

Senator Jim Walsh

## Who will educate the educators? The protection and promotion of the ethos of human rights

*Jim Walsh is a member of Fianna Fáil, the Irish Republican Party. Since 1997, he has been a member of Seanad Éireann, the Senate of Ireland, where he serves on the Agricultural panel. He is the Fianna Fáil Seanad spokesperson on Foreign Affairs and Trade.*

Over three years on since the unlawful imprisonment and killing of Sergei Magnitsky, and yet his case still continues to grip the attention of world leaders, statesmen, parliamentarians, the media and human rights advocates all over the world. Sergei Magnitsky, who exposed a multi-million dollar criminal conspiracy by police, banking and government tax officials to defraud Russian taxpayers, was himself imprisoned without trial in November, 2008. While in custody, he was tortured, brutally beaten and eventually died at the hands of prison guards and doctors who deliberately let him die of his wounds by refusing medical treatment and access to paramedics who were brought in to treat him on the last day of his life, November 16, 2009. The tragic incident sent shock waves throughout the whole world with previous similar cases still fresh in most people's minds. It is even sadder when one considers the fact that Magnitsky, a 37-year-old husband and father, was an anti-corruption lawyer by profession and that he was guilty of no crime other than standing true to the tenets of his profession, conscience and civic obligations.

Sergei Magnitsky's death has not only galvanised the cause of human right champions both within Russia and internationally, but also brought into the

limelight the Russian Federation's continued degeneration into totalitarianism where the security institutions of the police and the army continue to be instruments of political repression. No sooner did the Russian Federation emerge out of the Cold War, and moved only slowly towards some form of putative democracy, than its subsequent leaders proceeded to create a system where state-society relations pretty much revolved around personalist and oligarchic patron-client business ties. Government authorities continue to crack down severely on protesters, members of the opposition movements, NGOs, journalists, bloggers, human rights activists and ordinary businessmen and women who are suspected of having ties with, or sympathy for, the opposition.

It is thought that one of the wisest questions that Karl Marx ever posed was: "Who will educate the educators?" Apparently, he was lamenting at the proletariat who consider themselves as saviours of society and yet who have not radically turned themselves away from the underlying bourgeois social structure, belief and interest. If there is anything today that so much asserts the merit of such a question, it is the actions of authoritarian leaders - educators in the strict philosophical sense of the word, so to speak. State leaders who are themselves supposed to be the custodians of tolerance, freedom, human dignity and respect of human rights - values enshrined in their own state's constitution and international UN Conventions and treaties to which their state is a signatory - have been engaged in the systematic assault of these same human virtues.

Of course, it is naïve to expect autocratic leaders with a strong desire to dominate, to uphold the dignity and liberty of their subjects. But it is far too evil when state leaders and their cronies cynically and inhumanly murder in a cold-blooded manner, individuals who are particularly engaged in the education, promotion and protection of such highly endeared values. Democracy and the ethos of human rights are best advocated and promoted by no other than lawyers, journalists, civic society activists - ordinary people with extraordinary sensitivity to the common good and courage to carry the torch of justice, liberty and defence of the oppressed.

Ireland is one of the few European countries which suffered the misfortune of the denigration of the values of respect, tolerance and non-discrimination as a result of the sectarian violence that ravaged Northern Ireland

for many decades. It was also during this period – commonly known as the Troubles – that a certain lawyer and human rights defender by the name of Patrick Finucane was brutally murdered by loyalist paramilitaries in collusion with British military intelligence agents on February 12, 1989. As far as the issues of human rights are concerned, the tragic case of Patrick Finucane provides a similar analogy, albeit in a different social and political context, to that of Sergei Magnitsky. Finucane was a prominent civil rights lawyer who founded a private law firm where he represented and defended individuals who were charged or detained under British emergency laws. He was a courageous human rights defender who opposed and exposed many of the courts’ unfair and prejudiced handling of trials that ran counter to international human rights standards.

Ireland’s efforts to uphold human rights internationally have mirrored its peculiar national historical experience. With the memories of Finucane and those of many Irishmen and women who were victims of egregious violation of human rights over centuries fresh in their minds, Irish people and the Irish government should give crucial importance to the case of Sergei Magnitsky. Despite not supporting the motion calling for the imposition of sanctions against Russian officials responsible, the Joint Committee on Foreign Affairs and Trade of the Senate (Seanad Éireann) has called on the government to use its Presidency of the Council of the European Union to underscore the Joint Committee’s concern by reiterating the government’s resolve to ensure “a full and final report into the circumstances of the case and ensure that those found responsible be held to account in accordance with international law”. The government, for its part, has raised the Magnitsky case at the European Foreign Affairs Council and “argued that this is an issue that should remain on the agenda at the highest political level in the European Union’s relationship with Russia, including the summit with Russia, which takes place during every Presidency”.

In an era of post-ideology and post-nationalism, the primary motive of this intensive campaign at parliamentary and media level is not, it appears, for the most part, to serve any political purpose than to see that justice is done. In the meantime, the fact that Russian authorities have resorted to crude political trumpery by threatening to ban Irish adoptions of Russian children will not only be viewed with disdain, but also betrays the extent to which Russian

authorities are less sincere and less willing to address the real issue.

In the end, if there is any consolation from this tragic and shocking event, it is the fact that the struggle for democracy and human rights is the struggle of all peace loving peoples, institutions, nations and governments. No nation-state is an island in the present international political order. This directs attention, among other things, towards the need for stable and legitimate domestic political arrangements that are grounded upon some form of agreed-upon mechanisms of rule of law, separation of powers as between the government and the judiciary, values of human rights, moral principles, and norms of tolerance and peaceful coexistence that comport with unique cultural, traditional and historical circumstances. In this epic, long and arduous journey towards human rights promotion and protection, the task of institution building by and for citizens is, of course, of paramount importance. Individual citizens need to be empowered in order to actively participate in the articulation, education, sharing, and embedding of human rights values so that they do not remain passive or immobilised in the face of injustice.