



“Russian Violations of the Rule of Law: How Should the U.S. Respond? 3 Case Studies”
Sen. Ben Cardin
Ranking Member
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I welcome today’s Helsinki Commission hearing on the rule of law in Russia.

For understandable reasons, U.S. policymakers have been focused on Russia’s aggression against Ukraine and its violation of key principles of the Helsinki Final Act, including the principles of sovereign equality, refraining from the threat or use of force, the inviolability of frontiers, and the territorial integrity of States. But as was so clear during the OSCE’s annual human rights review meeting just a few weeks ago, Russia’s external aggression is directly related to its internal oppression of its own citizens. One may rightly ask: would a Russia with a robust democracy, strong and healthy civil society, free and independent press threaten its neighbors as Vladimir Putin’s authoritarian regime has? I don’t think it would.

Five years ago, the Helsinki Commission heard from Boris Nemstov in the Capitol when we screened the film “Justice for Sergei.” Our focus then was the tragic fate of anticorruption whistleblower Sergei Magnitsky. But as Boris Nemstov noted to us then, Sergei’s case was not unique: more than 100 journalists had been killed in Russia in the previous decade. As Mr. Nemstov summed it up: “If you are for Putin and for his policy, you are OK, you are in the safe position. If you are against him, you are an enemy.” Earlier this year Boris Nemstov, who valued truth and freedom more

than his own personal safety, was gunned down just outside the Kremlin, silencing a brave advocate for the rule of law and accountability in Russia and an outspoken Russian critic of Putin's war against Ukraine.

Russia's increasingly repressive government has eroded the democratic institutions that ensure a government's accountability to its people. A free and independent media is virtually nonexistent and the remaining state-controlled media is used to propagandize disinformation, fear, bigotry and aggression. Genuine political pluralism remains elusive, evidenced most recently in the September 13 local and regional elections. Golos, an independent election monitoring organization was raided before the elections and unreasonable barriers were created for the participation of parties and candidates in the elections. The Russian Federation continues the criminal prosecution of those who criticize the regime or run afoul of its ideology and Russia's political prisoners range from performance artists and to managers of tech companies.

Moscow has waged a war against civil society and built a template of repression that is being modeled around the globe. And it has done all this using the trappings of a law-based-state. But it is a deception that is easily recognized. Twenty-five years ago, in the OSCE's transformative agreement on democracy, the rule of law, and human rights, OSCE participating States recognized that the rule of law "does not mean merely a formal legality...but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression."

So I really welcome this Helsinki Commission effort today peel back the formal trappings of the legal framework put in place by Moscow and examine the real state of the rule of law in Russia.