

# RUSSIA'S COUNTERPRODUCTIVE COUNTERTERRORISM

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED SIXTEENTH CONGRESS FIRST SESSION

JUNE 12, 2019

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# **RUSSIA'S COUNTERPRODUCTIVE COUNTERTERRORISM**

**JUNE 12, 2019**

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## **RUSSIA'S COUNTERPRODUCTIVE COUNTERTERRORISM**

**June 12, 2019**

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 10:30 a.m. in Room 2255, Rayburn House Office Building, Washington, DC, Hon. Richard Hudson, Commissioner, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Richard Hudson, Commissioner, Commission on Security and Cooperation in Europe; Hon. Cory Gardner, Commissioner, Commission on Security and Cooperation in Europe; Hon. Robert B. Aderholt, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Brian Fitzpatrick, Commissioner, Commission on Security and Cooperation in Europe.

*Witnesses present:* Dr. Mariya Y. Omelicheva, Professor of Strategy at the United States National War College, National Defense University; Rachel Denber, Deputy Director, Europe and Central Asia Division, Human Rights Watch; and Dr. Michael Carpenter, Senior Director, Penn Biden Center for Diplomacy and Global Engagement.

### **HON. RICHARD HUDSON, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. HUDSON. Okay. On behalf of Chairman Alcee Hastings and Co-Chairman Roger Wicker, I'd like to call this hearing of the U.S. Helsinki Commission to order. [Sounds gavel.] Let me thank our distinguished panel who have all agreed to join us to offer their expertise and help inform our work. I want to introduce them in a moment, but before I do, I'll offer a few of my thoughts on this topic.

We convene this hearing to examine the Kremlin's counterterrorism policies and practices. We want to better understand what those practices are, how they developed over time, whether they're effective, and to what extent they dovetail, or not, with U.S. interests. I want to offer a couple of illustrations of why it is so important that we maintain a clear sense of what Russian counterterrorism practices do and do not offer. The first reason is that Russia seeks to claim the mantle of leadership on this issue internationally.

I'd like to quote the worldwide threat assessment of the U.S. intelligence community provided to Congress on January 29th of this

year. That document includes the following passage: China and Russia are expanding cooperation with each other and through international bodies to shape global rules and standards to their benefit and present a counterweight to the United States and other Western countries. Russia is working to consolidate the U.N.'s counterterrorism structures under the U.N. undersecretary general for counterterrorism, who is a Russian. Both countries probably will use the U.N. as a platform to emphasize sovereignty narratives that reflect their interest and redirect discussions away from human rights, democracy, and good governance.

And so I would ask the panelists, should we be comfortable with Russian leadership in this area? Does the Kremlin have so-called best practices that they can share?

Second reason we should care about Russia's counterterrorism practices is that Russia's actions in this space have impact far beyond Russia's borders. As regional experts recently said at a Helsinki Commission briefing, Russia's significant influence in Central Asia can be deeply problematic, through cooperation on repressive measures between security services or by the propagation of disinformation. In addition, as one panelist put it, Russia—this is quote—“is a particularly nefarious influence within the sphere of religious affairs across the region,” end quote, by painting peaceful religious groups with the label of, quote/unquote, “extremism,” and repressing them ruthlessly, potentially furthering radicalization in the process.

I'm grateful to the panelists who are with us today, and I'd like to introduce them now. We'll first hear from Dr. Mariya Omelicheva—is that correct?—professor of strategy at the United States National War College at the National Defense University. Dr. Omelicheva received her Ph.D. from Purdue University, and also holds a J.D. in international law from Moscow National Law Academy. She is the author of numerous well-received research articles and volumes related to our history today.

Next we'll hear from Rachel Denber, deputy director of the Europe and Central Asia Division at Human Rights Watch. Ms. Denber previously directed the Human Rights Watch's Moscow office and has authored reports on a wide range of human rights issues throughout the region. Thank you for being with us in Washington for this hearing.

Finally we'll hear from Dr. Michael Carpenter, senior director, Penn Biden Center for Diplomacy and Global Engagement. Dr. Carpenter has worked these issues as a senior official in the prior administration, as former U.S. deputy assistant secretary of defense for Russia, and as a former National Security Council director for Russia. This is not Dr. Carpenter's first appearance before a Helsinki Commission, and I suspect given the quality of his contributions, this will not be the last time we call on his expertise.

So thank you all for being here.

And finally, I would like to thank Chairman Hastings for allowing me the opportunity to convene this hearing on behalf of the commission. As a member of the United States Helsinki Commission, I focus my engagement in a number of areas, including combating religious persecution and anti-Semitism, preventing human trafficking, and promoting economic cooperation and free speech.

As part of my role as a Helsinki Commissioner, I'm regularly called upon to represent the United States at the OSCE Parliamentary Assembly, which facilitates inter-Parliamentary dialog among the 57 participating States. This assembly is a valuable forum where my congressional colleagues and our counterparts from countries ranging from Canada to Russia get together to have frank discussions about the issues of the day. And we try to find common solutions that benefit all of our citizens.

In recent years I've been really pleased to see this assembly paying increased attention to the issue of tackling terrorism. In July 2017, the assembly created the ad hoc Committee on Counterterrorism. As vice chair of that committee, I'm in regular dialog with colleagues, including from Russia, on the very questions we'll be examining today. So I'm particularly grateful for the information that we'll receive from our panelists.

Now, I see my colleague, Senator Cory Gardner from the great State of Colorado, has joined us. Would you be interested in giving an opening statement?

**HON. CORY GARDNER, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. GARDNER. Thank you, Chairman Hudson, for the chance to be here to share with the witnesses this conversation and the important work that the Helsinki Commission continues to do.

I've introduced legislation, a number of bills, to increase pressure on Russia, responses, considerations that we have made, and how they respond to terrorism within Russia without the region. So I look forward very much to this hearing. And I thank Chairman Hastings as well, and appreciate the witnesses' time, testimony, and commitment to this issue.

Mr. HUDSON. Thank you, Senator. We appreciate you being here, making the trek all the way across.

So at this point we'd love to hear from our panelists. Dr. Omelicheva, you have the floor.

**DR. MARIYA Y. OMELICHEVA, PROFESSOR OF STRATEGY AT THE UNITED STATES NATIONAL WAR COLLEGE, NATIONAL DEFENSE UNIVERSITY**

Dr. OMELICHEVA. Okay. Thank you so much for your kind introduction and, of course, inviting me to testify here, Congressman Hudson. You already know that in the past 20 years or so fighting terrorism has become the top priority for the Russian Government. And it is understandably so because over those two decades the Russian authorities have been fighting Islamist insurgency and terrorism, mostly originating from the tumultuous North Caucasus—Chechnya, Ingushetia, Dagestan, and a number of other subjects of the Russian Federation. And since recently, the Russian Government has been grappling with the threats posed by international jihadist groups as well.

I do want to acknowledge the sheer complexity and magnitude of the challenges that Moscow faces. But I also contend that, overall, Russia's counterterrorism policy, as you already mentioned in your introductory comments, has been both deficient and counter-

productive. And I believe that two trends in particular have contributed to these deficiencies.

One trend has to do with the fact that Russia has always emphasized punitive counterterrorism measures at the expense of kind of broader preventive socioeconomic approaches targeting the root causes of violent radicalization and terrorism. Whether domestically in North Caucasus, or regionally in Central Asia, or internationally in Syria or elsewhere, Russia has used kind of that approach that was singularly focused on the use of military force or security services operations. And those have been counter-productive.

In North Caucasus, for example, the brutality of those measures transformed what used to be localized struggle into the region-wide religious war. In Central Asia, as another example, the singular focus on military responses to counterterrorism also diverted attention of these governments from the root causes of terrorism. And I'm pretty sure my colleague, Dr. Carpenter, will talk today about Russia's efforts—counterterrorism efforts in Syria, where Russia's backing for the authoritarian regime of Bashar al-Assad and its indiscriminate airstrikes have also contributed to the radicalization of the Syrian population.

And the second trend that I would like to emphasize in my testimony that also, in my view, explains deficiencies and counter-productiveness of Russia's counterterrorism policy has to do with the fact that the Kremlin instrumentalized counterterrorism, meaning that it has deployed counterterrorism as a tactic for accomplishing a variety of auxiliary benefits expedient to the government—usually geopolitical purposes which have been at counter-purpose with the very intent of counterterrorism.

So, for example, domestically, Vladimir Putin has used, you know, fear of terrorism and its ability to restore order and bring stability to Russia as sort of a part of his legitimacy narrative. In Central Asia, Russia has used the banner of counterterrorism to reassert its influence in that region. And of course, internationally, Russia's high-profile counterterrorism efforts have helped Moscow to establish itself as a much more prominent global player, which has lacked the resources, the assets to play such a role. And it has also used this opportunity to counteract the United States' efforts worldwide.

So Russia has used United Nations platforms, including the newly created U.N. Counterterrorism Office, to shape global counterterrorism agenda. And there are risks associated with that, including these kinds of efforts may compel the United Nations to take a much tougher line on fighting terrorism while downplaying human rights protections. These efforts can also divert global efforts from measures aiming at countering violent extremism [CVE] and eroding internet freedoms, because for Russia CVE erodes the very essence of counterterrorism. Russia is fearful of engaging with civil society groups, which are believed to be the harbingers of Western influence. So it is really focusing on kind of this harder counterterrorism responses domestically and worldwide.

So the two primary conclusions that follow from my recent testimony is that Russia's counterterrorism policy raises many concerns about its viability as a partner in counterterrorism. Russia's polit-

ical goals and associated measures unrelated to the fight against terrorism have complicated the overall efforts to fight terrorism worldwide. And let me say just a couple of words about what I see the United States can do in these circumstances.

I think the United States can do more, either directly or through regional and global institutions like OSCE and United Nations. So it should continue supporting these global and regional institutions, promoting CVE measures, and work with the United Nations Counterterrorism Office directly or through the OSCE. And this engagement should seek building synergies between the OSCE and U.N. Counterterrorism Office, with the goal of promoting rule of law compliance responses to terrorism and CVE, while engaging civil society and protecting individual freedoms.

I also think that United States should continue providing counterterrorism assistance to the many countries where Russia remains to be involved, but couple this assistance with increased funding for CVE and civil society building.

So I'll stop here.

Mr. HUDSON. Ms. Denber, if you would.

**MS. RACHEL DENBER, DEPUTY DIRECTOR, EUROPE AND  
CENTRAL ASIA DIVISION, HUMAN RIGHTS WATCH**

Ms. DENBER. Thank you, Chairman Hudson. Thank you for inviting me to give testimony today. And let me express Human Rights Watch's great appreciation for the Helsinki Commission, which is a beacon of hope for many people in our region, and a great ally of human rights causes.

So my remarks today focus on Russia's counterextremism and counterterrorism policies and practices. My written testimony provides a lot of detail about Russian laws, their evolutions, both the counterterrorism/counterextremism law itself, the criminal code, administrative code. And I also provide some examples of how these laws have been selectively to persecute people who are inconvenient to the Kremlin, to persecute people who are inconvenient to local authorities, and to persecute particular groups.

So I will only summarize that here. I think, though, I would also like to point out that these laws and practices are deeply problematic. The laws themselves are quite—they're vague, they're overly broad, their definitions are overly broad. But I also want to emphasize that it's really important to note that, similar to what Dr. Omelicheva noted, that Russian authorities have also used these laws for legitimate purposes. So there is and has been a problem with extremist violence in Russia, hate violence in Russia. And the Russian Government has used these laws to contend with racist violence, anti-migrant violence, far right-wing hate violence. So I think it's important to keep that in mind.

I think an important question is to ask why it is that the Russian authorities have adopted and selectively enforced these really vague and elastic anti-extremism norms? And I think that there's several answers. But I think maybe it's best to leave that to my written testimony. You can scroll through that. I think that the main impact of the restrictive laws and their selective enforcement is that many Russians now are increasingly unsure about what the threshold is of acceptable speech. And at the same time, are in-

creasingly anxious about the consequences of speaking up—speaking out, especially on online and mobile applications.

Let me just move right now to what the problem is with Russia's counterextremism laws and practices. And I also strongly recommend the commission to become familiar with the work of the SOVA Center in Russia. It's a think tank that focuses on these issues. And they're very good.

So the main problem with Russia's counterextremism—approach to counterextremism/counterterrorism, is that the definitions are quite broad. The law bans any public calls for promoting—for extremism, or extremist violence. It involves a whole range of acts, you know, ranging from violent overthrow of the government, committing terrorist violence, insulting the national dignity of others, or promoting the superiority of a particular race. It includes extremist—concepts like extremist materials, extremist organizations, banned extremist organizations, banned public communications, mass distribution, things like that.

So you have the basic law, that has become more harsh over the years, and you also have the criminal code which criminalizes these actions. Just to pick up on what Dr. Omelicheva pointed out, it's—this is a very punitive approach. The criminal code has become harsher with regard to these laws. So that now, for example, if you are declared a member of the Islamist organization Hizb ut-Tahrir, or a leader of that organization—which is not a terrorist organization—it can get you a 20-year sentence, for just membership or affiliation, not for anything else. Not for any violent act.

The counterterrorism/counterextremism laws are used as a tool not only to legitimately address extremist violence, but also to crack down on inconvenient people. It's one of many tools that the Kremlin can use. And in recent years, since 2012, since President Putin returned to the Kremlin, and then especially since the invasion—since the events in eastern Ukraine and the occupation of Crimea—it has used these laws to crack down on dissent about Russia's actions in eastern Ukraine.

These laws also do things like—you know, the newer laws do things like—under the rubric of anti-extremism and counterterrorism—do things like increase—penalize—or, criminal insulting Russia's military honor, criminalize certain discussions about World War II, under the rubric of justification of Nazism. They do things like require internet companies to store data on Russian citizens in Russian—on Russian services, in Russian territory. So they're really trying to get control over the internet in the name of fighting extremism. And there's been a whole flurry of laws in this regard. In the years since the law was adopted, there's only been one kind of softening of the counterextremism law, and you can read about that in my written testimony.

So a couple of examples of, I think, the really more really concerning examples of how these laws are abused—I think you mentioned that one of your main interests is religious freedom and how do these laws interact with religious freedom. Well, as you—I'm sure the commission is aware, because you've spoken out on it a number of times—it was as an extremist organization that the Jehovah's Witness organization was banned in Russia. It was banned as an extremist organization by the Supreme Court in 2017.

And that is not an idle definition. It's not one of those things that, oh, well, they adopted it, the Supreme Court made that decision, and no one pays attention to it. A lot of people are paying a lot of attention to it. Right now there are 200 people who are Jehovah's Witnesses who are facing criminal prosecution for continuing the activities of an extremist organization. Thirty-five of them are in jail awaiting trial. One has already been convicted and is currently serving a 6-year prison sentence. So this is not a—this is not an idle definition.

I think the other thing—the other thing—the other really key way that these laws have been used against inconvenient—or, you know, to silence criticism, has been the way they've been used in Crimea against Crimean Tatars. Our organization has documented how 49 people right now are facing criminal charges, and some have been convicted, again, for membership in this organization called Hizb ut-Tahrir. It's not an organization I would endorse—what it promotes is something that's anathema to human rights ideals. But it is not a terrorist organization. And yet, these men—these 49 people are facing very big prison sentences, because—and are targeted especially because the Kremlin, I think, would like to tarnish, to demonize people in Crimea who oppose—like Crimean Tatars—who oppose Russia's occupation of Crimea. To tarnish them as terrorists. It also uses the label of extremist and terrorist to marginalize and demonize other people who oppose the occupation as well.

And there are just two more examples, if I have more time. Two more examples of how these laws have been used illegitimately. I would ask you to think about the case of Svetlana Prokopyeva, who is a journalist from Pskov who did a radio discussion about an act of terrorism that took place in a Russian city. And she was also, you know, talking about Russia's abuse of counterterrorism policies. And the authorities are using that discussion to justify—to ground charges against her for justifying terrorism. And she faces a 7-year prison sentence. So it's a very convenient tool for local officials to try to silence and intimidate inconvenient voices.

There are many other examples in my written testimony. I think if I would leave you with one thought, it would be—a couple of thoughts, actually. These laws, they do migrate to other to Central Asian countries in the OSCE region. I would love to talk more about that in question and answer. I think it's also a two-way migration. I think that if you look at the history of it, I think some of the harshest practices that we've seen since the breakup of the Soviet Union was Uzbekistan's approach to counterterrorism and counterextremism in the late 1990s. I think these countries take the Russian template law on extremism and apply, in fact, much more harshly—or, very harshly.

If there's one recommendation I would have, it would be that for U.S. policymakers to be aware of Russia's overly broad definition of extremism and the abuses that stem from this—from their enforcement, and the ripple effect that these laws have in the region. And I think that any potential collaboration the U.S. enters into on counterextremism and counterterrorism should not replicate or unwittingly support or promote the abusive aspects of these laws and practices.

Thank you very much.  
 Mr. HUDSON. Thank you.  
 Dr. Carpenter, you have the floor.

**DR. MICHAEL CARPENTER, SENIOR DIRECTOR, PENN BIDEN  
 CENTER FOR DIPLOMACY AND GLOBAL ENGAGEMENT**

Dr. CARPENTER. Chairman Hudson, Congressman Aderholt, thank you for the opportunity to testify before you today on Russia's approach to counterterrorism and its implications for U.S. national security.

Every so often, there are politicians or policymakers who call on the United States to cooperate more closely with Russia to fight terrorism. On the surface, it may not even sound far-fetched for two big powers, both afflicted by the threat of terrorism, to cooperate more closely on a common threat, even when they disagree on other matters. But active cooperation with Russia—and by active cooperation I mean any sort of joint operations or sensitive intelligence sharing—would run contrary to both our values and our national security interests. Let me explain why.

The first reason is that Russia's chief geopolitical objectives are to weaken the United States, fragment the transatlantic community, and delegitimize international norms of human rights. Given the opportunity, the Kremlin will undermine the United States and the NATO alliance. Russia's leadership does not think in win-win terms, even when we do. Consider Russia's intervention in Syria. Though Russia claimed to be fighting ISIS, its real goal was to prop up the Assad regime and diminish U.S. influence in the region by strengthening its own role and that of its key partners on the ground—Hezbollah and Iran.

To position itself as the key power broker and indispensable nation for solving the conflict, Russia benefits from uncontrolled migration and the flow of extremists into Europe. This may seem highly cynical, but Russia has no interest in any sort of political transition to stabilize Syria. Moscow will be happy, of course, to host dozens of international conferences, and will periodically suggest that a solution is within reach. But at the end of the day, its interests are best served when Iran, Hezbollah and Assad are in power to make mischief in the region, because that's when Russia's influence with the Europeans, with Israel, and the Gulf States is at its peak.

Second, let's consider Russia's actual CT strategy. This strategy, as Dr. Omelicheva has just mentioned, is almost entirely based on physically liquidating extremists. Russian authorities do not try to win hearts and minds or engage in efforts at deradicalization or social reintegration. Russian security forces in the North Caucasus frequently apply the principle of collective retribution—often imprisoning, threatening, and sometimes even killing relatives of suspected militants. While sometimes effective at the tactical level, strategically this approach only engenders a perpetual cycle of radicalization.

Russian counterterrorism operations also pay little regard to civilian or, quote/unquote, "collateral" casualties. The botched raids of the Dubrovka Theater in Moscow or the tragic attempt to free hostages in Beslan demonstrate a shocking disregard for human

life. Even worse, as my colleague Rachel Denber has noted, Russian authorities often use the pretext of fighting extremism to crackdown on dissidents. For example, a single mother was recently imprisoned on extremism charges because she had posted comments critical of Russia's annexation of Crimea on her social media feed.

Third, Russia sponsors terrorist acts in foreign countries. In Ukraine, Russia's intelligence services have carried out car bombings in government-controlled territory to assassinate Ukrainian military intelligence officers. One such bombing took place in downtown Kyiv on a crowded street. The Ukrainian Security Service, or SBU, has also accused Russia of bombing cafes and other public venues in Odessa, Kharkiv, and Kherson. And of course, we must not forget that Russia provided the missiles, the launcher, the software, the training, and likely the triggerman to shoot down Malaysia Airlines Flight 17, killing all 298 people on board. I don't see how one can characterize these actions as anything other than state-sponsored terrorism.

In Afghanistan, Russia has provided weapons and night vision equipment to the Taliban to undermine U.S. and NATO interests. In Europe, Russia has supported neo-Nazi hate groups in Hungary, and financially supported violent protests in Greece and North Macedonia. In the United States, as has been revealed in the media, Russia has spread false conspiracy theories to radicalize Americans against their immigrant neighbors and coworkers. And in the United Kingdom, Russian intelligence officers brazenly tried to poison a former Russian spy using a large dose of a deadly chemical toxin.

To conclude, Russia's actions to undermine the United States and its allies, and its direct sponsorship and cooperation with groups that conduct terror, should preclude any active efforts at counter-terrorism cooperation.

Thank you. I look forward to your questions.

Mr. HUDSON. Thank you all for that testimony.

And before I ask my questions, I'm going to call on my colleague from Alabama, Mr. Aderholt, for any questions you might have.

**HON. ROBERT B. ADERHOLT, COMMISSIONER, COMMISSION  
ON SECURITY AND COOPERATION IN EUROPE**

Mr. ADERHOLT. Thank you. It's good to be here. Sorry I was a little late. Sort of—as you know, the schedule on Capitol Hill is very fluid. So it's—we go from one meeting to the other. But thanks for being here, and to discuss this issue on the issue regarding Russia and its implications.

Dr. Carpenter, you mentioned about state-sponsored terrorism for Russia—in Russia. And you know, I'm thinking back to the downing of the Malaysian Airlines flight over Ukraine in 2014, which 283 people were on board. Do you consider that state-sponsored terrorism?

Dr. CARPENTER. I do. I don't see how there's any other way to look at that incident, where Russia provided all of the—not just the hardware, which was brought in and then surreptitiously in the cover of night taken back into the Russian Federation. So not just the hardware, but then also providing the personnel and the train-

ing to be able to operate that relatively sophisticated system, knowing there were civilian aircraft in the skies at that time, and having previously shot down a Ukrainian military aircraft. I don't see how you can look at that as anything other than state-sponsored terrorism.

Mr. ADERHOLT. And how do you consider the impact of such a designation?

Dr. CARPENTER. Well, Senator Gardner has—who was just here—has introduced legislation on this and has called for designating Russia formally as a state sponsor of terror. I think we need to look carefully at that. It might preclude certain areas and certain areas where we might be able to work with Russia and other states. But as a principle, just calling actions for what they are, I think there's no other way than to label those acts, and others in Ukraine and other countries, including the attempted assassination of Sergei Skripal in Salisbury, as anything but attempts to spread terror.

Mr. ADERHOLT. And, Mrs. Denber, let me ask—Denber, let me ask you this. The—some have suggested there is the strong connection between the Russian Orthodox Church and the Russian State has actually end up being—alienating Russia's more—other traditional faiths, religious groups, including Islam. How has Russia's Muslim population been affected by counterterrorism or this counterextremism policy?

Ms. DENBER. Thank you for the question, Mr. Aderholt.

So I think that there is a very—first, there is a very strong connection between the Russian Orthodox Church and the Kremlin. It's—I think it's a mutually—it's a relationship of mutual dependence. I think that we should avoid talking about Muslims in Russia as a monochromatic mass. I think there are many different kinds of Muslims in Russia, in different regions, and who have different concerns.

I think that what alienates—I think that there are many Muslims in Russia today who support these counterextremism policies that basically taint groups that are non-violent—taint religious groups that are non-violent—policies that taint them as violent, as terrorists or as extremists.

So I think that some people support those, but I think that there are also large numbers of Muslims in Russia who are very alienated by these policies. There are hundreds of people today who are either in prison or facing pretty stiff prison sentences, Muslims mostly, for their membership in this organization Hizb ut-Tahrir which is, as I said, anathema to human rights norms, but not a terrorist organization.

And we need to remember that each one of those people, you know, has a family, an extended family. And for each time someone goes to jail for membership in a group like that, it affects the whole—it has a ripple effect through the whole family. It's not the only Muslim group that's been targeted. There are also there—there are other—for example, the followers of Said Nursi, who was a Turkish—a Turkish theologian—you know, has a significant following among certain Muslims in Russia. That—the Russian Government has banned as extremists an organization that they purport exists called Nurcular. We can—you know, I think it's a legitimate question whether such an organization even does exist, but

I think there's no question as to the peaceful nature and non-extremist nature of this group. It's ridiculous that it's been—that it's been tainted as—or, found to be extremist. And every single person who is being under criminal prosecution right now for involvement in that grouping, why, they are definitely being—definitely alienated, and marginalized by these practices.

Mr. ADERHOLT. And this doesn't apply just to Muslims, but also, like, other traditional Christian faiths in Russia, right?

Ms. DENBER. So the—so far, the only group—the only Christian group—Christian faith that's been branded as extremist, or found by a court to be extremist, is the Jehovah's Witnesses. They were banned as extremists by the Supreme Court in 2017. They were banned by local courts before that, local organizations were. I don't know of any other Christian religious organization that's been banned as extremists, but I think if I were a Baptist or a Pentecostalist I would start to get worried.

Mr. ADERHOLT. Mmm hmm. And you mentioned about some of the other former Soviet Republics that are impacted. Could you just touch on that briefly?

Ms. DENBER. Sure. So Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Belarus—all these countries have counter—have an approach to counterextremism that is very similar to Russia's. So they have the same broad definition of what extremism is, right?

So it's a whole range of activities that is not—that doesn't necessarily have anything to do with violence, right? So it's brochures, or just meeting, or just getting together. Or it's, you know, the promotion of some—you know, some vague definition of ideological supremacy over somebody else. It's very broad definitions.

And that's common to all of these—you know, the approach in all of these countries. And in some of the countries, it's quite harsh. So Tajikistan, for example—I'm not—I should also preface my remarks by saying I'm not an expert on all Central Asian countries, but I'm going to—I can still list out what some of these practices are. So in Tajikistan, for example, you know, you have—you know, wearing a beard could be enough to get—to get you tagged as an extremist. Or, you know, there are very harsh laws limiting religion, that are motivated by a desire to—or a determination to limit extremism.

In Kyrgyzstan, until very recently simple possession of a leaflet that was deemed—a leaflet, a brochure, or a video on your phone that the police consider to be extremist could land you a prison sentence. And there were dozens and dozens of people who went to jail because of a leaflet or because of a video on their phone. Now, Kyrgyzstan recently repealed that part of the criminal code, so now you have to have—possession can get you a prison sentence, but only with an intent to—clearly an intent to distribute it massively, which is still very, very problematic. But there are dozens and dozens of people who went to jail just for that. And many others who were very vulnerable to that charge.

Kazakhstan has also very harsh and vague counterterrorism/counterextremism laws and practices. And I very strongly encourage the commission to get familiar with a report that just came out from the U.N. Special Rapporteur on Human Rights and Counterterrorism, who just finished a visit to Kazakhstan. She, and also

Human Rights Watch, have documented extensively how the Kazakh Government uses this concept of extremism to go after civil society activists, to go after journalists, to go after labor union leaders. So all over the region.

Mr. ADERHOLT. Thank you. Thank you for yielding.

Mr. HUDSON. Absolutely. My pleasure. And welcome our commissioner Mr. Fitzpatrick here as well. Appreciate you joining us.

So, Dr. Omelicheva, first question to you would be, how does the Kremlin seek to promote itself or its brand of counterterrorism around the world? In what ways has it sought to promote itself as a leader on counterterrorism in international bodies, specifically the U.N. and the OSCE? And for what purposes does the Kremlin seek to promote its officials and its viewpoints on counterterrorism in these international organizations?

Dr. OMELICHEVA. Thank you for this question. Thank you for the question.

So Russia is a weaker partner. It doesn't really have the assets, the resources to be able to—doesn't have the kind of the soft power that United States has around the world. So for it to be able to project its influence regionally, and especially globally using platforms like the United Nations, it usually capitalizes on the vacuum, or any kind of gaps particularly left by the United States. So it is no secret that the current administration has not been favoring the United Nations, and it has withdrawn some support.

So, for example, the United Nations Counterterrorism Office, this new institution that was stood up last year, initially the United States pledge \$2 million to support this agency. And when the chief, the Russian who mentioned, Vladimir Voronkov, was appointed as undersecretary general and the head of this agency with a very, very broad mandate, and he called for the inaugural conference, where he decided to exclude civil society groups, non-governmental groups from at least some of the hearings. So the United States withdrew its pledge of financial support, and it also lowered the status of the representatives that took part in that inaugural conference.

So that's the situation that provided Russia with an opportunity to kind of step and say, hey, I'm pledging \$2 million for 2018, and you know, half a million each year thereafter. So Russia has been able to capitalize on these kinds of circumstances where the United States would be either retrenching, or withdrawing, or kind of limiting its input or its interests. And this is where Russia would say, hey, I'm willing and able to say to lead, to provide financial support, to play this leadership role. And I think this is how it was able to really shape, you know, the way the United Nations counterterrorism office has been shaped up, what its priorities have been.

And so even though the language of its mandate says that the emphasis should be on preventive measures, on CVE, so far we've seen, again, most of the efforts aiming at preemptive disruption and interdiction of foreign fighters, but not much work done on CVE. So, again, I am just drawing these kinds of associations without making any conclusions about causation. But it seems like Russia has had a way to influence the work of this office, either

through the chief, the head of this office, or through other diplomatic avenues.

So, you know, it uses the rhetoric of the need for tougher counterterrorism responses. And I think it's very, very important that there is fear around the world. And fear is a very powerful tool when, you know, individuals who fear terrorism, fear death, are willing to give up their liberties. And they approve of harsher responses. Whatever it takes to make us safe and secure. So Russia has been using this rhetoric, this discourse, that have resonated very strongly with many countries' leadership and peoples around the world.

So I think we need to be cognizant of the fact that in contemporary global context, where we are witnessing lots of turmoil, there are, you know, threats to liberal international order as we know it, there are many competing frameworks about how the world should operate, so this kind of uncertainty and, you know, these claims about we need stronger states, we need to give more tools to the governments to be able to deal with the threats, they're very palpable. You know, they're very compelling to many countries and leaderships around the world. So that resonance between what Russia says and what, you know, other countries may want is also giving Russia that push to influence—to be able to influence international agendas.

And unfortunately, your colleague left, but I would like to give another example. So my colleague Dr. Denber mentioned now Russia's legal templates have been used for legislative purposes in Central Asian republics and in countries which are members of the CSTO, Collective Security Treaty Organization. Those member states, they also have rosters that are put together on the basis of the local courts' decisions about which groups they consider to be extremists and terrorists, and which individuals they consider to be threats to the regime.

So, you know, recently Tajikistan banned what used to be a political party, Islamic Renaissance Movement. It was branded extremists and now terrorist groups. So it travels both ways. So they maintain this shared rosters of individuals and groups that are regarded as threatening to the regime. And they're deemed to be terrorists and extremists, in addition to a variety of other areas—like, you know, joint counterterrorism drills, war games. So Russia is a major supplier of weapons supplies, troops. And so the military and security services border security services of these republics. They still learn about the ways of conducting those operations through those joint exercises from Russia.

Mr. HUDSON. Would any of the other panelists like to answer that question, just in terms of Russia's involvement with the United Nations, OSCE, other international bodies?

Dr. CARPENTER. Well, I will just chime in to note that Russia has abused Interpol and its red notice system extensively to go after not just dissidents who are speaking out against the Putin regime abroad, Russian dissidents, but also international figures like Bill Browder. The notion that Russia's applying any kind of rule of law through its participation in these multilateral institutions is just folly, because they're not. They're abusing the system. Once they gain membership in an institution, whether it's the OSCE, some of

these CT bodies, or more broadly, you know, Wassenaar group on conventional arms limitations as well. Russia hollows out these institutions, undermines the norms, in order to advance its particular interests, which are always those of the authoritarian, kleptocratic regime of Vladimir Putin.

And so when we look at various CT bodies, you know, sometimes Russia will play along and indicate that it shares the same concerns and values as the rest of the members, but we always have to be conscious of the fact that Russia has its own motivations. And frequently those rub against the rest of the members of those organizations.

Dr. OMELICHEVA. Just one more example. I think it's important to pay attention to yet another area, where Russia has been trying to influence its regional global partners. It's in the area of internet censorship. We're heard a lot of examples of the most recently 2016 Yarovaya package laws that now requires telecom providers and other providers of social media access and whatnot to retain all of the data and metadata. It has been, you know, playing with the idea of cutting Russia's internet off the rest of the world. And so it really contrasts with the approach that the OSCE or the United States has been advocating for, which is countering extremist ideologies with counter messaging on the internet rather than using internet censorship.

And I think this kind of conflict between whether we should address ideology with counter-ideology but keep internet free versus do censorship of internet is being played out at the U.N. as well. So we need to watch and really advocate for not allowing the U.N. and its various counterterrorism bodies to embrace this idea that censorship is the answer.

Mr. HUDSON. For Mr. Carpenter, you didn't mince words in saying that you don't think it's productive for us to cooperate with Russia on CT. But in your experience in the past administration, could you maybe go a little deeper in what your experiences were in working with Russia? And were there some benefits? Were we able to gain best practices or was there any value in that relationship? And maybe just expand a little bit on your point there.

Dr. CARPENTER. Sure. I will say that I do support having the U.S. Government provide information on any active terrorist threats that would implicate the lives of Russian citizens, whether those be civilians, Russian diplomats, or military service members. I think morally it's the right thing to do if we don't jeopardize sources and methods to provide that information. We have done that in the past. We should continue to do so. And I'm not opposed to receiving information from Russia that they provide voluntarily to U.S. law enforcement agencies, but we should be very cautious with that information because there are concerns that, for example, Russian dissidents could be included under a list of persons suspected of being extremists or terrorists. And we would have to scrub any kind of information from Russia very carefully with those sorts of concerns in mind.

I will say that I have participated in a number of efforts to work collaboratively with Russia on counterterrorism, from my office's oversight of the Bilateral Presidential Commission in the Obama administration, which included a counterterrorism working group,

to a more specialized bilateral approach to ensuring security and counterterrorism in advance of the Sochi Winter Olympics, where I participated and led a National Security Council delegation that liaised with Russian Security Council members to discuss preparations for Sochi. And then a number of other efforts where we quietly discussed exchanging information, particularly after the Boston Marathon bombing, where we were trying to glean more active sort of exchange of data on potential militants and suspected terrorists.

And I will say, you know, the tone of these interactions was always cordial. The Russians approached these professionally. They bring professionals to the table to be able to discuss the issues. The problem I have is at the end of the day none of these efforts ever panned out in terms of significant, meaningful exchange of information. Certainly not best practices. Russia's opposed to many of the best practices that we have been putting forth in terms of countering violent extremism, seeking to deradicalize communities through socioeconomic integration, so on and so forth. That's not how they operate. And so on the best practices front, we really achieved nothing.

On the exchange of information, there was, in fact, an active exchange between the U.S. and Russia for a number of years in the Obama administration but, again, that comes with risks. It comes with risks that, A, the information is not what it purports to be—that there are, for example, dissidents mixed in in terrorist watch list notifications. And then also that some of the data could be—that we could be given reams and reams of data for the purposes—which would cause our system to be clogged up as analysts had to verify whether in fact those were legitimate designations or not.

In advance of the Sochi discussions, I mean, the United States approaches any Olympic Games as the country with the most number of athletes, the most sponsors, usually the most viewers onsite, as well as in terms of television viewers. And so we approach this very seriously and wanted to cooperate as much as possible with Russian authorities to ensure that the Sochi Olympics came off smoothly, that there were no incidents. And obviously that was a huge concern given terrorist activity, insurgent activity, very nearby in the North Caucasus.

And so the Russians knew this. And they entertained us with a series of meetings and purported to want to give us information and brief us on their security preparations. But in fact, what we found at the end of the day was that the briefings were always superficial, the information was minimal. And when we pressed for more and more information, we were essentially told: No, we've got this under control. You know, we're not going to give you all that information that you want and need. Trust us. And very little in terms of actionable intelligence that law enforcement authorities could act on at any given time. And so frankly, we were quite blind going into the Sochi Olympics, and we had to rely on the Russians to provide that security.

I will say, some of the practices they employed in Sochi also gave us enormous concern at the time. For example, there was a bombing in Volgograd just before the opening ceremonies of the games. And Russia really used that as a pretext to take large numbers of militants from the North Caucasus and essentially facilitate their

travel out of Russia, knowing that most of those folks were going to Syria to participate in the fight alongside ISIS. And we saw this sort of draining out of the North Caucasus prior to the games for understandable, you could say, reasons on Moscow's part. But with huge apprehensions on our side because of the consequences of this.

And I think we have yet, in fact, to see those consequences now that the ISIS caliphate has been decimated. You know, some of those foreign terrorist fighters are returning not just to Russia, but to Europe and other places. And it's thanks to that fact that they were essentially let go and not screened at the time in 2013 and early 2014.

Mr. HUDSON. Very troubling.

At this point, I'll call on my colleague from Pennsylvania, Mr. Fitzpatrick, who brings a broad experience and background on this issue. And we look forward to your questions.

**HON. BRIAN FITZPATRICK, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. FITZPATRICK. Thank you, Mr. Chairman. Thank you all for being here.

In my—the majority of my time in the FBI was focused on international terrorism. We put a lot of emphasis on the international enforcement academies that we had throughout—across the globe. The one in Budapest would have been the one that covered Eurasia. We could never get Russia to participate much at all. And that's where we had a lot of intelligence sharing, information sharing on investigative techniques, best practices, and fighting terrorism. We had a model at the FBI that we put a lot of investment into as far as having cross-agency support at the Federal level. Task forces, working with our state and local partners, having citizens academies, getting the public involved on how they could help. Putting a lot of investment in intelligence gathering and information sharing, as well as source recruitment.

We never really had a good sense, since they never really cooperated with us, what exactly the Russian model was. How many agencies are involved across their government? What is the state and local interaction with the national system? How often do they engage members of the public? We never really had that sense, because they never really did a whole lot with us. So if you could just let us know that, or let me know that, that would be helpful.

Dr. OMELICHEVA. Let me take a stab at this question. So in 2006, Russia adopted a law titled Law Counteraction to Terrorism. And it is still in the force, but it essentially established the legal framework for creating kind of the institutional infrastructure for intelligence gathering, prevention, and then reaction to terrorist attacks. So this law provided a foundation for executive decree that established the National Counterterrorism Committee, which exists at the Federal level. And its task is to coordinate counterterrorism efforts of, like, 18 different agencies—Russia's Federal security service, FSB, the Ministry of Interior, the Ministry of Emergency Situations and a number of others.

So it has a permanent secretariat. It has a leader. So it is kind of the agency that collects all of the information from various agen-

cies at the Federal level. And there are republican counterterrorism committees that are established in each and every subject of the Russian Federation. And the operational counterterrorism is carried out through counterterrorism headquarters that are kind of nested within this counterterrorism structure. So, again, there is a National Counterterrorism Committee at the top, there's a vertical structure with regional counterterrorism committees established in each subject of the confederation. And within them, they have counterterrorism headquarters.

I think they are currently led by a representative of the FSB, the security services. So if a situation arises of a hostage incident or another terrorist attack, the law allows establishing counterterrorism operation situation, which is like martial law but does not require approval by the Parliament. So once there is counterterrorism operation established, it allows the government to deploy a variety of very extensive measures of cutting down a variety of individual liberties—freedom of movement, freedom of information. It allows for the use of the military force. So that's it, in a nutshell.

Mr. FITZPATRICK. Any idea as to why they were so reluctant to participate with the international community in programs like we had set up specifically to do that, given that terrorism is an international fight, and the only way we can really address it is through the use of our friend and allies to be our eyes and ears across the globe? They were very, very hesitant to do that.

Dr. OMELICHEVA. I do have an idea. So Russia is reluctant to collaborate with the United States because it doesn't believe that it is going to be able to collaborate on equal terms. So let me take a step back.

Everyone in Russia—the government, the people—they believe that Russia is a great power by virtue of its history, cultural heritage, the sheer size, and many, many, many other things. This identity of a great power that is inherent in what Russia is, entitles it to act in certain ways regionally and globally. So Russia has the right and responsibility to do the kinds of things that you would expect a great power to do internationally.

And the narrative goes that the only nation that has been frustrating and kind of impeding Russia's effort to fully realize its potential of a great power has been the United States, okay? And so Russians can provide you with lots of examples of how we've tried to collaborate with the United States, but every time we would be looked upon as a junior partner and not taken seriously. So Russia mistrusts the United States. It does not believe that the United States, when it wants to collaborate, it will come to collaboration from the position of strength. And it will do my way or no way, and kind of Russia's input or Russia's effort to contribute is going to be downplayed.

And I think—so, you know, so the short answer to your question is that fundamental belief, you know, that grievance, if you wish, that Russia is entitled to something that it has never received whenever it tried to engage in the relations with the United States, and that no matter what it does—you know, the United—so Russians believe that United States fears having Russia as a peer to the United States, so it will do everything in its capacity to sort of keep it from actualizing its potential.

So that mistrust and a belief that it cannot play an equal role in any kind of collaborative endeavors is probably going to continue to prevent the Russians from any kind of meaningful collaboration with the United States.

Dr. CARPENTER. I don't disagree with anything that Dr. Omelicheva has just said, but I'll be a little bit more blunt. As I know you know, Congressman, our clandestine services are essentially at war with each other. Russia approaches counterterrorism from the vantage of counterintelligence. That's why when I traveled to Sochi in 2013 to begin the process of discussing security for this Winter Olympics, our chief interlocutor was Russia's chief counterintelligence official, not their chief counterterrorism official. They treat information about the terrorist threat in Russia as secret confidential information that they don't want the United States or any other foreign power to get access to.

Similarly, when they want to cooperate with us, it is primarily with a view of gaining information on our sources and methods and our vulnerabilities. And so they approach this, they stack a lot of the delegations that they send to discuss counterterrorism with intelligence and counterintelligence officials. And while Dr. Omelicheva went through the structure, the formal structure through which Russia approaches counterterrorism, with the National Counterterrorism Agency sort of overseeing the process, they, like we did, also reorganized following the Chechen wars in the 1990s to better integrate their intelligence.

But let's be honest—the FSB calls the shots. The FSB is the pre-eminent agency, Putin's former employer and now one of the chief instruments that he uses to perpetuate power. And they use extremism and CT as an excuse to conduct any number of other missions that are not really CT related.

Mr. HUDSON. Thank you. It's fascinating.

Ms. Denber, I'd like to maybe drill down on the youth impact of the lack of CVE and some of the impacts of the policies coming out of Moscow. So what are the possible effects of the, as we said, worst practices of authoritarian regimes in Moscow and Central Asia, specifically on potential ongoing radicalization of Central Asian youth?

Ms. DENBER. That's a great question.

I want to start by saying that there isn't—you know, there are many different studies on the causes of radicalization and what leads youth to become involved in violent—you know, in violent extremism. There are—I think for as many studies there are—just a large diversity of studies and opinions about that.

And I think that these very—as Dr. Omelicheva said, there are—this very punitive approach to counterterrorism/counterextremism is really one of those factors, because when you're the target of criminal prosecution for something that is—either excessive criminal prosecution or selective criminal prosecution for something that probably shouldn't be a crime—like possessing a leaflet or being part of an organization that is not violent—that is profoundly alienating for you, for your family. You become part of—you become, you know, involved in the criminal justice system, which is in many of these countries very abusive.

You become vulnerable to torture and other forms of ill treatment. Even if you don't go to jail, especially in some of these Central Asian countries, you and your family would probably have to—once you, you know, get on the radar of the anti-extremism police, you know, you become vulnerable to being extorted for bribes, very big bribes, that cause a crisis in your family. So that is profoundly alienating. And that that makes the job of recruiters, for violent—you know, for violent extremist groups—it makes their job a lot easier.

I think another factor that is often cited in these studies—and I think is important focus on when you look at the causes of—you know, what drives violent, you know, attraction to extremism—extremist groups, is the experience of being a migrant worker from Central Asia in Russia, right? Studies show that it's not so much that Russia has repressive, you know, policies on religion—although, in some cases, that may be the case, the way—as I said during my testimony—the way that these laws are used to oppress certain religious groups wrongly.

But the experience of a migrant worker is profoundly alienating for other reasons. It's because they're targeted—they're targeted by police, you know, for searches, for getting extorted for bribes. There's tremendous antipathy and hatred and violence—and in the past, violence against migrant workers in Russia. And they are—their conditions of work—they're exploited quite extensively in many cases by their employers. And that's something that our organization has documented. So all of—you know, and really humiliating exploitation.

And so all of these factors combine to make them very vulnerable to skilled recruiters. Also, you know, these migrant workers and, you know, migrant worker experience shows that they—you know, that they—you know, they form networks, networks of migrants workers. And so that also makes the job of recruiters probably easier.

Mr. HUDSON. How susceptible are these groups to Russian propaganda, particularly anti-West? So I guess the point is, how concerned should we be that these folks are being radicalized, but they're also getting the Russian propaganda that the West is the enemy and sort of this anti-West message?

Ms. DENBER. That's a really good question.

I think that they get—Russian propaganda about the West is all over—obviously is all over the region. And I think that in the case of these—you know, through—Russian television is still widely watched throughout the region. Russian online media is popular in many of these places—in many of these countries. But I think that, you know, they definitely would get a message—an anti-Western message—a very strong anti-Western, anti-American message through that.

But also, I think that the—you know, the extremist groups that are trying to recruit them already have a very strong anti-Western message. So I think that there's a sort of double messaging there that has an effect.

Mr. HUDSON. Dr. Carpenter, you've talked some about exporting of terrorists, about prior to the Sochi Olympics the folks from the Caucasus were sort of helped out of the country, maybe given pass-

ports in some instances, maybe just assisted. But, you know, letting these would-be jihadists potentially leave the country.

Can you confirm that this is a policy of Russia? Is this something that's kind of a long-standing practice? And does the Kremlin view this policy as being successful, that they've now gotten rid of this problem and it's someone else's problem? And what impact does this policy have on global terrorist movements and on our interests?

Dr. CARPENTER. Well, I don't think, Congressman, it's a concerted policy that is written down anywhere. I think a lot of Russian counterterrorism policy is very short term in terms of its thinking. I think the motivation for this was hosting a giant international event with close proximity to the North Caucasus and wanting to solve the problem very quickly in the runup to that event.

And we saw massive, by the way, air campaigns as well targeting villages in the North Caucasus right up until the opening ceremonies. And so Russia was really focused on sort of cleaning out that problem, so to speak, in those few months before the Olympics. Perhaps realizing some of the possible implications, but more likely kicking the can down the road.

Now, I wouldn't say that this is an across-the-board policy that they would implement in every circumstance. And I don't even know that it was written down. We do know that there's extensive anecdotal and reporting evidence that suggests that this was systematic in terms of helping folks that would have—should have tripped various tripwires in terms of their possible belonging to extremist organizations, or having extremist views, being given passports and even potentially having their travel subsidized to leave the Russian Federation. So it was a policy then. Whether it continues, it's hard to say. Again, I don't think it's formal. But it was systematic in that—in that period of 2013–2014 for sure.

Mr. HUDSON. Appreciate that.

Dr. Omelicheva, what lessons did the Kremlin learn from previous terrorist attacks in Russia, such as the 1999 apartment bombings in Moscow and other cities, 2002 Moscow theater hostage crisis, the 2004 Beslan hostage crisis? How has the Kremlin sought to apply those lessons?

Dr. OMELICHEVA. So both the Dubrovka Theater crisis of 2002, and of course September 1st crisis in Beslan in 2004, are known as 9/11 in Russia. And for those of you who are not familiar with, you know, the atrocities, in the first instance in the hostage-taking crisis in the Dubrovka Theater in October 2002, the terrorists took 800 theater viewers in the audience hostages. And as a result of the rescue operation, over 130 of them died.

In the case of Beslan, the terrorists took 1,100 hostages, mostly children. And then as a result of a rescue operation, which was provoked by a couple of explosions, as you may recall, one of those explosions broke a roof in the building that killed a lot of hostages to begin with. And it was interpreted as a kind of full signal for fleeing. The operation was complicated by the presence of the locals. Many of them were armed, and all of them had one or more hostages in the school. So there was a lot of, you know, firing that was not done by the special operation forces, which were practicing

the retaking of the school close by, outside of the town itself. But as a result of this operation, we had 300-plus people died, mostly children.

And there was even lesson between 2002 and 2004. So in 2002, many analysts blamed the government for acting too soon. But I think the government was also informed by the way the Yeltsin government prior responded to a number of hostage-taking operations in 1995 and 1996—Kizlyar, Budyonnovsk, other places that also resulted in lots of casualties. But the president interfered, top officials interfered in those rescue operations. And in the end, the government acquiesced in, during the negotiations, letting the terrorists go. And as a result, these same fighters later on committed other types of terrorist attacks.

So those experiences informed the Russian Government's responses to 2002 and 2004 incidents, in that President Putin and other top officials, they did not interfere, letting other counterterrorism specialists to be in charge. But in 2002, during the Dubrovka Theater terrorist attack, the special forces acted prematurely. Many believe that they did not exhaust all of the non-punitive, nonmilitary means during the negotiations with terrorism.

What the government learned was that in both instances that they need to be able to secure the perimeter of the counterterrorism operation, because in both instances—in one, media interfered with the government's ability to act secretly, because some of the hostages shared information about government action with the media, and it was broadcasted, and the terrorists learned about some of the actions and acted in anticipation of those. In the second instance, in 2004, you know, the participation of locals armed with light weapons also interfered with the success of the operation.

So the key lesson that the government learned was that they have to have sufficient force to secure the perimeter of the counterterrorism operation, that they need to be able to constrain the freedom of movement, the freedom of mass media, and other types of freedom. And I mentioned that 2006 law on Counteractions for Terrorism that integrated all of these lessons, providing legal basis for this counterterrorism operation mandate, you know, counterterrorism headquarters, and all of the constraints that can be imposed on the freedom of movement, the freedom of media, and many others.

So with your permission, if I may, I had a couple of things to the previous speakers in response to your questions on fighters in Central Asia, as well as Russia's policy to help the militants from North Caucasus to leave Russia, if you're okay with that.

Mr. HUDSON. Sure.

Dr. OMELICHEVA. So you know, it is true that it was not Russia's policy, but it was very well thought out and orchestrated. This so-called green corridor was open as early as 2011 when, at that point, ISIL renewed its attacks in Iraq. This is when the first loads of militants from North Caucasus began departing the region, supported by the FSB agents buying them the tickets and whatnot. And it lasted all the way through 2014 or 2015, when the green corridor was closed, but the Russians kept the list of those who de-

parted. And the Center for International and Strategic Studies evaluates that the number of those who left from Russia to Turkey can be as high as 11,000 individuals. And at least 6,000 of those made their way to Syria.

I do want to, you know, acknowledge how broad our understanding of foreign fighter is. That, you know, some of those foreign fighters are, indeed, the religious zealots who go to foreign countries to fight for religious ideals. But there are also many of those who are religiously ignorant, and they just kind of buy out of the religious ideology of violence because they are desperate, because they don't have any other way out. And when they go there, especially if they are assisted by, you know, the FSB, they become quickly disillusioned and would like to return.

And there is a very large category of those who are forced to leave, or they are deceived or trafficked. You know, some of my research looks at terrorism and human trafficking. And there are a lot of people who are trafficked based on deception, or they are forced to live as wives, brides-to-be, or relatives of the fighters. So by different estimates right now, we have 700 or so Russian citizens, women and children, in prisons in Iraq. And so some of the things that Russian Government has been trying to figure out what to do with, how to repatriate children, because up until 2017 Vladimir Putin and Kadyrov, the infamous ruler of Chechnya, they tried to bring in both the mothers and the children.

Their fortunes varied. You know, the Dagestan courts imprisoned many of those. The Chechen courts, they kept them out of prison and did some—put some effort into repatriating them into the local communities—

Mr. HUDSON. Well, if I could ask you, of those 700 imprisoned in Iraq, do they pose a terrorist threat or are they victims? Or both?

Dr. OMELICHEVA. So the Russian intelligence—so the reason the Russian intelligence stopped repatriating women because there was suspicions raised that at least some of them may pose a threat. So I would say—and this is the danger, because we cannot establish motivation with certainty. And many of them are trained to say, you know, what the law enforcement officials want to hear. But the Russians stopped bringing the women back. But they continue trying to repatriate the children.

But, because, again, of these complexity, and so many categories that exist out there under the umbrella of foreign fighters, I think caution has to be used, but we also need to be aware that those children are not going to go anywhere, and we should worry about who are they going to become, and kind of that forward-looking focus, especially on the children who probably know nothing but, you know, the war and violence.

Mr. HUDSON. All right. Well, I appreciate those thoughts, and I can tell you, today has been really illuminating for me. I really appreciate the perspective. One of the things that struck me early was civil society—the reason Russia is against it is because they see it as Western influence. I'd never quite made that connection.

Ms. Denber, you were talking about inconvenient people—you know, that's sort of the view of terrorism. Counterterrorism is inconvenient people—that was—I really appreciate that.

And obviously, Dr. Carpenter, you know, this concept that Russia approaches CT as a counterintelligence exercise and they sort of see it through that lens, those are all just a few of the things that were very illuminating to me today. And I really appreciate you taking the time, appreciate your written testimonies as well, which we've all studied.

This is important work. And you are informing us and helping us at the OSCE to do a better job from this perspective in dealing with Russia on the counterterrorism issue. And certainly being on the ad hoc Committee on Counterterrorism as a vice chair, this is really helpful to me.

So thank you for your time today. Thank you for your excellent testimony. And with that, we will adjourn. [Sounds gavel.]  
[Whereupon, at 11:51 a.m., the hearing ended.]



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## **A P P E N D I X**

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## PREPARED STATEMENTS

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PREPARED STATEMENT OF HON. RICHARD HUDSON, COMMISSIONER,  
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

On behalf of Chairman Alcee Hastings and Co-Chairman Roger Wicker, I'd like to call this hearing of the U.S. Helsinki Commission to order.

Let me thank the distinguished panelists who have agreed to join us to offer their expertise and help inform our work. I will introduce them in a moment, but before I do, I will offer a few thoughts on the topic of this hearing.

We convened this hearing to examine the Kremlin's counterterrorism policies and practices. We want to better understand what those practices are; how they developed over time; whether they are effective; and to what extent they dovetail, or not, with U.S. interests.

I want to offer a couple of illustrations of why it is so important that we maintain a clear sense of what Russian counter-terrorism practices do and do not offer:

The first reason is that Russia seeks to claim the mantle of leadership on this issue internationally.

I'd like to quote from the *Worldwide Threat Assessment of the U.S. Intelligence Community*, provided to Congress on January 29 of this year. That document includes the following passage:

“China and Russia are expanding cooperation with each other and through international bodies to shape global rules and standards to their benefit and present a counterweight to the United States and other Western countries . . .

Russia is working to consolidate the UN's counterterrorism structures under the UN Under Secretary General for Counterterrorism, who is Russian.

. . . Both countries probably will use the UN as a platform to emphasize sovereignty narratives that reflect their interests and redirect discussions away from human rights, democracy, and good governance.”

So I would ask the panelists: should we be comfortable with Russian leadership in this area? Does the Kremlin have so-called “best practices” to share?

A second reason we should care about Russia's counterterrorism practices is that Russia's actions in this space have impact far beyond Russia's borders.

As regional experts recently told a Helsinki Commission briefing, Russia's significant influence in Central Asia can be deeply problematic, through cooperation on repressive measures between security services or by the propagation of disinformation. In addition, as one panelist put it, “Russia is a particularly nefarious influence within the sphere of religious affairs across the region”—by painting peaceful religious groups with the label of “extremism” and repressing them ruthlessly, potentially furthering radicalization in the process.

I'm grateful to the panelists who are with us today, and I'd like to introduce them now.

We will first hear from Dr. Mariya Y. Omelicheva, Professor of Strategy at the United States National War College at the National Defense University. Dr. Omelicheva received her PhD from Purdue University, and also holds a JD in International Law from Moscow National Law Academy. She is the author of numerous well-received research articles and volumes related to our hearing today.

Next, we will hear from Rachel Denber, Deputy Director of the Europe and Central Asia Division at Human Rights Watch. Ms. Denber previously directed the Human Rights Watch's Moscow Office and has authored reports on a wide range of human rights issues throughout the region. Thank you for being with us in Washington for this hearing, Ms. Denber.

Finally, we will hear from Dr. Michael Carpenter, Senior Director, Penn Biden Center for Diplomacy and Global Engagement. Dr. Carpenter has worked these issues as a senior official in the prior administration, as former U.S. Deputy Assistant Secretary of Defense for Russia, and as a former National Security Council Director for Russia. This is not Dr. Carpenter's first appearance before the Helsinki Commission; and, I suspect, given the quality of his contributions, I suspect it is not the last time we will call on his expertise. Thank you for being here.

Lastly, I would like to thank Chairman Hastings for allowing me the opportunity to convene this hearing on behalf of the Commission.

As many of you know, as a member of the United States Helsinki Commission, I have focused my engagement in a number of areas, including combatting religious persecution and anti-Semitism, preventing human trafficking, and promoting economic cooperation and free speech.

As part of my role as a Helsinki Commissioner, I am regularly called upon to represent the United States at the OSCE Parliamentary Assembly, which facilitates inter-parliamentary dialogue among the 57 participating States.

This Assembly is a valuable forum where my Congressional colleagues and our counterparts from countries ranging from Canada to Russia get together to have frank discussions about the issues of the day and try to find common solutions that benefit all of our citizens.

In recent years, I have been really pleased to see that the Assembly been paying increasing attention to the issue of tackling terrorism.

In July 2017, the Assembly created an Ad Hoc Committee on Countering Terrorism. As Vice-Chair of that Committee, I am in regular dialogue with colleagues, including from Russia, on the very questions we will be examining today. And so I am particularly grateful for the information we will receive from our panelists.

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, RANKING  
MEMBER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. Hudson, thank you for the opportunity to say a few words. I would like to begin by thanking the Commission's Chairman, Alcee Hastings, for placing this important hearing on our calendar.

Mr. Hudson, I would also like to thank you for taking up the gavel for this particular hearing, as well as for your important engagement with the OSCE Parliamentary Assembly. Members of Congress have an important opportunity to shape international debate through our work with the Assembly. Your service as a Vice-Chair of the Parliamentary Assembly's Counter-Terrorism Committee is a great example of the impact we can and should be having through that important body.

In January 2018, the Senate Foreign Relations Committee staff released a report I had commissioned, titled "Putin's Asymmetrical Assault on Democracy in Russia and Europe: Implications for U.S. National Security."

Among its many findings, that report outlined how Vladimir Putin gained and solidified power by exploiting fears of terrorism, empowering the State security services and employing them to consolidate his hold on the levers of political, social, and economic power.

Our report showed how Putin's manipulation of this threat began even in his earliest days at the summit of Russian politics. In 1999, Putin had been installed as prime minister, but his ascension to the presidency of Russia to succeed Boris Yeltsin was anything but certain. Then, in September, several bombs tragically killed hundreds of people as they slept in their apartments in Moscow and other Russian cities. Despite the absence of any evidence linking the bombings to Chechen terrorists, Putin seized this opportunity to launch a brutal war in Chechnya; his popularity soared, assuring his election as President.

Putin has also used counter-terrorism as a pretext to centralize institutional power in Moscow. For instance, in 2004, claiming a supposed need for "national cohesion" after the horrific Beslan terrorist attack at a school in North Ossetia, he dispensed with the election of regional Governors by popular vote; they would be centrally appointed instead.

Finally, the SFRC report underscored how counterterrorism has been used to pressure groups and individuals throughout society whose views Putin might find distasteful.

Criminal prosecutions under the flimsiest of counter-terrorism charges have been used to silence activists and Kremlin critics.

For example, in August 2015, Oleg Sentsov, a Ukrainian filmmaker, was convicted of a range of terrorism-related charges and sentenced to 20 years imprisonment. His offense? Peacefully protesting against the illegal and unrecognized Russian annexation of his native land.

In December 2016, blogger Alexey Kungurov was convicted of inciting terrorism after criticizing Russian military actions in Syria. He was sentenced to 2 years in a penal colony.

The religious sector has not been spared this deliberate malpractice: the 2016 "Yarovaya" package of counterterrorism laws, for

example, imposed cumbersome registration processes and administrative constraints, restrictions on proselytizing, and expanded surveillance on non-Russian Orthodox religious entities.

Mr. Chairman, the above examples testify to the misuse of the counterterrorism effort by the Putin regime at home.

I could also go on at some length about the international engagements by the Kremlin that cause me equally great concern: from the serial violations of human rights by Russian forces in Ukraine to the Kremlin's direct support for the regime in Syria which is targeting civilians with chemical weapons; from military invasions of Georgia and Ukraine to the assassinations of political enemies both at home and abroad. These are simply not the actions of a trustworthy partner with whom we share a common vision.

Mr. Chairman, without a doubt, addressing the challenge of terrorism in our societies will require deep and sustained international cooperation to address effectively. However, the Putin regime's troubling track record on what it calls "counterterrorism" undercuts any claim the Kremlin might make on international leadership in this area. And it means that any engagement by our government with the Kremlin on this issue must be undertaken with clear eyes and firm convictions.

Thank you, Mr. Chairman, and thank you to all of our witnesses for being here today.

## PREPARED STATEMENT OF DR. MARIA Y. OMELICHEVA

**Russia's Counterproductive Counter-Terrorism**

An Overview and Assessment of Trends in Russia's Counterterrorism Policy and Moscow's Efforts to Promote It Internationally

Testimony of Dr. Mariya Y. Omelicheva<sup>1</sup>  
Before the U.S. Helsinki Commission  
12 June 2019

In the decade that followed the 9/11 attacks on the United States, Russia became one of the top ten countries most afflicted by terrorism. The Russian government diverted considerable public resources to counterterrorism efforts and invested lavishly in counterterrorism cooperation with the neighboring states. Despite the Kremlin's frequent tributes to Russia's security and military forces for keeping Russian citizens safe from terrorism, the Russian counterterrorism measures have been clouded by a mixed record of dubious accomplishments and glaring contradictions.

Two trends, in particular, have been characteristic of Russia's counterterrorism policy. First, the Russian government has always favored military-style operations as a tactic of counterterrorism. These extreme measures, however, have done little to address the underlying factors of violent radicalization. On the contrary, the indiscriminate use of force and flagrant disregard for individual freedoms have contributed to individuals' radicalization and bolstered the terrorist propaganda appealing to the Russian government's crimes as a justification for new violent attacks.

Second, the Russian government has instrumentalized counterterrorism for achieving various auxiliary benefits for the ruling administration. Domestically, the Russian President Vladimir Putin has built its legitimacy and mandate of power on claims of stability and security for the Russian population. In Central Asia, Moscow has used the banner of counterterrorism policy for reasserting its regional domination. Internationally, high-profile counterterrorism efforts have helped Russia to establish itself as a more prominent global player capable of frustrating the US efforts. The superficial and cosmetic gains made by Russia in geopolitics and counterterrorism have come at the expense of practical and sustainable outcomes in domestic, regional, and global affairs.<sup>2</sup>

In the remainder of this testimony, I provide a brief historical overview of Russia's policies against terrorism highlighting the primacy of the heavy-handed responses and politicization of

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<sup>1</sup> The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of the National Defense University or the U.S. Department of Defense.

<sup>2</sup> Mariya Y. Omelicheva, "Russia's Regional and Global Counterterrorism Strategies: How Moscow's Vision of the New Global Order Affects its Approach to Terrorism", in *Routledge Handbook of Russian Security Studies*, edited by Roger Kanet (Routledge, 2019), pp. 266-276.

counterterrorism as the two factors that have limited the effectiveness of the Russian counterterrorism responses. I assess Moscow's efforts to promote its counterterrorism approach through regional institutions under the Russian leadership and more broadly through the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE). I end with the assessment of implications and consequences of Russia's counterterrorism policy for U.S. counterterrorism efforts. The primary conclusions that follow from this report are that Russia's counterterrorism policy raises many concerns about its viability as a partner in counterterrorism. Russia's political goals and associated measures unrelated to the fight against terrorism have complicated the overall efforts to fight terrorism worldwide.

#### **Russia's Policies Against Terrorism and Extremism: Historical Evolution and Assessment of Effectiveness**

Russia's counterterrorism policies have been shaped by the Kremlin's experiences with fighting the Chechen nationalist resistance and countering Islamist insurgencies in other republics of the North Caucasus, particularly, Ingushetia and Dagestan. Faced with the threat of ethno-national disintegration, the first Russian government led by President Boris Yeltsin waged a brutal and disastrous war in Chechnya (1994-96), which primary purpose was to preserve the integrity of the Russian state. Russia's poorly trained and demoralized troops waged this war using overwhelming manpower, weaponry, and air offensives in their indiscriminate attacks on the Chechen villages and towns, in addition to committing a long list of breaches of the humanitarian law.

The troops of Russia's Defense and Interior Ministries continued to be at the forefront of the second Chechen war (1999-2009), rebranded as a counterterrorism campaign. Russia's military was assisted by the secret service task teams assembled for liquidating terrorists and insurgents. The use of the military in counterterrorism, although quite common in Russia's practice, was only legalized in 2006 with the passage of a law "On Counteraction to Terrorism," which further expanded the participation of combat forces in counterterrorism missions in Russia and abroad. The new law also allowed for the establishment of a special regime of counterterrorism operation, which grants enormous surveillance powers to the regime and effectively strips individuals of many rights and judicial protections. The military strategies quickly expanded outside the Chechen republic, the initial site of a counterterrorism operation, and the presence of Russia's combat troops in the North Caucasus substantially increased.<sup>3</sup>

In 2007, the Chechen rebel leader, Doku Umarov (known as Russia's "Osama bin Laden"), announced the creation of the Caucasus Emirate that united multiple regional militant organizations and signified the expansion of Islamic resistance to the broader North Caucasus. Despite the spread of Islamist insurgency, the Russian government announced the end of the counterterrorism operation in 2009. Yet, the following year marked the highest number of terrorist attacks in Russia's modern history. The heightened terrorist activity in the North

<sup>3</sup> Mariya Y. Omelicheva, "Russia's Counterterrorism Policy: Variations on an Imperial Theme", in *The Palgrave Handbook of Global Counterterrorism Policy*, edited by Scott Romaniuk, et. al. (Palgrave, 2017), pp. 515-534.

Caucasus amplified international concerns expressed at the 119<sup>th</sup> Session of the International Olympics Committee that selected Russia's Sochi as the site for the 2014 Winter Olympic Games. Major international sporting events have always served as convenient "soft" targets for terrorists, and the leadership of the Caucasus Emirate made their intentions clear calling on the followers to "use maximum force" to disrupt the Olympics.<sup>4</sup> With Russia's international reputation and Vladimir Putin's personal standing at stake, the Kremlin redoubled its "preventive" hardline measures to ensure the safety of the Winter Olympics. While the all-out military operations were reduced, Russia's Federal Security Service (FSB) engaged in an extensive terrorist leadership decapitation campaign that liquidated many Caucasus Emirate's commanders. The special forces and security agents engaged in the mop-up operations, including the door-to-door searches of neighborhoods and towns in the North Caucasus to identify and neutralize suspected insurgents and terrorists.<sup>5</sup> These mop-up operations involved arrests of hundreds of non-violent religious activists and relatives of alleged jihadists.

With the emergence of the Islamic State of Iraq, which launched a new offensive in Iraq in 2012-2013, Russia's secret service became implicated in an unprecedented campaign of assisting the Russian militants from the North Caucasus in leaving Russia for Iraq and, later, Syria. While experts' estimates vary, a report by the Center for Strategic and International Studies concluded that over 10,000 radicalized individuals left the North Caucasus before the 2014 Olympics and at least 6,000 of them made their way to Iraq and Syria.<sup>6</sup> While the FSB strategy seemed to achieve its desired end – no terrorist attack took place at the Sochi Olympics – the counterterrorism tactics that Russia employed in advance of the Olympic games changed the dynamics of militancy and terrorism in Russia and the landscape of the global jihadist movement. The prospects of the battle-hardened militants returning to Russia to pursue their jihadist cause by violent means have become a major concern for the Russian regime. Although the Caucasus Emirate was fragmented and fractured, not least due to the defection of a number of its senior leaders to ISIS, multiple jihadist cells autonomous from the Caucasus Emirate popped up in different parts of Russia.

To be sure, the Russian government understands that the use of force alone cannot defeat terrorism. Subsequently, Moscow's authorities have supplemented repressive tactics with limited concessions to local authorities and socio-economic measures. In Chechnya, for example, the Kremlin developed a strategy, which included the fracturing of local elites and co-opting those who were willing to work with the central government. On one hand, this strategy

<sup>4</sup> Thomas Grove, "Islamist Rebel Vows 'Maximum Force' To Stop Sochi Olympics," Reuters, July 3, 2013. Available at: <https://www.reuters.com/article/us-russia-olympics-militants/islamist-rebel-vows-maximum-force-to-stop-sochi-olympics-idUSBRE96207T20130703> (accessed 6 June 2018).

<sup>5</sup> International Crisis Group, "The North Caucasus Insurgency and Syria: An Exported Jihad?" ICG Europe report N. 238, 16 March 2016. Available at <https://d2071andvip0wi.cloudfront.net/238-the-north-caucasus-insurgency-and-syria-an-exported-jihad.pdf> (accessed 6 June 2018).

<sup>6</sup> Center for Strategic and International Studies, "Russian-Speaking Foreign Fighters in Iraq and Syria: Assessing the Threat from (and to) Russia and Central Asia," CSIS Transnational Threats Situation Report Series, December 2017. Available at: <https://www.csis.org/analysis/russian-speaking-foreign-fighters-iraq-and-syria> (accessed 6 June 2018).

deprived the population of leadership basis for mobilizing for future insurgency and created alternative seats of authority speaking on behalf of Islam. On the other hand, the strategy entrenched the power of the Kadyrov clan and changed the conflict into an internal strife between the rival Chechen factions.<sup>7</sup> Importantly, the strategy created dependency of the Kremlin on local rulers who promise stability in their republics and subordination to the federal center in exchange for immunity for power abuses. Billions of dollars invested into various socio-economic development schemes and infrastructure projects in the North Caucasus were lost to local corruption. Subsequently, Russia's socio-economic initiatives were compromised from the start by pervasive inefficiencies in the implementation of the government programs and graft.<sup>8</sup>

#### **The Global and Regional Dimensions of Russia's Counterterrorism Policy**

The global and regional dimensions of Russia's counterterrorism policy developed concurrently with its domestic counterterrorism efforts and were part of the Russian government's military and security policy. Upon ascending to power in 2000, Putin insisted on the operational ties of the Chechen fighters with Al Qaeda and presented Russia's counterterrorism operation in Chechnya as part of the international war against terrorism. He repeatedly raised alarm over the linkages between the militant and criminal groups in Afghanistan and Eurasia and those in Europe and other parts of the world.

Central Asia became the primary theatre of Russia's regional counterterrorism efforts. Since 1999, the Russian authorities have poured out warnings about the imminent threat of Islamist insurgency powered by the Afghan opioids in these Muslim-majority countries. To address these threats, the Russian leadership spearheaded the adoption of a series of regional policies and joint measures for combating international terrorism in the region. These included the creation of the Anti-Terrorist Centre (ATC) of the Commonwealth of Independent States (CIS) in 2000 with a structural subdivision in Bishkek, Kyrgyzstan, and the Regional Anti-Terrorism Structure (RATS) of the Shanghai Cooperation Organizations (SCO) established in 2004 in Tashkent, Uzbekistan. In 2001, Russia launched the Central Asian Regional Collective Rapid Deployment Force staged at the Kant military base in Kyrgyzstan and the 201<sup>st</sup> Military Base in Tajikistan. In 2009, Moscow stood up a more powerful and mobile Collective Rapid Reaction Force, a joint combined arms task force consisting of independent military units from the member-states of the Collective Security Treaty Organization (CSTO). The main purpose of the Collective Rapid Reaction Force was to fight terrorism and drug trafficking, and counter a limited military aggression against the CSTO members.<sup>9</sup>

The establishment of the Islamic State of Iraq and the Levant in the occupied parts of Syria and Iraq in 2014 elevated the threat of transnational terrorism for the Kremlin. Using the pretext of

<sup>7</sup> Younkoo Kim and Stephen Blank, "Insurgency and Counterinsurgency in Russia: Contending Paradigms and Current Perspectives," *Studies in Conflict & Terrorism* 36.11(2013): 917-932.

<sup>8</sup> Ibid.

<sup>9</sup> Mariya Y. Omelicheva, *Counterterrorism Policies in Central Asia* (Routledge, 2011).

combating the terrorist threat in Syria, Russia launched a military intervention in the Syrian civil war in September 2015, the first military operation in Moscow's post-Soviet history carried out outside of Eurasia. President Putin used various international forums to emphasize the counterterrorism purpose of Russia's air strikes in Syria and expressed interest in forging an international coalition for defeating terrorist threats in the Middle East.<sup>10</sup>

Russia's regional and global counterterrorism efforts have also predominantly relied on the military *modus operandi*. Whether in Central Asia, Syria, or other parts of the world, Russia's actions have been limited to military force and threats of force.<sup>11</sup> Joint counterterrorism operations and security drills held under the auspices of the CSTO and SCO have become a regular feature of Russia-Central Asia counterterrorism cooperation.<sup>12</sup> In Syria, the singular focus of the military campaign has been the physical liquidation of the insurgents and purported terrorists.

This singular military-centred focus of Russia's counterterrorism has had limited effects in its domestic and international counterterrorism operations. Domestically, the brutality of the Russian military response to the Chechen insurrection was precisely the reason for the emergence of the jihadi elements. The use of force and simplistic military-bureaucratic solutions employed in the second Chechen war contributed to the transformation of the localized struggles into a region-wide religious war and a theater of operations in the global Islamist jihad. In Central Asia, Russia's counterterrorism initiatives designed to prevent the spill-over of Islamist insurgency from Afghanistan to Central Asia has diverted attention from the chief causes of anti-state violence in the region. Russia's airstrikes in Syria and the backing of the repressive regime of Bashar Al-Assad have also contributed to radicalization of the Syrian population.

#### **Russia's Efforts to Promote Its Counterterrorism Approach Internationally**

Russia's heavily securitized counterterrorism measures and agenda have profoundly affected counterterrorism strategies of the neighboring republics and had a bearing on counterterrorism policies of a number of regional and global institutions that the Kremlin has used for pursuing its political aims. Russia-led regional organizations – CIS, CSTO, and SCO – now share a gloomier worldview stressing the growing threat of terrorism and Islamist insurgency. They embrace a punitive approach to fighting terrorism as can be evidenced in the lack of emphasis placed on the countering violent extremism measures and prioritization of joint security drills and counterterrorism exercises held under the auspices of the CSTO and SCO. As a consequence of this security cooperation, the counterterrorism policies as well as the structure and authority of counterterrorism institutions established by the member-states of CSTO bear a clear sign of

<sup>10</sup> Pavel Baev, "From Chechnya to Syria: The Evolution of Russia's Counter-Terrorist Policy", Notes de L'Ifri: Russie.Nei.Visions, 107, 2018, pp. 1–32.

<sup>11</sup> For instance, in Georgia, Russia threatened a military intervention in pursuit of the Chechen rebels in 2002. More recently in Ukraine, Moscow deployed its special operations forces in Crimea purportedly to prevent the recruitment of Crimeans for terrorist networks and possible attacks on the Russian population.

<sup>12</sup> Omelicheva, 2011.

Russia's influence. Security forces of these states, for example, play a major role in combating terrorism. The punitive aspects of the fight against terrorism constitute the core of their counterterrorism programs. The member-states of CSTO and SCO share the databases of terrorist and extremist organizations and the leaders and rank-and-file members of terrorist groups. The stated reason for creating these rosters of terrorist and extremist suspects is to facilitate information exchange between security agencies of the member-states. There is, however, a risk that the participating governments add the names of their political opponents to these "watch lists" and use these terrorist rosters for prosecuting individuals perceived as threats by the governing regimes.

Following the 9/11 attacks, the Russian government expressed interest in forging a counterterrorism partnership with the West. Yet, in the decade that followed, considerable differences in the Russian and Western counterterrorism practices, disagreements over the issues of good governance and mutual distrust stood in the way of practical counterterrorism cooperation between Russia and the West. Subsequently, Russia began seeking greater influence within the counterterrorism entities of the United Nations in an effort to shape global counterterrorism agenda. These efforts culminated in the institution of a UN Counterterrorism Office in June 2018 and the appointment of Vladimir Voronkov of the Russian Federation as the first Under-Secretary-General for this new agency. As a Head of the UN Counterterrorism Office, Mr. Voronkov received a broad mandate to provide strategic leadership for the complex counterterrorism architecture within the UN with the aim of strengthening coordination and improving efficiency of the UN counterterrorism system.<sup>13</sup>

While the UN Counterterrorism Office and the Under-Secretary General are supposed to be politically neutral, the critics of the new agency and its head have warned about possible Russia's influence on the institution. Russia's efforts may compel the UN to take a tougher line on fighting terrorism while undercutting human rights protections. Russia is among the largest donors of the UN Counterterrorism Office. The Kremlin contributed \$2 million in 2018 and promised to allocate \$500,000 to the new agency each year thereafter.<sup>14</sup> This is a non-trivial level of support for an organization that depends on the member-states' donations. Meanwhile, the US withdrew its \$2 million pledge for the new agency in response to Mr. Voronkov's decision to close parts of the inaugural conference for the UN Counterterrorism Office to non-governmental groups.<sup>15</sup> This early decision by the Under-Secretary General demonstrates important differences in the Russian and US views on the counterterrorism

<sup>13</sup> United Nations Secretary-General, "Secretary-General Appoints Vladimir Ivanovich Voronkov of Russian Federation Under-Secretary-General, United Nations Counter-Terrorism Office," SG/A/1741-BIO/4976, 21 June 2017. Available at: <https://www.un.org/press/en/2017/sga1741.doc.htm>.

<sup>14</sup> Statement by Mr. Alexander Lukashevich, Permanent Representative of the Russian Federation, at the 1196<sup>th</sup> Meeting of the OSCE Permanent Council, 4 October 2018. Available at: <https://www.osce.org/permanent-council/399548?download=true>

<sup>15</sup> Michelle Nichols, "U.S. Pulls Funding for U.N. Counterterrorism Office Headed by Russian," Reuters 27 June 2018, Available at: <https://www.reuters.com/article/us-un-extremists-usa/u-s-pulls-funding-for-u-n-counterterrorism-office-headed-by-russian-idUSKBN1JNOEB>

intelligence sharing and, probably, reflect Russia's deep-seated distrust of the Western civil society groups perceived as the harbingers of the Western democratic agendas.

Russia's impact on the international counterterrorism efforts can be felt in two additional areas encompassing preventive measures to counter terrorism and extremism and the regulation of the virtual space to suppress the spread of terrorist ideology. Countering the root causes of terrorism and enacting preventive measures are among the key priorities of the new UN Counterterrorism Office. So far, most of the new agency's efforts have concentrated on developing the member states' capacity for detection and suppression of terrorist acts and curbing the flow of foreign fighters rather than developing and implementing measures for countering violent extremism (CVE). Notably, Russia supported the UN Global Counterterrorism agenda (2018) but blocked a UN plan of actions for preventing violent extremism adopted by the UN General Assembly in 2016 and backed by the US and European countries. According to the Russian government, the CVE efforts erode the traditional tasks of counterterrorism and open a possibility for Western countries to interfere in the internal affairs of sovereign states. Russia's limited CVE work at home has focused on enforcement mechanisms and programs implemented by the governmental agencies. The Russian government has refused to engage with independent non-governmental groups in the CVE initiatives and avoided the CVE measures in its efforts to promote regional and international counterterrorism cooperation. Whether or not the new UN Counterterrorism Office will foreground the CVE and preventive measures in the UN counterterrorism and counter-extremism programs is yet to be seen. In October 2018, the U.S. Mission to the OSCE lamented the lack of emphasis on the CVE in the UN Counterterrorism Office, particularly, its neglect to emphasize the implementation of the UN plan for preventing violent extremism in its work.<sup>16</sup>

The circumvention of human rights and media freedom in the name of combating terrorism has been another sticky point in Russia's relations with the Western regional organizations, including the EU and OSCE: According to the OSCE, the promotion of human rights and the rule of law should constitute a pillar of the global counterterrorism strategy. Individual rights should also be protected online. That is why the OSCE has advocated that the UN refrain from supporting Internet censorship as part of counterterrorism efforts. While Russia's official rhetoric emphasizes the rule of law as a principle of global and national counterterrorism efforts, Moscow's view of the norms of international law is limited to the resolutions of the Security Council and principles of respect for the sovereignty and equality of states and non-interference in their internal affairs. In the UN, Russia has advocated for counterterrorism initiatives to contain the spread of the terrorist ideology through the regulation of the virtual space, while the OSCE supported by the US and other Western partners has advocated for Internet freedom and the use of online counter-messaging.

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<sup>16</sup> Response to the Address by the Under-Secretary-General of the United Nations Counter Terrorism Office, Mr. Vladimir Voronkov, as delivered by Charge d'Affaires Gregory Macris to the Permanent Council, Vienna, 4 October 2018, Available at: <https://osce.usmission.gov/response-to-vladimir-voronkov-un-counter-terrorism-office-under-secretary-general/>.

### Implications and Consequences of Russia's Practices for the United States Interests

The United States and Russia share an interest in preventing the growth of terrorist groups and disrupting their operations. However, the Kremlin's regional and global counterterrorism policies have jeopardized one of these remaining avenues for meaningful cooperation between Russia and the West. Russia has avowed to defeat global forces of terrorism. Yet, in Syria Moscow collaborated with Iran-sponsored Shia militias and Hezbollah, while in Afghanistan it forged ties with the Taliban.<sup>17</sup> It called on the Western partners to engage in global counterterrorism operations, while it has been unforthcoming on the money flows in and out of Russia that is central to interdiction of financial assistance to terrorism. The inconsistencies and contradictions within Russia's counterterrorism approach make Moscow an untrustworthy partner for the US, despite the shared interest in combating terrorism. The Russian and American counterterrorism practices diverge over a range of issues ranging from approaches to governance and human rights to the use of the military in kinetic operations. Geopolitical considerations have further decreased the likelihood that the US and Russia can deconflict their policies of combating terrorism.

In Washington, national security priorities have recently shifted from combating terrorism to great power competition. The American retrenchment from the many volatile areas of the world conducive to political instability and the emergence of terrorist heavens have opened up the space for actors like Russia to fill in. In Central Asia, for example, the UN and OSCE have been pursuing a series of CVE programs to address the sources of radicalization that are often rooted in the local problems. These are the issues that Russia is unwilling and disinterested to address. It is not that the Russian leadership does not take the risk of transnational terrorism seriously. Russia's National Security Concept of 2015 names the threat of international terrorism among the top threats to state and public safety, second only to the threat of subversive activities by foreign actors. However, the Kremlin places regional influence and counteraction of the American hegemony as a greater priority than fighting terrorism. It is easier to maintain geopolitical loyalty of weaker states threatened with political instability and dependent on Russia. As a result, it is in Russia's interest to ignore the states' internal dynamics conducive to political instability and terrorism. Not only have Russia's counterterrorism efforts in the region failed to effectively address the problems of radicalization, drug trafficking and terrorism, the Kremlin has invested resources into institutions and programs that strengthen the coercive mechanisms of the governing administrations.

In these circumstances, the US engagement with the Central Asian republics or the institutions offering development and CVE assistance to them, such as the UN and OSCE, is particularly important. Rather than increasing general security assistance that the US has long provided to the region in recognition of the Central Asian republics' support for American efforts in Afghanistan, Washington should pursue limited counterterrorism assistance. This assistance needs to be focused on border security intelligence, physical capacity enhancements and personnel training, coupled with increased funding for CVE and civil society building. The latter

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<sup>17</sup> Baev 2018

should include programs and initiatives aimed at skill training and information literacy of the Central Asian labor migrants before they depart the region for Russia. The Central Asians constitute the third largest category of the foreign fighters and the majority of them are radicalized in Russia.<sup>18</sup> Since the U.S. Agency for International Development was banned in Russia, the work that it would have carried out with the labor migrants in the Russian Federation should be undertaken in the Central Asian states. The immediate results of these measures will not be immediately visible, but the long-term benefits exceed the costs of these programs. In addition, for the CVE and socio-economic and political programs to be effective in the face of the likely Central Asian governments' resistance, they will need to be reinforced by the firm, if flexible, pressure by the senior leaders from the U.S.<sup>19</sup>

Not engaging with Russia on counterterrorism would also be counterproductive, if not detrimental, for American counterterrorism efforts. Russia's presence in Syria and Afghanistan necessitates basic counterterrorism collaboration. This collaboration must be rooted in an agreed upon principles for sharing intelligence information, military-to-military coordination, and the selection of targets. The US should call on the Russian leadership to agree to the minimal principles concerning the mitigation of collateral damage during the kinetic operations and the prohibition of collective punishments and other personal integrity rights' violations as the tactics of counterterrorism that undermine its very intent. The US should continue supporting the global and regional institutions promoting CVE measures and work with the UN Counterterrorism Office directly or through the OSCE. This engagement should seek building synergies between the OSCE and the UN Counterterrorism Office with the goal of promoting rule of law-compliant responses to terrorism and CVE while engaging civil society and protecting individual freedoms.

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<sup>18</sup> Edward Lemon, Ver Mironova, and William Tobey, "Jihadists from Ex-Soviet Central Asia: Where Are They? Why Did They Radicalize? What Next?" *Russia Matters*, 7 December 2018. Available at: <https://www.russiamatters.org/analysis/jihadists-ex-soviet-central-asia-where-are-they-why-did-they-radicalize-what-next>

<sup>19</sup> Thomas F. Lynch III, Michael Bouffard, Kelsey King, and Graham Vickowski, "The Return of Foreign Fighters to Central Asia: Implications for U.S. Counterterrorism," *Institute for National Strategic Studies, Strategic Perspective No. 21* (Washington, D.C.: National Defense University, 2016). Available at: <https://ndupress.ndu.edu/Portals/68/Documents/stratperspective/inss/Strategic-Perspectives-21.pdf>

PREPARED STATEMENT OF RACHEL DENBER



**Testimony before the Commission on Security and Cooperation in Europe**

**U.S. HELSINKI COMMISSION HEARING  
TO EXAMINE RUSSIA'S APPROACH TO COUNTERTERRORISM**

June 12, 2019

Rachel Denber, Europe and Central Asia Deputy Director, Human Rights Watch

Mr. Hudson, thank you very much for inviting me to testify before the subcommittee on this important issue of Russia's approach to counterterrorism and counterextremism.

My remarks today focus on Russia's counterextremism and counterterrorism policies and practices. I will talk about how a number of laws designed to counter violent extremism and terrorism use vague and expansive definitions that not only run counter to human rights norms but facilitate serious human rights violations.

I will briefly outline these laws. It is important to note that while Russian authorities have used these laws and practices for legitimate purposes, they have also used them and other measures to target individuals and organizations who pose no actual threat and are simply viewed as politically inconvenient for the authorities. I will provide some examples of how authorities have selectively enforced anti-extremism measures against nonviolent individuals who hold critical views of the government, conflating criticism of the government with violent extremism.

An important question is why Russian authorities have adopted and selectively enforced these elastic norms. There are several answers. One is that following the collapse of the Soviet Union, with the period of "color revolutions" and public uprisings elsewhere in the world, they wanted to have wide discretion to define threats broadly. Another is that once these legal tools came onto the books, authorities at the federal level and local level could not resist using them, along with other tools, to deal with critics and the like.

The main impact of these restrictive laws and their selective enforcement is that many Russians are increasingly unsure about the threshold of acceptable speech, and at the same time are increasingly anxious about the consequences of speaking up, especially online and on mobile applications.

Some of the misuses of Russia's counterextremism laws have made headlines because they are patently ridiculous. It is important to resist any temptation to caricature the situation. These laws are complex. Russia's law enforcement and security agencies have used them to fight real acts of armed extremism, and to crack down on violent hate crimes, including those committed by Russian nationalists. I strongly recommend that the commission study the data that SOVA Center for Information and Analysis, an independent Russian think, regularly gathers and publishes on this.

My recommendation is for US policymakers to be aware of Russia's overly broad definitions of terrorism and extremism, the abuses stemming from their application, and the ripple effect these laws have in countries in the region. Any potential collaboration that the US enters into with Russia on counterextremism and counterterrorism should not replicate or unwittingly support or promote the abusive aspects of the laws and practices I will describe. In this context it is important to note that Russia's laws on these and similar issues have served as templates for laws in other countries that are participants in the Organization for Security and Co-operation in Europe (OSCE). Kyrgyzstan's 2005 counterextremism law, for example, is largely modeled on Russia's, although it is even more severe. Counterextremism laws in Kazakhstan, Tajikistan, and Belarus, are also very similar, and in some cases are tougher. In some cases, these countries' laws are modeled on Russia's laws but there may be some practices that migrated from Central Asia to Russia.

Violations of human rights in the name of security are not only unlawful. They can also be counterproductive by alienating local populations and making them more vulnerable to overtures from armed extremist groups.

#### **I. Evolution of Russia's Counterextremism Laws and Practices**

No serious discussion about the problematic aspects of Russian counterextremism and counterterrorism policies can take place without reference to the work of Alexander Verkhovsky and his colleagues at SOVA, an independent Russian think tank. I owe a debt of gratitude to him for his insights for today's testimony. I strongly encourage the commission to invite Mr. Verkhovsky for further discussions on this issue.

Russia adopted its counter-extremism law in 2002. Before that, Russia had laws that criminalized hate speech and actions aimed at overthrowing the government.<sup>1</sup> The counter-extremism law the Duma adopted in 2002 was a framework law. In Alexander Verkhovsky's words "it the framework from which legal efforts to regulate speech and hate crimes draw." So when a number of further laws were eventually adopted that restrict speech and associations, they were adopted in the framework of this law, or were justified with reference to the need to fight extremism and terrorism.

The 2002 law's definition of extremism consisted of a long list of acts, ranging from violent overthrow of the government and committing terrorist violence, to sowing social, racial, religious, or ethnic "discord", insulting national dignity or promoting the superiority of a particular race, religion, language and the like. The law banned any public calls promoting these actions, and created the notion in law of "extremist materials" and extremist organizations, banned extremist organizations, public communications, mass distribution of "extremist" materials, and possession of such materials if the aim was to distribute them widely.

It set out a system of warnings that law enforcement officials were to make to individuals, organizations, and media outlets who, in their opinion, displayed aspects of "extremism."

In line with the new law, in 2002, parliament amended article 280 of the criminal code, which had banned overthrow of the government, to "public incitement to extremist activities," punishable by fines and prison terms. The same round of amendments introduced a new offense of "carrying out the activities of a banned extremist organization."

From 2002 through 2007, there were several amendments to the criminal code regarding "extremism."

One of the key moments for changes in counterextremism laws and measures came in 2007, with amendments to broaden the criminal code's definition of hate crimes to include political or ideological hatred or animosity or hatred based on membership of a particular social group. The amendments also added hate motive as an aggravating circumstance to approximately 10 offenses set out in the criminal code. Alexander Verkhovsky has commented that this made possible large-scale undertakings to counter violent hate crimes.

More significantly, 2007 saw the creation of the Center E, a special division of the police mandated to conduct surveillance and detective work on groups and individuals that might be "extremist."

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<sup>1</sup> Also, in 1996 hate motivation was added as an aggravating circumstance to murder.

A 2018 amendment to 282 partially softened the law, making a first “extremism” offense within a 12-month period, an administrative, rather than criminal, offense.

Russia’s counterextremism laws have come under scrutiny and criticism by intergovernmental human rights bodies of which Russia is a member. For example, the Council of Europe’s [Venice Commission reviewed Russia’s anti-extremism legislation](#) and stated that in its view, “the Extremism Law, on account of its broad and imprecise wording, particularly insofar as the “basic notions” defined by the Law - such as the definition of “extremism”, “extremist actions”, “extremist organisations” or “extremist materials” - are concerned, gives too wide discretion in its interpretation and application, thus leading to arbitrariness.” It also found that “the activities defined by the Law as extremist... do not all contain an element of violence and are not all defined with sufficient precision to allow an individual to regulate his or her conduct or the activities of an organisation so as to avoid the application of such measures.” The Venice Commission also concluded that “the Extremism Law has the capacity of imposing disproportionate restrictions of fundamental rights and freedoms as enshrined in the European Convention on Human Rights (in particular Articles 6, 9, 10 and 11) and infringe the principles of legality, necessity and proportionality.” The United Nations Human Rights Committee in 2011 stated that “such offences as... ‘justifying’ terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression.”

## II. Post- 2012: Counter-Extremism Grounds to Justify New, Repressive Laws

As members of this commission are aware, starting in 2012, the Russian government began a massive crackdown on civil society. The crackdown followed the 2011-2012 mass protests and Vladimir Putin’s return to the presidency in May 2012. The Kremlin rammed through parliament a raft of laws that severely curtailed freedom of assembly, introduced massive restrictions on the work of nongovernmental organizations (NGOs), and on free speech. More restrictive laws followed Russia’s occupation of Crimea and the war in eastern Ukraine.

Among the laws adopted between 2012 and the present are those allegedly adopted to counter violent extremism and terrorism, but that unjustifiably restrict privacy and free speech.

I would like to list what some of these laws do. I hope you will refer to the reports and other materials of Human Rights Watch and SOVA Center for further details. These laws:

- Create a unified registry of banned web material, including extremist material, and create a procedure for compelling internet providers and website hosts to block content that a court deem to be harmful to children, including extremist material;

- Allow authorities to block internet content without a court order if the content in it incites “extremist” actions or calls for unauthorized mass protests, riots, and the like;
- Require internet companies to store data on Russian citizens on servers in Russia;
- Require telecommunications companies to keep copies of communications for six months;
- Block or fine VPNs and internet anonymizers that provide access to blocked materials;
- Create new penalties for insulting religious feelings, calling for “separatism”;
- Criminalize “failure to report” crimes related to terrorism and extremism, with little specificity;
- Increase penalties for all “terrorism” and most “extremism” offenses, including “public justification of terrorism” and “inducing, recruiting, or otherwise involving” others in mass unrest, and for other related crimes;
- Criminalize insulting Russia’s military honor and “spreading knowingly false information about actions by the Soviet Union’s during World War II,” and include these offenses under the rubric of “justification of Nazism.”

Laws adopted in 2019 that ban insulting public figures, the constitution, the state, and society are not strictly under the counterextremism framework law but are associated with it.

Recently, Russian authorities announced plans to introduce amendments to significantly increase penalties for IT companies for “failure to comply with Russian legislation.” It is believed these measures are aimed at large companies like Google, Facebook, and Telegram if they continue to refuse to block content.

### III. Numbers of Abusive Counter-Extremism Prosecutions Rise

In many cases, these laws are overly broad, with vague definitions, lack clarity, and “invite arbitrary application through different interpretations in contravention of international human rights standards (Venice).”

Groups like HRW, SOVA, and intergovernmental organizations have all repeatedly expressed concern about the risk of selective enforcement, and that is exactly what has happened.

To be sure, as I noted above, they have been invoked against groups and individuals who engage in violence, armed extremism, and the like. But they have also been used to prosecute a very wide range of people who pose little or no threat.

A quick look at the data on extremism prosecutions supports this thesis. According to figures by SOVA, after a significant spike in sentences for extremist violence, which would cover hate-motivated violence and the like in 2010 and 2011, these figures declined and have evened out.

Meanwhile, between 2010 and 2017, there was a seven-fold increase in convictions for “terror” and “extremist” related speech offense, and since 2017 about 95 percent of these convictions have concerned online expression. In response to outcry and wide criticism for going after individuals who “liked” or “reposted” social media content, there has been a decline in such prosecutions since 2018.

Starting in 2012, there was a steady rise in the number of convictions for membership in terrorist or extremist groups through 2015, and then a near doubling of these between 2015 and 2017, with a slight fall-off in 2018.

Russian authorities have targeted a variety of groups that are not violent, but have controversial views, or have criticized Russia’s actions in Ukraine and Syria, and people who criticize Russia’s occupation of Crimea. They even targeted people who make jokes about religion.

#### **IV. Examples of Using Counter-Extremism to Target “Inconvenient” People**

I would like to give some examples of the selective use of “extremism” laws to prosecute people who pose no threat whatsoever of violence or threat to state security.

One of the most blatant examples of targeting particular groups is the banning of the Jehovah’s Witness organization by the Russian Supreme Court in 2017 as “extremist,” based on the charge that the organization’s literature asserts the superiority of its faith over others. This is not an idle ruling, but one with real consequences. Since 2017, more than 200 Jehovah’s Witnesses are under criminal prosecution, mostly for continuing the activities of an extremist group.

As of June 3, 35 people were in pretrial custody, and 23 are under house arrest. And as you may know, Dennis Christensen, a Danish citizen, is serving a six-year prison term.

Several people in 2017 and 2018 faced criminal prosecution for memes satirizing religion and the Orthodox Church. They included three people in the city of Barnaul, 19-year-old Daniil Markin, 25-year old Mariya Motuznaya, and 38-year old Andrey Shasherin, who faced up to five years in prison for reposting memes, such as those comparing the Jon Snow character from Game Of Thrones to Jesus or referencing a Russian proverb about two main woes, fools and roads, with a photo of a Russian Orthodox Church cross procession on a muddy rural road with potholes. Criminal cases against them were closed at the very beginning of 2019 on the basis of amendments to article 282 on extremism and expiration of statutory limitations on insult to religious feelings. However, these are non-rehabilitating grounds and those prosecuted are not entitled to any compensation.

An astounding example of the selective misuse of “justifying terrorism” charge is the criminal investigation currently under way against Svetlana Prokopyeva, an independent journalist based in Pskov. Last year, during a radio talk show, she was talking about an attack in Arkhangelsk, in which a 17-year-old boy reportedly detonated a bomb inside a local Federal Security Service (FSB) building, killing himself and injuring several FSB officers. Several minutes before the bombing, he said on social media that he was going to commit an act of terrorism because the “FSB... fabricates criminal cases and tortures people.” In her show, Prokopyeva commented that this was a teenager who grew up under Putin’s rule, which created a repressive state in someone who saw violence as the only path. There are simply no grounds for the accusation that she in any way justified terrorism, yet if the investigation leads to a prosecution, Prokopyeva could face a maximum seven-year prison sentence.

The spike in so-called “extremist” speech offenses that I noted above is due in part to prosecutions against people who criticized Russia’s actions in Ukraine, including Crimea. An example is the 2016 verdict against 46-year-old Ekaterina Vologzheninova, for incitement to hatred towards “Russian people,” “Russian volunteers fighting on the side of the insurgents in eastern Ukraine,” and “authorities” and “residents of eastern Ukraine who do not support the political course of modern Ukraine” as ethnic and social groups. The charges stemmed from several posts on Vologzheninova’s page on VKontakte, Russia’s most popular social media platform, including a poem criticizing Russia’s actions in Ukraine and images reminiscent of USSR-period posters with captions, “Stop the Plague,” and “Death to Moscow Invaders.” Her VK page had four followers. She was sentenced to 320 hours of “corrective labor.”

#### **V. Classifying Islamist Groups as “Terrorist” and “Extremist”**

The Russian government has designated numerous Islamist groups as “extremist.” According to the SOVA Center, in some cases, the groups espouse violent extremist views but in others they do not. One example of the latter are followers of Said Nursi, the 20<sup>th</sup> century religious scholar from Turkey. Russian authorities have banned books by Nursi as “extremist”, even though they do not promote hatred or violence. In 2009, Russia’s Supreme Court claimed that “Nurcular”, or Followers of Nursi, existed as religious group, although it is unlikely that such a group exists, and banned it as extremist. Since then, Russian authorities have charged some of his followers with involvement in an extremist group. In 2018 alone, according to SOVA, at least five Nursi followers were convicted, receiving mostly fines or suspended sentences. However, two people received active prison sentences, one for eight years. In 2017, four active prison sentences were handed down for this offense.

Kamil Odilov, in Novosibirsk, was sentenced to two years’ imprisonment in June 2018 solely for

possessing the works of Said Nursi and gathering with other followers. Upon his release in 2019, he was subsequently placed under 'administrative supervision' for another eight years, resulting in significant restrictions on his freedom of movement. In addition, like others convicted under extremism charges, he will be banned from opening bank accounts, which creates additional duress.

In 2003, the Russian government banned Hizb ut-Tahrir as a terrorist organization. Hizb ut-Tahrir is an organization that seeks to establish a caliphate throughout the Muslim world based on sharia, or Islamic law. The movement disavows violence to achieve its goals, but nevertheless calls for an end to secular statehood in Muslim-majority countries.

Hizb ut-Tahrir is banned in more than a dozen countries.

Since 2003, [around two hundred](#) people have been sentenced for involvement in Hizb ut-Tahrir and handed active prison sentences, according to SOVA's estimates. The first accused as a member of Hizb ut-Tahrir was Yussup Kassimahunov, a national of Uzbekistan, who was detained in Moscow in February 2004. Later that year, his Russian wife, who converted to Islam, was also detained on similar charges, and their child was placed in an orphanage. In November of the same year, they were sentenced to eight and four-and-a-half years, respectively, for aiding and abetting a terrorist organization and participation in a criminal gang.

Following the 2017 amendments to Russia's Criminal Code, the maximum sentence for leading a Hizb ut-Tahrir group is life imprisonment. In the past few years, courts handed down prison sentences for involvement in Hizb ut-Tahrir that were as long as 20 and 24 years, even though the defendants were not indicted for involvement in any act of violence. Research by Human Rights Watch and SOVA Center found that in many cases, the behavior that draws these long sentences is no more than disseminating Hizb ut-Tahrir literature or "holding meetings of like-minded people."<sup>2</sup>

## VI.

Special mention should be drawn to how Russian authorities use "terrorism" and extremism charges to target Crimean Tatars who object to Russia's occupation of their homeland, Crimea. For example, in 2017, a Russian court convicted a Crimean Tatar leader, Ilmi Umerov, on separatism charges stemming from a media interview in which he criticized Russian actions in Crimea. The court sentenced him to two years in prison, and shortly after the verdict, he was allowed to leave Crimea.

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<sup>2</sup> SOVA <https://www.sova-center.ru/en/misuse/news-releases/2019/05/d40991/>

At least 49 Crimean Tatars, many of whom are active in organizations that oppose Russia's occupation, have been charged or convicted for involvement in Hizb ut-Tahrir, although Ukraine does not ban the organization.<sup>3</sup> We believe this is part of Russia's efforts to try to falsely portray opponents to the Russian occupation of Crimea as dangerous terrorists and violent extremists. They have also targeted lawyers and activists with administrative charges for social media posts that have excerpts or presumed references to Hizb ut-Tahrir, even posts made before Russia's occupation.

#### **VII. Allegations of Entrapment, Torture, and Disproportionate Charges in Two Recent Extremism and Terrorism-Related Cases**

##### *Novoye Velichiye (New Greatness)*

In March 2018, 10 young adults were detained for "organizing an extremist group." According to information from media, social media, and Russian human rights groups, the group started off via text chat on Telegram, where they discussed "Artpodgotovka," a banned extremist group of which they were not members. The chat participants discussed a wide range of topics, including politics.

At some point, a person the group now believes to be a police provocateur (both police and the alleged provocateur deny this, however) started to promote a specific political agenda in the chats, and suggested to organize offline meetings. He rented premises where they could gather and suggested they draft a charter for the group. This charter later was used as primary evidence in the case against them, along with testimonies of three undercover policemen who infiltrated the group.

Some of the group's members traveled to a forest outside of Moscow where, according to police information, they shot a semi-automatic rifle and learned how to make Molotov cocktails.

The detained members were accused of organizing an extremist group. They complained of ill-treatment and torture to extract confessions. Two of them struck a plea bargain with the prosecution and got one-and-a-half and two-and-a-half years' suspended sentence, respectively.

On May 28, a district court in Moscow started hearings in the cases of eight others.

The case received wide coverage in Russia, and many human rights defenders expressed concern over allegations that police directly provoked the commission of offenses that the accused would

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<sup>3</sup> As occupying power, Russia should respect, unless absolutely prevented from doing so, Ukrainian laws that were in force in Crimea when it commenced its occupation. However, Russia rejects its status as an occupying power and applies its federal laws to Crimea, including criminalizing activity not previously criminalized on the peninsula.

otherwise not have committed, as well as over credible allegations of use of coercion and ill-treatment against the detainees.

*Set' (Network)*

In January 2018, the FSB detained 11 young men, eight of them in Penza and three in St. Petersburg. The detained were anarchists and anti-fascists. In February, the FSB reported that they had prevented a series of terrorist attacks across the country, and that they detained members of the "Set" group. According to FSB, the branches of the organization existed in different cities in Moscow and Belarus. According to the families of the detained, many of them didn't know the others, or knew some mostly superficially, through strike ball (a militarized version of paintball) sessions. These strike ball sessions were qualified by FSB as a military skill and tactics training.

[Human Rights Watch documented the torture allegations three of the men made](#), and allegations made by the others were made public. They alleged that they were subjected to torture to extort confessions. They gave consistent accounts of use of electric shock. Independent prison monitoring groups who visited them in custody saw marks on their bodies that were consistent with electric shocks.

In January 2019, a military district court delivered the first verdict in this case, with one of the accused accepting a plea bargain in exchange for three-and-a-half years of imprisonment. Under a plea bargain, the case is fast tracked, and the court does not examine the evidence or interrogate witnesses, but the agreement can be used with prejudice against defendants in connected cases. Immediately after the delivery of the verdict, "Set" was included in the government's list of terrorist organizations.

Human rights defenders and journalists expressed serious concerns about this case. They have pointed out that the authorities' narrative of the case lacks any evidence about terrorist acts or attacks that the accused were supposedly planning. The allegations of the use of torture and questions as to whether the organization ever existed, or was created by the FSB, sparked discussions and protests across the country.

PREPARED STATEMENT OF DR. MICHAEL CARPENTER

Testimony for the  
Commission on Security and Cooperation in Europe  
(Helsinki Commission)

June 12, 2019

## **Russia's Counterproductive Counter-Terrorism**

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Note: The statements, views, and policy recommendations expressed in this testimony reflect the opinions of the author alone, and do not necessarily reflect the positions of the Penn Biden Center for Diplomacy and Global Engagement or the University of Pennsylvania.

Congressman Hudson and Members of the Helsinki Commission, thank you for this opportunity to testify before you today on Russia's approach to counterterrorism (CT) and its implications for U.S. national security.

Every so often, politicians or pundits suggest that the United States cooperate more actively with Russia to fight terrorism. These advocates typically argue that regardless of our various disagreements, we should work together to address a critical threat affecting both our countries. This is also a common refrain of Russian President Vladimir Putin, who has suggested that the United States and Russia set aside their differences over Syria, Ukraine, Venezuela, and other matters, and get down to the business of fighting terrorism together.

However fine this may sound in the abstract, cooperation with Russia to fight terrorism would run contrary to both our values and national security interests. Russia's chief geopolitical objectives are to weaken the United States, fragment the transatlantic community, and delegitimize international norms of human rights and democracy.

To accomplish these aims, Russia has supported neo-Nazi hate groups to sow discord in European societies. It has spread fake conspiracy theories to radicalize Americans against their immigrant neighbors and coworkers. In Syria, it has partnered with Iran and Hezbollah to eliminate all elements of the population who actively oppose the Asad regime. In Ukraine, it provided the missiles, the launcher, the software, the training, and likely the triggerman to shoot down Malaysia Airlines Flight 17, killing all 298 people onboard. And in the United Kingdom, Russian intelligence officers brazenly tried to poison a former Russian spy using a large dose of a deadly chemical toxin.

Simply put, Russia's actions to undermine the United States and its allies, and its direct sponsorship and cooperation with groups that conduct terror should preclude all efforts at counterterrorism cooperation. No one would suggest the United States partner with Hezbollah or Iran to fight terrorism, and so there is no reason we should do so with Russia.

### The Kremlin's Counterterrorism Strategy

Russia's counterterrorism strategy is based almost entirely on the physical liquidation of extremists. This approach does not concern itself with winning hearts and minds, de-radicalization, or social integration. During the Chechen wars in the 1990s, the Russian military applied a scorched earth campaign that laid waste to entire villages that were suspected of fostering the anti-Russian insurgency. Russian military forces were notorious for carrying out abductions, summary executions, and torture. Both then and now, Russian security forces in the North Caucasus republics of Chechnya, Dagestan, Ingushetia, North Ossetia, and Kabardino-Balkaria apply the principle of collective retribution, often imprisoning, threatening, and sometimes even killing relatives of suspected militants. These tactics are not just morally reprehensible, they also perpetuate a long-term cycle of extremist radicalization.

Russian-led counterterrorism operations also pay little regard to civilian or "collateral" casualties. In 2002, when Russian security services stormed the Dubrovka theater in Moscow, more than 130 civilians died from the fentanyl gas used to subdue the hostage-takers. In 2004, during a raid to free hostages being held at a primary school in Beslan, North Ossetia, at least 385 (and possibly more) civilians, mostly children, were killed in a firefight with the hostage takers.

Perhaps even more troublingly, Russian authorities have used the pretext of fighting extremism to crack down on Russia's political opposition and dissidents. Extremism is so broadly defined under Russia's current legal regime that an investigative journalist who exposed official embezzlement and a 46-year-old single mother who posted information critical of Russia's annexation of Crimea were both charged and sentenced for "extremism." Under the so-called Yarovaya law, "mass unrest" – a euphemism for anti-government protests – is also criminalized under the pretext of counterterrorism.

### **Russia's Terrorist Activities in Ukraine**

In Ukraine, Russia has directly armed and trained proxies that perpetrate terrorism on a wide scale. In January 2017 Ukraine filed a suit with the International Court of Justice accusing Russia of violating the International Convention for the Suppression of the Financing of Terrorism because of the Kremlin's financing of terrorist activities in eastern Ukraine. Even outside the regions occupied by Russia, Russian security services regularly carry out targeted assassinations and sabotage operations designed to spread terror. On April 17 of this year, the Ukrainian Security Service (SBU) announced it had arrested seven individuals who were part of "a sabotage and reconnaissance terrorist group of the Russian special services." According to the SBU, Russia's intelligence services have also carried out a number of car bombings in government-controlled territory in an attempt to kill Ukrainian military officers, including one car bombing that took place in downtown Kyiv. Moreover, the SBU has accused Russia of orchestrating bombings of cafes and public venues in Odessa, Kharkiv, and Kherson as part of a series of false-flag operations.

### **Russia's Radicalizing Presence in Syria**

Although President Putin's stated goal in Syria was to fight ISIS, Russia's actions on the ground have belied this. In close military coordination with Hezbollah and the Iranian Revolutionary Guard Force, Russia has sought to eliminate any form of opposition to the Assad regime, whether radical or moderate, armed or civilian.

As a DOD official, I participated in direct negotiations in Geneva with senior Russian military and intelligence officials in 2016 to try to agree on a modality for delivering humanitarian aid into the besieged city of Aleppo. What was striking about these discussions was that the Russian officials were acutely aware that their bombing campaign was driving moderate opposition fighters to join extremist groups like Al Nusrah. But in spite of this, Russia reneged on the agreement to deliver humanitarian aid to Aleppo and continued its bombing campaign until the city was reduced to rubble. Russia was not ignorant of the consequences; it simply had other priorities.

The Idlib region of Syria is now set to become the next Aleppo, and we should be under no illusion that Russia will deter the Asad regime from decimating Idlib's civilian population the same way it did in Aleppo. If the Trump administration thinks it can partner with Russia to stop such atrocities, it should study closely the agreement President Trump and President Putin announced at the G20 summit in Hamburg to create "safe zones" in southern Syria. Rather than preventing opposition groups from being targeted by the regime, this agreement – predictably – allowed Iran to expand its influence in southern Syria and concentrated Syrian opposition groups farther north, in Idlib, so that they could more easily be crushed at a time of Asad's and the Kremlin's choosing.

#### **Russia's Support for the Taliban in Afghanistan**

In Afghanistan, Russia has provided arms to the Taliban to undermine U.S. interests and as a hedge in case the Taliban comes back to power. This should give every American pause about the logic of cooperating with Russia on counterterrorism since Russia's weapons and night-vision equipment enable the Taliban and its extremist allies to directly target U.S. and NATO servicemembers on the ground. Russia often supplies these weapons covertly when conducting large-scale counterterrorism exercises in Tajikistan near the Afghan border by later smuggling some of the left-behind supplies into Afghanistan. Because Russia bypasses OSCE Vienna Document notification requirements, Western observers have very little transparency about these exercises and the means by which these weapons flow into Afghanistan.

#### **Russia's Incitement of Hatred in the West**

Russia's information war against the United States and our European partners and allies should be seen as an attempt to radicalize Western societies and incite hatred. In the 2016 U.S. presidential election, the Kremlin sought to inflame racial tensions, deepen social divides, and set Americans against each other by spreading inflammatory rhetoric and lies. In Hungary, Russia's intelligence services were

caught providing weapons training and support for a neo-Nazi hate group. In Sweden, allegedly independent Russian “patriotic” organizations provided weapons training for members of a far-right group who later bombed a refugee center in Gothenburg in January 2017. Such “patriotic” groups are also used to recruit foreigners, especially neo-Nazi sympathizers, to fight on Russia’s behalf in eastern Ukraine.

Russia has taken a particular interest in spreading propaganda to incite hatred against Muslim immigrants. Russian government officials, propagated the fake story that a Russian-German girl was raped by Muslim immigrants in Germany to stoke discord and foment opposition to German Chancellor Angela Merkel’s migration policies. In the United States, Russia trolls and social media accounts have similarly tried to fan the flames of anti-Muslim xenophobia. For example, the Russian-made “Heart of Texas” Facebook page stoked anti-Muslim feelings in Texas, while the fake “SecuredBorders” site spread false allegations of rape to incite anti-Muslim hatred in Idaho. Both accounts were created by Russia’s Internet Research Agency, which is financed by one of President Putin’s cronies. Russia’s intelligence services were also discovered to be behind the “CyberCaliphate” group, which hacked into France’s TV5 television network in 2015 as part of a false-flag operation to incite hatred against Muslims while simultaneously testing French cybersecurity measures.

### **Past Efforts at Counterterrorism Cooperation with Russia**

It is worth noting that the United States has tried in the past to cooperate with Russia on counterterrorism with little to show for it. During the first term of the Obama administration, the U.S. and Russia established a Bilateral Presidential Commission that included a Counterterrorism Working Group, among various others. The agenda for the working group included law enforcement cooperation, transportation security, intelligence sharing, terrorism finance, collaboration on counterterrorism technology, and coordination of U.S. and Russian positions within multilateral fora, such as the UN and the OSCE. This effort failed to institutionalize any enduring law enforcement cooperation, intelligence sharing, or joint action on countering terrorist finance. As the U.S. coordinator of the Working

Group, Daniel Benjamin, noted in an op-ed, “Russia’s...general lack of interest (especially with issues like deradicalization) made progress impossible.”

The terrorist bombing at Moscow’s Domodedovo airport in January 2011 did spur the signing of a Memorandum of Understanding between the U.S. Transportation Security Administration and Russia’s Ministry of Transportation on security of civil aviation in May 2011. That same month, the United States also formally designated the Caucasus Emirate – the primary extremist group in Russia at the time – as a terrorist organization and included its leader, Doku Umarov, in the FBI’s Rewards for Justice program. Though viewed positively by the Russian government, these moves were not reciprocated.

The April 2013 Boston marathon bombing did result in information sharing and visits by FBI agents to Russia. However, the quality of the information shared was poor. Prior to the bombing, Russian law enforcement authorities had informed U.S. counterparts that the suspected bomber, Tamerlan Tsarnaev, and his mother held extremist views, but the information was too general for the FBI to take action. When the FBI’s Legal Attaché in Moscow followed up with a request for more information, the Russian government did not respond. After the bombing, however, Russia did grant access to U.S. law enforcement authorities to conduct interviews and gather additional information in Chechnya.

The 2014 Sochi Olympics provided another opportunity for counterterrorism cooperation that yielded very little in terms of substance. In the fall of 2012, I traveled to Sochi as a State Department official at the invitation of the Russian government with a group of diplomatic, security, and intelligence officials from a select group of countries as part of an effort to review Russia’s security arrangements for the Games. Upon arriving, however, we discovered that our chief interlocutor was not a counterterrorism expert but rather a counter-intelligence official, bluntly demonstrating Moscow’s chief priority lay in collecting intelligence on foreigners rather than sharing information on terrorist threats.

More ominously, the Sochi Olympics also served as an excuse for Russian authorities to facilitate the movement of extremists from the Russian Federation to Syria. Following the December 2013 Volgograd suicide bombing, which killed 32

civilians just a few months before the Sochi Opening Ceremonies, Russia facilitated the movement of hundreds of suspect extremists out of the country, likely with the knowledge they were going to Syria to fight together with ISIS.

### **Conclusion**

To conclude, there are no compelling grounds in my view for pursuing proactive counterterrorism cooperation with Russia. Russia's intelligence services have perpetrated acts of terrorism in Ukraine and the United Kingdom; Russia has partnered with Hezbollah and the Iranian Revolutionary Guards to target civilian populations in Syria; and Russia's counterterrorism operations at home have shown an utter disregard for basic human rights. But most importantly, we should not be partnering with Russia because the Kremlin sees the United States as its chief geopolitical foe and seeks to undermine our interests whenever an opportunity affords itself. Although I support providing Russia with actionable intelligence to prevent terrorist incidents affecting Russian citizens, we should never fool ourselves into thinking the Kremlin will have our best interests in mind.



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