

# *Nations in Transit 2010:* Democracy and Dissent

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**Y**evgeny Zhovtis, Adnan Hajizade, Emin Milli, Eynulla Fatullayev, and Sergei Magnitsky are not household names. But the plight of these individuals, all of whom have received harsh treatment from arbitrary and opaque criminal justice systems in the former Soviet Union, should be better understood by the outside world.

The persecution of these modern-day dissidents from Kazakhstan, Azerbaijan, and Russia reveals the uncomfortable truth about the current condition of the rule of law and democracy in the region. They were peaceful activists and professionals working in the fields of law, journalism, and human rights, but like many other independent thinkers and reformers in former Soviet republics, they drew the attention of a repressive state apparatus designed not to protect the interests of the wider society, but to maintain at all costs the political and economic supremacy of those in power.

Two decades after the collapse of communism, the rulers of these countries are again using brutal security forces, pliant courts, and tightly controlled news media to systematically crush political dissent. While in a few cases the leading personalities have scarcely changed, they are no longer attempting to defend a totalitarian system. Instead, they simply enrich themselves while promising prosperity, and employ naked aggression while promising law and order. Just as the existence of dissidents said something about the Soviet system a generation ago, today's dissidents tell us something about the political environment in the former Soviet states.

A grim and growing list of activists and legal representatives have paid the ultimate price for seeking basic human rights and the rule of law, including Magnitsky, a 37-year-old Russian lawyer who died in pretrial detention in November 2009 after complaining for weeks that he was being denied adequate

medical treatment. He worked for the investment fund Hermitage Capital, which had been caught up in capricious legal proceedings reminiscent of those that destroyed the oil company Yukos and exposed the Kremlin's disdain for the rule of law.

Many of these deaths have occurred entirely outside the legal system, either on the streets or in the victims' homes. But the attitude of the authorities is evident in their consistent failure to identify or punish the killers, and this impunity significantly augments their more explicit efforts to intimidate existing or potential opponents.

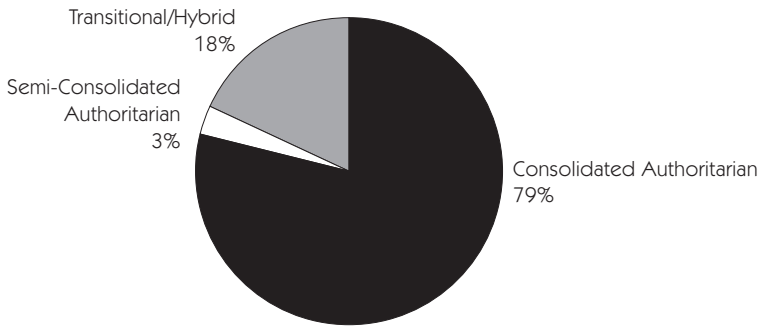
The 21st-century dissidents are visible, human symbols of the institutionalized repression that is prevalent in today's post-Soviet regimes. The component parts of these systems, and the degree to which they have been left behind by their more democratic neighbors to the west, are analyzed in detail in *Nations in Transit 2010*, Freedom House's latest annual assessment of democratic governance in the countries of Central and Eastern Europe and the former Soviet Union, covering the 2009 calendar year.

## Main Findings and Notable Trends

The countries studied in *Nations in Transit* are highly diverse, ranging from full democracies in the eastern portion of the European Union (EU) to consolidated authoritarian states in the former Soviet Union, including two of the world's most repressive regimes, Turkmenistan and Uzbekistan. While developments over the past decade have sharpened the distinctions between these two regions, the past year was notable for the fact that countries in both areas experienced declines.

Of the 12 non-Baltic former Soviet republics, eight are consolidated authoritarian regimes in which basic human rights standards, democratic norms, and the rule of law are absent; two, Armenia and Moldova, are semi-consolidated authoritarian systems; and the remaining two, Georgia and Ukraine, are classified as transitional-hybrid systems. In terms of population, nearly 80 percent of residents of the former Soviet Union—some 221 million people—still live in entrenched authoritarian settings where they are deprived of basic political rights. By contrast, all of the new EU member states are consolidated democracies, with the exception of Bulgaria and Romania, which continue to confront deep corruption and other institutional challenges and are therefore classified as semi-consolidated democracies.

Figure 1  
**Population Breakdown by Regime Type:  
 Non-Baltic Former Soviet Union**



The following are among the survey's other notable findings:

- **A Year of Widespread Decline.** Overall, 14 of the 29 countries examined in *Nations in Transit* worsened on their democracy scores in 2009 compared with the previous year. Six new EU member states experienced declines, while one improved. Similarly, the former Soviet Union included six countries with score erosions and one with gains. In the Balkans, three countries improved, and two saw their scores regress.
- **A Decade of Democratic Regression in the Former Soviet Union.** Over the past decade, declines in democratic accountability have been a regular feature of governance across the former Soviet Union. The performance of nearly every country in the non-Baltic former Soviet Union has worsened during this period. The only exception is Ukraine, which now faces new challenges to the democratic progress it has achieved in recent years. No country in the region has undergone a sharper decline than Russia, whose scores on media independence, civil society, the judiciary, and electoral process have all suffered.
- **Press Freedom in the Crosshairs.** Declines in the independent media category were most numerous in 2009 and appeared in every subregion covered in *Nations in Transit*. Kyrgyzstan experienced a wave of attacks against independent journalists and a decrease in the ability of news media to criticize government policies. Kazakhstan failed to liberalize its media law in keeping with its commitments to the Organization for Security and Cooperation in Europe (OSCE), and the use of libel suits to punish investigative journalists continued to mar the country's record on press freedom. Encroachments on media independence were noted in five new

EU member states. Overall, 10 countries—Albania, Czech Republic, Hungary, Kazakhstan, Kyrgyzstan, Montenegro, Poland, Romania, Serbia, and Slovakia—regressed on the media independence indicator in 2009.

- **Clouds Gather Over Internet Freedom.** A number of countries saw an increase in restrictions on Internet freedom. In both Kazakhstan and Kyrgyzstan, the government crafted legislation classifying websites as mass media outlets, exposing them to the same restrictions that already applied to traditional media. During protests and police violence that followed Moldova's contentious election in April 2009, the government blocked a number of websites, with a particular focus on social-networking sites. While Russia's Internet generally retains a good deal of openness, on several fronts the authorities are insinuating themselves into the medium. The effort includes the acquisition of blogging platforms and popular websites by Kremlin-friendly companies and the emergence of commentators and provocateurs who subvert online discourse.

### The Stifling of Dissent in the Former Soviet Union

The grave situation for human rights and democratic accountability that has long been the standard in most of the former Soviet Union grew even worse in 2009. Six of the 12 non-Baltic former Soviet republics suffered declines from already poor ratings, while one, Belarus, slightly improved its overall democracy score. The remaining five countries experienced no overall score change, but two of the better performers in this group, Georgia and Ukraine, faced threats to their future development.

Russia, which has undergone the largest decline over the past decade of any country in the study, lost ground on its corruption score this year due to “a growing prevalence of bribe paying, the failure of the authorities to address police corruption, and the growing use of sophisticated legal and illegal means to pressure business.” The roots of corruption have grown deep in the country, and in many ways graft has become the lifeblood of the current system. Three other indicators have undergone an especially sharp decline over the past 10 years: electoral process, civil society, and independent media. All of these spheres have been focal points for the Russian authorities' efforts to limit political competition and dissent.

The region's performance declines have also been particularly severe in two of its other influential states, Kazakhstan and Azerbaijan. Like Russia, these countries have modernizing ambitions and are increasingly integrated into the international economic system and rules-based institutions. In a graphic example of such integration, Kazakhstan holds the rotating OSCE chairmanship for 2010. However, economic development and international ties have not translated so far into greater democratic accountability or adherence to human rights standards at home. In fact, the situation has deteriorated.

### The Risks of Speaking Out

In 2009, opposition activists in many parts of the former Soviet Union confronted harsh retaliation for their work. Below is a sample of the dissidents and others who faced threats, abuse, and imprisonment during the year for activities that challenged authoritarian regimes.

**Eynulla Fatullayev**, a critic of the Azerbaijani government and the editor of the independent Russian-language weekly *Realny Azerbaijan* as well as the Azeri-language daily *Gundalik Azarbaycan*, has been held in jail since 2007 on charges including tax evasion, defamation, and terrorism.

**Yusuf Jumayev**, an Uzbek poet and dissident, was sentenced to five years in a penal colony in 2008 for calling for the resignation of President Islam Karimov. In 2009, authorities placed him in solitary confinement without grounds for eight days; he was denied food and water for two days and the use of a toilet for the entire period.

**Albert Pchelintsev**, the leader of the Movement Against Corruption, Deceit, and Disgrace, was shot in the face in the Russian city of Khimki in July.

**Yevgeny Zhovtis**, a human rights activist and director of the Bureau of Human Rights in Kazakhstan, was convicted of manslaughter and sentenced to four years in prison for his role in a deadly automobile accident. Human rights groups in Kazakhstan allege that his trial was flawed and his sentence was meant to intimidate other activists.

**Karina Moskalenko**, a Russian human rights lawyer who has represented former Yukos chief Mikhail Khodorkovsky at the European Court of Human Rights (ECHR) and the family of slain journalist Anna Politkovskaya in Moscow, has been harassed and threatened with disbarment by Russian authorities. She heads the International Protection Center in Moscow, which brings Russian appeals to the ECHR.

**Adnan Hajizade and Emin Milli**, two young Azerbaijani bloggers, were arrested in Baku in 2009 after posting a satirical video of a donkey holding a news conference. The arrests were on charges of hooliganism, stemming from an incident in which two strangers interrupted their conversation at a restaurant and started a fight with them, but the case is widely viewed as part of a crackdown on free expression on the internet.

**Aleksandr Yevgrafov**, a reporter for Russia's BaltInfo news agency, was beaten and forced into a car in Kyrgyzstan in December 2009. His captors, two men in police uniforms, warned him not to write "bad things" about the country.

Azerbaijan's downward spiral continued in 2009, with score declines on both civil society and judicial independence. In keeping with a growing trend in the region, the country's Council on State Support to Nongovernmental Organizations increased its funding to civic groups, effectively tying them to the state and compromising their independence. The judiciary, already regarded as an instrument of the executive, was true to form in 2009: the constitutional court endorsed a dubious referendum process that removed presidential term limits.

Azerbaijan's courts were also instrumental in facilitating the convictions of bloggers Adnan Hajizade and Emin Milli. In what Miklos Haraszti, then head of the OSCE's media-freedom arm, described as a set up, the two men were arrested for "hooliganism" following an altercation in a restaurant. Hajizade and Milli were sentenced in November 2009 to two and a half and two years in prison, respectively. The case is believed to have been fabricated to punish them for a satirical online video showing a donkey giving a press conference. It was also seen as a sign that the government is expanding its crackdown on freedom of expression to include new media.

A similar perversion of the criminal justice system appeared to be at work in Kazakhstan in 2009, when civil society activist Yevgeny Zhovtis was sentenced to four years in prison for vehicular manslaughter following a legal proceeding that was rife with irregularities. This and other factors led to a decline in the country's judicial independence score for the year.

Kyrgyzstan had been rated a semi-consolidated authoritarian regime for most of the past decade, and tended to grant more space to civil society and news media than its neighbors. But by the end of 2009 it had fallen further into the ranks of fully consolidated authoritarian systems. While Kyrgyzstan now performs worse on every *Nations in Transit* indicator than it did a decade ago, the erosions of civil society and media independence have been among the most negative developments. Under President Kurmanbek Bakiyev, systematic political coercion and violence became the standard, and the upheaval and dislocation that have accompanied and followed his ouster in 2010 do not bode well for the country's democratic ambitions.

The other two countries in the region that experienced declines in 2009 were Moldova, where the effects of a flawed national election and subsequent violence between police and protesters outweighed gains for civil society and the eventual change in government, and Uzbekistan, whose abysmal scores inched lower due to unchecked corruption.

Table 1  
Average Democracy Scores

<i>NIT</i> Edition	2001	2005	2010
Non-Baltic Former Soviet States	5.41	5.74	5.96
All Other <i>NIT</i> Countries	3.42	3.19	3.24

Though Belarus remains a dictatorship, the country experienced improvements in the civil society and independent media categories, providing a slight lift to its overall score. Harassment and imprisonment of activists eased somewhat amid the country's talks on closer ties with the European Union, and civil society groups took advantage of the opportunity to improve their level of organization and engage with a wider section of the population. A slight relaxation of media controls were noted as well, and the government, which has been ruthless in dealing with independent outlets, allowed the European Radio for Belarus to operate in Minsk. Despite these modest positive steps, however, the authorities continued to persecute activists, and if new media rules proposed in 2009 come into force, independent journalists will face new setbacks.

In Georgia, whose scores remained flat in 2009, a fragmented opposition sought to rally public opinion against President Mikheil Saakashvili as the country prepared for municipal elections in 2010. The debate was often overshadowed by ongoing tension with Russia in the wake of the military conflict in 2008. Russian troops continued to occupy a considerable portion of Georgia's internationally recognized territory, casting a pall over the country's prospects for political development.

Scores also remained unchanged in Ukraine, which has distinguished itself among the countries of the former Soviet Union with its vibrant civil society, independent media, and relatively open political environment. However, the election of Viktor Yanukovich as president in early 2010 and the initial signs of authoritarianism that have accompanied it suggest that the durability of the country's democratic changes over the past several years will soon be tested.

### Quiet Progress in the Balkans, Impediments in the New EU States

While the countries of the non-Baltic former Soviet Union have declined, the Balkans region has improved over the past decade. Countries including Albania, Bosnia and Herzegovina, and Macedonia have made steady gains in civil society, electoral process, and other categories.

The year 2009 presented a mixed picture in the Balkans. Three countries—Macedonia, Serbia, and Kosovo—experienced modest improvements. Two, Albania and Bosnia, suffered slight declines on independent media and electoral process, respectively. The remaining two, Croatia and Montenegro, held steady overall. Nevertheless, apart from Slovenia, an EU member, and perhaps Croatia, which is on course to join the bloc, the gradual progress achieved in the region should not be taken for granted. Bosnia, for example, is buffeted by rising nationalism, and Kosovo, which recently graduated from its former status as an international protectorate, faces enormous challenges on its path toward meaningful institutional development.

Table 2  
Average Independent Media Scores

<i>NIT</i> Edition	2001	2005	2010
New EU Member States	2.15	2.20	2.55
Balkan Countries	4.10	4.00	4.32
Non-Baltic Former Soviet States	5.48	5.85	6.00

Viewed over a 10-year period, the story is generally positive in the new EU member states, which have built pluralistic political systems and functioning market-based economies. Over the past half-decade, however, eight of the 10 countries have undergone declines; in the past year alone, six suffered overall declines, three held steady, and one, Lithuania, improved slightly. This is due in part to fallout from the recent economic downturn, but in some cases it represents subtle backsliding on democratic norms after the goal of EU membership is achieved.

The declines have been modest in some countries, such as the Czech Republic. In others, including Hungary and Slovakia, the deterioration has been more significant. Both countries are confronting a number of challenges, including rising nationalist tendencies. Slovakia suffered a particularly sharp decline in 2009 compared with 2008—the largest of any country in the region—due to the ruling parties' concentration of power and a series of major corruption scandals. Over the past five years, Slovakia has slipped from 1.96 to 2.68 on its overall democracy score, falling most steeply on judicial independence.

### Dissent Proves Deadly

Many of those who dared to speak out in opposition to authoritarianism in the former Soviet Union have paid the ultimate price for their efforts. For example, Elmar Huseynov, a journalist who had received numerous threats for criticizing the Azerbaijani government, was murdered in his Baku apartment building in 2005. Anna Politkovskaya, a Russian journalist who covered Chechnya for *Novaya Gazeta*, was gunned down in her apartment building in 2006. Alisher Saipov, a 26-year-old independent journalist in Kyrgyzstan, was murdered in 2007 after covering the Uzbek government's mass killings in Andijan in 2005 and working with Uzbek opposition groups. The perpetrators of these crimes have yet to be brought to justice. The following is a list of some of those who died in 2009.

**Stanislav Markelov:** A human rights lawyer who fought Russian abuses in Chechnya, Markelov was murdered in January less than a half a mile from the Kremlin.



**Anastasia Baburova:** An investigative journalist for the newspaper *Novaya Gazeta*, Baburova was killed alongside Markelov while trying to protect him.

**Sergey Protazanov:** Protazanov was a journalist for *Grazhdanskoye Soglasie*, an opposition newspaper in the Russian city of Khimki. He was found dead in his home in March not long after being violently attacked.

**Medet Sadyrkulov:** A Kyrgyz opposition leader and former presidential aide, Sadyrkulov was killed in March in what the authorities said was a car accident; the country's opposition called his death an assassination.

**Vyacheslav Yaroshenko:** The editor in chief of *Korrupsiya i Prestupnost*, Yaroshenko died in June from injuries he suffered during an April attack in the staircase of his apartment building in the Russian city of Rostov-on-Don.

**Natalya Estemirova:** A human rights activist who worked closely with Anna Politkovskaya to fight abuses in Chechnya, Estemirova was abducted from her home in Grozny and murdered in July.

**Andrey Kulagin:** Kulagin was the head of Justice, a regional organization seeking better conditions in Russia's prisons and penal colonies. His body was discovered in a quarry near the northern Russian town of Petrozavodsk in July.

**Zarema Sadulayeva:** In August, the bodies of Sadulayeva, a Chechen children's activist, and her husband, Alik Dzhabrailov, were found in the trunk of the couple's car.

**Maksharip Aushev:** A businessman who led mass protests in the Russian republic of Ingushetia, Aushev was shot and killed in his car in October.

**Sergei Magnitsky:** Magnitsky, a lawyer for Hermitage Capital, was arrested in 2008 for alleged tax evasion after accusing Russian officials of fraud. After about a year in pretrial detention, he died in a Moscow jail in November 2009, having been denied adequate medical treatment.

**Ivan Khutorskoy:** Khutorskoy, a 26-year-old antifascist activist, was shot in the head outside his Moscow apartment building in November.

**Olga Kotovskaya:** One day after winning a court case to regain control over a regional television station in the Russian exclave of Kaliningrad, Kotovskaya, a prominent journalist, fell from a 14th-floor window in December.

**Gennady Pavlyuk:** A Kyrgyz reporter, founder of the Kyrgyz edition of *Argumenty i Fakty*, and member of the country's opposition, Pavlyuk was pushed from a sixth-floor window in Almaty, Kazakhstan, in December. His hands and feet were bound.

The global financial crisis hit Hungary particularly hard, adding to existing pressures on the country's institutions. In a highly polemical political environment, its overall democracy score declined from 2.29 for 2008, to 2.39 for 2009. Five years ago, Hungary's democracy score was 2.00, and the score declines across multiple categories indicate a broad downward trend. Declines in this year's analysis were registered in media and judicial independence, as well as in corruption. In previous years, Hungary's scores have also dropped in the spheres of electoral process and civil society.

### **The Implications of Unchecked Power**

Twenty years ago, only two months after becoming president of the newly democratic Czechoslovakia, Vaclav Havel addressed a joint session of the U.S. Congress. Expressing awe at the recent democratic openings in the communist world, he described the rapid pace of positive political change as an "acceleration of history."

Democratic institutions have largely continued to wax in Central Europe and make gradual headway in the Balkans. But in the former Soviet Union, with its mix of partly and fully consolidated authoritarian systems, such institutions have waned. Indeed it is becoming increasingly clear that "history" has slowed down or reversed course in much of the region.

The regimes in question have used a combination of media manipulation, corrupt patronage, and political coercion to forge a brand of authoritarianism that seems capable of enduring in a 21st-century context. And they are often willing to resist even small political openings with deadly force. Yet despite the grave personal and professional risks, courageous civil society activists continue to defend basic human and political rights.

Why are these individuals important? While it may be easy to view their cases in isolation, their work and their treatment by the powerful have wider implications for the advance of democratic accountability. In these authoritarian settings, their fate is intertwined with citizens' broader aspirations for change. By silencing them, the regimes are sending a clear message to others who might mobilize in favor of meaningful reform.

That message is not meant for the rest of the world to hear, but policymakers abroad would do well to listen. The overall downturn in democratic development in the former Soviet Union—symbolized and punctuated by the murder and abuse of dissidents—raises a host of questions for the United States and the EU. Both seek reliable partners in the Caucasus, Central Asia, and elsewhere in the region for cooperation on security and economic priorities, and regimes that operate on the basis of coercion and caprice rather than democratic accountability and the rule of law cannot be depended upon to serve as the lynchpins for long-term strategic objectives. While the personalities and rhetoric of authoritarian leaders may grow more or less amenable to such cooperation, lasting and substantive change will come only when independent activists are free to hone the institutions of a modern democratic state.

## Overview of Ratings Changes

### Electoral Process

- ↓ 6 declines: Bosnia and Herzegovina, Estonia, Kyrgyzstan, Moldova, Romania, Slovakia
- ↑ 3 improvements: Kosovo, Macedonia, Poland

### Civil Society

- ↓ 5 declines: Azerbaijan, Czech Republic, Kazakhstan, Kyrgyzstan, Tajikistan
- ↑ 4 improvement: Belarus, Moldova, Kosovo, Serbia

### Independent Media

- ↓ 10 declines: Albania, Czech Republic, Hungary, Kazakhstan, Kyrgyzstan, Montenegro, Poland, Romania, Serbia, Slovakia
- ↑ 2 improvements: Belarus, Tajikistan

### National Democratic Governance

- ↓ 8 declines: Albania, Azerbaijan, Bosnia and Herzegovina, Kosovo, Kyrgyzstan, Moldova, Romania, Slovakia
- ↑ 1 improvements: Serbia

### Local Democratic Governance

- ↓ 1 declines: Azerbaijan
- ↑ 3 improvements: Kosovo, Serbia, Poland

### Judicial Framework and Independence

- ↓ 6 declines: Azerbaijan, Hungary, Kazakhstan, Moldova, Poland, Slovakia
- ↑ 2 improvements: Czech Republic, Montenegro

### Corruption

- ↓ 6 declines: Hungary, Kyrgyzstan, Poland, Russia, Slovakia, Uzbekistan
- ↑ 2 improvements: Lithuania, Macedonia

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