

*Prepared Statement for the Record*

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Chairperson McGovern, Chairman Smith, thank you for inviting me here to testify before you today on the issue of human rights in Russia, an issue that is fundamental to the sustainable development of our world and also close to my heart as a Russian native.

PEN America is a writers' organization focused on promoting and protecting free expression around the world, and we firmly believe that the threats to free speech today are extremely worrying. As the largest country in the world which leans increasingly toward complete isolation, a practice which is not so unfamiliar to Russians, the situation with human rights in Russia has to be closely monitored, and I express my sincere gratitude to Lantos Commission for organizing this hearing today.

During the last 20 years of Putin's rule in Russia, the situation with media freedom has worsened substantially. The best journalists and media managers are forced to leave the country or to stop their professional activities due to arrests or other forms of persecution on a political basis. One of the most high profile examples of this includes, for instance, the former editor-in-chief of RBC Elizaveta Osetinskaya who was fired together with two other colleagues after publishing articles about the participation of Russian troops in the war in Donbass and the oyster factory belonging to the family of the alleged Putin's daughter. Another example is the former chief editor of Lenta.ru, Galina Timchenko, who was fired because of an interview with a Ukrainian nationalist from The Right Sector. Timchenko has since had to leave Russia and move to Latvia in order to open a new media platform called Meduza. As she said, "in Latvia opening independent media is possible, but in Russia it is not." The most recent case of this can be seen with Meduza's investigative journalist Ivan Golunov who was detained by police, severely beaten, had drugs planted in his backpack, and would have been sent to prison if not for unprecedented public outcry. These are all "successful" cases. Golunov was released and continued working. Elizaveta and Galina have their new media based outside Russia.

There are a great number of other cases who were not that “lucky” all across Russia. Abdulmumin Gadzhiev from the newspaper Chernovick (Draft), known for its critical articles toward the government and security forces from Dagestan, is currently under arrest for “involvement with a terrorist organization.” Journalist Svetlana Prokopieva from Pskov has been under arrest since February 2019 (now for a year) because she wrote about a 17-year old who killed himself in the FSB building and suggested that the government itself was responsible for youth committing such actions. Now she is under trial also facing terrorist charges. I can continue the list of journalists persecuted for their right to free expression on and on, but I would like to speak on the broader restrictions on freedom of expression not only in media but in the online space specifically as well as the other intellectual communities, such as artists and historians, who traditionally attract less attention than journalists.

In my testimony, I focus in detail on three major issues that we find most troubling in the region: recent laws on restricting freedoms online; continuous use of anti-extremist laws to crack down on dissent, including Russian literary and artistic communities; and persecution of historians accompanied by attempts to rewrite history. I’ll start with the first one.

Unhindered access to censorship-free internet is a fundamental human right, and the state has the obligation to guarantee everyone the ability to freely distribute and receive any information and ideas through the web. However, in 2019, international organizations once again lowered Russia’s ranking in their indexes on freedom of expression. According to Reporters Without Borders’ 2019 World Press Freedom Index, Russia’s ratings dropped from an already low 148 to 149 among 180 countries. Freedom House, for the fifth year in a row, considers Russia as “not free”—giving the country only 31 points out of 100 and grouping it together with China, Saudi Arabia, Cuba and Sudan.

Several new trends that have developed in 2019 clearly demonstrate the isolationist intentions of the Russian authorities, including the increased practice of politically motivated regional and local government shutdowns and increased pressure on the IT business and software developers (including several criminal cases against Internet entrepreneurs such as the popular webservice NGINX). One of the mechanisms of isolation is coercing owners of global Internet platforms into cooperation with the Russian government. The notorious Yarovaya Law has recently been used again by the Kremlin to put enormous fines on Facebook and Twitter, just as it first did with LinkedIn on the same basis of refusing to move the personal data of its users to Russian data centers. LinkedIn was blocked in the country in 2016 and still cannot be accessed by Russians.

According to a recent joint report by Russian human rights organizations Agora and RosComSvoboda, repression in so-called Runet, or Russian part of global Internet network, has become less massive but more rigid. Most at risk are active critics and opponents of the government, public figures, civic activists and, as it turns out, successful IT entrepreneurs. This report also mentions that in 2019, the organizations recorded almost half a million (438,981 to be precise) separate cases of interference with internet freedom in Russia, of which the absolute majority (434,275) is associated with restriction of access to websites and services, as well as the prohibition of information on various grounds. Cases of violence or threats for exercising the right to free expression on the Internet were found in 20 regions. The courts of 18 Federal subjects of Russia, as well as Crimea currently occupied by Russia, issued sentences of imprisonment for online activities during 2019.

In March 2019, packages of laws “on fake news” and “disrespect for power” entered into force. Besides administrative responsibility for the dissemination of such information, these laws may lead to the

blocking of relevant resources by decision of the Attorney General or his deputies with no publicly available information on their criteria for determining what constitutes “fake news.” At the same time, this blocking mechanism only allows requests to appeal content removal after the information has been already deleted.

In early December 2019, Vladimir Putin signed a law expanding the designation of the status of foreign agents to include not only those who work for non-profit organizations and the media but also anyone who posts their message on any public platform accessible to an unlimited network of people in case this person receives money from a foreign source-- for example, social media. The status of a foreign agent further restricts free expression in the country. In particular, it requires the labeling of all produced materials (like individual tweets and posts on social networks) and additional reporting to authorities about activities, expenditures, and public disclosure of such information. The same law allows the government to restrict access to the websites of foreign media agents in case they are charged with administrative responsibility.

The most troubling law, adopted on May 1, 2019, concerns the Internet’s sovereignty. In the explanatory note of the law’s draft, it was indicated that the law aims to “protect sustainable Internet in Russia in cases of threats to its functioning from abroad.” However, numerous experts emphasize that its execution will reduce the effectiveness of the network and is likely to make it slower and more expensive--notwithstanding that it can be used for censorship and isolation of the Runet. The key problem of the law is that it claims to “defend” threats which are unclear. There is a major possibility that this law will not only be used to protect critical infrastructure from cyberattacks, but to invoke censorship. For example, the Doctrines of Information Security of the Russian Federation, approved by Vladimir Putin in 2016, lists cross-border information circulation, increases in the volume of foreign media materials containing a biased assessment of Russian state policies, as well as the erosion of Russian traditional moral family values as potential threats.

Speaking of traditional values, under this beautiful phrasing hides many atrocities that the Russian Federation commits without any consequences, especially towards the LGBTQ community and in regions like Chechnya where rule of law simply does not work and authorities are allowed to do anything, literally anything, with people who don’t have the same values. We all remember the events of 2017 when hundreds of people from Chechnya were detained and killed on the basis of their gender and sexual orientation. We talk less about it today, but the situation has yet to improve. And even those who managed to escape Chechnya, many of them thanks to brave LGBTQ rights defenders from Russia, are still living in hell, trying to make ends meet in foreign countries often without knowing the language. But the worst is that they constantly live in fear. They are not protected from Chechen criminals no matter where they are. Soon, Mr. Chairman, you’ll be able to see the documentary about the LGBTQ purge in Chechnya called *Welcome to Chechnya*. Please make sure you watch, it’s brilliant. The filmmakers had to use innovative and very expensive technology to hide the faces of their characters. And it is insane that in 2020, HBO had to hire security and rent a hidden house for the movie’s main heroes when they came to the Sundance Film Festival to present the movie.

But I’m not going to talk about LGBT cases right now, my colleagues from Human Rights Watch or journalists from Novaya Gazeta are better placed to do that. I’m going to talk about the case of a small independent underground theater Teatr.Doc. Teatr.Doc is a unique Moscow-based theater which builds its plays on real events using court notes, interviews with victims and eyewitnesses, letters, and

memoirs to write the scripts. In its repertoire, they have plays on Sergei Magnitsky and Oleg Sentsov, protests on Bolotnaya Square followed by police brutality in 2011, and the experience of gay people in Russia. The last of these, which is called Coming Out of Wardrobe, recently provoked an attack by the extremist pro-Kremlin organization SERB. They burst into the play, attacked the director Anastasia Patlay, and confronted one of the spectators who tried to defend Anastasia. This spectator later was charged an administrative fee for “violation of public order.” SERB was not charged with anything.

Last November, the Head of the State Duma Culture Committee Elena Yampolskaya made a denunciation regarding a few plays of Teatr.Doc, including Coming out of Wardrobe and provoked a police investigation into extremism, which if proven may be followed by criminal persecution and real prison charge. In January, the criminal case was not opened “for lack of evidence,” but now the prosecutor’s office again wants to start an investigation and open a criminal case.

Using extremist laws is widespread in Russia when it comes to combating dissent. Just a few days ago, it also affected the literary community who came together on the high-profile case of Set’ (Network) when a dozen young people were tortured to extract confessions to terrorism and all received draconian sentences between 6 and 18 years in prison. There were many groups who immediately put a public statement out in support of young people, calling to stop the practice of torture. Among them was a group of small regional book stores who closed their businesses for one day in solidarity. It was reported later that one of those book stores in Tula will now be investigated for extremism by the notorious Russian Center E (The Centre for Combating Extremism).

But the Russian government can go further than using these extremist laws. Yury Dmitriev, a Russian historian and head of the Karelian branch of the Human Rights Center Memorial, dedicated 30 years of his life to the restoration of the memory of victims of political repression. He is a founder of many memorial complexes, including the one in Sandarmokh, and author of books immortalizing more than 55 thousand previously unknown people who suffered from Stalinist repressions. Sandarmokh is one of the largest burial sites of those shot in this period of the Soviet Union, and it is no surprise that the Russian government does not want this information to be public. It does not suit its narrative of the Great Russia who won in the World War.

On December 13, 2016, Yuri Dmitriev was detained and later arrested on the basis of an anonymous denunciation. According to the prosecution, Dmitriev was engaged in the production of child pornography, taking pictures of his minor adopted daughter. Dmitriev had taken pictures—but only at the request of Russia’s guardianship services. He did not print or distribute the photographs of the girl either by e-mail or on social networks. There was also no inclusion of strangers or objects suggesting an erotic connotation in the photos. In support of Yuri Dmitriev, a public campaign was launched with the participation of about 200 famous cultural figures. As a result of the trial, on January 27, 2018, Yuri Dmitriev was released from custody, and on April 5 he was acquitted on the basis of an independent examination that found there were no signs of pornography in the pictures.

However, on June 14, 2018, the Supreme Court of Karelia overturned the acquittal, and 13 days later the head of the Karelian branch of Memorial was again taken into custody. The next day, the Investigative Committee of Russia introduced a new criminal case against Yuri Dmitriev on charges of sexual assault against a minor. In February this year, it became known that the Petrozavodsk City Court extended the arrest of Dmitriev until March 23, 2020.

We are calling U.S. Congress to intervene without delay, and to recommend in particular that the Russian authorities:

- Immediately end to the crackdown on journalists, civil society activists, artists and historians, including regions such as Chechnya and Crimea;
- Stop political censorship on the Internet and enforce restrictions only with respect to truly harmful and illegal content, but not with regard to personal/political views and opinions;
- Stop using online censorship as a tool for prosecuting legitimate criticism of power and dissent online and offline;
- Ensure that any request for user's data is done in accordance with international human rights standards and previously authorized by the court;
- Stop the pressure on the Internet business: both local and international.

We also recommend that Congress continue bringing greater public attention to cultural and artistic dimensions of repression in Russia through:

- Organizing a special hearing on the violations of cultural and artistic rights in Russia;
- Making public statements bringing to light cases of writers, artists and historians who face persecution;
- Regular country visits by senior State officials to meet with cultural figures, as well as the administrations and staff of cultural institutions.

This concludes my statement and I'm happy to take questions.