

US Senator Roger Wicker (R-Miss.) and US Senator Ben Cardin (D-Md.)

A European Magnitsky Act: Why the continent must unite

US Senator Roger Wicker has represented Mississippi in the United States Senate since 2007. He serves as Deputy Whip and is a member of the Armed Services Committee; the Budget Committee; the Commerce, Science, and Transportation Committee; the Environment and Public Works Committee; and the Joint Economic Committee. Senator Wicker is one of the original co-sponsors of the Magnitsky Act.

US Senator Ben Cardin has represented Maryland in the United States Senate since 2006. He has been a Commissioner on the Commission on Security and Cooperation in Europe (the US Helsinki Commission) since 1993, serving as Chairman in the 111th and 113th Congresses and Senate Chairman in the 112th Congress. He also serves as Vice President of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly. Senator Cardin is the author of the Sergei Magnitsky Rule of Law Accountability Act.

Sanctions can send a powerful message. Time and again, they have been used against human rights violators across the world.

The dynamic of administrative sanctions, however, changed with the passage of the Magnitsky Act in the United States. The law imposes bans on public visas and freezes the assets of individuals responsible for massive corruption and serious human rights violations against the people of Russia. The new law obviously struck a nerve. In response, the Kremlin acted swiftly and drastically, presumably to thwart similar proposals in the European Union, where potential targets are far more exposed.

In the past, visa bans and asset freezes were penalties reserved for the petty dictator, war criminal, or isolated pariah state. Clearly, Vladimir Putin and his cronies do not fit into these categories. Putin may be petty and authoritarian,

but he is not yet a dictator. Henchmen like Alexander Bastrykin who violate the rights of citizens are not war criminals, and Russia is not a failed state. In fact, the Russian Federation is a member of the G8, Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe. It is committed, at least on paper, to civilized norms no less than France, Germany, or the United Kingdom.

Expecting authorities in Russia to act the part of a modern European state is neither unreasonable nor controversial. Indeed, this expectation grows out of a profound respect for Russia and the role it should play in world affairs. The move from communism was not easy and is yet to be fully complete, but the travails of transition cannot forever be an excuse to violate freely undertaken commitments and universal norms.

A constructive government in Moscow would be a valuable partner for the US and Europe, helping to advance common goals on a wide array of issues. But cooperation alone is insufficient. Shared principles must shape policy and be the guide that carries both countries through constantly changing agendas. Without such guiding principles, our policy towards Russia is at risk of deteriorating into the pursuit of immediate “deliverables”, without moral or strategic perspective.

Russia’s leaders need Europe and the US. They seek visa liberalisation, greater trade and investment, and membership in the Organisation for Economic Cooperation and Development (OECD). Most importantly, though, they seek high-level contacts and travel to the West, as well as access to a banking system secured by the rule of law.

The actions of Russia’s authorities reveal they are prepared to weather international criticism. They have grown immune to vague or empty threats about the impact of human rights violations on bilateral and multilateral relationships. An early positive lesson of the Magnitsky Act is that disciplinary action will be noticed and taken seriously by those accustomed to acting with impunity. Denying human rights violators a visa or access to Western banks is a cost-effective way of protecting national security and moral clarity. It also demonstrates solidarity with those in Russia who suffer for their dedication to justice and the pursuit of a freer country. For sanctions against human

rights violators to be most potent, those who are unwelcome in the US should also be unwelcome in Europe.

Senior leaders in foreign ministries across the continent have addressed the Magnitsky case on numerous occasions in recent years. None of their entreaties has evoked much more than a yawn from the Kremlin.

The credibility of governments that value human rights is at stake, and the world is watching closely to see who will act. Will Russia's leaders be held to modern standards of conduct? Will those of us who proclaim the dignity of human life retreat to watch as Sergei Magnitsky is prosecuted posthumously? Will we stand with Russia's prisoners of conscience like Mikhail Khodorkovsky, Platon Lebedev, and others who are languishing unjustly behind bars? Will we assure Russia's civil society groups that their valiant fight is worthwhile despite draconian restrictions and scurrilous attacks on state-run TV?

To be sure, Russia's current leadership would not take kindly to European sanctions. They have already resorted to threats and blackmail. We were appalled by the government's decision to use innocent and vulnerable children in Russian orphanages as leverage to protect corrupt officials. This cruel and cowardly tactic must not succeed or it will set a dangerous precedent. Bowing to these pressures invites more of the same from Russia and other states who expect to keep on trampling fundamental freedoms with total impunity.

Moscow's bullying may scare an individual country, but it would stand no chance in the face of a united front supporting sanctions inspired by the Magnitsky Act. The time has come for a concerted effort to bring the individuals responsible for Sergei's torture and death — as well as the abuse of so many others — to justice. Indeed, the passage of a European Magnitsky Act would be a giant victory for human rights worldwide.