



ABA/CEELI Ambassadors' Award

Alexander Vershbow, U.S. Ambassador to the Russian Federation

Remarks upon the Acceptance of the ABA/CEELI Ambassadors' Award
 Moscow, Russia
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Thank you very much. I am truly honored to receive the ABA/CEELI Ambassadors' Award this year, both for what the award represents and for the distinguished company in which it places me. I'm very pleased to share the honors with my old friend and colleague, Jim Jeffrey. And I'm very grateful to Justice Sandra Day O'Connor for participating in this event and in devoting so much of her time and energy to the rule of law in Russia and the former Soviet Union.

Of course, I am but one of many concerned individuals – inside the U.S. Government, in non-governmental organizations, in international organizations and, most importantly, in Russia itself – working to promote the rule of law there. I would be remiss if I did not mention the many members of my staff at the U.S. Embassy in Moscow – and many more officials here in Washington – who work tirelessly to strengthen the rule of law. And of course all the

ABA/CEELI veterans who have offered legal expertise or education through CEELI's programs have also made vital contributions to democratization and the rule of law in Central Europe and Eurasia. In my view, this award is an honor shared by all of us who are engaged in these issues, and not least the many dedicated Russians – in government, the parliament and public organizations – involved in legal reform. I thank the CEELI Advisory and Executive Boards, especially Executive Director Elizabeth Andersen, for conferring it here this evening.

As I'm sure Ambassador Jeffrey would agree, in all of the post-communist societies in the former Soviet bloc, promoting the rule of law is an urgent cause. In these countries, political and economic reforms go hand in hand, requiring a sound legal framework that promises transparent, predictable, and fair rules for all. Unfortunately, in several post-communist countries, Russia included, many people are unaware of their rights or means to legal recourse due to the legacy of dictatorship. Some citizens still view the law as a tool of oppression or as an obstacle to be circumvented.



Over the last ten years, measures have been taken to strengthen the rule of law in Russia and many important gains have been made. Probably the most important was the adoption of the Criminal Procedure Code in 2002. This Code enshrines many of the basic tenets of the rule of law: judicial independence, a more open and adversarial system, nationwide jury trials in a select class of cases, and basic rights for the accused. The Code, which ABA/CEELI, the Justice Department, and the Embassy's Resident Legal Advisor worked hard to develop, has reduced significantly the number of defendants held in the notorious SIZOs, pretrial detention facilities. It has also brought an end to the dubious practice of permitting the government additional time to investigate cases in the absence of sufficient evidence and resulted in a jury trial acquittal rate of 15%, almost identical to the acquittal rate in U.S. federal felony trials.

More recently, our Embassy has combined efforts with ABA/CEELI to work with the Russian Federal Chamber of Advocates. As a result the Federal Chamber, in partnership with ABA/CEELI and the U.S. Embassy, is conducting sixteen regional conferences throughout Russia this year. These conferences will focus on creating model bar legislation that local bar associations can use. More specifically, the conferences address subjects such as the tightening of ethical rules, advocacy skills training, and at a more basic level, establishing the Federal Chamber as a credible national voice for the criminal defense bar. This is crucial, because the broadcast media in particular are much less able to play the watchdog role they fulfilled just a couple of years ago.

A third area of successful collaboration is in the fight against human trafficking. Representatives of ABA/CEELI, through their connections and non-governmental status, have developed networks of Russian NGOs that provide victim assistance. For our part, the Embassy has called on its relationship with Russian legislators and law enforcement officials to strengthen legislation against human trafficking and to reinforce law enforcement's commitment to investigating and prosecuting this heinous crime. Indeed, in June, agents from the Ministry of Internal Affairs arrested five sex traffickers in the Russian Far East and rescued 15 women who were being used by these criminals. The Russian Duma has recently approved new witness protection legislation that will help in prosecuting traffickers.

This afternoon, I was pleased to participate in a panel discussion of the many success stories and the lessons they provide for future efforts to strengthen the rule of law, not only in post-Communist countries but also in Iraq. These lessons include understanding the culture, history and traditions of the host country, and looking for points of reference in the country's own experience. In Russia, for example, in introducing jury trials, it was helpful to remind people that jury trials had existed in Russia from the 1860s up until the 1917 revolution. Another lesson is not to force the pace of legal reform or spend too much money too soon. A third is never to underestimate the durability of the past – the persistence of old thinking and old habits.

Indeed, while many gains have been made in Russia, much remains to be done in uprooting some of the practices of the past. For example, the Khodorkovskiy and Yukos cases have raised questions about personal and property rights in Russia. We continue to encourage the Russian government to ensure that the legal proceedings in these cases are transparent and conducted in strict accordance with the law. I also take every opportunity to remind my Russian colleagues about the potentially detrimental effect of the Yukos affair on Russia's ability to attract and retain foreign investment.

Although the Yukos affair has received the most widespread attention in the media, other cases also give us pause for concern. We are troubled by the Russian administration's decision to rescind a license for the Sakhalin-3 oil project, granted to ExxonMobil and ChevronTexaco in 1993. This case calls into question the sanctity of contracts, a principle guaranteed by law and the foundation stone for a functioning market economy.

The use of the courts to shut down media outlets critical of the Kremlin strongly undermines democratic rights, principles, and institutions. Limiting the media's role not only deprives the public of different points of view but leaves powerful leaders and institutions less accountable before the public.

Like the media, some NGOs have often been the object of harassment when the Russian authorities perceive that their activities run counter to the

interests of the state. In recent months, the National Democratic Institute and the British Council have been subjected to seemingly arbitrary raids and tax audits. Such invasive measures have hindered the efforts of these organizations in promoting democracy and human rights.

The authorities also applied the law selectively against the Sakharov Center – an organization dedicated to fostering respect for human rights. In early 2003, the Center hosted an art exhibit that some considered anti-religious. It followed that a group of vandals broke into the exhibition hall and defaced the works of art on display. Rather than prosecuting the miscreants, the Russian government instead called upon the vandals as witnesses in a case *against* the Sakharov Center, which has been charged with inciting religious hatred. This would seem to turn the law on its head and raises questions about the Russian government's commitment to freedom of expression and criminal sentencing.

So there is still a lot of work to be done. Yet despite the many problems, I remain optimistic about the future – in large part because of the impressive new generation of judges, lawyers, and members of non-governmental organizations that is now emerging and is committed to making Russia a free society based on the rule of law.

The United States seeks to promote the rule of law in Russia, first and foremost, for the benefits it will bring to Russia. But there is another, more self-interested reason why this is such a high priority issue for us: our bilateral relationship will reach its full potential only when our two countries share the same civic values. In recent years, we have built a strong, cooperative relationship with Russia and we have made especially good progress working together in the areas of counterterrorism, nonproliferation, resolving regional conflicts, and combating HIV/AIDS. Despite these positive developments, none of us can be fully satisfied with the current state of relations; although much has been achieved, there remain many areas of untapped potential.

You may ask, why have we not yet cultivated as strong a relationship with Russia as with our traditional allies? In my view, a key reason is that our two nations do not yet share many of the same civic values. This is not surprising, since for many years our countries lived under very different systems of government. However, in order for Russia to fully integrate with the West, we must overcome this "values gap." In large part, that will require the Russian government and people to strengthen the rule of law, which will allow for a free media, vibrant civil society, meaningful elections, and continued economic development. These institutions are the embodiment of many core Western values and are an indispensable source of Russia's national power.

While I was the U.S. Ambassador to NATO, I had the great pleasure of seeing three former communist states – the Czech Republic, Hungary, and Poland – become full, productive, and respected members of the Alliance. I believe that their leaders' commitment to strengthening the rule of law in their countries helped to cement political and economic reforms. The Czech Republic, Hungary, and Poland were able to integrate more easily into Western institutions because they had demonstrated that they understood and shared our values. It is my great hope that Russia will follow a similar path. The United States needs a strong, stable Russia to be our partner as we confront this century's challenges – challenges such as terrorism, trafficking in persons, and weapons proliferation. And for their part, the Russian people deserve a free and prosperous future in a society governed by the rule of law. In the words of Secretary Powell, "There can be no doubt...that Russia's future greatness lies in its achieving stable democratic institutions. Political, economic, and intellectual freedom form the gateway to prosperity, strength, and social development in the 21st century."

In closing, I would like to thank ABA/CEELI again for honoring me here tonight. Having served 25 years ago as a Second Secretary at the American Embassy in Moscow, in the late Brezhnev era, I can personally attest to the tremendous changes that have taken place in Russia and in other former Soviet republics and satellites. Although some recent trends in Russia give us reason for concern, I am cautiously optimistic that in the medium and long term, Russia will make further progress in consolidating the rule of law, thereby stimulating further political and economic reform. I look forward to working with all of you, as well as with international NGOs and other governments, to achieve this worthy goal.

Thank you.

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