

## **“Russian Violations of the Rule of Law: How Should the U.S. Respond?”**

*U.S. Helsinki Commission Hearing*

*October 21, 2015*

### **Testimony by Vladimir V. Kara-Murza, Coordinator of the Open Russia Movement**

Chairman Smith, Co-Chairman Wicker, esteemed Members of the Commission, thank you for holding this important and timely hearing and for the invitation to testify.

This year marks the 40th anniversary of the Helsinki Final Act. Many things have changed since its signing, but one unfortunate fact remains the same: just as the Soviet Union in 1975, the Russian Federation today—after a brief democratic interlude in the 1990s—treats the human rights commitments undertaken under the Helsinki process as a dead letter.

The freedom of expression, guaranteed under the Copenhagen Document and other OSCE statutes, has been an early target of Vladimir Putin’s regime. One after another, independent television networks were shut down or taken over by the state. Today, the Kremlin fully controls the national airwaves, which it has turned into transmitters for its propaganda—whether it is to rail against Ukraine and the United States or to vilify Mr. Putin’s opponents at home, denouncing them as “traitors.” One of the main targets of this campaign by the state media was opposition leader Boris Nemtsov, who was murdered in February two hundred yards away from the Kremlin.

The right to free and fair elections is another OSCE principle that remains out of reach for Russian citizens. In fact, the last Russian election recognized by the OSCE as conforming to basic democratic standards was held more than fifteen years ago, in March 2000. Every vote since then has fallen far short of the principles outlined in the Copenhagen Document that requires member states to “enable [political parties] to compete with each other on a basis of equal treatment before the law and by the authorities” (Paragraph 7.6.)<sup>1</sup> Opponents of Mr. Putin’s regime have received anything but equal treatment at the ballot—if, indeed, they were allowed on the ballot at all. In many cases, opposition candidates and parties are simply prevented from running, both at the national and at the local level, leaving Russian voters with no real choice. According to the OSCE monitoring mission, the last election for the State Duma in December 2011 was marred by “the lack of independence of the election administration, the partiality of most media, and the undue interference of state authorities at different levels.”<sup>2</sup> Evidence of widespread fraud in that vote led to the largest pro-democracy protests under Mr. Putin’s rule, when more than 100,000 people went to the streets of Moscow to demand free and fair elections.

Another disturbing feature of today’s Russia is reminiscent of the Soviet era. According to Memorial, Russia’s most respected human rights organization, there are

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<sup>1</sup> 1990 CSCE/OSCE Copenhagen Document, <http://www.osce.org/odihr/elections/14304?download=true>

<sup>2</sup> Elections to the State Duma, 4 December 2011, OSCE/ODIHR Election Observation Mission Final Report, <http://www.osce.org/odihr/elections/86959?download=true>

currently fifty political prisoners in the Russian Federation, as defined by the Council of Europe—that is, prisoners whose “detention is the result of proceedings which were clearly unfair, and this appears to be connected with political motives of the authorities.”<sup>3</sup> These prisoners include opposition activists jailed under the infamous “Bolotnaya case” for protesting against Mr. Putin’s inauguration in May 2012; the brother of anticorruption campaigner Alexei Navalny; and Alexei Pichugin, the remaining hostage of the “Yukos case.”

This list is not limited to Russian citizens. Last year, two foreigners—Ukrainian military pilot Nadiya Savchenko and Estonian security officer Eston Kohver—were seized on the territories of their respective countries and put on trial in Russia. Kohver was released last month in a cold war-style prisoner exchange. Savchenko’s trial is still underway. Another Ukrainian prisoner, the filmmaker Oleg Sentsov, was recently sentenced to twenty years on “terrorism” charges for protesting against the Kremlin’s annexation of his native Crimea.

It is a task for Russian citizens to improve the situation with the rule of law in our country. But, contrary to the oft-rehearsed claims by Kremlin officials, human rights “are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned,” as is explicitly stated in the OSCE document adopted, of all places, in Moscow<sup>4</sup>. It is important that fellow member states, including the U.S., remain focused on Russia’s OSCE commitments, especially as we approach the parliamentary elections scheduled for September 18, 2016. It is important that you speak out when you see violations of these commitments.

Above all, it is important that you remain true to your values. Nearly three years ago, Congress overwhelmingly passed, and President Obama signed the Sergei Magnitsky Rule of Law Accountability Act, one of the most principled and honorable pieces of legislation ever adopted. It is designed to end the impunity for those who abuse the rights of Russian citizens by denying these people the privilege of traveling to and owning assets in the United States—a privilege many of them so greatly enjoy. Unfortunately, implementation of this law remains timid, with only low-level abusers targeted so far. Implementing the Magnitsky Act to its full extent and going after high-profile violators would send a strong message to the Kremlin that the U.S. means what it says, and that human rights will not be treated as an afterthought, but as an essential part of international relations.

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<sup>3</sup> List of people recognized as political prisoners by the Memorial Human Rights Center, June 1, 2015 (in Russian), <http://memohrc.org/news/spisok-lic-priznannyh-politicheskimi-zaklyuchennymi-pravozashchitnym-centrom-memorial-na-1>

Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150&lang=EN>

<sup>4</sup> 1991 CSCE/OSCE Moscow Document, <http://www.osce.org/odihr/elections/14310?download=true>