

US Senator John McCain

## Europe should help end Putin's culture of impunity

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*He is a ranking member of the Armed Services Committee and served in the United States Navy until 1981. He was elected to the US House of Representatives from Arizona in 1982 and elected to the United States Senate in 1986. He was the Republican Party's nominee for president in the 2008 election. Senator John McCain was a lead co-sponsor of the Sergei Magnitsky Rule of Law Accountability Act, which was signed into law by President Obama in December 2012.*

**T**he case of Sergei Magnitsky reflects the systematic deterioration of the rule of law in Russia and its replacement with arbitrary and nearly unchecked state power, increasingly concentrated in the hands of President Vladimir Putin. The political culture in today's Russia can be described as a culture of impunity - a sense among those who control the levers of power that the country is theirs for the taking, and the only question left to debate is how government officials and other elites will divide up its wealth, power, and spoils.

This culture of impunity begins, first and foremost, with Mr Putin. Over the past several months, Putin has sent an increasingly strong signal that he will continue to use the instruments of the state to crush his critics. And, he is getting away with it.

This culture of impunity has been deepened by the increased harassment of members of opposition and civil society groups; by the continued violent attacks on brave journalists who dare to publish the truth about official corruption and other state crimes, and, of course, by the continued detention of

numerous political prisoners, not least Mikhail Khordokovsky and his associate Platon Lebedev, who remain locked away - but not forgotten. We also see the culture of impunity in Russia's recent elections, which were criticized for their flaws and irregularities by respected, impartial international organizations; in Russia's NGO law that requires any civil society group that receives international funding register as a "foreign agent"; in the government's growing interpretation of its law against extremism, which is being broadened to put pressure on civil society; and in the new law against treason, which has been defined so broadly that it allows the state to impose fines against Russians who are suspected of merely giving advice to foreigners.

Ultimately, this culture of impunity in Russia is why Sergei Magnitsky is dead. And why no one has yet been held accountable for his murder. I suspect that, under the current government, no one ever will. Instead, the Russian government has put Magnitsky himself, a dead man, on trial, perhaps in an effort to prove that he got what he deserved or ensure that its message of intimidation resonates unambiguously throughout civil society.

If citizens and civil society groups in Russia do not have a path to justice in their own country, the international community must assume the responsibility to show them that there can still be accountability and consequences for what the Russian people are suffering. This is why the United States passed the Magnitsky Act. It is also why the European Union should pass its own version.

Some try to paint the Magnitsky sanctions as anti-Russia. I could not disagree more. Indeed, as Russian civil society and opposition leaders have repeatedly told me, the Magnitsky Act is pro-Russia. Supporting the rule of law is pro-Russia. Defending the innocent and punishing the guilty is pro-Russia. And, ultimately, the virtues that Sergei Magnitsky embodied - integrity, fair-dealing, fidelity to truth and justice, and the deepest love of country, which does not turn a blind eye to the failings of one's government, but seeks to remedy them by insisting on the highest standards - are also pro-Russia.

What is so important about the Magnitsky Act is that its provisions apply not only to those Russian officials responsible for the torture and murder of Sergei Magnitsky; but also to other persons in Russia who commit human rights abuses. This is not just about historical accountability; it is also about preventing future Magnitsky cases and about imposing consequences on all human rights violators in Russia.

Europe has traditionally led strongly on human rights issues. EU leaders must, therefore, not allow Mr Putin to intimidate them through threats in other areas. The only things that may restrain the Kremlin's behavior are penalties. Nearly three decades ago, when the US Congress passed the Jackson-Vanik amendment, which linked trade to human rights, critics warned that this would harm relations with the Soviet Union. In fact, that law turned out to be an important factor in helping end the Cold War. It is my hope that the Magnitsky legislation--both in the United States and in the European Union--will help bring about change in Mr Putin's disregard for human rights and the rule of law. For Russians and all members of the international community, this change is long overdue.