

Briefing with Alexandr Nikitin



July 20, 2000

**Briefing of the
Commission on Security and Cooperation in Europe**

WASHINGTON : 2001

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ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

ALEXANDR NIKITIN

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BRIEFING WITH ALEXANDR NIKITIN

THURSDAY, JULY 20, 2000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC

The briefing was held at 10:22 a.m., in Room 2255, Rayburn House Office Building, Dorothy Douglas Taft, chief of staff for the Commission, presiding.

Ms. TAFT. I apologize for our late beginning this morning. Chairman Smith was on his way here, got detained in a mark-up, and then needed to stay.

My name is Dorothy Taft. I'm Chief of Staff for the Commission on Security and Cooperation in Europe. It is my pleasure to welcome all of you to this briefing this morning on behalf of Chairman, Congressman Christopher Smith and Co-Chairman, Senator Ben Nighthorse Campbell.

We welcome to Capitol Hill today a hero of modern day Russia and a courageous defender of the world's environment, Mr. Alexandr Nikitin. Former Russian Naval Captain Alexandr Nikitin, had been accused of obtaining and divulging state secrets during his work with the Bellona Foundation, a Norwegian environmental organization, exposing irresponsible nuclear waste disposal practices by the Soviet and Russian navies in the White Sea region.

Arrested in January of 1996, he was held in pretrial detention for 10 months and then released under the condition that he not leave St. Petersburg. In fact, last year during the meeting of the OSCE Parliamentary Assembly in St. Petersburg, Chairman Smith and other members of the Helsinki Commission had the honor and privilege of meeting with Mr. Nikitin in St. Petersburg, and in his statement he's going to provide the details of his legal case and the situation that he is in right now.

A couple of things that I think Mr. Nikitin's case points out, as far as the critical issues that are facing Russia today, are these, and the first is an obvious one focusing on the environment. The report issued by the Bellona Foundation, written in collaboration with Mr. Nikitin, revealed hazardous practices by the Soviet and Russian navies in dealing with nuclear wastes, in the threat the wastes posed to the surrounding population.

Indeed, throughout the Soviet Union the government's lackadaisical attitude toward the environment left a horrible legacy for future post-Soviet generations.

Meanwhile, President Putin has abolished his country's Environmental Protection Committee, which had been created as a cabinet ministry in 1991, then downgraded to a state committee in 1996, and now folded into the Natural Resources Agency, supposedly, as a cost-cutting measure, perhaps. But, as we know from our own experience some cost-cutting measures can turn out to be very costly, especially in terms of health—public health issues and human lives.

We'll be interested to hear today from Mr. Nikitin on how he sees the prospects for a sensible environmental policy in Russia.

Furthermore, the Russian Security Services seem determined to intimidate scientists who are working with colleagues from abroad in the environmental field. President Putin

himself has alleged that environmental groups provide cover for foreign intelligence in Russia. In her testimony before the Helsinki Commission on May 23 of this year, Professor Sarah Mendelson of Tufts University noted that, 'The harassment of environmental organizations has grown over the years increasingly systematic and extreme. Russian groups that have received Western assistance or have links to Western groups, as most of the best organized do, have come under the close watch of the state and this activity has gotten particularly bad since March of this year.'

We will be interested to hear from Mr. Nikitin, who is currently Director of the Environmental Rights Center in St. Petersburg, what it is like to be an environmental activist in Russia today.

In conclusion, I would be remiss not to mention some of Mr. Nikitin's friends and supports outside Russia, who were most active in campaigning for justice in his case. There were, of course, his colleagues from the Bellona Foundation. We have with us today Frederick Hauge, the Chairman of the Bellona Foundation. Other friends included Amnesty International, the Union of Councils for Soviet Jews, the Sierra Club and surely many other persons who lent their voice to the defense of this brave individual.

Mr. Nikitin, we are pleased to have you share your thoughts with us today, and following your presentation we will open up the floor for follow-up questions. So, welcome to the Commission.

Mr. NIKITIN (through an interpreter unless otherwise noted). I would like to thank you for the possibility to speak here. I would like to thank Congressman Smith, who visited my office in St. Petersburg. I would like to thank American NGOs who have been very supportive during my case, and I would like to thank ordinary people who sent me lots of letters while I was in prison, and today I want to focus on three issues.

I will just read my statement.

I would like to thank Chairman Christopher Smith, Co-Chairman Ben Nighthorse Campbell, Representative Steny Hoyer, and all the members and staff of the Commission on Security and Cooperation in Europe for their long-standing and active support in my case. I am grateful to the CSCE for your visit to my office in Russia, and I am glad that your help allows me to be in the United States today.

I also would like to thank the environmental and human rights coalition that has sustained me all these years, including Amnesty International USA, Sierra Club, Bellona USA, and the Union of Councils for Soviet Jews.

Today I'd like to discuss three issues: First, the surprising and disturbing update on my personal case. Second, the productive activities in the environmental and human rights movement, despite continued and even increasing FSB secret service harassment of human rights and environmental defenders.

Third, I will cover the efforts by a coalition of ecological and human rights organizations in Russia to initiate a referendum on the proposal to import international nuclear waste into the Russian Federation.

First, my case has taken a turn for the worse. Yesterday I learned from my lawyer that the Procurator General's office (the equivalent of the Attorney General) has filed a new appeal after my acquittal by the Supreme Court this spring. A three-judge panel at the Supreme Court previously tried my case and this is an appeal to the entire Presidium, an 11-judge chamber. A new hearing of the case is scheduled for August 2 in Moscow at the Presidium of the Supreme Court.

The new appeal contains absolutely no new information and asserts a desire to send my

case back to the prosecutor to collect more evidence. The appeal is dated May 30 and the letter to my lawyer from the Supreme Court is dated July 11. After 4½ years, the prosecutor should already have had sufficient time to collect evidence if there is any backing for the charges against me. After losing in court four times, the prosecutor still is requesting more evidence. As far as my lawyer knows, this is the first time in post-Soviet history that a Supreme Court decision by a panel has been appealed to the entire Supreme Court Presidium.

Unfortunately my case is not the only example of the government's harassment of grassroots advocates in Russia. The FSB's persecution of environmental defenders, human rights activists, and scientists continues. I hope you will use your good offices to continue to support environmental defenders and the related rights of freedom of speech and association—the fundamental tenets of civil society and democracy.

I want to use the more than 4 years of experience gathered in my case to assist others in the same situation—or better still, help them avoid getting into a situation as seemingly inextricable as mine. Despite the harassment, I very much want to continue my work in Russia, as the work is close to my heart.

I continue to work for the Bellona Foundation, a Norwegian environmental non-governmental organization. We also founded the Environmental Rights Center in St. Petersburg to address issues at the intersection of environment and human rights. Additionally, we wanted to broaden our network of support, so we established an umbrella organization, the Coalition for Environment and Human Rights, which unites and supports about 40 grassroots NGOs in Russia.

The coalition is led by the environmental activists Grigory Pasko, Lev Fyodorov and me. The activities of this coalition include (1) monitoring and collecting environmental and human rights information; (2) supporting environmental defenders; and (3) utilizing the experience of previous legal cases.

Recently, President Putin abolished the State Committee to Protect the Environment, the equivalent of the U.S. Environmental Protection Agency, leaving environmentalists with even less official support than before. At the same time, the government has found other ways to harass environmental and human rights defenders, through the tax police and overly-bureaucratic registration procedures.

The military journalist Grigory Pasko, who also has been invited to Washington, is not currently allowed to travel as the appeal of his acquittal is stalled in the system. Other cases of harassed activists include Nikolai Shur, who collected nuclear contamination information in the Chelyabinsk region, and the scientist Vladimir Soyfer of Vladivostok, who conducted research on the environmental impact of nuclear issues. Protection for environmental defenders is closely tied to freedom of speech and the press.

The government's policy of rapid resource extraction for hard currency exports turns defenders of Russia's environment into opponents of official policy, which has set off a pattern of harassment of environmental defenders. Because this is an international trade issue, the United States should be just as concerned as Russia.

Another issue close to my heart is the Ministry of Atomic Energy's proposal to import large amounts of foreign radioactive materials into the Russian Federation for cash. A coalition of environmental and human rights groups is working to initiate a referendum to give the Russian people a voice to influence this dangerous new policy. We know from opinion polls that the vast majority of ordinary Russians is opposed to this scheme, but the government presses on.

Most of the nuclear materials are of U.S. origin and U.S. permission is required to transfer them to Russia. I urge you to take a stand with the Administration in support of Russia's people against nuclear waste imports, or at least hold off any U.S. decision until the referendum indicates what the Russian people want.

I also urge United States officials to take every opportunity to raise these crucial environmental and human rights problems with Russian authorities. Thank you."

Ms. TAFT. Thank you very much, Mr. Nikitin.

Before we turn to some questions, let me turn to Mr. Hauge for comment.

Mr. HAUGE. Because of the new situation that occurred yesterday, we wanted to point out what's now going on in this case and say the following. When *glasnost* and *perestroika* started, the environmental movement was one of the few organized movements in Russia.

The harassment and the long case against Alexandr Nikitin have been based upon secret and retroactive laws. When this case is appealed to the Council of the Supreme Court in Russia, it's important to remember that this is still the fact and it's very difficult to do business with a country that operates with secret and retroactive laws.

The charges against Alexandr Nikitin were made when he was in prison. The laws on which these charges are based upon were passed when he was in prison, and it took us several years before we learned what the laws were about.

I stress this because we know the huge attention in the West has not solved the problem alone, but it has assured us that we have received a fair judge. The verdict both in the City Court, heard on the 29th of December last year, and the verdict in the Supreme Court, on the 17 of April, was excellent legal work from the judges.

The attempt we see now from the FSB is scary because 2 years ago the Procurator General's office said that it was impossible for the FSB to bring to court such a case based on secret or retroactive laws. But there has now been a change of personnel, and they are now willing to file this petition and appeal this case to the Council of the Supreme Court. That's a very scary development. I think that those who want to reverse the process of democracy and *perestroika* have chosen to attack the environmental movement because the environmental movement has been so important in creating steps toward democracy.

I just want to mention this because many things happened yesterday, after we prepared Nikitin's statement. I think it is important to give you the latest update on our situation.

The court hearing will take place in August, and we will now try to draw as much attention as possible to this case.

Ms. TAFT. Thank you.

I'll turn now to John Finerty, who is my colleague from the Commission who is most knowledgeable with the case

Mr. FINERTY. Thank you.

I just have a question of Mr. Nikitin. Of course, this case raises many questions, but back in the 1960s and 1970s in the United States, the environmental issue became very important here, and you saw our Congress working actively on this subject.

I would like to ask Mr. Nikitin, specifically—especially since members just came back from the Parliamentary Assembly in Bucharest and had an opportunity to meet with members of the Russian Duma—are there parties, or Duma members, or factions of the official legislatures that support the environmental situation? How much support does the environmental situation have within the national legislature?

Mr. NIKITIN. Regarding the Russian Duma, the State Duma Council of the Russian Parliament, just two factions are supporting environmental factions, the Yabloko faction and

the Union of the Rightist Forces faction, but they are not the majority of the Russian Duma. So, that is why in most environmental cases we are losing rather than winning.

Ms. TAFT. Regarding the details of your case, why do you think there is such an effort on behalf of the procuracy and the security services to convict you? What is their motivation for what they are doing?

Mr. NIKITIN. Again, when the news was released yesterday, there was an attempt by the Russian security police and the procuracy office to win the case that they lost in the Supreme Court this year. This was an attempt to save face, and this is understandable because this is the first case that the Russian security police—the first—case the Russian security police lost in the court system, and they are not used to losing such cases. That is why they are trying to do whatever they case to reverse the outcome.

Ms. TAFT. Thank you.

Commission Chairman Congressman Christopher Smith has arrived. I'll turn it over to you.

Mr. SMITH. Thanks, Dorothy.

First, I want to say very briefly how glad we are to have you here. The Helsinki Commission, as you know, repeatedly has fought for your release and an ending of the trumped up charges by the Russians. When we were in St. Petersburg last year we were pleased to be with you, but we made it clear to members of the Duma, including the Speaker of the Duma, how important it was to have a just resolution of the unjust case. So, it is truly an honor to have you at the Helsinki Commission.

I apologize for being late. We had a mark-up in the International Relations Committee, and I'm Vice Chairman of that committee. While we had many bills, luckily, we went through them very quickly. I hope you understand. We are very proud to have you here and look forward to hearing what you have to say.

Mr. NIKITIN. Thank you very much.

Ms. TAFT. I'll turn over the microphone to the floor, if there are those that would like to ask a question.

Yes, sir, please identify yourself.

QUESTIONER. I'm Professor Richard Claude, and I'm with the University of Maryland, Government and Politics Department.

Those of us who are interested in science and public policy generally think of the main actors in that field as government and scientific institutions. It's something new to learn about the importance of NGOs in relationship to science and public policy, so I'd be very interested in any general comment about the role of human rights NGOs in relationship to science and technology as you see that role emerging from your own case.

Mr. NIKITIN [SPEAKING THROUGH INTERPRETER]. Thank you very much.

Well, today I have to admit that NGOs in Russia are experiencing big difficulties created by the Russian state authorities.

Ten years ago, NGOs played quite an important role in Russia, and the fact that today we have an independent country Russia is mostly due to the work of those NGOs.

The NGOs demanded that every state's political and human rights be followed in this country, in Russia, and the new Russian Constitution stipulates all those rights NGOs were fighting for.

But today, the environmental NGOs are experiencing trouble with the Russian state. I think the environmental NGOs are in a risky situation in today's Russia.

Those environmental NGOs working with water, forestry, oil, and gas exploration, are

experiencing pressure from industrial interests, from oligarches, so they call them in Russia.

At the same time, the NGOs, that are working with nuclear security, nuclear safety, and biological and chemical weaponry, are experiencing troubles with the Russian security police.

Now, I am quite sure that it is not possible to exercise democracy in a country without NGOs, that is why NGOs today plan to unite to fight against the harassment from the state borders.

Mr. SMITH. I would like to ask you a question. As you well know, Three Mile Island was our wake-up call about the potential hazards of nuclear power plants. Chernobyl was the world's wake-up call because of the near meltdown of that power plant. The July 9 *Washington Post* had a story suggesting that the 29 on-line nuclear plants in Russia have been cited for a large number of safety violations, and now the Minister of Energy, Atomic Energy, wants to build another 23 nuclear plants.

What is your read on that? What can be done to put pressure, one, to clean up their act with the plants that are already on line, and, apparently, at risk, and what can be done about opening the 23 new power plants?

Mr. NIKITIN [SPEAKING THROUGH INTERPRETER]. After the Chernobyl accident, people in Russia, they distrust the ministry which was responsible for operation of nuclear power plants in Russia.

Also, after the Chernobyl accident, people want to know what is happening to nuclear power plants and what is the safety level at nuclear power plants. We say that nuclear energy can develop further if people can be assured that it will operate safely. That is why we are trying to get access to this information about the safety levels at the nuclear power plants.

This is what we are trying to say to the Russian Government and the Ministry for Nuclear Energy, which operates the nuclear power plants, but in response they have classified ever more information. We are also trying to say that we want to take part in the environmental input study when a nuclear power plant is being constructed. There are many experts today in the United States and in Russia who can evaluate the safety level of nuclear power plants, and give their opinion about a particular project. I believe that the government has to listen to that opinion.

That is why when the Russian Minister for Atomic Energy wants to construct a nuclear power reactor, which is similarly designed to the reactor in the Chernobyl nuclear power plant, or trying to create a project to import spent nuclear fuel from other countries, we are opposing these projects. We want our opinion to be taken into consideration, and this is the right of each particular person.

Mr. SMITH. Just to follow up, does the IAEA have any input with the Russian Government, in terms of plants on line and those proposed, and do you have any kind of association with them?

Mr. NIKITIN [SPEAKING THROUGH INTERPRETER]. The IAEA, the International Atomic Energy Agency, is carrying out controls on some nuclear power plants in Russia, but when it comes to new nuclear construction, where the new use of nuclear energy is concerned, then there is no control from International Atomic Energy Agency.

Mr. SMITH. I must leave and I'll come back right after the vote again.

One question about chemical weapons. Do you or your association have concerns about chemical weapons and/or biological, in terms of leakage? We know that at least with some of their nuclear assets they have been very slipshod in the way they handle them. There's been

concerns about transferring them to rogue nations, what about the other horrible capacity that they own?

Mr. NIKITIN [SPEAKING THROUGH INTERPRETER]. The chemical and biological weapons are quite dangerous issues, because if you remember in 1993, 1992, there was a case against two chemists, Vil Mirsayanov and Lev Fyodorov. Vil Marsayanov was harassed by the state and he had to leave the country, and I know he lives in the United States. Lev Fyodorov is still working on this issue, and right now he joins the Coalition of Environmental and Human Rights, which was created in Russia recently, and I'm a member as well.

Lev Fyodorov is working, actually, on the decommissioning of chemical weapons, and this issue, it is still pending, it is not resolved, and it is very expensive to resolve. Now the issue is old dumping of chemical weapon components in various places. For example, they have discovered recently such dump sites within the borders of Moscow city.

Mr. SMITH. I'll be right back.

Ms. TAFT. He needs to vote.

Do we have other questions from the floor? Mr. Merry?

Mr. MERRY. Wayne Merry, also affiliated with Amnesty International.

As you may know, the U.S. State Department and the White House have taken very different positions on your case and on the case of Grigory Pasko, because Captain Pasko was a serving military officer, and there was concern in the U.S. Government that giving support to him might create a precedent for a problem with military discipline in the U.S. Armed Forces as well.

As a result, the U.S. Government was willing to make representations through diplomatic and political channels to the Russian Government on your behalf, but was much less willing to do so on behalf of Captain Pasko.

I'm wondering if you would comment on this difference in the U.S. official position between the two cases.

Mr. NIKITIN [SPEAKING THROUGH INTERPRETER]. That's right, Grigory Pasko was in the military service when he was arrested and charged with a crime, but we have to look at the merits of the case because Pasko was a journalist writing in the naval newspaper.

He was writing about environmental issues, such as the disposal of radioactive waste in the Navy in the Pacific Fleet, the dumping of old ammunition into the sea, and things like that.

I would like to stress that when a person is charged with something, the prosecution has to follow the laws, and the laws were not followed in the Pasko case, and it was the same situation as in my case, and in such situations I think the officials of the West have to make sure that the laws are followed.

If a person is persecuted in the normal way, then it doesn't much matter where he has his service.

Ms. TAFT. Thank you very much.

Mr. Finerty?

Mr. FINERTY. Thank you.

Mr. Nikitin, it's our understanding that the official—I believe the deputy prosecutor—who filed the recent appeal on your case with the Supreme Court justified his request, partially at least, on the fact that the prosecutor's case was based on secret decrees, and that, therefore, your defense counsel could not adequately defend you.

We look at this, we think of Alice in Wonderland. Is this really the case? Is this your understanding of it?

Mr. NIKITIN. Well, if we read the appeal filed by the general attorney's office, then at the end of that there's a couple of sentences, background for that view, and there it says that unfortunately during this 4½ years my rights have been violated, and to restore my rights they have to send the case back to the security police for additional investigation.

During this 4½ years of investigation, we kept saying to the prosecutor who was supervising the case that the security police investigators had been violating my basic rights and the rules of the investigation process. But, the prosecutor's office and the prosecutor who was supervising the case ignored all our complaints claiming all the time that none of the rights had been violated.

To date, the general attorney's office is filing this appeal, while they refer to the fact that my rights have been violated during the process, so they are trying to reverse what they denied before.

So, I don't have any comments on such a situation, it's ridiculous.

Ms. TAFT. As a follow-up to that, have you seen any evidence of the security forces putting any pressure on the judicial process?

Mr. NIKITIN. Well, it's a good question. We are feeling that the judge who was to hear my case would be under pressures of the Russian security police, because it used to be in the Soviet Union when the court judicial system was controlled by the security police, but the judge who was judging my case in St. Petersburg, and then the judges of the Supreme Court in Moscow, they showed independence and followed the law when they made the verdict in my case.

And, right after the official verdict was announced in the city court of St. Petersburg, the prosecutor in the case rushed into the office of the judge and asked the judge why wasn't he, the prosecutor, informed about the outcome of the case. The judge replied that he didn't inform the—[unclear]

During the presidency of Boris Yeltsin of Russia, the judges in Russia started to develop—situation to the prosecutor's office and wouldn't be under the pressure. Nevertheless, I am not sure what happens during the presidency of Putin.

Ms. TAFT. Did you have a comment?

Mr. HAUGE. Just a little comment to this, because I think it's very fair to say that the judges in this case when they come up to the city courts have been fair. I also, again, emphasize the verdict is excellent legal work. It kills the work of FSB completely.

Nevertheless, what we have seen then when our lawyers have assisted the Russian lawyers is that there's very little equality of arms, it's violating of the precepts of contradictions, just how we are seeing the cases to the Council of the Supreme Court this has happened with the state prosecutor sending this to the Supreme Court 13th of May, they don't send any copies to the lawyers, and then you have to meet up in the Supreme Court to settle the debate, and then they send the message to us through the post. That is not very quick. We have then 13 days for preparing, even if the decision was made months ago.

So, a lot of this same stuff has to be done within the Russian legal system, it has to draw attention from the West. We have also seen that there's a huge need for assisting lawyers, legal people, and teaching law students and so on, and how things should work in a democracy.

This is one reason that they have, with other people, created the Law Center, because we want to use the experience of the excellent legal team, and transfer this experience to young law students in school, and also because additional experience, it has been extremely important to translate verdicts from the Strasbourg court, decisions in international courts,

in other country's courts, to explain how a legal system should work in a democracy.

Ms. TAFT. Mr. McNamara.

Mr. McNAMARA. Ron McNamara, with the Helsinki Commission.

I understand that you had a series of meetings at the State Department and at the White House with various officials, and I know that President Clinton departed this morning for the G8 summit meeting in Okinawa, and wondered if there's been any commitment by the Administration that your case would be raised in Okinawa, and do you believe that a representation at that level might be helpful in trying to, at long last, bring this saga to an end?

Mr. NIKITIN. We discussed this issue with various officials in the State Department and Congress at length, and they asked us what do they have to do to help us out in this situation, and we gave them our opinion.

I believe that they will at least bring up this issue, mention it in Okinawa and express their surprise, because in April, after the decision of the Supreme Court, everybody thought that the case was over and now it looks like it starts all over again. So, this was a surprise.

Ms. TAFT. Are there other questions? Yes.

Ms. SHAPIRO. Hi, my name is Amy Shapiro, and earlier you discussed environmental NGOs and the difficulties they were experiencing now in your country. I was wondering if you could touch a little bit more upon human rights NGOs and their experiencing difficulties and an update in status on them.

Mr. NIKITIN. I mentioned already that there was a re-registration process carried out by the Russian Ministry of Justice last year, and 50 percent of the NGOs that tried to re-register themselves didn't get their registration paperwork. But, since they tried to work there under constant pressure from industrial groups and from the state, so what they are trying to do is just struggle for their survival.

Ms. TAFT. Maureen?

Ms. GREENWOOD. Maureen Greenwood, the Advocacy Director for Europe, Amnesty International.

I just wanted to, again, thank Chairman Smith and the CSCE for the amazing help you've done in Alexandr Nikitin's case.

We actually expected this to be a victory tour. We were hoping to just be able to take him around town and thank everyone, and then give him a couple weeks of vacation, give him a tour of the United States, and unfortunately now he's going to be forced to go right back to Russia to face another judicial proceeding.

We certainly are hoping that President Clinton will raise the issue in his 4:00 meeting tomorrow with President Putin, and we've talked to several of his advisors about this. Representative Gejdenson is also working on a congressional letter to President Putin about the case, and I also would like to remind Congress that there's a Duma delegation from the International Relations Committee, from the securities committee, that is coming on Saturday, so this is also a very good opportunity to raise Mr. Nikitin's case at the parliament.

Thank you.

Ms. TAFT. Thank you.

Yes, Joe?

QUESTIONER. Hi, I'm Joe Dresen with the Kennan Institute at the Wilson Center.

I wanted to ask what kind of support and coverage are cases receiving in the Russian media and among the Russian population? Is there a grassroots campaign to help out your case, or is it being ignored? What is the situation there?

Ms. TAFT. Can you repeat your question?

QUESTIONER. I'm sorry, I just wanted to know what kind of coverage your case has been receiving in the Russian press, and whether there's some ground swell of support in your favor, or is this being ignored, or what's the picture?

Mr. NIKITIN. Well, there is coverage in the Russian media, but it is presented from different angles. For example, when the environmental commission was abolished, official channels kept saying that it was necessary to do so because it would allow them to save some financial resources and it was a waste of money to keep that commission and things like that.

The company and newspapers which are part of the Gusinsky major company, like NTV and other channels, are accepting the arguments of the NGOs on their movement, and they are trying to present NGOs views for the Russian public.

But, generally speaking, to come to a newspaper with some information is quite difficult in Russia.

Mr. HAUGE. I want to comment on that. I have been working with media for a long time in the West, and working with the Russian media is a completely different situation. What has been going on in the Russian media has, in fact, been very bad. There has not been a lack of attention to Nikitin's case or to these issues, but it has been interesting that, for example, the wife of Victor Cherkesov, head of the FSB, is the editor of a newspaper. They have managed to paint this situation quite awfully. Everything--and also the local television station owned by the city government in St. Petersburg--has been bad, i.e., Alexandr Nikitin being responsible for the Kosovo war because he revealed the bad condition of the Russian fleet--so NATO knew they could attack without fear of Russian reprisal. It's really been bad.

Not everything in the newspapers is political interference, but there is a lack of experience among young journalists, who split between comments and facts. As I earlier mentioned, there is a huge need to teach young law students. I really hope that also we can come into the business of teaching young journalists in elementary principles of the trade, and how these things should be worked out. Nevertheless, it has been very bad.

That's not only from the journalists. It's also, for example, the Minister of Atomic Energy Department has been giving very bad comments. Luckily, Alexandr has sued him and just won the case against Minister Adamov, and he was then sentenced to pay Alexandr 10,000 rubles, which is not much, but that's not the point. The point is that he could not say what he was saying.

Ms. TAFT. Mr. Naftalin.

QUESTIONER. Micah Naftalin, Union of Councils for Soviet Jews.

Mr. Chairman, I, too, want to piggyback on points made by Ron McNamara and Maureen Greenwood, first to say thank you for this briefing. I think everybody recognizes you have provided, and the Helsinki Commission for years has provided, the most hospitable venue in Washington for hearing the concerns of these kinds of issues. These issues would not have the currency or the strength without the work that you and your staff does here.

As you know, we've been before you many times over the last year or two talking about the Yeltsin Administration as well, talking about a series of disconcerting developments, the rise of anti-Semitism, the attacks on the religious minorities, especially the evangelical Christians.

More recently added to that are the pressures as described by Mr. Nikitin on the human rights NGOs, on the environmental NGOs. Just a few days after President Clinton spoke during the summit on questions of freedom of speech, this Administration took a major step forward in intimidating the press by the arrest of Mr. Gusinsky, and it took international

pressure to get him released from jail at the end of that week.

Now, 2 days before the G8, or is it G7 plus one, 2 days before they have gone after Gusinsky again, I guess you've seen in the paper that they have confiscated everything he owns from his media empire to the tea cups in his kitchen, and they have, on the same day, reinstated, as a political device, reinstated the attack on Captain Nikitin.

It is true that we have made representations yesterday to the Administration urging that Mr. Clinton raise this issue with President Putin, but that meeting is at 4:00 tomorrow, the President was at Camp David, the Secretary of State was at Camp David, the top security NSC staff was at Camp David, the President was getting ready to get on an airplane, we don't know the extent to which he understands the importance of raising this issue. We would hope he would raise it first before he gets into missile and defense issues, just to remind them how important this issue is.

The Nikitin case stands for all these problems. It may be that the representation from you and from this—from the Helsinki Commission, together with other efforts being done in Congress today, might elevate this issue and get it before the President now that maybe in the last few hours before his meeting he'll have a chance to think about the problem. We hope so.

Mr. SMITH. Your point is very well taken. I think when you add up the letter that's going over and other channels into the White House, hopefully, the President will take this seriously, especially with the newest development of the Procurator General's office bringing—or appealing this to the high court.

QUESTIONER. I think the bottom line is—as you know, we've been saying for a year or two; we even had a whole hearing on it—the question of who governs. This was last year, with Yeltsin: who really governs—is it the forces of democracy or is it the forces of the security forces of Russia?

I think that the burden of proof has shifted in the other direction, it's almost impossible to ask that question any longer, really, because the forces of democracy seem to have disappeared, so it seems to be the burden is on Mr. Putin now to convince anybody that the forces of democracy have a chance or civil society has a chance in Russia.

Mr. SMITH. I think it's worth noting for the record that at the OSCE Parliamentary Assembly in Bucharest 2 weeks ago, we had a resolution that called for the protection of defense attorneys and human rights advocates, and there were only two speakers against it.

There were a number of examples cited, Northern Ireland was one of them, and Rosemary Nelson and Patrick Finucane, but also Uzbekistan and other countries where there are problems. There were two speakers against it, a Member of Parliament from the U.K., and Vladimir Zhirinovskiy, and he spoke probably the most harshly against it. However, the overwhelming sentiment in the room at the assembly, when the cards went up for voting, favored protecting it.

That goes not only for Captain Nikitin, but also for his defense attorney team and others who are also subjected to harassment.

Ms. TAFT. We've been joined by Commissioner Pitts. Do you have a question?

Mr. PITTS. Thank you, yes. I'd like to ask the Captain, besides the situation with hazardous nuclear waste disposal, what are the other major ecological challenges for Russia today?

Mr. NIKITIN. We in Bellona we are mostly engaged in relation to nuclear safety issues, but I am in contact with leaders of other environmental NGOs in Russia, and I am aware that there are issues of the commission of chemical weapons, the creating of the biggest—in Russia, and creation at the sites where they extract oil, and a couple of years ago there was

a major oil spill—in Russia in the Komi Republic, in a place called Irsinsk, and Bellona was there as well making surveillance and making research there.

So, although I'm mostly engaged in nuclear safety issues, I could say that there are other issues of major importance as well.

Mr. PITTS. Has the publicity around your case had any effect on the Russian security services, to your knowledge?

Mr. NIKITIN. Well, it is hard to say what that has been, but it looks like they consider, looking through my case as the major defeat for themselves. This defeat now, it has two sides, negative and positive. The positive side is that we have experienced how to fight and how to win cases like this within the Russian legal system. On the negative side, the FSB itself has learned how to conduct cases properly, and they could apply this experience in other cases against other people.

Mr. PITTS. One other question. Last year Mr. Putin asserted that the Russian environmental groups are used as a cover by foreign intelligence services. Do you think he really believes that, or is this a reflection of the old Soviet attitude toward revealing any information about negative manifestations in society?

Mr. NIKITIN. Well, this is an official position of the Russian security police and they have stated on numerous occasions that they believe that the NGOs in Russia act as a cover up for Western intelligence services, and since the Russian president is coming from that system, it is logical to believe that he shares these views.

Mr. SMITH. I understand you have to make your way over to the State Department, but I just want to say again it is a total honor and distinct privilege to have you here, and I hope the Russians will take note that we view this as a persecution, not a prosecution. This is a total abuse of power. I think the high-level focus this will continue to attract will suggest that things are improving or deteriorating in Russia, and there will be implications either way, in terms of how this country will treat the Russians.

So, I do wish you well and our prayers are with you. We'll do everything possible to back you up, because this is a persecution of a man who ought to be rewarded for what he has done. The Russian people who have avoided a disaster of nuclear material because of your work should be grateful. You should be rewarded for it, not prosecuted and persecuted.

Thank you very much.

Mr. NIKITIN. Thank you very much.

(Whereupon, the briefing was concluded at 11:34 a.m.)

APPENDICES

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, CO-CHAIRMAN

As Co-Chairman of the Commission on Security and Cooperation in Europe, I welcome today's public briefing featuring Alexandr Nikitin. Mr. Nikitin's saga began nearly 5 years ago when he co-authored a report exposing the environmental hazards of Russia's deteriorating nuclear fleet. Having endured nearly a year in solitary confinement, Nikitin stood accused of high treason and espionage in a case doggedly pursued for more than 4 years by the Russian Federal Security. His plight received considerable attention last year when the OSCE Parliamentary Assembly met in St. Petersburg, where Mr. Nikitin resides. I supported the resolution adopted by the Assembly that highlighted the unjust nature of the proceedings against him which violated several provisions in the Russian Constitution as well as the European Convention on Human Rights.

Following years of harassment by the authorities, last December, Mr. Nikitin was formally acquitted by the St. Petersburg City Court of any wrongdoing. His acquittal was upheld by the Moscow-based Supreme Court in April of this year. While it appeared that Mr. Nikitin's legal ordeal had come to a close, in a disturbing development we learned yesterday that the Russian Prosecutor General's office has apparently decided to appeal the decision of the three-judge Supreme Court panel to the entire court. The Commission will closely monitor these developments and we certainly will continue to press to see that justice ultimately will prevail in this case. I urge all participating States to fully respect the right of individuals, such as Mr. Nikitin, concerned with environmental issues to express freely their views, to associate with others, and to obtain, publish and distribute information on these issues as called for in the Sofia OSCE Document on the Protection of the Environment.

**PREPARED SUBMISSION OF ALEXANDR NIKITIN
DIRECTOR, ENVIRONMENTAL RIGHTS CENTER OF ST. PETERSBURG**

I would like to thank Chairman Christopher Smith, Co-Chairman Ben Nighthorse Campbell, Representative Steny Hoyer and all the members and staff of the Commission on Security and Cooperation in Europe (CSCE) for their long-standing and active support in my case. I am grateful to the CSCE for your visit to my office in Russia and I am glad that your help allows me to be in the United States today. I also would like to thank the environmental and human rights coalition that has sustained me all these years, including Amnesty International USA, Sierra Club, Bellona USA, and the Union of Councils for Soviet Jews.

Today I'd like to discuss three issues: First, the surprising and disturbing update on my personal case. Second, the productive activities in the environmental and human rights movement, despite continued and even increasing FSB secret service harassment of human rights and environmental defenders. Third, I will cover the efforts by a coalition of ecological and human rights organizations in Russia to initiate a referendum on the proposal to import international nuclear waste into the Russian Federation.

First, my case has taken a turn for the worse. Yesterday I learned from my lawyer that the Procurator General's office (the equivalent of the Attorney General) has filed a new appeal after my acquittal by the Supreme Court this spring. A three-judge panel at the Supreme Court previously tried my case and this is an appeal to the entire Presidium, an 11-judge chamber. A new hearing of the case is scheduled for August 2 in Moscow at the Presidium of the Supreme Court. The new appeal contains absolutely no new information and asserts a desire to send my case back to the prosecutor to collect more evidence. The appeal is dated May 30 and the letter to my lawyer from the Supreme Court is dated July 11. After 4½ years, the prosecutor should already have had sufficient time to collect evidence if there is any backing for the charges against me. After losing in court four times, the prosecutor still is requesting more evidence. As far as my lawyer knows, this is the first time in post-Soviet history that a Supreme Court decision by a panel has been appealed to the entire Supreme Court Presidium.

Unfortunately my case is not the only example of the government's harassment of grassroots advocates in Russia. The FSB's persecution of environmental defenders, human rights activists, and scientists continues. I hope you will use your good offices to continue to support environmental defenders and the related rights of freedom of speech and association—the fundamental tenets of civil society and democracy.

I want to use the more than 4 years of experience gathered in my case to assist others in the same situation—or better still, help them avoid getting into a situation as seemingly inextricable as mine. Despite the harassment, I very much want to continue my work in Russia, as the work is close to my heart. I continue to work for the Bellona Foundation, a Norwegian environmental non-governmental organization. We also founded the Environmental Rights Center in St. Petersburg to address issues at the intersection of environment and human rights. Additionally, we wanted to broaden our network of support, so we established an umbrella organization, the Coalition for Environment and Human Rights, which unites and supports about 40 grassroots NGOs. The coalition is led by the environmental activists Grigory Pasko, Lev Fyodorov and me. The activities of this coalition include (1) monitoring and collecting environmental and human rights information; (2) supporting environmental defenders; and (3) utilizing the experience of previous legal cases.

Recently, President Putin abolished the State Committee to Protect the Environment, the equivalent of the U.S. Environmental Protection Agency, leaving environmentalists with

even less official support than before. At the same time, the government has found other ways to harass environmental and human rights defenders, through the tax police and overly bureaucratic registration procedures.

The military journalist Grigory Pasko, who also has been invited to Washington, is not currently allowed to travel as the appeal of his acquittal is stalled in the system. Other cases of harassed activists include Nikolai Shur, who collected nuclear contamination information in the Chelyabinsk region, and the scientist Vladimir Soyfer of Vladivostok, who did research on the environmental impact of nuclear issues. Protection for environmental defenders is closely tied to freedom of speech and the press.

The government's policy of rapid resource extraction for hard currency exports turns defenders of Russia's environment into opponents of official policy, which has set off a pattern of harassment of environmental defenders. Because this is an international trade issue, the United States should be just as concerned as Russia.

Another issue close to my heart is the atomic ministry's proposal to import large amounts of foreign radioactive materials into the Russian Federation for cash. A coalition of environmental and human rights groups is working to initiate a referendum to give the Russian people a voice to influence this dangerous new policy. We know from opinion polls that the vast majority of ordinary Russians is opposed to this scheme, but the government presses on.

Most of the nuclear materials are of U.S. origin and U.S. permission is required to transfer them to Russia. I urge you to take a stand with the Administration in support of Russia's people against nuclear waste imports, or at least hold off any U.S. decision until the referendum indicates what the Russian people want.

I also urge United States officials to take every opportunity to raise these crucial environmental and human rights problems with Russian authorities. Thank you.

This is a U.S. Government publication produced by
the **Commission on Security and Cooperation
in Europe (CSCE)**.



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