Mr. Speaker, I

thank the distinguished gentleman from California

for requesting this time to discuss rule

of law in Russia. Not only is this an issue of

great importance to the citizens of Russia but

U.S.-Russia relations are affected by the regard

given to this critical component of democratic

and civil society.

I have the privilege of serving as chairman

of the Commission on Security and Cooperation

in Europe, commonly known as the ‘‘Helsinki

Commission,’’ an independent agency of

the United States Government charged with

monitoring and encouraging compliance with

the Helsinki Final Act of 1975 and subsequent

documents of the Organization on Security

and Cooperation in Europe. The fate of rule of

law in Russia, an OSCE member, will determine

to a great degree the future of the Russian

state and its role in the world community.

With the collapse of the Soviet Union in

1991, Russia moved from an authoritarian police

state under communist rule to a sovereign

nation with democratically elected leadership

and many of the civil liberties that we in this

country take for granted. We were encouraged

by those positive and historic steps. On paper

at least, there have been significant reforms

designed to bring the Russian political and

legal system into conformity with the accepted

norms and practices of the United Nations, the

OSCE, the Council of Europe, etc.

In recent years, though, the Putin government

has undermined these reforms. In its Nations

in Transit 2004 report, Freedom House

sums it up: ‘‘Russia is backsliding in key areas

of democratic governance and rule of law.’’

Two months ago, on May 20th, the Hensinki

Commission held hearings on the issue of

human rights in President Putin’s Russia. One

of our distinguished witnesses, Mr. Gary

Kasparov, chairman of the Free Choice 2008

Committee in Russia and world-famous chess

champion, spoke with passion about restrictions

on freedom of speech in the electronic

media, a process that we see continuing

today.

In the area of rule of law per se, we are

also seeing some disturbing moves against individuals

who have apparently offended the

powers-that-be in the Kremlin or the intelligence

apparat.

The first case is that of industrialist Mikhail

Khodorkovsky, former head of the Yukos Oil

Company. Mr. Khodorkovsky’s arrest on

charges of fraud and tax evasion has received

a lot of publicity. I don’t claim to know whether

Khodorkovsky is guilty or innocent, but this appears

to be very much a case of selective justice.

His real crime seems to have been, as

David Satter wrote in the Wall Street Journal

last week, that he ‘‘had demonstrated independence,

and, by financing opposition political

parties, had contributed to political pluralism.’’

Will Khodorkovsky get a fair trial? Let me jut

quote from a report by the Organisation for

Economic Cooperation and Development:

‘‘The courts are often subservient to the executive,

while the security services, the prosecutors

and the police remain highly politicized

. . . the so-called ‘Yukos case’ reflects these

problems.’’ As if to confirm the OECD assessment,

officials at the Matrosskaya Tishina prison

confiscated documents from one of his lawyers

after she met with her client.

Another case is that of Dr. Igor Sutyagin, a

Russian scientist who was sentenced to 15

years of labor camp for espionage, i.e., passing

military secrets to British intelligence

agents. Sutyagin never denied that he had

worked with foreign scholars or that he shared

previously published material with them. Indeed,

Federal Security Service (FSB) agents

never found evidence of any classified documents

in his possession, and he had neither

security clearance nor access to classified material.

However, the FSB and the court came

to the conclusion that Sutyagin’s research was

so accurate that he must have used classified

documents to draw his conclusions. Think of

it: one may be imprisoned for espionage for

being too competent an analyst in military-security

issues.

Deputy Assistant Secretary Steven Pifer of

the State Department has testified before the

Commission that

The final case I would mention in this brief

presentation is that of Mikhail Trepashkin, an

attorney and former FSB officer who was arrested

on October 24, 2003, a week before he

was scheduled to represent relatives of a victim

who perished in an apartment explosion at

a trial in Moscow. At the trial, Trepashkin was

expected to present the findings of his investigation

which implicated the FSB in the 1999

apartment bombing in Moscow and the aborted

attempted bombing of Ryazan.

A week before the trial opened, the police

just happened to pull Trepashkin over on the

highway, and just happened to find a revolver

in his car. Trepashkin claims the gun was

planted, a venerable KGB tactic. Three weeks

later, he was put on trial and sentenced to

four years labor camp for allegedly divulging

state secrets to a foreign journalist.

I don’t know all the details of this case, but

it has the whiff of the proverbial mackeral by

moonlight. It is very possible that Trepashkin

was arrested in order to prevent him from releasing

potentially damaging information regarding

the activities of the FSB.

These are just few examples of the challenges

to rule of law and human rights that

Russia is now experiencing under President

Putin. Let us hope that he will soon realize

that the way to a genuinely stable and prosperous

society is paved with rule off law and

civil society, not the high price of crude oil.