

OLEG SENTSOV AND RUSSIA'S HUMAN RIGHTS VIOLATIONS AGAINST UKRAINIAN CITIZENS



APRIL 27, 2017

Briefing of the
Commission on Security and Cooperation in Europe

Washington: 2017

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, 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. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe [OSCE]. The membership of the OSCE has expanded to 56 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

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

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 3:00 p.m. in room SVC 210, U.S. Capitol Visitor Center, Washington, DC, Ambassador David T. Killion, Chief of Staff, Commission on Security and Cooperation in Europe, moderating.

Panelists present: Ambassador David T. Killion, Chief of Staff, Commission on Security and Cooperation in Europe; Alex Tiersky, Policy Advisor, Commission on Security and Cooperation in Europe; A. Paul Massaro III, Policy Advisor, Commission on Security and Cooperation in Europe; Natalya Kaplan, Cousin of Oleg Sentsov and journalist in Kiev; Mustafa Nayyem, Member of the Ukrainian Parliament; Halya Coynash, Spokesperson, Kharkiv Human Rights Protection Group; and Alexei Sobchenko, Interpreter, Human Touch Translations.

Amb. KILLION. Good afternoon, everyone. Thank you so much for coming and welcome to today's briefing on Oleg Sentsov and Russia's human rights violations against Ukrainian citizens. My name is David Killion, and I am the chief of staff of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission. As some of you may or may not know, the Helsinki Commission was created to monitor compliance with the principles of democracy and human rights enshrined in the Helsinki Final Act.

When Russia invaded Crimea, it violated every one of these principles. This is the context that brings Oleg Sentsov's case before us today. Oleg Sentsov, a filmmaker and outspoken opponent of Russia's invasion of Ukraine, disappeared from Crimea following a May 2014 demonstration, only to resurface in Russian custody in Moscow. He was declared, quote/unquote, "Russian," and convicted on false charges of terrorism. Sentsov is now serving a 20-year sentence in Siberian prison where he has been subject to torture and simply inhumane conditions. Two appeals of the verdict have been rejected, as has a request for Sentsov to be extradited to Ukraine.

As disturbing as his case is, Oleg Sentsov will be the first to say that his story is not unique. It's only one of many grave injustices committed against the Ukrainian people

by the Russian Government. Olexandr Kolchenko, Roman Sushchenko, and Mykola Semena are just a few names on the long list of Ukrainians wrongfully persecuted for simply exercising basic rights. It's our hope that by highlighting Sentsov's case, we will bring attention to these other egregious cases and incite discussion on broader issues of Russia's illegal occupation of Crimea and aggression in eastern Ukraine.

PEN America is honoring Sentsov's bravery this week with the 2017 PEN Freedom to Write Award, which is the reason this distinguished group of panelists from Ukraine are able to join us today.

To my left, we have Natalya Kaplan. Ms. Kaplan is the cousin of Oleg Sentsov, a journalist by profession, and a forceful advocate for Sentsov and other political prisoners in Russia. We're very lucky to have her here in Capitol Hill with us today to help inform us of Sentsov's nightmare and recommend what Congress can do.

Next, we have Mustafa Nayyem, a member of the Ukrainian Parliament since 2014, a journalist and early organizer of the 2013 Euromaidan protests. As an advocate for European integration and an active voice for a new generation of Ukrainians, Mr. Nayyem's perspective will be extremely valuable to our discussion.

Finally, Halya Coynash is a member of the Ukrainian Kharkiv Human Rights Protection Group and can provide us with greater context surrounding Sentsov's ordeal and other human rights abuses committed by Russia in Ukraine.

Let me just make everybody aware that Natalya is going to be speaking in Russian today. And her spoken words will be translated, as will any responses to questions. The other two panelists will speak in English.

So, first, Natalya, let me give the floor to you.

[Note: Ms. Kaplan's remarks are made through an interpreter.]

Ms. KAPLAN. Good afternoon. My name is Natalya.

I would like briefly to describe the place where Oleg is currently detained. The place is called Yakutsk, which is northern Siberia. The trees do not grow there. Due to poor infrastructure, sometimes when you turn on the faucet oil comes out. And anthrax is a popular disease over there. Oleg in his letters describes his life as a "Groundhog Day" movie. Every day is repetition of the previous one. And the only positive difference in his life is that this doctor treats him. Soon we're going to have a third anniversary of him being in jail. And if nothing is going to be changed, he's going to spend another 17 years there.

Thank you for your interest in his case.

Amb. KILLION. Thank you very much. Thank you very much.

And now we turn to Mustafa.

Mr. NAYYEM. First of all, thank you for your interest to this story—I could say, this absurd story about our citizen, about Ukrainian filmmaker Oleg.

I would stress for today's discussion that Oleg has never been member of some state agencies. He never took a weapon. He never was involved in any action of government. He was just filmmaker who, in the moment of annexation of Crimea, protested against occupation of our territory of Ukraine. Now, he was forced to be a citizen of Russian Federation. Actually, Russian agencies they recognized him as a citizen of Russian Federation, which is against every legislation and human rights. And today, he is sitting on a colony in north Siberia.

Actually, what we want to discuss regarding this issue is that now we feel that all judicial tools are, and we could not nothing to do with that, because our appeal was—you know, we failed. And only one to now is to put a pressure on Russia, not on the judicial issues but publicly, as an artist who is jailed now for his convictions, and who is jailed just because of his protest. And I think that the Congress and that those bodies who are in Washington, who can help us to build up this coalition of political bodies of international institutions, international human rights agencies and also NGOs, who can help us to warn about this situation, to say again and again it's not the issue of Ukraine and Russia. It's not the issue between two presidents or two governments. It's the issue of Mr. Putin himself and humanity. And the world, and all those people who are for freedom of expression.

And I think that the PEN Center who awarded Oleg for his courage will take a leadership in this protest. And we'll be actually honored if someday we will see Oleg in this building and he will describe his story himself.

Amb. KILLION. Oh, I'm sorry. Thank you very much, Mustafa.

And now, Halya.

Ms. COYNASH. I think I'll, first of all, say that Oleg's case was one of the first where the courts, the prosecutors, the entire Russian so-called justice system was used to—the first Ukrainian person to be imprisoned brazenly and openly in front of the world community, to some extent, used for complete repression. A very famous Russian human rights activist, Zoya Svetova, she called it an “absolutely Stalinist” trial. What I think I would like to say as well, and one of the reasons for the Magnitsky List, which we are hoping can be extended to cover this case, is because a very clear message has to be sent to Russia, but also to the specific individuals who take part in such a repressive process that there can be no impunity for that. So we would very much like to see that happen.

I think the other point that I'd like to bring up on this subject is that Oleg is one of the first, together with Olexandr Kolchenko, they were tried together, and both obviously must be released. There are a very large number of other people, and the number is growing, especially with people in Crimea—though, it has to be said that, I mean, one of the prisoners, Roman Sushchenko, was actually simply imprisoned after he arrived to visit relatives in Moscow. So they are showing a degree of brazen lawlessness that we desperately need awareness of it.

And I could give particular examples. There are a number of people who are imprisoned for roughly the same amount of time, including one person, by the way, whose mental state causes immense concern. Urgent intervention is needed now. Stanislav Klykh, his name is. He's also been sentenced to 20 years for nothing.

Amb. KILLION. Thank you.

Halya, let me ask you a follow-up question to your testimony here. It's now been three years since Russia took control over Crimea. Can you tell us a little bit more about how life has changed for people in that peninsula since then? You know, we hear about the appalling—in general—the appalling human rights situation. And you've talked about some specific cases. But can you give us some more—some update on the general situation there?

Ms. COYNASH. It depends what you mean by the—I can talk about the general human rights situation. I mean, it is basically dire. The arrests of Crimean Tartars or arrests of Crimean Muslims—most of whom are Crimean Tartar, though not all—has become one

of the weapons that Russia is using. There are, at the moment, 19 people who have either been convicted—one of them just two days ago—of ludicrous charges of involvement—unproven involvement in an organization called Hizb ut-Tahrir, which is legal in Ukraine. It is completely legal in Ukraine, in the USA, in most countries. And Russia has decided, for no reason, to call it terrorist.

The other ones, 15 of them, are imprisoned in Crimea in shocking conditions. All of them have children who will—if Russia has its way, will not see their fathers for 20 years even. So you know, we are talking about a very serious level of repression.

Something that has become more common—at the very beginning there was a law that was brought in, in 2014—in May that year—that was feared at the time would be used against freedom of speech on Crimea. It has indeed become so. It's a particular article of the criminal code, 280.1, which is being used to either prosecute or to actually imprison Ukrainians or Russians for effectively saying that Crimea is Ukrainian.

This is where freedom of speech has got to anywhere in the Russian Federation, and in occupied Crimea, that Ukrainians in Ukrainian Crimea who are saying that, as all international organizations do, that Crimea is Ukrainian are actually being prosecuted and face mandatory five-year sentences. In general, the freedom of speech situation, the press situation is also pretty catastrophic. After Mykola Semena, who was mentioned—the journalist—after he was arrested and is facing charges, as I said, of this five-year sentence for saying no more than that Crimea is Ukraine. After he was arrested, some other people were searched at the same time, and most of them have left.

I think the message to most independent journalists is to shut up or leave. And in fact, it is possible that that's really the intention as far as Crimean Tartar are concerned as well, that they are hoping that a lot of them will simply leave. Opponents, ethnic Ukrainians as well, are constantly harassed. And some of them have actually decided to leave simply because the stakes are very high for their whole family. So that's good enough for me.

Amb. KILLION. Thank you.

Mustafa, everyone in this room is an individual who wants to be effective in dealing with this problem. So let me ask—drill down a little bit on how we might be more effective. Let me start by asking: How closely do you and other Ukrainians MPs work with civil society campaigns, like the Let My People Go campaign for the release of political prisoners in Crimea and Russia. And how effective are these campaigns in bringing international attention to the case?

Mr. NAYYEM. I would say that after the revolution, that many people who were in the civil society, that they entered parliament. So now we have very good connection with the civil society, also with those organizations who work in the Donbas area and Crimea. We personally have worked with the organizations Crimea SOS and Donbas SOS, which are especially focused on human rights in these territories. And of course, with the Let My People Go.

And what I feel, just frankly speaking, is that sometime it looks like international society, international partners, the thought that it's a real duel of two countries, and there is some war, and the Russian and those Ukrainians, and we don't know what is true and what is false, and someone is imprisoned and prisoners are on both sides. So, please, let's be objective. Which is not actually the case. And I think it's not fair and it's not the right way, because in this situation, first of all, we should come back and look from what actu-

ally started it. It started from the annexation and occupation of Crimea. And actually, in discussion—sometimes the discussion on sanctions is the same. Should we lift or should we not lift the sanctions? Should we put more sanctions or not?

It's not about Ukraine actually, because we know what is going on in our country. We know who is Russia. And we doesn't have any illusions about that. But if sanctions would be lifted, all our international partners, in Western countries especially—United States—first of all, they will lose leadership on this issue, because for us it would mean that it is not about value. It's not about sovereignty. It's not about integrity. It's about business. It's about deals. It's about money. It's about relationships. But it's not about human rights. It's not about those people who died inside of Ukraine, more than 10,000, which died under war with specific country. It was not Ukraine who attacked. It was not Ukraine who made this so-called referendum in Crimea. This is not our fault. We didn't ask for this war.

So when we're coming back to that, we should be very aware that all those people who are present and all those people who are in Russia, actually they are hostage of this situation. So we cannot discuss support them or not to support them. We cannot discuss are they right that they blame them or imprison them or actually imprisoned all those people who now are, like, terrorists or those who were involved in some war situation, because actually they protected their own country—that's it. Even if you have this evidence, it's like Nadiya Savchenko. She protected her own country. That's why she was actually imprisoned.

Oleg was not involved in any actions. He just protested against annexation of Crimea. That's his whole fault. I would say that sometime international society looks like—they want to look like they're objective, but in this time the keeping silence, I think it's a crime against Ukrainian people and it's a crime against the sovereignty, integrity of our country.

Amb. KILLION. Well, we experienced that even going to the international community at the OSCE PA and the OSCE in Vienna. But luckily one place that's not trying to be balanced is the U.S. Congress. There's clear-headed assessment of what the real situation is and what we need to do. And you know that a lot of things have been done here in Congress—the actual acts, like the Ukrainian Freedom Support Act, lots of resolutions about political prisoners, colloquies on the floor, et cetera, et cetera.

What's the next level? What else does Congress need to do that it hasn't done?

Mr. NAYYEM. First of all, I want to express my gratitude that all these things were done for Ukraine because I remember all these years, starting in 2011 when Yanukovych was elected and I was a journalist and we covered all these issues, and what Mr. Senator Durbin did and this—the resolution on Ukraine and against Tymoshenko's imprisonment—all these—I remember that. So it is not something that we miss or we don't know.

We do know about that, and we actually—that is our hope because, to be frank, the situation in the last months in the United States a little bit disturbed us, I think even more than you. We don't know who is actually—who is leading Congress and Trump. And maybe these days we would like Congress to be the leaders in this process, because we know those people who are actually serving here. We know the values of these people.

The next level, what could be done. First of all, you know that we have now this countering Russian aggression act that should be adopted. I hope that there will be no hesitation in adopting this act, because it hurts Russia when we're talking about energy

sanctions, when we're talking about pipelines and about gas sector. And it's not something—you know, sanctions for sanctions. These sanctions will hurt, we understand that.

The second thing is, I think this is—I would say as a politician, not maybe even as a civil activist, that if we have some tools we used before, like the Magnitsky List, why we cannot amend it? Yes, we have some problems because the Magnitsky List, it was great work and great job of lawyers who prepared for that. But they did it once, and it's list open. Here in and European Parliament also.

So I think that we can amend them. And I think the PEN Center is an organization who actually awarded, they will take—I think they have to have the leadership in the process, because actually this guy is, first of all, a filmmaker. He's not, you know, a lawyer. He's not a soldier. He's an artist. So we as politicians, as parliament of Ukraine, as the Ministry of Foreign Affairs of Ukraine, will support this kind of civil initiative to amend the Magnitsky List with those people who prosecuted Sentsov, Kolchenko, who tortured them, who made this court decision, and also those agencies in which he is now imprisoned. So I think it would be fair. It's the long way, but we should do it. Personal sanctions, and very precise.

Thank you.

Amb. KILLION. Great. Thanks. That's a great start.

And now we want to have the audience engage, participate, ask questions. Who would like to go first? Don't be shy. Please. And if people could identify themselves and tell what organization they're from? And Jordan Warlick will provide you with a microphone.

QUESTIONER. Thanks. Good afternoon. My name is Deanna. I come from Ukraine, Kiev, and I'm a fellow here working in the House of Representatives.

My question will be, Mustafa, you mentioned that Ukraine has exhausted all the judicial ways of helping Oleg. I was wondering, and maybe it's a question to Halya, what about the European Court of Human Rights?

Ms. COYNASH. Those two, Kolchenko and Sentsov, both have cases at the European Court of Human Rights. The problem—and Mustafa mentioned this before—the problem with the European Court of Human Rights—well, there are two problems. One is that it takes a very long time, years. The second problem is that Russia has already effectively said—they've made some nonsense about how it—if it's unconstitutional, or something, they can refuse to obey it.

And in fact, one of the interesting things is that Kolchenko's first application—and I suspect there have been more than one by now—to the European Court of Human Rights, was specifically over the issue of having Russian citizenship foisted on them. A lot of attention to that question of citizenship would be wonderful. But unfortunately, it's a long-term process. I mean, there are cases for almost all of the prisoners awaiting in the European Court of Human Rights. It would be nice if they gave it priority treatment, but unfortunately they don't.

Mr. NAYYEM. I will say, that as a government, we will support that. I mean, all application of our citizens who went to the Human Rights court, of course. The thing is that it will not release him. Let's be honest. Even if we would have this decision tomorrow, it will not release Oleg. So we should use all of the tools to do our job.

QUESTIONER. Of course. And there is a case, Ukraine versus Russian Federation, in the International Court of Justice right now. Do you think that can in any way help all the prisoners?

Ms. COYNASH. The Russian president's press secretary has already effectively said that they will not comply with one of the major—there was a—the International Court of Justice a week ago or so, gave a judgement—preliminary judgement, which was basically in Ukraine's favor. It decided on three counts in Ukraine's favor and one count against. The one count against was that they did not enforce provisional measures against Russia in Donbas. They simply said that they wanted—but they have accepted the case against Russia on that, and also on discrimination in Crimea.

Now, the problem is they did take provisional measures—is that what they're called? Provisional, yes. Provisional measures in Crimea over discrimination of Crimean Tartars. And they specifically said that the ban on the Mejlis must be lifted. The president's press secretary has already said that—well, lied, basically. Said that there were reasons for banning it, and they're not going to comply. So it's a very important judgement, but, again, like with what Mustafa said about the court in Strasbourg, Russia needs pressure from you—[laughs]—from the Congress, from America, from other countries to ensure that it does comply.

Mr. NAYYEM. I would amend two things. First of all, we really think that it's not great, but it's small victory of Ukraine in these decisions. First of all, because if you, for example, remember the case Georgia versus Russia in 2008, they lost it. The court even didn't recognize the jurisdiction of this court. So Ukraine on both convention of terrorist and racial discrimination we are accepted. So applications are accepted, which is great job for our Ministry of Foreign Affairs.

Second, is that by this decision Crimea was recognized as annexed territory, and it was international military conflict. It means that whatever—even if Russia would not recognize this decision, at the end of the day they will pay for that because it's international court—someday. Provisional measures are something for today, but historically this territory is recognized as annexed territory. So they will pay for that.

And about terrorism on the inside, let's see, I think we'll have more arguments, because it was—they told that they didn't have enough proof that Russia actually financed terrorists on our territory, which actually—I think MH17, we can call it whatever you want, but it's terrorism. And for all humanities, very obvious. Maybe there was not some very vital and very precise proofs, but we will find them. It's not a problem. But historically, they recognize that there is terrorism on that territory. And from the other side, they said this territory was annexed.

Thank you.

Ms. COYNASH. I'll just add one little point about the MH17. At the international court, what actually happened—because there's an alternative opinion from one judge, who in fact wanted the provisional measures. He explained that MH17 had largely been left out of the consideration at the moment. And the thought that it ought to have been put in. It will eventually be put in. So they have accepted the case. It's just that they didn't want to bring provisional measures while they didn't have all the proof. But MH17 is undoubtedly—[laughs]—terrorism.

QUESTIONER. I just wanted to add that even though there's always been problems with enforcement of international decisions of courts, I still think it's very important that

the international organizations recognize what's really happening, and will be still helpful at the end of the day.

Thank you.

Ms. COYNASH. Thank you very much.

Amb. KILLION. Thank you.

Alex Tiersky, from the Helsinki Commission.

Mr. TIERSKY. Thank you very much, Ambassador Killion.

I would like to ask Ms. Kaplan three questions about her cousin. And I'll ask all three of them at once, please. The first question is, how can you monitor his condition? And what barriers are there for monitoring his condition, whether for visits by family, the press, advocates or the Ukrainian Government that he recognizes as his own? This is the first question.

My second question is, how does he maintain this amazing combative spirit that we see in the letters and the documentation that we do hear from him?

And then my third question, what do you think makes him so dangerous to Russian authorities?

Thank you.

Ms. KAPLAN. It's quite a challenge to monitor his situation because, first of all, the Ukrainian consular officials are not allowed to visit him on the basis that he is a Russian national. Russian journalist and human rights activist Zoya Svetova tried to get in a meeting with him, but she was also denied without any reasons provided.

Letters sent to him from overseas do not reach him, and one should use all kinds of tricks in order to send him any information. And the information which we receive about his situation, about his conditions, we learn indirectly, and I'm not going to specify what kind of channels we use to get this information.

Oleg refused to meet his relatives, his family members because it is a very stressful, emotional kind of event. And he himself saw other prisoners who got into a deep depression after meeting their family members, so he would like to avoid this risk.

I can't answer your second question. It's a mystery to me how he manages to maintain his combative spirit.

The reason why Oleg was arrested was not because he was representing any kind of threat to the Russian Government. The reason was just simply the Russians needed to have an explanation, a justification for their invasion of Crimea and the justification was—

Mr. SOBCHENKO. I'm sorry, I'm going to expand the answer because I know it by heart. The reason was that Russians needed to have a pretext to protect the Russian-speaking population from so-called Ukrainian right-wing, radical organizations, so they needed to find the presence of those organizations which were known. And as a result, they seized randomly people who were objecting to the Russian invasion, and they announced them to be, deemed them to be Ukrainian radical activists in Crimea.

Ms. KAPLAN. The only threat Oleg represents to the Russian Government is the fact that he's a very blunt man and he calls a spade a spade. When he had his last word in the court, I saw how even the Russian journalists, who were basically representing the propaganda pro-government media, were emotionally impacted by his words.

Indeed, his words can be so powerful that the Russian TV never showed him speaking. And after putting him in jail, they tried to silence him. They stopped even mentioning his name. So basically, the main threat to the Russian government from Oleg Sentsov comes from his ability to speak very forcefully.

Amb. KILLION. Next question.

QUESTIONER. Thank you very much. Oleksandr Oborskyi, embassy of Ukraine.

At a previous event at Freedom House today, Mustafa and Halyna said, regarding the initiative to add Magnitsky List, there is much job that has to be done to track and identify all those investigators, Russian investigators, Russian officials who are related to this abuse of Oleg Sentsov and others. And my question is, have you—how it works—have you previously identified how many people, volunteers, funds are needed to organize this job? And what is private or what is government dimension of it? What government can do for this?

Ms. COYNASH. I mean, I think one of the issues at the moment probably is—in fact, Gabe here from PEN America we're hoping is going to help a little bit with the legal advice about what kind of proof is required for the Magnitsky List. Because the problem is not so much identifying some of the people. The judges are known. The investigators are largely known; in Sentsov's case, they are known. The problem is that, firstly, you can't necessarily find the people who committed the torture; you can't find their names because—well, for obvious reasons, I guess.

The other problem is always finding enough proof to meet your requirements in America with the Magnitsky List. I mean, it must stand up in a court of law, I understand. And that's the area where we know, but you need to provide sufficient proof. So it's really the proof that is the issue.

And, Mustafa, yes—

Mr. NAYYEM. Maybe we'll ask for some assistance from the embassy also. We asked for minister of foreign affairs of Ukraine and from secret service of Ukraine who already have some names, as I know. The problem is—it's not to name them, because those people who actually signed the prosecution documents or who made a decision or the head of these bodies, they are known. The problem is that these sanctions which will be put on these people by Magnitsky List act, these sanctions could be challenged in court here in the United States. So we should be very convinced that our proofs are strong.

And I think that we are, in this case, we are just involvement side part because we can just help with that as parliamentarians, as a government and as a secret service and as a minister of foreign affairs, but it should be done by civil society and I strongly believe that this should be done by NGOs, by those people who are about human rights, because it's not the case of Ukrainian Government. It should be done by those people who really support Oleg, because as a government we support all our citizens. But now we have a very specific case in which are sentenced—this is an artist. Again and again I will repeat that. This guy would never work for government. He's our citizen, but NGOs know more now and they have much more information and I think they have much more power and they are much more reliable in this situation.

So I think the PEN Center, the leadership belongs to them in this process because actually they're the first international agency who awarded Oleg for his courage. And I think the Helsinki Commission would help us also with how to follow this procedure. But the names and all other things should be done by NGOs.

Amb. KILLION. Thank you.

Did the gentleman over here have a question?

QUESTIONER. I'm Gabe Rottman. I'm the Washington director for PEN America. And I just wanted to thank the Helsinki Commission, Ambassador Killion, and especially the staff of the Commission for holding this briefing. It's crucially important, and we're extremely honored to be here.

I actually just had a question. I'm new—this is my fourth week. And I'm also new to this case and new to international human rights law. I'm a sort of domestic-first person. And one of the things that struck me as particularly interesting and insidious in this case is the fact that Russian citizenship was foisted, as you say, on Oleg. I was wondering if you could say more about that aspect of it—how that happened, and whether it's happened to anybody else.

Ms. COYNASH. Well, as far as we know, I think it's Kolchenko and Sentsov at the moment, because in other cases they have actually done the opposite, almost. A couple of people have actually been deported from their own country, from Crimea, simply, or else banned from entering Crimea, like Mustafa Dzhemilev.

Now, in the case of Kolchenko and Sentsov, I think really the issue was they had not—the excuse was that they were given a month in which to formally state that they wanted to remain citizens of their own country after Russia invaded. Now, clearly, the situation was that a lot of people, even had they known and even if it was easy for them to get to the three offices in all of Crimea that were open to do this, a lot of people simply on principle would not have done it. I mean, why would you go and say that you want to be a citizen of your own country when somebody else has invaded it? So they had not done this and that has been used as the excuse.

I think there is absolutely no doubt that the European Court of Human Rights will decide in Sentsov's favor and in Olexandr Kolchenko's favor. In fact, even the Russian ombudsperson, the previous one, agreed that they were Russian citizens. So, you know, this is reasonably clear that if a Russian human rights ombudsperson can actually say that, that there really are no grounds for doing it at all.

There's one other thing. I simply wanted to say as far as one of the times where Oleg Sentsov has doubtlessly annoyed the people in the Kremlin very much was actually on this particular subject about citizenship where he said I am not a serf to be sent around, to be handed to somebody else.

Mr. SOBCHENKO. The serfs were transferred with the land.

Ms. COYNASH. Yes, to be transferred with the land. Well, I mean, except that, of course, it wasn't transferred, it was stolen. But yes.

QUESTIONER. That's great, thank you.

Mr. NAYYEM. I want to amend something. First of all, you know, the Russian actions, now everything is hybrid. So Sentsov recognized as a citizen of Russian Federation, but official papers, in his sentence, there is no sign who is he. I mean, it's empty, no citizenship, Ukraine or Russian. So it allows them to recognize him when it's convenient, Russian citizen, or it's not convenient Ukrainian. But it doesn't allow, for example, our ambassador to come to him.

But from the other side, International Criminal Court recognizes territory annexed and occupied, it means that all Geneva Conventions work there. And, by Geneva Convention, no one can be forced on occupied territory to be a citizen of another country against

his will. So I think it is a crime already, because he was citizen of Ukraine and now he was forced to have to be a citizen of Russia. So it's an open crime and I think we will investigate it in the future.

Amb. KILLION. Thanks, Gabe, for your question. And also, thank you very much for collaborating with us on this event. I'm sorry I didn't recognize you.

And I also want to thank Suzanne Nossel, my former colleague in the Obama Administration, who, along with you and everybody else at PEN America, does such great work. And we absolutely are offering our services to collaborate with you on this case and other cases in the future. And all of my experts are here today. Thanks.

Any other questions?

Paul Massaro. Paul Massaro is also on the Helsinki Commission staff.

Mr. MASSARO. Gabe, you beat me to the punch on that one. I also thought that was the most remarkable thing about this case.

And I just wanted to ask a follow-up question concerning this imposition of citizenship. And that is, is this an original innovation of Putin? Or are there historical examples of this happening? And if so, how were they combated in history in other scenarios?

Ms. COYNASH. Oh, yes, of course. Immediately after the Second World War, of course, a lot of people were deported from, I understand, from various places. Poles were deported to—actually, I'm going to get this wrong, the wrong way around. Ukrainians were deported to Poland. Actually, I think I'm going to mix it up. But basically, people were forced to leave the part of the territory they were on. And they were simply made into other nationalities.

I'm sorry, Alexei is probably better on this subject.

Mr. SOBCHENKO. When Hitler and Stalin divided Poland, part of eastern Poland, which was occupied by the Soviet troops, all the denizens of those territories automatically were defined as Soviet citizens and were punished by law for violating—just for being, let's say, bourgeois or clerical—church men. Because it was punished by the Soviet law, they were sentenced by the Soviet laws for being what they were.

Mr. MASSARO. So this type of imposition has precedent in Soviet history ?

Ms. COYNASH. Soviet, yes.

Mr. MASSARO. —through the forceful distribution of population.

Ms. COYNASH. Yes. So does the use of torture to get confessions. A lot of what is happening at the moment in Russia and with respect to Ukrainians and with respect to Russians have bad echoes from Soviet times, yes, and generally from the Stalinist period, unfortunately.

Mr. SOBCHENKO. And eventually, all the Baltic republic citizens were by default converted to the Soviet citizenship.

Ms. COYNASH. Yes, yes.

Mr. SOBCHENKO. But that was basically part of the same deal. But the same is true about the part of eastern Romania called Bessarabia which was annexed by the Soviet Union as well. So, of course, the Transcarpathia region, which was part of Czechoslovakia and was transferred to the Soviet Union in 1945, the same also. I'm sorry.

Amb. KILLION. And the French gave away the Baltics embassies, but we kept them. [Laughter.]

Anyone else?

QUESTIONER. Hello. My name is Anna Zamejc, and I'm a fellow here at the Helsinki Commission, and I'm also an NGO project manager with People in Need, Člověk v Tísni, based in Prague.

I actually have two questions, one very short. Have there been actually any mediation attempts between Ukraine and Russia in the case of Oleg Sentsov?

And the second question, do you feel actually that the European Union is doing enough in the case of Ukrainian political prisoners? And who is actually the leading advocate for Ukraine these days? I'm from Poland originally and I'm very sad to see that Poland has been withdrawing itself very much from the process. And Jarosław Kaczyński has signaled that the policy of Poland on Ukraine might be subject to change.

If you could address those questions, thank you.

Ms. COYNASH. I think that both—well, as far as the advocates are concerned, I think the Baltic states, for reasons that I will—I'm sorry if they're obvious, but I will spell them out. The reasons are relevant, I think, to everybody, which is that they are the countries who are next in line and who—I mean, as well as other reasons. They've always been one to follow anyway, but then, so was Poland before the present regime.

With the Baltic states, they have also understood a lot of things that I think the rest of the world is taking a bit longer to understand about the uses of disinformation, the uses of propaganda and generally the problems of hybrid warfare simply because they are very much the next target.

As far as the European Union is concerned, well, probably not, but then, it is always very hard to know quite what to do in a situation like this. I think everybody needs to—I think the sanctions must be—there should never be any suggestion that the sanctions could be removed, firstly, until the agreements are reached. And probably, I think they needed to be strengthened from the start about Crimea. And it should have been understood from the beginning, from the outset that until Russia left Crimea that there could be no consideration of leaving sanctions.

Mr. NAYYEM. I would say start from mediation. What do you mean exactly? Is this about negotiation for—

QUESTIONER. A third-party mediation.

Mr. NAYYEM. You know, there are so many formats of negotiation with Russia. And there is no one which of them who had results with it. We have Normandy format and Minsk format, we have some other countries which try to be kind of like Great Britain, to be a neutral negotiator, but it doesn't work. Maybe it would work if we would not have war. But in a case when we have war, everything is about war, it's about hostages, it's about prisoners, what they need, what they want to change for this guy, et cetera. So I cannot say that now is—we do not have this player who can be neutral in this situation, be mediator, because I think that if you would find some country which can be neutral, it would be very bad situation for us. Because in this situation when you see this aggression from Russia, I don't know who can be neutral. Same about leading advocate and the role of EU.

And I would say that leading advocate of Ukrainians for these days unfortunately are Ukrainian soldiers. Because I'm convinced that all these words which world leaders can say to Mr. Putin, all this toughness of Germany and France and even the United States sometimes, all this courage is based on the situation on the ground on our front line. If not for Ukrainian soldiers two years ago, no one would stop them because we don't

have any supplies of weapons or troops who helped us three years ago to stop Russians on our border. So they are our main advocates.

But if you are asking me from other parts of the world, I would say that there are—I cannot name someone, but I would say that there are those politicians who have the courage and leadership to say the truth. For us, it's enough. Of course, we see now a different situation what is going on in the United States because we have different people in the United States. Three days ago, I saw National Security Adviser McMaster in Arizona, Sedona. I was happy what he said about United States. But at the same time, we see those tweets after Secretary of State Tillerson's visit to Moscow, and we are a little bit frustrated with that. From the other side in Europe the situation with Pedro Agramunt, who visited Syria in these times. And they even don't think that they are guilty. And Ukrainian delegation made a lot of things to make him resign.

So in these days, we cannot say that some country is, but we can name those politicians who really have this courage to say the truth. Angela Merkel is our partner, definitely. Poland is our partner, definitely. There are different politicians there also, but mostly we feel that they are with us. In France, we are waiting. Can we say something? No, not yet. Netherlands—three months ago we were frustrated with its position. Now we know that the election has brought some wins. Germany, again, Steinmeier was not our partner, unfortunately. Angela is our partner. So in other countries, the same situation, so now everything is mixed. But leading advocate of us and of those countries who are [encountered ?] Russia unfortunately are soldiers and military forces.

Amb. KILLION. Thank you.

Let's have one more question, the gentleman here.

QUESTIONER. Hello, my name is Yaroslav Dovgopol. I am a Ukrainian journalist here and I'm working with Ukrainian news agency, Ukrinform, in the United States.

First of all, I would like to thank the U.S. Helsinki Commission for your efforts supporting Ukrainian prisoners who are detained in Russia, including Oleg Sentsov; including my colleague and friend Roman Sushchenko, who is detained in Moscow; including Mykola Semena; and others.

Yesterday, you organized here in Congress regarding human rights in Russia where you mentioned people from Ukraine who are in Russian prisons because of their resistance to Russian aggression. They are not just Ukrainian people. They are Russians and others.

And I have a question to you, Mr. Ambassador. Is the U.S. Helsinki Commission going to make a statement after these events, which call on the U.S. Government and the U.S. Congress to increase pressure to Russian Government to release Ukrainian and Russian prisoners from Russian prisons?

Thank you.

Amb. KILLION. Well, thank you very much. We hope we're making a statement by the events of this week, both our hearing and our briefing here today. And we'll certainly be looking at ways to amplify that statement. And we appreciate your suggestion.

I just want to thank everyone here on the panel today. I think this was a very useful briefing. And I also want to thank everybody in the audience. The questions were absolutely excellent. And I think everybody here today learned more about the situation and hopefully also can take away some new ideas about—many people in this room are policymakers—about how we can continue to refine and improve our policy and continue

to refine and improve our policy and continue to find ways to put pressure on Russia to change its aggressive behavior.

So thank you very much, everyone.

And also, thanks again to PEN America. We really enjoyed this opportunity to collaborate with you and we hope that it will continue in the future.

And finally, I just want to thank my staff and especially Jordan Warlick, who I hope all of you will meet. She's a new member of my staff and she is the lead for the Helsinki Commission on press freedom now. So it's very appropriate that she worked on this hearing.

And all of you should also meet Alex Tiersky. We lost our Ukrainian staffer of 35 years to retirement yesterday. Orest Deychakiwsky retired, and so Alex Tiersky is going to take the lead on Ukraine. And I hope everybody will get a chance to meet him as well.

Thank you. [Applause.]

[Whereupon, at 3:58 p.m., the briefing ended.]



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