



**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

**Hearing
on
“Human Rights in Russia on the 5th Anniversary of the Nemtsov Assassination”**

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2200 Rayburn Building

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Co-Chair McGovern, Co-Chair Smith, and members of the Lantos Commission, thank you for the opportunity to testify regarding human rights developments in Russia on the fifth anniversary of the murder of Boris Nemtsov, a former deputy prime minister likely killed due to his efforts to investigate the Kremlin's major human rights abuses and acts of corruption.

As with many well-known killings of human rights monitors and investigators, such as Natalia Estemirova, Anna Politkovskaya, Stanislav Markelov, and Anastasia Baburova, the killing of Boris Nemtsov remains unsatisfactorily resolved. In Russia, impunity for such deaths remains the norm. However, in 2019, as a result of advocacy by Russian activists, the OSCE Parliamentary Assembly opened a commission of enquiry into the assassination of Nemtsov and appointed a Special Rapporteur, Margareta Cederfelt from Sweden, to examine the case. Last July, the Parliamentary Assembly held a hearing on the case, and last week, on February 20, the Special Rapporteur [issued her report](#). The report faults the lack of investigation by Russian authorities and lack of determination as to who actually ordered and orchestrated the crime; criticizes the empty judicial process in which low-level defendants but not the persons ultimately responsible were charged, and where these defendants were subjected to torture, and denied a fair trial; and highlights the unclear role of the security services in the investigation. Rapporteur Cederfelt called on OSCE member states and the international community to urge Russia to reopen the Nemtsov investigation, and cited the Magnitsky Laws in the U.S. and Lithuania as model tools for institutions like the E.U. to identify and hold human rights abusers accountable.

While there are not many positive developments to report when discussing human rights in Russia, I will begin by noting that last summer and fall we saw the release of two long-time political prisoners, Ukrainian filmmaker Oleg Sentsov and human rights activist in Chechnya Oyub Titiev. Both of these releases were welcomed, and the result of international advocacy by foreign governments, paired with activism by human rights actors within Russia. In an otherwise bleak human rights landscape, it is important to note the role foreign governments like the United States can play in such cases.

The Sentsov and Titiev releases aside, the situation in Russia continues to deteriorate, in particular due to widespread and growing dissatisfaction with the Putin government, exemplified by wave after wave of protests in the summer of 2019, the largest demonstrations since the 2011-2012 national election protests. Recent demonstrations have focused on the failure to allow independent candidates to register for the Moscow City Duma elections, a plan to excavate the main park in Yekaterinburg to build a church, construction of a landfill for Moscow's trash in Archangelsk, and on false criminal charges made against a journalist known for investigating corruption. Alexei Navalny's campaigns against graft have also brought young people into the streets by the thousands and provided support to the Moscow election protests last summer.

Major cases charging groups of young defendants with politically-motivated extremism or terror offenses—such as the so-called New Greatness, Moscow, and Network cases—have ignited waves of action in solidarity. Last summer, thousands of students, staff, and graduates of the Higher School of Economics signed a letter in support of blogger Egor Zhukov, who was

arrested in the Moscow protests; and this month over 730 scientists signed a letter urging cancellation of the Network convictions because they were based on torture and manifestly unjust. While society has become more united in its criticism of Putin and the Kremlin—a 2019 Levada Center poll shows an all-time high in distrust of Putin—violence and abuse of citizens has increased, with use of torture and police abuse ramping up, and sentences for political prisoners becoming more severe.

Human rights defenders, journalists, and lawyers, for years the focus of physical attacks and even extrajudicial killings, continue to find themselves targeted. On February 6, investigative journalist Elena Milashina and human rights lawyer Marina Dubrovina were beaten by a group of men and women in Chechnya for their work reporting on abuses there. Dubrovina was in the city for the hearing of a client imprisoned shortly after posting a video about Ramzan Kadyrov's wealthy lifestyle. Milashina is a winner of the U.S. Department of State's Women of Courage Award and was the lead reporter that uncovered the 2017 campaign by the regional government to torture and kill gay Chechens. Reporting on abuses in Chechnya continues to be life-threatening, particularly in the wake of the expulsion of leading human rights organization Memorial and designation as a foreign agent and closure of the Committee for the Prevention of Torture.

Disappearances and state violence against LGBTQ communities reflect just the most well-known abuses occurring in Chechnya. Torture, extrajudicial arrest, and targeting with violence are used against anyone critical of Kadyrov and the regional government. Chechnya remains essentially lawless, and we have seen this lawlessness spill out into Europe with the recent killings of Kadyrov critics in places such as France and Germany.

More broadly, attacks on LGBTQ people are perpetrated with complete impunity across Russia. The 2013 propaganda law is still being used to silence LGBTQ groups and activists that equate LGBTQ relationships with heterosexual relationships. In December, Yulia Tsvetkova was placed under house arrest and fined nearly \$800 for maintaining two social media groups on LGBTQ issues and feminism. In July 2019, Yelena Grigoryeva was brutally murdered in St. Petersburg shortly after her personal information was posted on a website encouraging users to hunt LGBTQ activists. Despite numerous requests, authorities have neither investigated the website nor the group that initiated it – an organization calling itself "Saw," which urges the killing and torture of LGBTQ people as part of a so-called game. Grigoryeva's death was labeled the result of a drunken brawl instead of a hate crime.

Human rights organizations continue to struggle under the weight of Russia's 2012 foreign agent law and 2015 undesirable organizations law, the first of which was recently expanded so that now journalists can be declared foreign agents and fined. From November through this January, Memorial was fined 21 times for a total of more than 5 million RUR (\$77,000), and anti-torture organization Public Verdict received a similar fine in October for failing to include a label declaring their foreign agent status on social media posts and pages. The Russian government is also expanding implementation of the undesirable organizations law by criminally prosecuting activists for associations with "undesirable" organizations. In 2019, the

first three criminal cases were filed against activists, all alleging connections to Mikhail Khodorkovsky's Open Democracy movement, which is registered in the UK.

In response to increased protests against state graft, illegal elections, and falsified terror charges, and the greater solidarity with protesters and critics, the government has clamped down with greater violence and abuse, assessing – perhaps accurately -- that it is losing both its longstanding control over the Russian population and the dominant narrative. Its harsh actions have engendered even more animosity from certain sectors of the population, such as youth. The Kremlin's brutal crackdowns on protesters have recently been criticized, for example, by Russian Orthodox priests, celebrities, and even members of the Russian Duma from Putin's own party - groups that in the past would never have dared counter the Kremlin.

Recent constitutional changes provide additional evidence of the Kremlin's fear that it could be losing control. The changes are an attempt by President Putin to secure his own future grip on power, and to obtain protection against prosecution, as he faces the prospect of stepping down as president in 2024. The amendments, which are still in development, currently include a grant of presidential power to dismiss judges, a prohibition on foreign citizenship for high officials, a statement against gay marriage and parenthood by LGBTQ people, and a declaration of the supremacy of Russian law over international norms and agreements. While a draft of changes was passed in first reading in January, the final vote and public referendum will not be held until April 22.

The constitutional changes are not likely to result in any true modification of Russia's relationship toward international human rights law, particularly since a law was already passed in 2015, and signed by Putin, which allows the Russian Constitutional Court to ignore the rulings of international courts. A constitutional statement that privileges domestic law will, of course, have more force than a similar statute. However, as numerous Russian legal experts have [pointed out](#), the upcoming reforms will generally undermine the legitimacy of the constitution, for example by granting wider powers to Putin under the guise of creating greater separation of powers, such that the new constitution is likely to be taken less seriously in Russian courts and by society at large.

What can the United States do to assist human rights defenders and those under attack in Russia?

First, U.S. government actors must recommit to supporting human rights defenders. The United States currently lacks a temporary respite program (providing a short psychological break for human rights defenders out of their home country) such as those that exist in many European countries and should create one. It should provide increased funding for exchanges and fellowship programs for human rights defenders and journalists forced to leave Russia in the short term to protect their own safety. The State Department is currently piloting a program to provide medium-term support for human rights defenders to continue their advocacy after being forced to leave their country, and this program should be expanded. And the U.S. Embassy in Moscow – and U.S. embassies around the world should republish on their websites

the [Strategies for Protecting and Supporting Human Rights Defenders](#) that the State Department committed to 8 years ago.

Second, Russia – like several other governments including Turkey – is abusing the Interpol system to prevent human rights activists, anti-corruption activists, and environmental defenders from claiming asylum in the U.S. In some circumstances, the Department of Homeland Security (DHS) has failed to conduct a cursory review of the charges to determine whether they are politically-motivated, and has pulled activists out of bona fide asylum processing in order to place them in jail pursuant to false red notices from Russia. Congress should monitor this situation and urge DHS to comply with Interpol's 2015 Refugee Policy reform by conducting its own review of the underlying facts of red notices when issued by states that are known abusers – such as Russia – to determine whether they are politically-motivated.

Third, in asylum proceedings concerning Russian human rights advocates, Congress should consider passage of a provision requiring that asylum applicants that are otherwise qualified not be denied status based primarily on their subjection to politically-motivated arrest. Such a provision would mirror legislation contained within the Hong Kong Human Rights and Democracy Act, which passed both chambers of Congress with strong bipartisan support.

Fourth, whenever possible, in public, on the floor of Congress, in bilateral meetings with Russian government representatives, and in multilateral fora such as the OSCE and UN, the U.S. government and individual members of Congress must raise the [names of Russian political prisoners](#) and demand their release from President Putin, Foreign Minister Sergei Lavrov and others Russian officials. In addition, as Special Rapporteur Cederfelt urged, the U.S. should call for a reopening of the investigation into the death of Nemtsov, as well as other politically-motivated deaths. Urgent action should focus on cases such as Yuri Dmitriev of Memorial in Karelia, who remains in prison for documenting the names of victims of repression, despite a release date set for two years ago; the cases of imprisoned and tortured Jehovah's Witnesses, which will be addressed by another witness; the eight youth defendants in the Network case falsely charged with terror offenses; and the case of Anastasia Shevchenko, who remains on house arrest awaiting trial under the undesirable organizations law for an alleged association with the Open Democracy movement based in the UK.

And finally, of course, the U.S. government should continue to use Russian Magnitsky and Global Magnitsky against human rights violators and corrupt actors, and members of Congress should support the recommendations of NGOs to the Department of State and Treasury, as contemplated in the law.

The U.S., including this Congress, has shown that it can offer support and act as a beacon of hope to human rights activists in Russia. We should not give up this role, indeed today it is needed more than ever.