

Zara Murtazalieva

The Magnitsky Law gave Russian prisoners a hope for justice

Zara Murtazaliyeva – journalist and human rights activist, spent over eight years in a Mordovian labour camp on charges of “terrorism”. Author of the book “How I Became a Terrorist”.

When the distinguished journalist Elena Servettaz suggested that I write about the Magnitsky Act in Europe, I didn't know what to think. For several days I couldn't stop thinking about why it was important for me personally, why I never knew Sergei Magnitsky but joined others in the campaign in support of this law in Paris, and why I personally followed the development of this draft law. Now I will finally explain why.

First of all, it is because I myself served a sentence in Russian prisons on blatantly trumped-up charges. I also underwent victimisation and beatings, and served the full eight and a half years of my sentence in a prison camp in Mordovia, where Nadya Tolokonnikova from the punk group, Pussy Riot is currently serving her sentence.

I was detained in 2004 – when I was 20 years old – in Moscow, where I was working for an insurance company and was a part-time student at the Pyatigorsk University. I was accused of participating in the two Chechen wars and of having attended a terrorist camp in the city of Baku in Azerbaijan. Two acquaintances of mine had “confirmed” everything that I was accused of.

But here is the thing: I was in the 4th and 5th grades (10 and 11 years old) during the first Chechen war, and in the 7th and 8th grades (13 and 14 years old) during the second war.

The investigator should have submitted a document indicating that I could not have participated in military activities in Chechnya due to my age. Azerbaijan immediately reacted to being accused of harbouring terrorist camps on its territory by sending a letter to the court stating that there were children's health camps at this location. My two acquaintances denied their statements in court, affirming that they were threatened and beaten, and so were forced to denounce me. The mother of one of these girls contacted a human rights organisation and asked for help, stating that the authorities were threatening them and that they forced her daughter to denounce me.

My case received wide publicity: human rights agencies intervened, lawyers fought and people engaged in protests in my defence but with absolutely no evidence and with some of my co-workers refuting the statements of others at my trial, the court determined that I was "guilty" and sent me to serve my sentence in Mordovia.

Over the eight and a half years I had plenty of opportunities to see how the authorities harass the prisoners, beat them, torture them and brutalise them.

The death of Sergei Magnitsky has become a well-known fact, but who knows how many people died on that same day from abuse in Russian prisons and labour camps? Nobody knows and the data is not likely to become public knowledge.

Magnitsky's death and the campaign that exploded after that tragic event became a turning point for many prisoners. People at liberty and ordinary Russian citizens also seemed to awake from their lethargy and finally realise that people like them are in these camps and prisons and that this misfortune can touch anybody.

All this found expression in protests, campaigns, articles, the courts, judicial proceedings – and finally ended with the adoption of the Sergei Magnitsky Rule of Law Accountability Act in the United States.

However, this law wouldn't be needed if a real, independent legal system existed in Russia and the judicial and law enforcement systems in Russia hadn't become a powerful tool in the hands of the regime, used for sweeping from its path anybody who is inconvenient for it which we see today in numerous trials.

A satisfactory investigation into the Magnitsky case has never been conducted in Russia and the people guilty of his torture and death have not been punished.

The adoption of this law in the US allows for visa and financial sanctions against the criminals. Human rights must be upheld all over the world, regardless of the country in which an incident occurred. Only then will we be able to talk about a democratic society.

Ignoring violence or impunity for such actions is in itself another form of crime.

Respect for the human rights of everyone is a principle that must be observed regardless of traditions or relations between states.

According to statistics, up to 4,000 people die in Russian prisons every year, and – believe me – only a few are punished for these deaths. A significant number of prisoners die from torture and violence at the hands of law enforcement agencies that try to produce good statistics and earn bonuses by beating statements out of people.

No matter what some say – and I have read various opinions on the Magnitsky Act – as a former prisoner of the Russian labour camps, I thank everyone who helped to pass it. And I hope that Europe will follow America in passing this law.

If those involved in the death of one innocent individual are punished, we will have all won – and perhaps we will be able to avert future tragedies.