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House Overly Selective With Magnitsky Act

By Edward Lozansky

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The recent passage of the Magnitsky Act in the U.S. House of Representatives has been widely hailed as an important advance of the cause of human rights and democracy worldwide. Those in favor of the bill claim that it sends a strong signal around the globe that the U.S. will stand by its principles even at the risk of exacerbating tensions with Russia.

But there are serious flaws to such arguments, and those flaws highlight the damage the Magnitsky Act does not only to the reputation of U.S. democracy but also to its credibility as an example for others to follow. Above all, the language in the bill makes a mockery of the basic tenets of U.S. justice.

Take, for example, the bill's provision that the U.S. can base its decision to include a Russian official on the Magnitsky list based on reports provided by nongovernmental organizations instead of on due legal process. Has the House turned its back on one of the most valued principles — namely, that a person is innocent until proven guilty?

Republican Representative Ron Paul has called this bill "reckless," while others compare the loose legal process of including Russians on the list to the "people's tribunals" of the Soviet system.

Besides, the U.S. executive branch already has the means to deny entry to undesirable individuals and freeze their illicitly gained assets. Therefore, isn't Congress simply wasting valuable time and taxpayers' money on unnecessary political stunts? This may well explain why its approval ratings among Americans have not risen above 10 percent lately.

The Senate version of this bill does not focus exclusively on Russia but targets suspected human rights violators worldwide. But the bill's lobbyists have been urging senators to abandon their principles and promptly pass the House version, which is an example of selective justice — something the U.S. is fond of accusing Russia of with Mikhail Khodorkovsky, Pussy Riot and other high-profile court cases.

Let's hope the Senate takes the high road by rejecting the selective-justice principles that the House and the lobbyists are trying to impose.

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