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Cursed questions and dissent in Russia: a Sergei Magnitsky perspective

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Overt dissent in the former USSR, as well as the most visible and eminent figures among the Soviet dissidents, was quite well known in the West. What remained beyond the reach from the outset and elusive for the conventional academic and political perceptions in the West, was what Aleksandras Shtromas(1931–1999), a British and American political scientist of Lithuanian background, and a high-profile dissident in the former Soviet Union, defined as "intra-structural" dissent.

In fact, what Shtromas described as intra-structural dissent was rather a vague phenomenon ranging from the deeply suppressed, though obvious enough in almost every walk of life, anti-Russian and anti-Soviet feelings among the minor Soviet peoples – more particularly among Ukrainians, Georgians, Armenians, Lithuanians, Latvians, and Estonians – to the ideas of the "humanisation of socialism" that date back to 1956.

Intra-structural dissent may well be characterised as one of the most mysterious phenomena of consciousness and culture ever analysed in the social sciences and political essays. Aleksandras Shtromas and Czeslaw Milosz were the major contributors to the analysis of this puzzling trait of societal exist-

ence under totalitarianism.

However, nationalism of non-Russian nationals in the Soviet Union, according to Shtromas, was not limited to intra-structural dissent. It also produced some outbursts in the form of overt extra-structural dissent, as was proved by the Chronicles of the Lithuanian Catholic Church, Ukrainian, Georgian and Armenian Samizdat, "Helsinki groups" in the Ukraine, Lithuania, and Georgia, etc. In spite of the universalistic character of civic dissent in Russia, both forms of dissent were more or less related to each other.

Shtromas strongly felt what other political analysts and sovietologists overlooked, namely that nationalism alone, no matter whether Russian or non-Russian, could destroy the Soviet regime.

In Russia alone, Aleksandr Solzhenitsyn and Andrei Sakharov symbolise two distant, although not by any manner of means parallel or mutually exclusive, realities of dissent – blood-and-soil-based dissent and liberal-democratic dissent based on the centrality and universality of human rights.

Yet they were united by their understanding of the indispensability and critical importance of trust placed in their fellow dissidents and human rights defenders, rather than authorities and their ad hoc projects designed to infiltrate dissenting underground groups.

For theirs was the victory of trust and faith over fear, cynicism and disbelief in any human agency beyond power and control.

2

One of the most prominent and perceptive experts on the former Soviet Union, the French historian, philosopher, and political scientist Alain Besançon, once suggested that "failure to understand the Soviet regime is the principal cause of its successes".

Curiously, Alain Besançon's disciple Françoise Thom, a history lecturer at Sorbonne, added fairly recently that never before has misunderstanding of Russia in Western Europe been as great as it is now. According to her, a sort of self-inflicted blindness fuelled by sweet lies and charms of self-deception,

it results in shutting the eyes before the fact that Russia provoked the war against the sovereign state of Georgia, and then occupied and annexed parts of Georgia's territory. No matter how strongly we agree on Georgia's President Mikheil Saakashvili as hardly a raw model democrat, the fact remains that the West has swallowed this déjà vu episode that was straight from the geopolitical repertoire of the 20th century.

We are tempted to believe that Russia is on the way to reforming its economic and political systems. Yet we tend to forget, as Thom points out, that all the waves of modernisation that came out of Russia were a reaction to its defeats and losses. Peter the Great undertook his reforms after the defeat of Russia by Sweden near Narva, Alexander II after the painful loss of the Crimean War, Nicholas II after the disastrous defeat of Russia by Japan. Let me add Mikhail Gorbachev to this chain: he had good reason to make a desperate attempt to modernise the military and economic potential of the Soviet Union after its disgraceful failure in Afghanistan.

As with China or other Asian autocracies that try to put together the free-market economy and zero political liberty and pluralism, modernisation in Russia continues to be, like it has always been, the development of technology and military potential of the nation.

Unfortunately, never has the will to misunderstand Russia been as strong in the EU as it is now. The EU failed to understand the critical aspects of present day Russian politics. Like in the old days when Soviet dissidents were a lifetime ahead of all Western politicians and political scientists put together in terms of their clear understanding of the logic of power in the USSR, the Russian journalists and human rights defenders cannot stand the rubbish about Russia that they hear in the EU.

The legendary Soviet dissident and Russian human rights defender Sergei Kovalev once told me that the supposed naiveté of the West is merely an illusion. They understand everything. Didn't they understand what kind of anti-fascist Stalin was when another anti-fascist Lion Feuchtwanger brought to the West good news about the paradise on earth in the Soviet Union? They did, and their naiveté was just a trick and self-deception. And then Kovalev aptly summed it up challenging Alain Besançon: "They do not tolerate fascism of their own, but they tolerate it elsewhere."

3

On 21 May 2011, we marked the 90th anniversary of the great Russian humanist, dissident and human rights defender Andrei Sakharov (1921–1989), who had previously inspired the European Parliament (EP) to establish the Sakharov Prize for Freedom of Thought in the sphere of the defence of human rights in 1988. Once when Sakharov was asked about what kind of universal ideology could be adopted by humanity in the future, he described the universality of human rights and our commitment to defend them as the only set of values and ideas capable of bridging the gulfs and reconciling the opposites.

How ironic, then, that Eastern and Central European countries, which once immensely benefited from the noble cause of the defence of human rights and human dignity, today tend to violate those rights themselves on the grounds of championing their ethnic and linguistic sensitivities or of fostering their revised and updated historical-political narratives. Yet they are not alone in this. In fact, things are far from it. As we all know, the idea that democracies do not violate human rights and that it is a monopoly of undemocratic and oppressive regimes, sounds like a joke at the beginning of the 21st century.

All in all, human rights seem to have become the raison d'être of the EU. The EU took on a special role for itself as a key global actor in the field of human rights. Once the EU is a community of values, instead of an immoral trade bloc or a soulless technocratic political player, human rights become a top priority, at least in theory.

Human rights are not only about preserving the legacy of natural law theory, European humanists, Enlightenment philosophers, or even such luminaries as Andrei Sakharov. They are a deeply practical matter and also an efficient instrument of policy-making.

On a closer look, we can notice the political dissonances in the EU, especially when conservative politicians blame the European Parliament for some resolutions it adopts, implying that it deals a blow to the national parliaments and strips them of their dignity.

On the other side, human rights are often unscrupulously and easily

sacrificed to successful international relations, trade, and foreign policies. It is suffice to recall the efforts by the EU to make it up to Russia and China every time when it comes to supplying Russian gas and oil for the major European players or trade agreements and major projects with China. Yet the fact remains that both countries infringe human rights, not to mention the overt and methodical extermination of Russian dissenters, critics of the Kremlin, and human rights defenders in Russia, or the war waged by the People's Republic of China on its civil society, opponents, dissenting intellectuals, and even lawyers already disbarred by the regime.

4

During my visit to Washington, DC in November 2010, where I participated in a timely and excellent conference on historical memory and justice in Eastern Europe at the Woodrow Wilson Center for Scholars, I spent a pleasant morning reading the newspapers. Suddenly, my attention was drawn to a letter from a Russian journalist published in The Wall Street Journal (Friday, November 12, 2010).

The letter in question was a moving appeal to politicians in the West, and also an account of lost friends written by Elena Milashina, an investigative journalist for Novaya Gazeta and a recipient of Human Rights Watch's 2010 Alison Des Forges Award for Extraordinary Activism.

Novaya Gazeta covered nearly all politically charged, complicated, and controversial stories ranging from the sinking of the Kursk submarine in the Barents Sea in the year 2000 to the Beslan school siege in the fall of 2004. Whereas in the first case government officials tried to cover up the fact that 23 sailors aboard the submarine survived for many hours after a deadly explosion in the torpedo unit, in the second case the government reported 354 hostages, but Ms Milashina herself reported over 1,000.

More than that, Ms Milashina and her fellow journalists from Novaya Gazeta destroyed the official version of the event, which suggested that the initial explosions in the school building were triggered by the hostage-takers. The fearless Russian journalists proved the opposite: although it remains unclear whether or not the event was staged, the undisputed fact is that the secret services fired first.

In her note from Moscow, "The High Price of Journalism in Putin's Russia,"

Ms Milashina reminds us of what is happening in the battlefield. While she describes the independence of Novaya Gazeta, some grim and telling facts come to us as a wake-up call. As she notes: "Yet we have paid a heavy price for our independence. Over the past ten years, five of Novaya Gazeta's journalists have been murdered. One of the victims was our star correspondent and my mentor, Anna Politkovskaya, who was assassinated in 2006 after tirelessly exposing brutal human-rights violations in Chechnya." (p. A19)

What can I say upon hearing such a testimony? I met the incomparable Anna Politkovskaya in 2003. During a conference in Austria, she overtly spoke of the hell in Chechnya with its war atrocities and severe, awful, routine human rights violations. She went so far as to paint black-on-white all the war crimes committed by Russia in Chechnya. Some of my Russian and Belarusian colleagues left the conference room, most probably out of fear of being reported as her accomplices.

I found myself enchanted with this fearless person whom I thanked for returning in me the feeling of gratitude to, and love for, the Russia of Pyotr Chaadayev and Alexander Herzen. We had an unforgettable conversation after which I planned many times to invite her to my country. I planned to do so until the terrible news struck me in 2006: Anna Politkovskaya was assassinated like many other of the best people from Russia against whom the regime waged war, this time after the collapse of the Soviet Union.

A lonely voice of despair, Ms Milashina's letter from Moscow led me to compare Russia and the Baltic states in terms of freedom of expression and quality journalism. True, a deep gulf exists between Russia and us in terms of censorship or, rather, its absence, not to mention the political persecution of journalists and the silencing of dissenting voices. Yet our paths diverged not only from this point of view.

Whereas such independent Russian publications as Novaya Gazeta, Nezavisimaya Gazeta, or www.grani.ru defend liberal and democratic values, their counterparts in Lithuania chose to rely on political scandals, cheap sensationalism, chilling statistics of Lithuania's suicide rate, which is one of the highest in the world, an unmatched degree of bullying in high schools, and heartbreaking stories from the lives of local pop stars. I am not implying that all of this

does not exist in Russia. It certainly does. But they worked out a powerful antidote, which we have yet to develop in Lithuania.

There is only one way for us to help Russia rid itself of its imperial past and troubled political present. This is our sympathetic understanding of Russian democrats struggling for the democratic future of Russia. Each time the EU or its major members try to make it up to Putin and his ruling clique in the Kremlin instead of working with democratic politicians and dissenters, it is a silent betrayal of people like Anna Politkovskaya and Natalya Estemirova, and their noble cause.

5

The Magnitsky list becomes much more than merely a benign and disconnected political fantasy. After the US Congress adopted this law with its clear legal and political implications, Russia retaliated by prohibiting American citizens to adopt Russian orphans – a mean, regrettable, and ugly move from Russia's side with a total confusion of political and humanitarian agendas. Now it is a decisive time for the EU to take a stand.

That Sergei Magnitsky posthumously became a litmus test for our political sensibilities and moral commitments is obvious. A brave and conscientious Russian lawyer, who exposed shocking corruption of a kleptocratic regime, and who refused to abandon his struggle by cooperating with high-ranking officers involved in this money-laundering enterprise, Magnitsky reached out to the world by paying the highest possible price – his own life.

The Magnitsky list of the aforementioned officers, whose bank accounts and assets would be frozen, who would be denied the EU entry visa, and who, in effect, would face charges and legal prosecution for a crime, appears as a slap in the face to Putin and his regime. The official Russia is quite used to EU lecturing on the grounds of its deteriorating human rights record and severe human rights violations, as if to say that these are parallel realities – you can talk as much as you wish, yet when it comes to oil and gas, just calm down and make up your mind.

This time things stand in a different way. The visa ban and the freezing of bank accounts do come as an unpleasant move for the Kremlin, as it shoots

between the eyes to anyone whose dream it is to have a mansion in Nice or Monaco, to let their offspring be educated at British, German, and French universities, to lead a dolce vita in the EU while securing a safe position in Russia's power structure, business, or bureaucracy – which, ultimately, are the same, as Putin himself uniquely embodies the fusion of the three, for he is a political hegemon, a businessman, and a long-term state official at one and the same time.

It would be a delusion to think that the Kremlin is hostile to Europe in all respects. It is very much so with regard to European democracy, EU human rights standards and policies, and Brussels' role in distancing Russia's former colonies and satellite states – first and foremost, the Baltic states – from its reach and direct control. Russia cannot and will never forgive the EU for disrupting an imperial and time-honoured logic exercising power in its bilateral relations and diplomacy with such small neighbouring countries as Finland and the Baltic states.

Yet it has nothing to do with Europe's luxury, education, culture, museums, beauty, standard of living, and the bliss of spending a weekend in a paradise of gourmands, such as Brussels, Palermo, or San Sebastian. The Magnitsky list would strip part of the Russian elite of a blessing to live inside Europe while remaining far beyond it in terms of its liberal values and democratic practices. For this they will fight back and hard, without a shadow of a doubt.

An initiative to establish the Magnitsky group as an inter-parliamentary assembly to support the Magnitsky cause and to fight against corruption came from Canada. As I have joined this group myself as a Member of the European Parliament on behalf of Lithuania, I firmly believe that a principled and firm stand of the Baltic states on this matter is of utmost importance.

First and foremost, it sends a message to the EU and Russia that the choice has been made and that this is the point of no return. Killing lawyers, journalists, civil activists, and human rights defenders will never be accepted as a minor issue in an otherwise modern and advanced state – that's the way China and Russia would like to have it watered down or even washed away.

There was a time when the assassination of dissenting minds, writers and journalists was not regarded as a major obstacle towards a trade agreement or

a political and diplomatic settlement of a serious problem. Blessed will be the moment when it becomes not only an obstacle to realpolitik, but also a major criterion to assess our partner's credibility. For how was it possible to marginalise the cynical and sinister assassinations of the best of Russia's dissenting elite and civil society – fearless and noble-spirited women, such as Galina Starovoytova, Anna Politkovskaya, and Natalia Estemirova?

Secondly, we have to put it in black and white that killing an opponent or showing forgiveness to those who premeditated and orchestrated political assassinations will never be accepted in the countries where civilised politics, freedom of expression, pluralism, and human rights are not empty phrases. There should be an instrument found not only to shame the Russian elite for a failure to stick to the rules of a civilised game but also to pre-empt such a sinister practice as methodical incarceration, intimidation, or even killing off the opposition and dissenting citizens.

And here I am getting to my main point: the Magnitsky list appears as a wake-up call and as an almost perfect tool to fight the terror and crimes organised and committed without impunity or with the authorities' eyes shut and turned blind. I have just recently heard a Chinese dissident say that crimes against humanity in China, such as live organ harvesting among the Falun Gong practitioners, or the torturing and killing of dissidents in labour camps and prisons, call for a similar action.

Countries like Russia and China badly need a list of their state-sponsored criminals.