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Why the Kremlin Fears the Magnitsky Act

By The Moscow Times

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The U.S. House of Representatives marked the third anniversary of lawyer Sergei Magnitsky's death last week by passing its version of the Magnitsky Act. If signed by President Barack Obama, the act will deny visas to Russian officials implicated in Magnitsky's death and a related $230 million embezzlement scheme. The legislation will also freeze their U.S. bank accounts.

As expected, the bill prompted an angry reaction from the Kremlin. But instead of addressing the Magnitsky death and embezzlement scheme itself, the Foreign Ministry reminded the world of U.S. human rights violations at the detention facility at Guantanamo Bay, Cuba, and called the bill a "defiantly unfriendly and provocative attack" that will be met with equally harsh countermeasures.

Notably, Mikhail Margelov, chairman of the Federation Council's International Affairs Committee, whose views often reflect the Kremlin's, said in an interview on Dozhd TV that it was a shame Russia's political elite have perceived the bill as anti-Russian.

Russian authorities could have avoided the Magnitsky bill by properly investigating the case thoroughly and arresting and trying its main figures. But that did not happen. The only person charged in the case is Dmitry Kratov, the deputy director of the Butyrskaya prison, where Magnitsky was held in pretrial detention.

Even the case against the lowest person on the case's totem pole — prison doctor Larisa Litvinova, who was accused of gross negligence in mistreating Magnitsky when he complained of sharp, pancreatitis-related abdominal pain — was dropped because, according to prosecutors, the statute of limitations ran out before she could be tried.

The investigators and judges who prolonged Magnitsky's detention, along with his prison guards, were never put on trial. In fact, some were even promoted. To make matters worse, the state's tax-evasion case against Magnitsky continues even three years after his death.

It is unlikely anyone will even notice the Kremlin's promised "symmetrical response" to the Magnitsky bill. Moscow could deny Russian visas to U.S. agents involved in the arrests of convicted arms dealer Viktor Bout or convicted drug smuggler Konstantin Yaroshenko. Russia could also blacklist the FBI agents who arrested Anna Chapman, the sleeper agent who was sent back to Russia in 2010. But these U.S. officials probably do not have bank accounts or assets in Russia, nor are they likely to have a burning desire to visit the country.

If Obama signs the Magnitsky Act in its current form, we can surely expect more angry words from the Kremlin and Foreign Ministry. But the Obama administration will probably ignore Russia's misdirected and exaggerated bile.

In the end, the U.S. law likely won't cause serious long-term damage to bilateral relations. If you peel away the official state demagoguery, Moscow and Washington want to cooperate on Afghanistan, the peace process in the Middle East, reductions in nuclear weapons and negotiations on missile defense.

In all likelihood, the Foreign Ministry and many State Duma deputies have reacted so strongly to the Magnitsky Act out of fear that similar bills might soon be passed by other countries in Europe, where Russian officials and their close associates do more business, buy more real estate and prefer to send their children to study.

And they have reason to fear. The British House of Commons and the Parliamentary Assembly of the Council of Europe have prepared their own versions of the Magnitsky legislation. If Obama signs the Magnitsky Act, this will likely give many European countries the green light to do the same.

This comment appeared as an editorial in Vedomosti.

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