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**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

Hearing
on
HUMAN RIGHTS IN RUSSIA ON THE FIFTH ANNIVERSARY
OF THE NEMTSOV ASSASSINATION

February 27, 2020 - 10:00 a.m.
2200 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

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Co-Chairs McGovern and Smith, distinguished Members of the Commission:

On behalf of Parliamentarians for Global Action (PGA), thank you for inviting me to testify as we mark the grim milestone of the fifth anniversary of the assassination of Boris Nemtsov, a courageous and relentless human rights champion who paid the ultimate sacrifice for his advocacy for the promise of liberal democracy in Russia and outspoken criticism of the abuses of the Russian regime.

I will use my testimony to present the Report on the Assassination of Boris Nemtsov that I have prepared in my capacity as Rapporteur on behalf of Organization of Security and Cooperation in Europe Parliamentary Assembly (OSCE PA).

A year ago, OSCE PA President Mr. George Tsereteli appointed me as Special Rapporteur to examine the assassination of Boris Nemtsov and the ensuing investigation. The tragic event of Mr. Nemtsov's death and the judicial process that followed illustrate the workings of a dysfunctional justice system through which an incomplete investigation has failed to yield a motive behind the murder. The case still lacks resolution to this day. I am neither a judge nor a professional investigator and can therefore not solve the case and bring justice myself. I can, however, speak about my examination of the facts, and how they attest to the threat to the political system in Russia.

Dear Representative McGovern and Representative Smith, thank you very much for your interest in the report on the Assassination of Mr. Boris Nemtsov. You and your colleagues in the Tom Lantos Human Rights Commission have always been advocates for democracy, including the right of politicians – particularly those in opposition – to raise their voices and expose a political

will without restrictions. Your convocation of this hearing attests to the commitment of the U.S. Congress to bring clarity to the assassination of Mr. Boris Nemtsov. As a fellow legislator, please allow me also to commend the efforts of the U.S. Congress to combat impunity for human rights violators, including passing the Sergei Magnitsky Rule of Law Accountability Act of 2002, for which Mr. Nemtsov advocated, with firm bipartisan support here in the U.S. House of Representatives and champions in the Senate including Senator Roger Wicker, Senator Ben Cardin, and the late Senator John McCain. The importance and relevance of the Magnitsky Act is tragically and ironically emphasized by the continued evasion of justice by Mr. Nemtsov's murderers.

I have been a member of the Swedish Parliament since 2006 and have been active in the field of Human Rights, Rule of Law, and Democracy long before I was elected to parliament. I grew up in the southern part of Sweden and I had many friends whose families arrived as refugees to Sweden from the Baltic States, Poland, and Russia, because of the totalitarian non-democratic regimes in their home countries. In the Swedish Parliament, I am a member of the Standing Committee of Foreign Affairs and Deputy Chair of the Swedish OSCE Delegation. I am elected Vice President of the OSCE Parliamentary Assembly and would like to emphasize the critical contributions of the U.S. Congress and Helsinki Commission to this unique transatlantic organization of legislators from North America, Europe, and Central Asia, which was founded on trust, mutual respect, and the common cause of ending impunity.

I am also the President of Parliamentarians for Global Action (PGA), a network of 1,250 legislators from 137 countries from every region and across the political spectrum united by our commitment to a rule-based world order. At PGA, we believe that the ability of elected politicians like Mr. Nemtsov to conduct their work without fear is a fundamental prerequisite for any representative democracy. Safeguarding the integrity and functioning of the political system requires the protection of those who work within it, and democracy demands that opposition politicians and activists are able to act without threat of reprisal. Lingering doubts about the motives and perpetrators behind such attacks cast long, chilling shadows over the political life of a country. Therefore, it is crucial that attacks on politicians are subject to thorough, impartial and transparent investigation.

On February 27, 2015, exactly five years ago today, Russian opposition politician Boris Nemtsov was murdered at close range a few steps away from the Kremlin. The judicial case did not present any security video material, and authorities have been accused of withholding crucial evidence. While Mr. Nemtsov's supporters, family, and friends laid down flowers and lit candles on the Moscow bridge where he was assassinated, the authorities decided to exclude from their investigation the possibility of a political motive for the murder and any involvement of Russian high-officials. The result of this is that the criminal case set limiting restrictions and left out important explanations, leading critics to call it a "self-blinded" investigation.

My examination of the issues related to the murder of Boris Nemtsov has found substantial flaws in the criminal case following the murder – a conclusion that Emanuelis Zingeris, the rapporteur on the Nemtsov case for Parliamentary Assembly of the Council of Europe, shares with me. For the report, I gathered information from persons with insight into the case – activists, authorities, representatives of Mr. Nemtsov's family, open media sources, and others who have investigated the subject. I held a hearing on the subject, and several times tried to engage in a dialogue with the Russian authorities to get answers to my questions, none of which efforts have succeeded.

The conclusion that I have drawn from the investigation is that the judicial case is incomplete and bears substantial flaws. The investigation led by Russian authorities did not present any security video material; authorities have been accused of withholding crucial evidence; moreover, they excluded the possibility of a political motive and involvement as soon as the day after the assassination. And this was done deliberately to deceive and conceal

The assassination of Boris Nemtsov took place in the context of an increasingly repressive climate in Russia. The government of the Russian Federation uses a range of legal tools, such as “anti-extremism” legislation and laws on “foreign agents” and “undesirable organizations” to stifle political dissent and opposition. Attacks on human rights defenders and activists are enabled by smear campaigns and impunity. The judiciary, as Freedom House concluded in its latest report, is subordinate to the political authorities and access to due process is not guaranteed, particularly for members of the opposition.

At the time of his death, Mr. Nemtsov was working to expose how Russian soldiers were dying for a war the very existence of which President Putin had for a long time denied. In the wake of his murder, the families of those dead soldiers he wanted to help do not dare to speak out anymore.

President Putin has stated that the murder of Boris Nemtsov was committed by foreign actors with the intention of destabilizing Russia, but no credible evidence to support the statement has been presented. How convenient it must be to have your political opponents killed by foreigners.

In a democratic society, which the Russian Federation declares itself to be, the burden of proof is on the state. The state must prove that an investigation and trial have been just and fair. It must continuously provide evidence that every citizen is treated justly. This is a vital aspect of what enables a society to remain a democracy, and its people to remain free. It is achieved through transparency, by granting citizens access to information, and ensuring that journalists and media can publish facts and opinions that displease the government. The judiciary and the governing body must be separated and the freedom of speech must be carefully protected.

Mismanaged trials and investigations are threats to democracy and ensure impunity for serious crimes. The inconsistencies in the Nemtsov judicial case keep the motives behind the murder shrouded in secrecy, which generates distrust for the political system and the principles that we aim to defend. Fundamental human rights, such as the right to free speech, should not be taken for granted and cease to exist in societies where those that hunt down people they disagree with are not brought to justice.

These are all important aspects of what makes a society just and democratic, which Boris Nemtsov’s murder and trial has shown the Russian Federation to lack. There simply cannot be any trust in a society or in the government of a country that does not guarantee these core values.

Five years after Mr. Nemtsov’s assassination, it is apparent that the democratic principles for which he advocated remain elusive: the Russian people are not free. Indeed, they are deliberately and continuously deceived. Unremitting disinformation is not only deployed to hide the truth, but also as a weapon to disillusion people to the *very notion* of truth. The Russian people are prevented from accessing important information about what goes on in their country.

As a member of a democratic elected parliament, is it my duty to promote and enhance human security. It is not only mine; it is a duty for all democratic elected parliamentarians to act when democracy and human rights are compromised and undermined in participating states. I would therefore like to call for the Russian authorities to cooperate in any future inquiries on the Boris Nemtsov case.

To once again underline my conclusion from writing this report:

It is of absolute importance that the killing of statesmen, like the assassination of Boris Nemtsov, be subject to transparent, impartial, and thorough investigation to uphold the values of the political system that we are gathered here to improve and defend. This is why, at Parliamentarians for Global Action, we have come together to stand up for the rights of elected representatives in an increasingly volatile and even violent global environment.

As our report states, Russia's original investigation left many questions unanswered and we have called for a completely new investigation. Furthermore, Mr. Nemtsov's death was a tragedy for Russia and had a strong impact on the political climate, spreading fear and possibly opening up for further attacks and repression. The organizers and instigators of Nemtsov's killing must be held accountable to instill hope among those in Russia who continue to risk persecution and attacks to fight for democracy and the rule of law.”

The United States and Lithuania have used legislation on targeted sanctions against human rights abusers (“Magnitsky Laws”) to sanction individuals involved in organizing the assassination of Boris Nemtsov, as well as those responsible for the failure to investigate it. Similar recommendations have been adopted by the Parliamentary Assembly of the Council of Europe. To end the spiral of violence, I consider the use of such restrictive measures to be an appropriate response, and add my voice to calls for the European Union to agree on and impose targeted sanctions upon governments, individuals, and non-state entities involved in human rights abuses.

Boris Nemtsov was dedicated to uncover the truth, and for this he paid with his life. Frightened men in power believe that by killing the messenger they are killing the truth, but we cannot give them that privilege. We have to keep up the struggle for uncovering and protecting the truth so that these powerful men need to face the fact that they have become the cancer that poisons the political system –and the freedom that defines it. We owe it to Mr. Nemtsov, and we owe it to all the people that suffer from being unfree.

Lastly, I would like to express my gratitude for the honor of being appointed Rapporteur on this important matter. I would also like to reach out to those who have helped me and contributed to this report, and a special thanks to Vladimir Kara-Murza, chairman of the Boris Nemtsov Foundation and a friend of Mr. Nemtsov; Vadim Prokhorov, Mr. Nemtsov's lawyer; and his daughter, Ms. Nemtsova. I also offer my solidarity with the efforts of this Commission and the U.S. Congress to end impunity and recommit myself and the international network of legislators. In my capacity as President, I take this opportunity to thank you for the cooperation and support of democratic renewal and human rights worldwide.