

**Testimony of Thomas O. Melia,
Deputy Assistant Secretary of State
for Democracy, Human Rights and Labor
Before the U.S. Senate Foreign Relations Committee
“U.S. Policy on Supporting Human Rights and the Rule of Law in Russia”
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Chairwoman Shaheen, Ranking Member Barrasso, Senator Cardin and members of the committee, Thank you for the invitation to appear before you today. Assistant Secretary Michael Posner is not able to be here today – he is on a mission to Bahrain – and he asked me to convey his regards and to emphasize how much we value our cooperation with this committee on a wide range of shared interests. He and I look forward to continuing to work with you, and with Assistant Secretary Gordon and his bureau, to ensure that the issues you have identified – human rights and the rule of law – continue to be integral elements of our Russia policy.

Senators, we agree with you on the challenge we face in trying to support those many Russians who want to see a strengthening of the rule of law and democratic processes in their country. Indeed, President Obama’s policy toward Russia throughout this Administration has been to support democratic advancement quite explicitly – in our public and private statements, and in our very public assistance program – even while engaging the Russian government on the full range of security and economic issues described by Assistant Secretary Gordon. We all appreciate that Russia has been a good partner on a range of security and economic issues important to our two countries, and we want that cooperation to continue.

Our policy is one of dual-track engagement, where we are simultaneously engaging Russia’s government officials and Russia’s civil society leaders to advance democracy and defend human rights. Madame Chair, last week’s flawed Duma elections and the Russian government’s initial response to citizen protests dramatically underscored how our dual-track engagement works.

Over the last three years, we have engaged with the Russian government and civil society to support modernization of Russia’s state, economy, and civil society. When we witnessed Russian government actions inconsistent with these goals, we spoke out, both privately and publicly. For instance, in the months prior to the elections, the Obama Administration expressed our concerns about the conduct of the campaign, where PARNAS and several other independent political parties were denied the right to participate, and where parties and candidates had unequal access to the mainstream media. We supported the effort to get observers into Russia

from OSCE's Office for Democratic Institutions and Human Rights, and in this we were successful (unlike the previous elections in 2007 and 2008). Obviously, this was critical, as the OSCE observers reported fraudulent practices on Election Day, such as ballot box stuffing and the manipulation of voter lists.

Echoing these reports, Secretary Clinton spoke plainly about the need for honest elections, stating that "the Russian people, like people everywhere, deserve the right to have their voices heard and their votes counted." We also urged that Russia's government immediately investigate the concerted distributed denial of service (DDoS) attacks on the website of Golos ("Voice"), a nonpartisan election monitoring organization and other independent media outlets tracking election fraud.

These attacks underscore broader concerns about the parlous state of media freedom in the country, where all of national television, most radio and much of the print media already are government-owned or government-influenced. This has broader implications. While free expression still remains largely possible on the Internet, which was used to organize Saturday's protests, the Russian government has begun to take steps to monitor and control the online media space. We will watch that space closely in the period ahead.

We have also made it clear that the authorities' initial response, including the detention of hundreds of protesters, including at least six journalists, and the sentencing of democratic activists like Ilya Yashin and Alexei Navalniy, raised serious questions about the Russian authorities' respect for fundamental freedoms of expression and peaceful assembly. We welcomed Medvedev's call for investigations into allegations of electoral fraud, and were encouraged to see that the Russian government authorities in most, but not all, cities allowed peaceful demonstrations to occur last Saturday. We urge Russia to make this type of respect for free assembly the norm throughout the country going forward.

Madame Chair, the United States cannot make Russia respect human rights and we cannot build democracy in Russia. Only the citizens of Russia can do that. What we can do is support those in Russia who are working to promote human rights, the rule of law and democracy, including civil society organizations. Prime Minister Putin's assertion that the funds the United States and other donors provide to civil society groups constitute interference in Russia's internal affairs is a well-worn canard and without foundation.

After all, just one year ago at the Astana Summit of the OSCE, Russia joined all the participating states in adopting a Declaration reaffirming “categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.” That Declaration went on to state: “We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.” Change in Russia is being driven by the people of Russia, and we should and will continue to look for opportunities to support Russian citizens seeking reform.

Madame Chair, let me now briefly address the mutually reinforcing elements of our strategy of **dual-track engagement** – simultaneous engagement with both governmental and non-governmental actors to advance democratic processes and human rights promotion. This is the basis of our democracy strategy.

First, as I mentioned, we are committed to a frank government-to-government dialogue. President Obama, Secretary Clinton, and other U.S. government officials regularly engage the Russian government on our concerns about ongoing abuses that are contrary to human rights, the rule of law, and democratic governance.

The creation of the Bilateral Presidential Commission (BPC) in July 2009 has helped to facilitate ongoing contacts and discussions between our two governments on these concerns. As part of this Commission, the Civil Society Working Group has broadened our dialogue on such issues as anti-corruption, migration, child protection, and prison reform – all real issues affecting people’s lives in both countries.

I am honored to have been recently named the U.S. co-chair of the Civil Society Working Group, and I look forward to using this vehicle to address directly our continuing human rights and democracy concerns. I plan to lead an interagency delegation that draws upon a wide-range of U.S. expertise on issues of civil society. The Russians have named Ambassador Konstantin Dolgov, the Ministry of Foreign Affairs’ Commissioner for Human Rights, Democracy and the Rule of Law, to be their new co-chair. During my October trip to Russia with Assistant Secretary Posner, we consulted with Russians both inside and outside the government on future directions for the Working Group.

In addition, through the **Open Government Partnership**, the U.S. government engages the Russian government to support efforts to fight corruption, provide more transparency about government activities for citizens, and improve the rule of law.

Second, we make public statements that are critical of human rights abuses and constraints on democratic processes. [A list of statements can be found at: www.state.gov/p/eur/ci/rs/c41670.htm] This year, the Department of State and the White House have spoken out through press statements and public remarks about specific threats to the fundamental freedoms of religion, expression, and assembly, and, most recently, regarding the already mentioned deeply flawed conduct of Russia's parliamentary elections. The United States also has raised concerns about human rights and rule of law in Russia at international fora. Most recently, as I mentioned, Secretary Clinton's speech at last week's OSCE Ministerial Meeting in Vilnius made specific references to Belarus, Ukraine, and Russia – with their Foreign Ministers seated at the table – and garnered worldwide media coverage. In September, I represented the United States at the OSCE Human Dimension Implementation Meeting in Warsaw, where we raised the full range of our concerns regarding Russia, as Ambassador Ian Kelly does throughout the year at the OSCE Permanent Council in Vienna.

More generally, we have voiced concerns about violence and harassment against those in Russia who dare to speak truth to power, such as: murdered human rights activists and journalists Anna Politkovskaya and Natalia Estemirova; victims of selective prosecution and unpunished abuse as exemplified by the case of Sergei Magnitsky; and members of groups like Strategy 31 and the Khimki Forest Defenders, whose exercise of the right of peaceful assembly has made them the victims of violent attacks.

Meanwhile, in the North Caucasus, serious human rights violations by security forces and other parties continue unabated, with ongoing reports of killings, torture, and politically motivated abductions. These occur with near-total impunity. In particular, the brutal and corrupt administration of Ramzan Kadyrov in Chechnya is creating an atmosphere of fear and intimidation for human rights groups, the media, religious communities, and anyone else who might raise an independent voice.

We also remain concerned about anti-Semitism, xenophobia, and homophobia in Russian society, and particularly about the lack of tolerance for 'non-traditional' religious minorities. Russia's anti-extremism law is used to ban the literature and

prosecute individual members of religious communities, such as the followers of Turkish theologian Said Nursi, the Jehovah's Witnesses, Scientologists, and the Falun Gong. During our recent visit to Kazan, the capital of Tatarstan, a majority Muslim region, I observed good relations among Christians and Muslims. But I also learned that even this vaunted example of tolerance has limits. Non-traditional religious groups face harassment and isolation by the two large religious denominations and by the regional authorities.

Third, we are taking action to deny human rights abusers entry into the United States. The United States has used and will continue to use the full range of legal measures to impose consequences on those involved in serious human rights abuses in Russia. Consistent with the Immigration and Nationality Act (INA) and President Obama's "Proclamation on the Suspension of Entry as Immigrants and Non-immigrants of Persons Who Participate in Serious Human Rights Abuses and Humanitarian Law Violations and Other Abuses," issued on August 4, 2011, our Administration has taken action to restrict travel to the United States by those in Russia – and elsewhere -- involved in such abuses.

For instance, the Department of State has taken action to ensure that individuals involved in the tragic death of Sergei Magnitsky do not have U.S. visas. We have and will continue to prevent the entry of those responsible for human rights violations. We share Senator Cardin's concerns about the Magnitsky case and about rule of law in Russia more broadly, and believe that congressional attention to this issue has been instrumental in building demand for accountability in the Magnitsky case in the international community.

Beyond travel restrictions, we have taken other actions against human rights abusers. For example, the United States may not be able to keep brutal and corrupt Chechen leader Ramzan Kadyrov from committing human rights abuses in Chechnya, but we can deny him the opportunity to showcase his newfound wealth in the United States.

Fourth, we are committed to engaging with, strengthening and modernizing Russian civil society. Parallel to our engagement with Russian government officials, U.S. officials engage regularly with Russian non-governmental leaders involved in strengthening democracy, human rights, and the rule of law as well as civil society more broadly.

On his very first visit to Moscow in 2009, President Obama spent nearly an entire day meeting with civil society and opposition leaders. The Vice President did the

same when he visited. The Secretary of State does so regularly as well. Assistant Secretary Gordon and Ambassador Beyrle do so, as do Assistant Secretary Posner and I, along with other U.S. officials in Moscow and Washington.

In fact, just six weeks ago, Assistant Secretary Posner and I travelled to Moscow, Nizhniy Novgorod, and Kazan, and earlier this year I travelled to Yekaterinburg and Perm. Our visits have received notable – and generally objective – coverage in the local and regional press in Russia. We took the opportunity to reiterate the United States’ longstanding commitment to human rights and democracy and to highlight our concerns about specific cases, most recently the beating of environmental activist Konstantin Fetisov (with whom Mr. Posner met in October), the murder of activist Maksharip Aushev, and the imprisonment of activist Alexei Sokolov (with whose family I met in March).

We also actively encourage the development of peer-to-peer ties between Russian and U.S. civil society groups. In 2009 and again in 2010, Russian and American non-governmental leaders convened parallel civil society summits that took place at the same time that President Obama and President Medvedev met. We firmly believe that a credible dialogue about democracy and human rights should involve not only contacts between the American and Russian governments, but also direct communication and linkages between American and Russian non-governmental organizations, independent policy experts, and regular citizens to confront common challenges and learn from different experiences faced by our societies. Thus, USAID has launched a U.S.-Russia Civil Society Partnership Program to build, leverage, and expand peer-to-peer relationships between U.S. and Russian civil society organizations. The program will include three conferences of civil society leaders from our two countries, a small grants competition to support collaborative projects, and an Internet resource platform that will enable participants to exchange information about their activities and publish news and events.

In addition, the Obama administration – working with the U.S. Congress – has continued to secure funds to support Russian efforts to advance human rights, civil society, rule of law, independent media, and good governance. Let me emphasize: we are helping Russian groups, like Golos, already working in these areas. Since 2009, the U.S. Government has provided approximately \$160 million in assistance to advance democracy and promote civil society in Russia. We have prioritized small, direct grants to Russian civil society organizations. And we help them take advantage of new technologies to make their work more effective.

In October, the Obama Administration submitted a Congressional Notification proposing to create a new \$50 million fund to increase our support of Russian civil society. Once established, the fund would provide new and long-term support to Russian non-governmental organizations committed to a more pluralistic and open society. This proposal would not require additional appropriation because the \$50 million would come from liquidated proceeds of the U.S. Russia Investment Fund. We would welcome your support in allowing this proposal to move forward as quickly as possible.

I have laid out for the committee the variety of mechanisms and instruments upon which the United States draws in our efforts to support democracy, human rights, and rule of law advocates in Russia and around the world. Before concluding, I would like to say a few words about the **Jackson-Vanik** amendment.

We believe that the Jackson-Vanik amendment has fulfilled its stated goal of ensuring freedom of emigration first from the Soviet Union and then from the Russian Federation, and that its application to Russia should now be terminated.

Termination of Jackson-Vanik would not mean that the U.S., Congress and the Obama Administration will cease to press our concerns about human rights conditions in Russia. Secretary Clinton, my colleagues at the Department of State, and I look forward to working with the House and Senate to ensure that our efforts on behalf of human rights, the rule of law, and democracy in Russia continue to be robust and effectively channeled. Indeed, we continue to stand firmly with Congress and the human rights community in calling for improvements in Russia's human rights record, knowing that our best partnerships are with countries that share our commitment to universal democratic values.

Secretary Clinton has repeatedly stated that when governments push back against their citizens, the United States will not waiver in its support of those working at great personal risk for democracy and human rights.

Thank you.