

Liliya Shibanova

The Magnitsky list: why it helps Russia

Liliya Shibanova is executive director of Golos Association in Russia. Golos - a non-governmental organisation that had its operation suspended (June 2013) under the law of the Russian State Duma about the NGOs. In April 2012, the Presnensky Court fined Golos US \$9000 and Liliya Shibanova US \$3000 for not complying with the law on NGO and the status of “foreign agent”.

In relation to Russia, today we will discuss the establishment of a new type of government, the so-called “managed democracy”, where the word “managed” reflects the principal meaning, with “democracy” as an add-on, necessary so that the leader can feel at ease in Western society.

The term became current with political analysts during the second presidential election campaign. It was precisely at that time that a curtailment of basic democratic institutions began, along with the creation of a single-handed management of hierarchical power in the country.

Precisely in this period, a fierce struggle began for the elimination of political opposition by the modification of election laws and laws regarding political parties, pressure on the media, and the construction of a Unified Political Force of the legislative and executive majority at all levels of power, which, by virtue of their position, government functionaries at all levels would enter.

The level of self-organisation in Russian society did not permit the strengthening and development of a real party system in the country and the regime, using all administrative and financial pressure at its disposal, managed to create a system of manipulated elections in the country and absolute, totally unlimited preference in the distribution of favours and resources within the regime itself.

So the reinforcement of the “power hierarchy” began with the designation of authorised representatives of the President of Russia in the provinces, then the cancellation of gubernatorial elections and, gradually, with the strengthening of the United Russia party, replacing elections with single-seat constituencies at the federal level as well as the provinces. The situation became absurd - elections for local government agencies, all the way down to the village level, began to be conducted solely according to party tickets.

Having created the system of “managed parties”, whose purpose was to portray a multi-party image for the West, the regime applied pressure on any efforts of actual political activism - participation of independent candidates in elections - so the latest regional elections held in autumn 2012 show that over 70 percent of independent candidates were not registered or had their candidacy withdrawn during the campaign for the most far-fetched reasons - and non-registration of undesirable parties.

After eliminating any real political competition, the regime threw all its efforts into the struggle with opposition from outside of the system. It imposed fierce pressure on Solidarnost meetings and demonstrations, forbidding protests and demonstrations of any social movements. All this against a background of regularly conducted national elections, whose purpose was to maintain the apparent legitimacy of the regime.

But the increase in strength of civil activism and the drop in popularity of the ruling party led to the direct falsification of the elections held in December 2011. Just the voting results that were received by Golos activists show up to 11 percent of the results were rewritten in the territorial voting authorities, with the results changed in favour of United Russia. These were not even the most complex regions in the country; Golos doesn't operate in places such as Chechnya, Ingushetia or Dagestan. There are massively organised trips where a group of voters vote at various sites at the same time and there are absentee ballots, where the count has not been practically established in federal law. There are also all possible forms of pressure on voters.

All of this has provoked an unheard of amount of protest from the populace in recent years, from Moscow, Saint Petersburg, and a number of major provinces. The protests were too unexpected for the regime, and personally directed against Putin. That is not coincidental, because it is proper to consider “monocentrism” to be the primary feature of the regime, as the new power

system is totally enclosed within the Kremlin.

If prior to these protest movements the regime, having used all its propaganda channels to the maximum, strove to “appease the public” with stirring reports on stability, the presidential election campaign in 2012 had already changed its rhetoric, and their initial plan, instead of party bureaucracy, switched to the so-called “Popular Front” (which hadn’t yet established its legal status), whose rhetoric responded to their basic goal - dividing society between friend and foe.

The enemies were named, both internally and externally, “Gosdep (a reference to the US Department of State) and the Orange Revolution”. So the regime significantly expanded the circle of those who had to be immediately suppressed, not as political opposition and opponents of the regime, but specifically as enemies, and now the old, time-tested Stalinist-Soviet rhetoric “enemies of the people” makes a comeback.

The regime already wasn’t using the term “democracy” as a cover; for years, with the help of the system’s propaganda, the words liberalism and democracy were becoming alien not just to the regime, but even to the electorate, mobilised by propaganda.

We shouldn’t forget that the overall model for the construction of managed democracy is, to a large extent, the creation of youth groups, both formal and informal. The best known of these groups, “Nashi”, “Walking Together” and “Young Guard”, were created with the direct support of the Russian government.

Once again, the rhetoric inherent in the names of these youth organisations demonstrates the clear preparedness of the regime for direct confrontation with anybody that is not ready to incorporate themselves into the proposed model of monocentric management. They are being used today for dirty tricks directed against activists.

By not considering and not understanding the very nature of civil society, the regime itself believes the bogeyman story that it has concocted. Smashing up everything that it finds inconvenient, by the middle of the 2000s it had already sharply increased the number of government agencies monitoring non-profit organisations (NPO) and the number and frequency of NPOs reporting to these agencies. Fear of an orange revolution after a wave of protests made it necessary to simply resort to illegal and inept measures to deal with the last

bulwark of free-thinking and open criticism of the regime - it began a massive attack to eliminate the NPOs.

Since the beginning of March 2012, all of Russia has been engulfed in a wave of “comprehensive legal investigations” of non-government organisations. To date, these investigations have involved about 600 organisations, associations, independent resource and expert centres, non-governmental training and educational institutions, and so on, in at least 50 regions.

The “comprehensiveness” of the investigation means that prosecutors are not operating alone, but together with representatives of various agencies: the Department of Justice, the Tax Service, sometimes the agencies of Internal Affairs, the Ministry of Civil Defence (MChS), the Federal Security Service (FSB), the Consumer Protection Agency, the fire department, etc. - and under the auspices of an investigation by the Prosecutor’s Office, each agency checks the organisation in its own way.

In violation of the law, the Prosecutor’s Office initiates these investigations with no external cause.

It demands copies of documentation from each organisation regarding all types of information about its existence and operations: founding charters; transcripts of reporting and re-election meetings; minutes on all meetings of their directorates; reports of audit committees; all financial documentation; materials supporting organisational activities; all documents related to labour agreements, etc., all the way down to the measles vaccination records of the organisation’s staff.

At the same time, propaganda about the operation appeared on several nationwide television stations; the airwaves were filled with reports, talk shows and other programmes aimed at discrediting the NPOs.

The reason for all of this activity was not a secret to anybody. The Prosecutor General wrote to all the regional branches instructing them to commence a massive investigation of non-governmental organisations (NGOs) shortly after President Putin’s February address to the leadership of law enforcement agencies. The president was not happy that the new laws for social organisations were not in operation. Not long ago, Putin openly stated that it had to do with the so-called “Law regarding Foreign Agents”, and that not one NPO should complain about registering under this law.

The bureaucratic whirlwind - the tax audits, the fight against extremism, fire safety and protection against measles, were all just window dressing, only a cover for destroying - or at least publicly discrediting - these social organisations whose activities do not please the upper levels of the regime. So “managed democracy” was steadily and unpredictably descending to the level of cynical dictatorship.

When the activities of the regime are not covered by law, when the regime moves on to pure governmental terror, that’s when history repeats itself. By not understanding that social organisations cannot label themselves “foreign agents”, since they are not, and that they work exclusively in the interests of citizens, the regime destroyed the most active and independent NPOs, discrediting the entire non-commercial sector with their campaign, destroying the last living sprouts of civil society.

Criminal cases fabricated against demonstrators arrested in the police entrapment - the Pussy Riot case - that took place on 6 May 2012, the fabricated cases against the likes of Alexei Navalny and Sergei Udaltsov, the fines and the threats of criminal liability against leading NPOs for not registering as “foreign agents” - this is all a chain of events showing that the regime has reached a stage already characteristic of Nazism: the bold use of governmental violence through governmental terror. Here is a relevant quote from a speech by G.A. Satarov:

“This is a new, systematic attack on the rule of law itself. Confirmation of a new standard, not requiring evidence to throw people in prison based on presumed guilt.

One more major purpose of these actions is to inure the citizenry to the inevitability of injustice. Recognition of the inevitability of injustice puts pressure on society’s ability to resist and cooperate in opposing it. And that is one of the main socio-psychological mechanisms of terror.

Of course, the regime, when setting these mechanisms in motion, does not defend an ideology, and makes no claim to world domination. They defend corruption, i.e., the right to make unbridled use of vast resources and divide them among their cronies. The problem is that this corruption has achieved such a scope that it threatens the critical devaluation and total wrecking of the bases of public and private law.

And what is devaluation and wrecking of the law? It is its replacement everywhere with the law of power.”

“In return, you do not get a smoothly-running, centralised system of pressure on undesirables, but the rapid growth of decentralised violence, confirming itself as the new law.”

A lawless system is predicated on the lack of punishment for individuals that do things against the law. Lack of punishment is the key factor. All efforts to find justice in a nation under such a system are doomed to failure.

And the Russian regime is doing all this against a backdrop of open disregard for all international standards for human rights. The situation in Russia today presents a real challenge to the entire civilised world.

How can the civilised world respond to this threat, how can today’s world, with its deep-rooted humanitarian values, react to this movement of a gigantic, influential power towards the precipice of political repression, rigged courts and the destruction of the structures of civil society that depend on them?

There is an effective civilised mechanism - a list of individuals, real, named individuals that will be prohibited from entering the Schengen Area - the so-called Magnitsky list - a remarkably effective tool for dealing with the Russian bureaucracy that has practically all of their property and money in European capital cities. It is not surprising that the ratification of this law in the US provoked such a stormy negative reaction in the circles of the Russian political elite. This will be an effective and fully civilised attempt to restore justice not only in Russia, but at the international level, and it is immediately necessary.

These measures will not only help Russian civil society, which has proved with its numerous protest actions that they are prepared to struggle within the country with both electoral corruption and for the development of democratic institutions. But Europe itself needs it. It is a screen of corruption and dirty money that like a cancer will gradually but inevitably eat away at Europe itself.

And this is the mission of European civilisation, which can be fulfilled only by a society that is responsible for human rights worldwide and for the protection of democratic values: freedom of speech, freedom of association and a developed society, capable of organising itself. Russia is a European country, that is a given which every Russian understands. It is most important that European society take this as the purpose and goal of our mutual coexistence in this uncertain world.