

Jean-Sébastien Stehli

The Magnitsky Act adds another weapon to keeping criminals in check

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Is the Magnitsky Act one of the most important pieces of legislation in that first decade of the 21st century? Could it even be one of the most important laws enacted in this century thanks to the law of unintended consequences? Or does it show how the fate of one person in one part of the universe can affect the lives of millions of others? Proof, once again, that the so-called “Butterfly Effect”, so dear to Buddhists, is a scientifically proven law of the universe.

In other words, could the Magnitsky Act, which bans people held responsible for the death of one person in a Russian prison cell from entering the United States, have consequences far beyond Russian-American relations? The death of a 37-year-old lawyer could inspire other nations and other human rights advocates to hold dictators, assassins and executioners everywhere accountable. They could no longer do their ugly deeds without fear of retribution. Thus across the world who believe they can act with impunity are now forewarned: the world is watching, or someone is watching and there will be a price to pay. It's a variation of Protestant ethics: one man can change the world, even a dead man.

For centuries, we lived under the rule that one state could not intervene in

the affairs of another state. But something happened in the 1960s with colonial wars and the after effects of colonialism. International doctrine began to change. This first happened through NGOs. For example, Doctors Without Borders, created to help victims of the war in the Nigerian province of Biafra, was the first organisation which declared that we are our brother's keeper, as it says in the Bible. We cannot look on passively as someone is being murdered or mistreated. The idea grew slowly. In the late 1970s, boat people fleeing Vietnam after the communist takeover made the world more aware of how connected we are and how we are responsible for the well-being of our neighbours.

As the world grew smaller, this moral imperative became even more pressing. And as atrocities were committed on a bigger scale, like during the war in the Balkans, other legal theories began to be tested. Catherine MacKinnon, for example, made the case on behalf of Serbian and Croatian women, that rape, when used on a large scale during wars, should be considered a form of genocide.

More recently, the United Nations created the International Crimes Tribunal in The Hague. It is prosecuting people responsible for war crimes during the war in the former Yugoslavia. Another element to the theory is that there is such a thing as international justice. We have begun, slowly and very imperfectly, to learn the lessons from the Holocaust and World War II.

The Magnitsky Act adds another weapon to the arsenal of ways of keeping criminals in check. The "Magnitsky doctrine", whose official birth was signed by Barack Obama after passing of the bill by the US Congress, says that anyone associated with a criminal act could find himself in a sort of modern version of house detention: he would be banned from travelling to another country and his assets in that country would be frozen.

The Magnitsky Act could be particularly important to protect women who are more and more frequently victims of abuse on an increasingly larger scale. According to the NGO Women Under Siege, rape is now used as a weapon in many parts of the world – Syria, Democratic Republic of the Congo, Mali, Darfur, just to name a few countries. In many Muslim countries women are also victims of "crimes of honour". They are killed by a father, a husband, or a brother for acts which they consider a stain on their family's honour – like refusing to be married against their will, wanting to divorce or even refusing

sexual abuse, according to NGO Human Rights Watch.

The Magnitsky Act, if enacted by the European Union and other democratic countries, would be a powerful tool to protect the lives of women that are too often collateral victims of armed conflicts. It would not be enough, but it would be an additional means of making sure that perpetrators of violence don't go unpunished, and that warlords and their affiliates know that there will be retribution for acting in ways which humiliate the whole of humankind.

In that, the death of Sergei Magnitsky at the hands of his executioners will not have been in vain. His death could save the lives of thousands of people - and women in particular - around the world. In a sense, the young Russian lawyer would have the last word.