

## **Hearing of the Helsinki Commission on “Human Rights Situation in Russia and U.S. Policy”**

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### **Overview**

Chairman Smith, Co-Chairman Campbell, CSCE Commissioners, thank you for this opportunity to update you on the situation of democracy, human rights, civil society and rule of law in Russia and U.S. policy. I commend the Commission for its sustained efforts to promote respect for human rights and democracy throughout the OSCE region.

Russia's political system and civil society have come a long way since the Soviet era. But building a modern democratic state is not an easy process, and the Russian path has had its share of setbacks. If Russian internal developments during the first decade of the post-Soviet era conveyed a sense that Russia as a society was increasingly committed to values of freedom and democracy, events in the post-Yeltsin era suggest that the situation was and is more complex than we thought.

Some of the freedoms and liberties that came about as the result of the collapse of the Soviet Union in the 1990s have been reined in over the past few years as the state has become more powerful. Questions have arisen about the strength and depth of Russia's commitment to democratic reform and the rule of law. At the same time, President Putin remains an extremely popular leader with strong support among the Russian public, credited with having brought stability and greater economic well-being to Russia.

Respect for democratic principles and freedoms has improved from what Russians experienced just over a decade ago: today, Russians accept voting as a normal political right; the presence of the security services, while still large, is nothing like the power and influence of the KGB in the Soviet era, and there is a developing civil society in which non-governmental organizations play a greater, if still limited, role. But we see some erosion of these principles and freedoms, which is of concern. What we have also seen is a greater centralization of power -- an imperfect system of checks and balances in which ever-greater decision-making authority is concentrated in the Kremlin.

However, it is overly simplistic to contrast the period of the 1990s as one marked by great progress in democratic reform in Russia with the Putin years as a time of major “backsliding” from democracy. It is important to remember that the Yeltsin years, while they produced significant progress in the political area, were also marred by the collapse of state institutions, pervasive corruption and rapid socio-economic decline. Unfortunately, the identification of these negative aspects of the Yeltsin era with “democratization” played a large role in discrediting the idea of democracy among many Russians.

In his first term, President Putin made it his priority to bring about a measure of stability following the sometimes chaotic period of the 1990s and to strengthen the state and its institutions. As President Putin now begins his second term with a strong popular mandate and a large supportive majority in the Duma, the question is whether he is prepared to reverse the backsliding that we have seen on democracy questions and infuse the Russian state with a genuinely democratic spirit. In his inaugural address, Mr. Putin declared that “only free people in a free country can be genuinely successful,” adding that “this is the foundation for economic growth and political stability in Russia.” We agree with that statement.

### **The U.S. Policy Context**

The Administration has sought to build a U.S.-Russian relationship that is marked by greater cooperation, transparency and partnership. There are a number of issues -- such as the global war on terrorism and countering proliferation -- on which we believe our interests increasingly converge.

The United States and Russia have together made considerable progress in reducing the threat from weapons of mass destruction, including through the Strategic Offensive Reductions Treaty and the Cooperative Threat Reduction program. Russia is working more closely with us in insisting on Iran's compliance with IAEA rules for its nuclear program. Russia also is a partner in the multilateral effort pressing North Korea to cease its nuclear weapons program.

On other key geopolitical issues, Russia has been supportive of our efforts in the global war on terrorism and is a key player in the Middle East Peace Process. We have overcome many of our differences regarding Iraq and are consulting closely on how to move forward as the June 30 transition date nears. U.S.-Russia trade and business ties are growing, and we cooperate on a broad array of scientific and technological fronts, including combating the scourges of trafficking in persons and the HIV/AIDS pandemic.

To be sure, important differences remain. For example, we need to reach a closer understanding on halting the nuclear program in Iran. While the recent events in Georgia showed Russia can contribute positively to stability in the former Soviet space, there have been other instances where the Russian approach has not been as helpful as it might have been, such as in working cooperatively to press the Transnistrians to settle the long-standing dispute in Moldova.

The United States has an important stake in the strengthening of democracy and human rights in Russia. That is why Secretary Powell addressed these issues -- with President Putin and with the Russian public in his article in the prominent daily newspaper *Izvestiya* -- during his visit to Moscow at the end of January. The Secretary underscored the importance of rule of law, freedom of the media, and transparent and fair judicial procedures as core values for a robust and lasting U.S.-Russian partnership.

We want to see Russia as a full-fledged democracy, which will create conditions in which we can build a stronger, more enduring partnership. But we must be patient. Foreigners cannot build Russia's democracy; only Russians can. But we can help and are committed to supporting this process through continued engagement and assistance.

## **Political Reform and Elections**

One of the features of post-Soviet political life in Russia is that the Russian people now directly elect their president and Duma. Indeed, while the process leading up to the March 14 presidential election was seen as flawed, the results -- President Putin's re-election -- clearly reflected the will of the Russian voters. Had the election met all international standards, there is no serious doubt that, given his high public approval ratings, President Putin would have been reelected. Elections, however, have not yet reached the point where they fully meet international standards of "free and fair."

International observers for the March 14 presidential election found that the election was well administered and "reflected the consistently high public approval rating of the incumbent president but lacked elements of a genuine democratic contest." They noted that the election process lacked genuine debate and meaningful pluralism, and had failed to meet a commitment concerning television coverage on a non-discriminatory basis.

Although international monitoring was limited during the October 5, 2003 presidential election in Chechnya, the reports of local monitors and press suggested that it did not meet the standards for democratic elections.

The OSCE election observation mission's evaluation of the December 2003 Duma elections noted that, while the election day procedures were technically correct, "the pre-election process was characterized by extensive use of state apparatus and media favoritism to benefit the largest pro-presidential party..." While some 61 million Russian freely exercised their right to vote, the election was not "fair" in the sense that only one party, the pro-government United Russia party, benefited from use of administrative resources and favorable coverage in the national broadcast media.

## **Judicial Reform**

President Putin has repeatedly pronounced himself in favor of reforming Russia's judicial system. He devoted considerable energy in 2002 to getting Duma approval for some impressive judicial reforms, which have since been enacted and which include Russia's first jury trials and increased judicial oversight of the Procuracy. The judicial system, however, remains subject

to influence by the Kremlin and security services, as illustrated by the Sutyagin and Khodorkovskiy cases.

On April 7, defense researcher Igor Sutyagin was sentenced to 15 years in prison on espionage charges. His case was complex and has drawn considerable attention among human rights activists. Most observers agree that he had no access to classified information and consider the severe sentence an effort to discourage information-sharing by Russians with professional colleagues from other countries.

On October 25, 2003 Russian oil firm Yukos CEO Mikhail Khodorkovskiy was arrested on charges of fraud, tax evasion and forgery. He has remained in detention, and his trial is expected to begin May 25. The timing of Khodorkovskiy's arrest, following his political activism and negotiations with Western energy companies to possibly sell Yukos assets, has led to serious accusations that his arrest was politically motivated. The U.S. Government is closely following this case. We have conveyed our concern that the law be applied in an equitable manner.

### **Media Freedom**

Russian government pressure on the media continues to infringe on the rights of freedom of speech and of the press. There are over 150 private television channels in 77 out of 89 Russian regions, as well as over 1,000 private radio stations; they were far from uniform in their election coverage. But the main national broadcast networks are state-controlled or under heavy Kremlin influence. The two largest national TV networks, Rossiya Channel and First Channel, devote large shares of their prime-time news programs to airing footage of President Putin's conversations with cabinet ministers produced by the Kremlin Press Service, and detailed accounts of his trips around Russia and other activities. The Gazprom-owned network NTV demonstrates a more balanced approach to news reporting, and maintains a relatively liberal editorial policy.

Still, the Kremlin administration keeps the three networks under close supervision, and reportedly monitors their newscasts on a daily basis to guarantee their conformity with official policies. These networks reflect the Kremlin line on many issues and are reluctant to criticize government policy, for example in Chechnya.

Unlike television -- which serves as the primary source of information for most of the population -- print media of all political leanings are uncensored and reflect a wide spectrum of views. Newspapers and magazines such as *Izvestiya*, *Kommersant*, *Nezavisimaya Gazeta*, *Moskovskiye Novosti*, *Novaya Gazeta* and *Yezhenedelny Zhurnal* openly and regularly criticize government policy. On the other hand, governors and mayors in the regions often subject local print media to economic and administrative pressure to prevent criticism of their activities or policies. The internet provides an alternative to state-controlled media, for now to a limited audience, but internet diffusion is growing rapidly.

As a result of consistent pressure applied by authorities over the years to control reporting on Chechnya and corruption among officials, there is an overall tendency by media to censor their own reports on these issues, particularly among state-controlled television outlets.

Finally, journalism in Russia is a dangerous profession for those who pursue controversial stories. The Committee to Protect Journalists reports that 30 journalists were killed over the last decade in Russia, 19 in retaliation for their work, in many cases apparently by organized crime. The remaining 11 were killed while covering the conflict in Chechnya.

### **Atmosphere for Civil Society**

Civil society in Russia has developed greatly since the Soviet era, but it has come under increased pressure during President Putin's first term. A notable success of the 1990s is that a network of human rights NGOs is now well-established in Russia. With the demise of the pro-reform parties in the Duma elections, they may be called on to take on a more active role, which could incur further pressure from the authorities. The prospects for some advocacy NGOs being able to maintain a degree of independence are thus uncertain.

In a positive development in February, Kremlin-backed nominee Vladimir Lukin was confirmed by the Duma as national Human Rights Ombudsman. Mr. Lukin is a former Duma deputy, co-founder of Yabloko and former ambassador to the United States. The Russian human rights community welcomed his appointment.

However, Russian NGOs are facing a tough period. Despite Ambassador Lukin's appointment, they lack an effective dialogue with the Russian government. They also face increasing pressure on their independence. One aftershock of the October arrest of leading NGO patron Khodorkovskiy has been that private sector sources of support for political NGOs have dried up. This means that NGOs have increasingly focused on survival as they seek funding sources and face harassment from the tax police and other authorities.

### **Freedom of Travel**

The Russian government continues generally to respect freedom of emigration and travel. Those who wish to travel abroad or emigrate in most cases have no problems acquiring passports. When there are problems, these are generally related to the applicant's having had access to classified material, and there is a process by which the applicant can appeal denials based on prior access to classified material; our understanding is that in the majority of cases such appeals are successful.

Since 1994, successive U.S. Administrations have found Russia to be in compliance with the emigration provisions of the 1974 Jackson-Vanik Amendment, and Russia has achieved a record of free emigration. The Administration, in principle, would support Congressional action to "graduate" Russia from Jackson-Vanik and to grant normal trade relations with Russia.

### **Freedom of Religion**

The Russian government continues to contribute to the generally free practice of religion. However, as in the case of civil society, Russian authorities seem to be seeking greater control in the area of religious affairs. In some cases, they have selectively rewarded religious leaders who verbally support the government.

In general, groups such as the Old Believers, Jehovah's Witnesses, independent Baptists and most Pentecostals, who were harassed in Soviet times for their unwillingness to cooperate with the Soviet State, still face some difficulties. For example, on March 26, a Moscow court denied

Jehovah's Witnesses the right to register as a religious body in Moscow after the Procurator successfully appealed an earlier court decision to permit them to register. The Federal Security Service, working with local law enforcement officials, has targeted minority faiths as "foreign" security threats.

Foreign religious workers continue to report obstacles in getting visas renewed. Often groups that experienced Soviet property confiscation are still waiting for property restitution, and many minority religious faiths, such as the Roman Catholics, must vie with the Russian Orthodox for property and access to large meeting places.

### **Xenophobia, Anti-Semitism and Hate Crimes**

Skinhead and neo-Nazi attacks are a growing concern, as are incidents such as defacing of Jewish gravestones and attacks on racial minorities, including attacks on Jewish individuals, groups and synagogues. Law enforcement agencies often turn a blind eye to extremist groups' activities. However, in response to the latest incidents, Russian federal officials, including the Minister of Interior, have acknowledged the severity of the problem and proposed increased efforts to prosecute such crimes. President Putin last year himself took the lead in condemning the placement of booby-trapped anti-Semitic signs beside highways, and presented an award for courage to a young Russian woman who was injured trying to remove such a sign.

### **Chechnya**

The gravest threat to human rights in Russia continues to be the conflict in Chechnya. Credible and numerous reports of violence and human rights abuses by both sides continue to appear, despite the virtual news blackout from that war-torn republic. Although Colonel Budanov was convicted last year for the murder of a Chechen civilian, we have not seen sustained efforts to hold persons accountable for human rights abuses.

In April, the United States voted in favor of the EU-sponsored resolution on Chechnya at the UN Commission on Human Rights that strongly condemned human rights violations in Chechnya. The UNCHR resolution urged the Russian government "to urgently take all necessary measures to stop and prevent violations of human rights...." Abuses by Russian federal

and Chechen security forces remain a concern, and Chechen separatist forces also bear responsibility for human rights abuses. We have urged Russia and the Chechen separatist leaders to stop human rights violations by their forces.

Nothing can justify acts of terror. The U.S. Government condemned unequivocally the May 9 Grozny bombing that killed Chechen President Kadyrov, an act that will do nothing to bring peace. We recognize Russia's right to defend itself against terror, and we support its territorial integrity. We do not support Chechen separatism. Some Chechen groups responsible for terrorist acts have demonstrable connections with international terrorism. Last year, the U.S. Government designated three Chechen groups and two Chechen individuals as terrorists under the executive order on terrorist financing. While we do not consider all Chechen fighters to be terrorists, we call on all Chechen leaders to renounce terrorist acts and cut any ties they may have to the terrorist groups.

We continue to believe in the importance of employing political means to resolve the Chechen conflict and continue to call on all sides to take steps to find a peaceful solution.

One area that has been of concern to human rights observers and the U.S. Government is the question of internally displaced persons (IDPs). An estimated 57,000 displaced persons remain in Ingushetia, including approximately 1,750 in Satsita, the last camp remaining open. While some Chechen refugees have freely decided to return to Chechnya, reliable reports indicate that conditions in Chechnya for the returnees remain grossly inadequate, with serious housing and security problems.

Given the acute humanitarian situation in the Chechnya region, the U.S. Government provides significant assistance. During FY 2003, we provided \$22.5 million to humanitarian assistance programs working in the North Caucasus. These funds went to programs for IDPs in Ingushetiya and Chechnya for basic shelter, water, sanitation, health care and education needs. The U.S. Government also provided support to programs that provide legal protection, mine awareness training and local capacity-building. So far in FY 2004, we have provided \$7.2 million for humanitarian programs in the North Caucasus.

## **U.S. Policy Response**

Given the importance of U.S. national interests in seeing the consolidation of democratic institutions in Russia, we are devoting significant assistance resources to democracy and human rights programs. In FY 2004, we expect to provide more than \$33 million in FREEDOM Support Act funds for programs to support democracy in Russia, targeting such areas as political process, media development, rule of law and human rights, civil society development, and partnerships and training, among others. These programs work with Russian advocates of a more open and democratic society and, where appropriate, in the Russian government.

A series of upcoming regional elections will provide an important opportunity to work with political parties to develop issue-based campaigns in preparation for the next round of federal elections, including the parliamentary elections in 2007 and the Presidential election in 2008. The National Democratic Institute works at ten locations across Russia, providing training in political party development and organizational skills for civic groups. In the run-up to the 2003 Duma elections, the International Republican Institute conducted national opinion polls and ran public service announcements to encourage voter participation.

U.S. assistance provides support to a vibrant network of regional independent television stations as well as to regional press outlets. Considerable emphasis has been placed on strengthening professional associations that can advocate for this sector. This year our assistance will expand to support a third vital voice, that of independent radio.

To strengthen rule of law, U.S. assistance has supported reform of judicial administration, court management and judicial ethics. Our assistance has also supported the development of legal clinics at Russian universities. We have been working directly with human rights groups to develop advocacy skills and raise the profile of human rights groups.

The U.S. Government continues to support Russian NGOs through resource centers, direct grants and technical assistance. Our emphasis now is shifting to helping these groups to stimulate better civic education and a stronger citizen involvement in democratic problem-solving. Direct grant support for this sector will continue through the Embassy-administered Democracy

Commission Small Grants program, the National Endowment for Democracy, and a new indigenous foundation, the New Eurasia Foundation, which is being launched by the Eurasia Foundation with U.S. public and private support and in cooperation with Russian and European donors.

Having fostered with the help of the Urban Institute Russia's leading local government and urban planning think-tank (the Institute for Urban Economics), our funding now is helping mayors and local officials across Russia to adapt to the complex and far-reaching centralization of fiscal and administrative responsibilities recently enacted into law. This program is also creating innovative partnerships between Russian private industry, local government, and grassroots organizations to improve social service delivery in those municipalities.

Exchange programs supported by the Open World Program and the Department's Bureau for Educational and Cultural Affairs will continue to swell the ranks of Russians who are exposed to democratic methods and values. To date, some 58,000 Russian citizens have traveled to the United States on U.S. Government-funded exchange programs.

U.S. officials maintain a dialogue on freedom of religion with Russian officials, religious denominations and NGOs. The U.S. Government also continues to monitor crucial court cases and visa issues affecting religious workers across Russia. Last year, the U.S. Embassy in Moscow established a Tolerance Grants Initiative and provided ten grants to NGOs working to improve ethnic and religious tolerance.

The President, Secretary Powell, National Security Advisor Rice, Ambassador Vershbow, and other U.S. officials continue to engage the Russian government at the highest levels on the importance of democratic reform in Russia to the long-term health of the U.S.-Russia partnership as well as for Russia itself. The President has regularly noted the importance of democratic reform in his meetings and telephone conversations with President Putin. Secretary Powell has raised democracy issues and the situation Chechnya with his Russian counterparts and with President Putin, most recently in Moscow in January. Dr. Rice also regularly raises democracy issues and stresses the importance of shared values to our broader relationship. Ambassador Vershbow and our Embassy in Moscow actively and continuously advocate on behalf of improving respect for

human rights, fundamental freedoms such as freedom of the media and of religion, and democratic institutions.

Ultimately, it is up to the Russians themselves to determine the kind of political system in which they live. We hope that Russia progresses toward a strong democracy, one in which human rights are fully protected, there is a robust civil society, and the people have reliable and transparent mechanisms to determine their leaders. While this is a question for Russians to decide, the U.S. Government will continue to support Russian efforts to promote human rights and democratization by pressing for greater steps towards democratic institutions and by providing assistance to strengthen democracy and civil society. We do so in the belief that a democratic political system will be best for the Russians and will improve the prospects for building a strong and enduring partnership between our two countries. As Secretary Powell noted in his January *Izvestiya* article, “the capacity of any two nations to cooperate rests on a convergence of basic principles shared broadly in society.... Without basic principles shared in common, our relationship will not achieve its potential.”

Thank you for your attention. I would be happy to address your questions.

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