any other pretext that sounds arbitrary. But the parliament promptly turned the ministerial decree into a binding act.

When it came to actual re-registration, it turned out that legal departments throughout Russia were discriminating against many non-political NGOs, especially those involved in protection of human rights and rights to healthy environment. State jurists in the legal departments have started methodically turning down human rights NGOs applications for re-registration under a vain pretext of minor irregularities that previously were usually corrected on the spot (the regulations demand a personal visit of an applicant to a regional legal department; then a legal department has a month to formulate an answer and inform an applicant of the results). When an applicant returns with a corrected application, they find some other thin excuse for a denial of registration: Some NGOs have experienced it for up to four times. As a result, after July 1, 1999, very many human rights NGOs are under threat of losing their registration, that is, of being deprived of a right to rent an office, to open a bank account, to possess property of its own in any form, to step out as a claimant or defendant in court, etc.

Before July 1, 1999, there were 4606 NGOs registered in Moscow alone. Only 549 of them (about 12 percent) have managed to renew their registration by that time; 9 chose to dissolve themselves; 4003 may be in perspective wiped out of existence by court decisions; the courts are already considering cases of 1348 NGOs as to their status, initiated by regional legal departments. All in all, 18,741 NGOs all over Russia (about 49 percent) were unable to re-register.

In many regions, local legal departments embraced the new law as an opportunity to get rid of the NGOs that had actively criticized various administrative agencies and tried to introduce some sort of public control over them. Human rights NGOs experienced the most severe pressure. As often as not, the bureaucrats’ demands were outright ridiculous. NGO Goluba that was engaged in protection of rights of teenage girls, called itself “the public office;” it was refused re-registration because, from the point of view of the Moscow Legal Department, “an office cannot be public.” Moscow NGO “International non-violence in new independent states” is aiming at prevention of territorial and ethnic conflicts; it has been refused re-registration

because “the title of the organization does not reflect its real activities.” “Union for protection of Russian birds” that had been very critical of environmental policy of the Moscow administration, was demanded, for some obscure reason, to delete the word “Union” from its title. “Youth Union of Kuzbass” (the Siberian city of Kemerovo) was turned down because of “too bulky volume of documents presented for re-registration.”

Some NGOs (mostly in Moscow) have already sued the regional legal departments for violation of several Russian laws, first of all the Constitution. All of them have failed. For example, one of the oldest Russian NGOs – Glasnost’ Foundation headed by well-known human rights activist Sergei Grigoryants – lost the case in the Moscow court of the first instance and then in the City Court; now the case is pending with the Russian Supreme Court.

New human rights and environmental NGOs have actually now no chance of state registration today. When environmental NGO “Viola” in the city of Bryansk tried to transform its branch in a small town of Novozybkov into a new self-maintained local organization, it was told by the legal department representatives that they would then close another NGO center for local ecologists that had already existed: One is enough!

When the renown academician, former presidential adviser on environment Alexei Yablokov tried to register his “Ecology and Human Rights Coalition,” he was turned down several times in 1998 and 1999 for obviously cooked-up reasons; City Hall bureaucrats finally informed him “off-stage” that he should take the words “human rights” out of the organization’s title and charter to get registered. In his case, they were ready to put up with “ecology” (the same was demanded of many human rights NGOs that had received registration in previous years).

In April 1999, Yablokov filed suit against City Hall’s legal department. In court, the legal department explained its position thus: The Constitution stipulates that the defense of human rights lies with the state. Therefore, only the state (and lawyers as members of the guild acknowledged by the state) can exercise the defense of human rights. Everything else, including human rights NGOs, can only assist the defense of rights – i.e., help the state.

Despite the idiocy of such an argument, the court found in favour of the legal department. Yablokov appealed to the Moscow City Court. He asked me to take part in the court proceedings on his behalf, beside his lawyer, as a representative of a human rights NGO of reputation (see attached documents). Strangely enough, the court did not object. On August 6, when the hearings started, our mutual impression was that the three-member court listened attentively to our reasoning. Lawyer Ms. Olga Razbash was anxious about how to make the court to accept my presentation in writing: Suddenly one of the judges asked for it herself. Finally the court announced that, “because of the complexity of the case,” the hearings be adjourned for ten days.

On August 16, the court turned out to be composed of three new judges who behaved themselves very differently, demonstrating extreme respect towards the Moscow Legal department and being really rude to Yablokov’s team. In obvious violation of the Russian Con-

stitution and international obligations Russia has as a member of the Council of Europe, they confirmed the lower court decision. This case has also recently gone to the Supreme Court.

The desire of the Kremlin and Moscow Mayor Yuri Luzhkov to declare all defenders of fundamental rights and political freedoms outlaws is easily explained. Before several crucial election campaigns, the administration has been trying to brush off everybody it cannot control. Having already crushed the majority of independent radio and TV stations and substantially weakened the rest of mass media, authorities are declaring war on the next bastion of freedom – human rights organizations.—Boris Pustintsev, *Citizens' Watch*, St. Petersburg

**PREPARED SUBMISSION OF BORIS PUSTINTSEV****DECISION****In the name of the Russian Federation**

On 21 May 1999, the Presninsky District Court of Moscow (chairing judge V. Rogozhin, secretary Yu. Velikanskaya) heard in an open trial civil case No. 2-2807/99 regarding the complaint of Vladimir Yablokov and Ernst Chernyi against the refusal of the Justice Department of Moscow to register the interregional non-governmental organization Human Rights Coalition "Ecology and Human Rights."

The complainants have filed their petition, reasoning that the decision of the Justice Department of Moscow to reject the registration of the NGO Human Rights Coalition "Ecology and Human Rights" violated the right to assembly of A. Yablokov and E. Chernyi provided by article 30 of the Russian Constitution.

In court, the complainants have supported their petition and explained that at the constituent meeting of 12 January 1999 a decision was made to establish the mentioned organization, to approve its charter, and to form managing and auditorial bodies. Then the documents were submitted to the Justice Department of Moscow for registration. However, on March 3, 1999 refusal No. 345 R was received, which said that their charter contradicted the Constitution of the Russian Federation. The complainants disagree with the refusal and consider this decision unlawful. They request that this decision be cancelled and the Justice Department of Moscow be bound to register the interregional NGO Human Rights Coalition "Ecology and Human Rights".

The representative of the Justice Department of Moscow considers the complaint groundless and decision to deny the registration of 3 March 1999 No. 345 R consistent with current legislation. In the courtroom he explained that the refusal was based on article 23 of the RF Law "On Non-Governmental Associations" No. 82-FZ of 19 May 1995 (altered and amended), as the charter of the organization contradicts article 72 of the Russian Constitution, and the documents submitted for registration contain invalid information.

The representative of the Justice Department also explained that, according to article 27 of the mentioned Law, a non-governmental association can represent and defend their rights and the interests of their members, as well as the interests of other citizens, in the departments of governmental and local authorities only with the purpose to implement the objectives stated in their charter.

The objective of the organization (provision 2.1. of the charter) stated as protection of citizens persecuted for activities connected with observance of other (than ecological) rights does not correspond to the name of the organization and contradicts article 27 of the Law "On Non-Governmental Associations."

The name of the organization does not reflect the nature of its activities, as is required by part 1 of article 54 of the RF Civil Code.

Besides, according to the opinion of the Justice Department of Moscow expressed by their representative, the contents of provision 2.1 of the charter and the charter as a whole should be brought in line with article 72 of the Russian Constitution, which says that protection of the rights and liberties of a person and a citizen; exploitation of nature; environment protection and ecological security; and the

legislation on environment protection are taken care of by the Russian Federation and the subjects of the Russian Federation. According to article 17 of the Law “On non-governmental associations,” the interference of non-governmental associations with the activities of governmental agencies and their officials is not allowed. However, the aims and objectives of the organization, the way they are stated in the charter, imply interference of the non-governmental organization with the matters administered by the Russian Federation and the subjects of the Russian Federation, which is inadmissible.

At the request of the complainants, the court has seen the following documents (which, as the complainants claim, prove the unlawful character of the refusal to register the non-governmental association):

- European Convention for the Protection of Human Rights and Fundamental Freedoms, 1996
- Provision 1 article 11 “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests;”
- Article 13 “Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”
- Universal Declaration of Human Rights
- Article 6 “Everyone has the right to recognition everywhere as a person before the law; “
- Provision 1 article 20 “Everyone has the right to freedom of peaceful assembly and association.”
- Ministerial Conference “Environment for Europe” of 23–25 October 1995
- Provision 24 “Governments shall ensure that persons involved in public participation of the environmental problems solution should not be punished for the activities that are legal in all other respects;” \*\*
- Draft of the UN Declaration of the right to human rights protection activities (draft document of the UN, unofficial translation) \*\*.

Article 5 “For the promotion of establishment and protection of human rights and fundamental freedoms, every person has the right, on national and international level, either individually or joining other persons,

- a) to participate in peaceful assemblies and meetings;
- b) to form non-governmental organizations, groups and associations, join these organizations, groups and associations and take part in their work;
- c) to maintain contacts with non-governmental and intergovernmental organizations.

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\*\* translated from Russian



Decree of the RF President No. 864 of 13/06/96 “On some measures of governmental support of human rights movement in Russia,” provision 3 of which suggests that bodies of state authorities of the subjects of the Russian Federation render assistance to non-governmental organizations in their activities.

The mentioned documents are of general declarative nature, and the draft of the UN Declaration is a mere draft document of the UN. Besides, the cited documents do not have anything to do with the complaint in question and therefore cannot be used as proof either in favor of the complainants, or in favor of the Justice Department of Moscow.

Having heard the persons who filed the complaint and the representative of the Justice Department of Moscow, and having studied the case documents, the court finds the refusal of the Justice Department of Moscow to register the interregional non-governmental organization Human Rights Coalition “Ecology and Human Rights” lawful and the complaint of A. Yablokov and E. Chernyi groundless.

According to article 23 of the RF Law “On non-governmental associations” No. 82-FZ of 19 May 1995 (altered and amended), registration of a non-governmental association may be denied if the charter of the non-governmental association contradicts the Russian Constitution.

The court has come to a conclusion that some provisions of the charter of the non-governmental organization Human Rights Coalition “Ecology and Human Rights” (in particular, provision 2.1 of the charter) contradict article 72 of the Russian Constitution. Thus, protection of the rights and freedoms of a person and a citizen is attributed by the RF Constitution to the administration of the Russian Federation and the subjects of the Russian Federation, whereas provision 2.1 implies that the aim of the Coalition is “protection of ecological rights and related to them other rights of citizens, including protection of persons persecuted for their activities connected with observance of their ecological and other rights.” One can understand that the wording of the aims and objectives of the organization allows for interference of the non-governmental organization with the matters administered by the Russian Federation and the subjects of the Russian Federation.

Thus, the refusal of the Justice Department of Moscow to register the non-governmental organization Human Rights Coalition “Ecology and Human Rights” is lawful.

Guided by articles 191–197 of the Civil Procedural Code of the RSFSR, the court has decided to reject the complaint of Alexey Yablokov and Ernst Chernyi against the refusal of the Justice Department of Moscow to register the interregional non-governmental organization Human Rights Coalition “Ecology and Human Rights.”

This ruling can be appealed at the Moscow City Court within 10 days.

Judge (signature)

1996, year of publication (St. Petersburg).

**PREPARED SUBMISSION OF BORIS PUSTINTSEV****APPEAL TO THE PRESIDIUM**

To: Presidium of the Moscow City Court

From: Alexey Vladimirovich Yablokov  
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Moscow 117296, Russia  
Tel. (095) 952 3007

Ernst Isaakovich Chernyi  
Ul. B. Cherkizovskaya, 10-1-12  
Moscow 107061, Russia  
Tel. (095) 161 1131

**4 OCTOBER 1999****APPEAL**

against the decision of the Presnensky District Court of Moscow of May 21, 1999 and the decision of the Moscow City Court judicial board for civil cases of August 16, 1999

The decision of the Presnensky District Court of Moscow of May 21, 1999 and the decision of the Moscow City Court judicial board for civil cases of August 16, 1999 rejected our complaint against the refusal of the Justice Department of Moscow of 03/03/99 No. 345R to register the non-governmental organization Human Rights Coalition "Ecology and Human Rights."

The denial was in fact reasoned by the only motivation: in the view of the Moscow Department of Justice, our Charter contradicted articles 45, 46 and 72 of the Russian Constitution \*. This issue was supposed to be heard at the City court, as this was the matter in dispute.

The City Court has agreed with the decision of the Presnensky court that article 72 of the Constitution forbids human rights and nature protection activities of non-governmental organizations.

However, the analysis of articles 45, 46 and 72 shows that neither of these articles can be used as ground for refusing human rights activities of NGOs.

Since at the hearing no proof has been found that the mentioned articles prohibit the activities of human rights organizations, the Presnensky and the City Courts have based their decisions on other motives rather than on law. It can easily be seen if one analyzes three documents: the letter of the Moscow Department of Justice No. 345R, the decision of the Presnensky Court and the decision of the City Court.

The Justice Department failed to prove in court hearings that our Charter contradicted articles 45, 46 and 72 of the Russian Constitution, or that the refusal to register our organization was lawful, although such proof has to be provided in court hearings.

The grounding of the first instance court decision confirmed by the City Court, is based on the following:

(quote) The court has come to a conclusion that some provisions of the charter of the non-governmental organization Human Rights Coalition "Ecology and Human Rights" (in particular, provision 2.1 of the charter) contradict article 72 of the Russian Constitution. Thus,

protection of the rights and freedoms of a person and a citizen is attributed by the RF Constitution to the administration of the Russian Federation and the subjects of the Russian Federation, whereas provision 2.1 implies that the aim of the Coalition is “protection of ecological rights and related to them other rights of citizens, including protection of persons persecuted for their activities connected with observance of their ecological and other rights.” One can understand that the wording of the aims and objectives of the organization allows for interference of the non-governmental organization with the matters administered by the Russian Federation and the subjects of the Russian Federation. Thus, the refusal of the Justice Department of Moscow to register the non-governmental organization Human Rights Coalition “Ecology and Human Rights” is lawful (unquote).

Such was the ‘investigation.’ The City Court did not properly analyze the evidence submitted by us or the expert evaluation submitted to the second instance hearing. The City Court not only backed up the argumentation of the first instance court, but also went further by incorrectly interpreting our Charter – they claimed that we were going to form a bar of defense lawyers! Not a single line of our Charter has ever said anything about it.

Taking into consideration the mentioned facts and articles 320, 322, 324, 329 and 330 of the Civil Procedural Code, we request:

- 1) that case No. 2-2807/99 from the Presnensky District Court of Moscow be withdrawn; and
- 2) that an objection against the appealed decisions of the Presnensky District Court of Moscow of May 21, 1999 and of the Moscow City Court judicial board for civil cases of August 16, 1999 be lodged, with a purpose to cancel these decisions and, according to provision 5 of article 329 of the Civil Procedural Code, to deliver a new judgment at a controlling instance, i.e. by the Presidium of the Moscow City Court, as no additional evidence is required and the norms of substantive law were incorrectly interpreted when the previous decisions were made.

**A.V. Yablokov**

**E.I. Chernyi**

\* Provisions of the Charter of the interregional non-governmental organization Human Rights Coalition “Ecology and Human Rights”:

**2.1.GOALS AND OBJECTIVES OF THE COALITION.**

“The goals of the Coalition are: protection of ecological and other related rights of citizens, including protection of persons persecuted for activities connected with realization of their ecological and other rights...”

**3.1. RIGHTS OF THE COALITION.** To achieve the goals and objectives of its charter, the Coalition, according to current Russian legislation, has the right: ...to represent and protect its rights, legal interests of its members and of other citizens, including ecological and related rights and interests, before the bodies of state and local authorities, in court and non-governmental associations...”

**PREPARED SUBMISSION OF BORIS PUSTINTSEV**

Moscow City Court  
8, Bogorodsky Val  
107076 Moscow

To: A.V. Yablokov  
E.I. Chernyi

5 November 1999 No. 43•-4532

The Moscow City Court has considered your complaint of 11 November 1999 against the decision of the Presnensky District Court of Moscow of May 21, 1999, which declined your complaint against the refusal of the Justice Department of Moscow to register the non-governmental organization Human Rights Coalition "Ecology and Human Rights."

The ruling of the judicial board for civil cases of the Moscow City Court of August 16, 1999 left the decision of the Presnensky Court unchanged.

Having evaluated the arguments of the complaint and the submitted documents, we haven't found grounds for canceling the court decisions.

The court refusal to allow your claim was well-founded, as there is a discrepancy between the charter provisions of the organization and the Russian Constitution. Besides, the goals of the organization stated in provision 2.1 contradict the name of the organization and article 27 of the Law "On non-governmental associations," since a non-governmental association has the right to represent and protect their rights and their members' and other citizens' legal interests at the bodies of governmental and local authorities only with an aim to achieve the goals stated in their charter, whereas provision 2.1 of the Charter speaks of other rights, which the organization is planning to protect. The organization's goals and objectives as described in the Charter contradict article 17 of the Law "On non-governmental associations," because the interference of non-governmental associations in the activities of governmental bodies and officials is not allowed. The conclusion is right that the name of the organization does not show the type of its activity, which does not meet the requirements of article 54, part 1 of the RF Civil Code.

Under the circumstances, the court has come to a reasoned conclusion that the refusal of the Justice Department of Moscow to register the non-governmental organization was rightful. There is no grounds to cancel the court rulings.

In this context, your complaint is rejected.

Chairman of the judicial board for civil cases

V. Gorshkov

**PREPARED SUBMISSION OF BORIS PUSTINTSEV**

To: Chairman of the Supreme Court  
of the Russian Federation

From: Alexey Vladimirovich Yablokov  
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Ernst Isaakovich Chernyi  
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22.01.2000

**COMPLAINT**

against the decision of the Presnensky District Court of Moscow of May 21, 1999  
(case No. 22807\99) and the ruling of the Moscow City Court of August 16, 1999

The decision of the Presnensky District Court of Moscow of May 21, 1999 rejected our complaint against the refusal of the Justice Department of Moscow of 03/03/99 No. 345R to register the non-governmental organization Human Rights Coalition "Ecology and Human Rights" (see attached a copy of the decision).

On August 16, 1999, the Moscow City Court Judicial Board for civil cases (chairing judge E.A. Braginsky, judges I.N. Davydova and N.B. Lemagina) considered our complaint against the decision of the Presnensky District Court of Moscow that turned down our complaint against the refusal of the Justice Department of Moscow to register the Human Rights Coalition "Ecology and Human Rights."

We disagree with the decision of the Presnensky Court and the ruling of the City Court because they are groundless and inconsistent with the Russian Constitution, the Federal Law "On non-governmental associations", and with other valid Russian laws; and because they disguise truth – either on purpose or due to reluctance of the courts to check into the matter.

The ruling of the Moscow City Court does not contain any analysis or consideration of the complainants' arguments, or the analysis of the ad hoc arguments of the Justice Department and the first instance court.

Neither of the two courts attempted to raise and answer the question how the duty of the state to fulfill its functions indicated in Article 72 of the Russian Constitution can be used as a ban on the activities of human rights and environmental NGOs. Article 72 does not provide for any restrictions, it only lists certain functions of the government.

Therefore we believe that the decision was made with lack of argumentation on the part of the respondent and with use of groundless decision of the first instance court, which was proven by us during the court session. Nevertheless, the Judicial Board for civil cases of

the Moscow City Court did not take into account our comprehensive arguments, in contempt of articles 50, 56, 194, and 197 of the Russian Civil Procedure Code.

The arguments of the complaint we filed with the court were not studied properly by the first instance court or by the Moscow City Court. This may be why the ruling of the City Court contained, as one of the reasons for denial, the absurd statement of a Moscow Justice Department representative that “Human rights coalition “Ecology and Human Rights” wishes to be registered as a bar of lawyers.” Such a conclusion of a review court is based neither on the facts of the case, nor on our Charter. Thus, both courts, violating the requirements of civil and procedural legislation, exceeded their authority, went beyond the issues raised in our complaint, deliberately falsified the provisions of our Charter and licensed the inadmissible interference of governmental agencies into the activities of a non-governmental association, even though it was not yet registered.

The goals of the Coalition, as stated in provision 2.1 of the Charter, are: protection of ecological and other related rights of citizens, including protection of persons persecuted for activities connected with realization of their ecological and other rights...”

It was human rights activities that, in the view of the Justice Department of Moscow and the Presnensky and the Moscow City courts, was the reason for refusal to register our non-governmental association.

The Moscow City Court believes that, while they can accept the idea of the environmental rights protection, the protection of other rights is absolutely unlawful. The ruling of the City Court says that “... the goals and objectives are expressed in the Charter in such a way that the Coalition is also formed for the protection of other rights, which is seen by the court as a contradiction to the current legislation.”

At the same time, neither the Justice Department, nor the Presnensky or the City Court mentioned a legal ground to ban non-governmental organizations from human rights activities. What legislation is contradicted by protection of citizens’ rights? There are no such documents. Any type of human rights activity is allowed in Russia. This is confirmed by articles 45 and 46 of the Russian Constitution that were wrongly used as provisions forbidding human rights activities by the Justice Department in their refusal letter.

The reference to article 72 of the Russian Constitution cannot be interpreted as a ban for human rights activities of citizens and associations. However, this is the way article 72 is interpreted by the Presnensky and the City courts. The fact that the Justice Department found articles 45 and 46 of the Constitution restricting, was ignored by the courts of the first and second instances; therefore we are asking the Supreme Court to consider this matter.

Meanwhile, article 27 of the Federal Law “On non-governmental associations” clearly states that a non-governmental association has the right to “protect its rights, legal interests of its members and participants, as well as other citizens, in the bodies of state authorities, municipal authorities and non-governmental associations.” Thus, protection of “other rights” has not been forbidden by the law but by the Justice officials.

The courts and the Justice Department have a quasi-argument that “it is allowed but only for carrying out the Charter objectives.”

We would like to give logical proof (as logic is a good instrument for investigation): if the document is titled “The Charter,” and provision 2 of the document is titled “Goals and objectives of the Charter,” why is it so difficult for the lawyers to understand that these are the Charter objectives, if they are written in the Charter? To understand it, one doesn’t even have to have a legal background.

Therefore, provision 2.1 of the Charter is in full consistence with article 27 of the Federal Law “On non-governmental associations,” and the statement of the City Court about the contradiction is ungrounded.

The argument of the courts that human rights activity is an interference with the matters administered by the state, remind of sad times: this is how human rights protection was interpreted in the totalitarian USSR.

We disagree completely with the statement that the name of the organization does not reflect the type of its activity. Here the City Court also shared the opinions of the Justice Department and the first instance court. It is obvious that it is not the truth but the esprit de corps that is been defended.

The name of our organization fully reflects its activities and is described in part 2 of the Charter. Since human rights activities and ecology are mentioned both in the name and in the goals indicated in provision 2.1 of the Charter, they are in full accordance.

The ruling of the Judicial Board for civil cases of the Moscow City Court says that “... the Judicial Board does not find grounds for canceling the previous decision that was made in accordance with the facts of the case and the requirements of current legislation.”

On our part, we believe and have sufficient evidence that the appealed decision and ruling were made in contradiction with the facts of the case and with current legislation, including the Russian Constitution and the Federal Law “On non-governmental associations.”

The Moscow City Court, as well as the court of first instance, considered that the Charter contradicted the Russian Constitution. At the same time, none of the courts gave any legal basis for their decisions, or prove the lawfulness of the denial of registration. Neither the Justice Department, nor the first instance court proved that article 72 of the RF Constitution was restrictive with regard to human rights activities of NGOs.

The statement of the Presnensky Court that human rights activities mean “interference with the matters administered by the Russian Federation and the subjects of the Russian Federation” was not reasoned either. The Court agreed also that the activities of NGOs, dealing with the problems of nature exploitation, protection of environment and ecological safety, imply similar interference with the state matters.

The Presnensky Court decision says:

(quote) The court has come to a conclusion that some provisions of the charter of the non-governmental organization Human Rights Coalition “Ecology and Human Rights” (in particular, provision 2.1 of the charter) contradict article 72 of the Russian Constitution. Thus, protection of the rights and freedoms of a person and a citizen is attributed by the RF Constitution to the administration of the Russian

Federation and the subjects of the Russian Federation, whereas provision 2.1 implies that the aim of the Coalition is “protection of ecological rights and related to them other rights of citizens, including protection of persons persecuted for their activities connected with observance of their ecological and other rights.” One can understand that the wording of the aims and objectives of the organization allows for interference of the non-governmental organization with the matters administered by the Russian Federation and the subjects of the Russian Federation. Thus, the refusal of the Justice Department of Moscow to register the non-governmental organization Human Rights Coalition “Ecology and Human Rights” is lawful (unquote).

The Court thought this statement was cogent. In the ruling of the City Court there is no trace of an independent investigation carried out by the court, as required by the Civil Procedure Code. The ruling is actually a mere variation of the text produced by the Justice Department.

If the officials of the Justice Department and the court bear such solidary opinions, it is quite obvious that only the highest judicial body of the Russian Federation can and should put these officials in their places.

By denying the right to human rights activities, the Justice Department of Moscow, the Moscow City Court and the court of first instance have made decisions that deliberately falsify the essence of the Russian Constitution and Russian laws and de facto restore the restrictive practices of the USSR.

Based on the mentioned facts and according to articles 319, 320, 322, 324, and 329 p.5 of the Civil Procedure Code, we request that:

case No. 2-2807/99 be withdrawn,

an objection against the decision of the Presnensky District Court of Moscow of May 21, 1999 and the ruling of the Moscow City Court Judicial Board for civil cases of August 16, 1999 be lodged, with a purpose to cancel these decisions and – considering that this case can set a precedent and that our rights, as well as Constitution and the Russian laws have been directly violated for a long time – with a purpose to deliver a new judgment without sending the case for a new hearing, because both mentioned judicial bodies have made mistakes in application and interpretation of the norms of the substantive law (article 45 of the Constitution and article 27 of the Federal Law “On non-governmental associations”), declaring the refusal of the Justice Department of Moscow to register the NGO unlawful, and

an obligation be laid upon the Justice Department of Moscow to register the NGO Human Rights Coalition “Ecology and Human Rights.”

**A.V. Yablokov**

**E.I. Chernyi**



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