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Why the Magnitsky Act Is Pro-Russian

By Victor Davidoff

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Opposition leader Boris Nemtsov perhaps put it best regarding the Magnitsky Act passed by the U.S. Senate on Thursday: "This is the most pro-Russian law passed in the United States in the history of our countries."

Indeed, what better way to support Russians' interests than to punish a group of people who stole $230 million from the state budget, then framed a whistleblower and put him in jail, where he was tortured, denied medical help and eventually died?

A poll conducted by the Levada Center showed that 39 percent of those polled supported the Magnitsky Act and only 14 percent were against it, while nearly half the respondents were unsure of how to answer. Vladislav Naganov, a member of the opposition's Coordination Council, wrote on his LiveJournal blog: "This is a victory for Russia. Anyone who claims that Russia is against this law does not have the right to speak for the entire country."

But the Kremlin is of a decidedly different opinion. In recent months, the country's leadership has organized a massive international media campaign to stop the passage of the act, and it reacted harshly after it was passed. An official statement from the Foreign Ministry

disparaged the Senate vote as "a spectacle in the theater of the absurd." United Russia members were even more outspoken in their condemnation. Sergei Markov, a member of the Public Chamber and former State Duma deputy, wrote on his blog on the chamber site that the Magnitsky Act "is interference in our legal system and a violation of our sovereignty. The drivers of this bill were energetic, dedicated Russophobes."

Leonid Slutsky, a Duma deputy from the Liberal Democratic Party and deputy chief of the Russian delegation to the European Parliament, called it "interference in Russia's internal affairs."

Reading these statements, you begin to suspect that Russian politicians have taken their concepts of international law from the pages of "Alice in Wonderland." A country's policy on issuing visas are its own internal affair, and pressuring another country on these matters veers toward interference. Meanwhile, how Russia carries out its obligations on human rights is, in fact, a legitimate issue for discussion, since all signatories to international human rights conventions are subject to scrutiny from other member states. As Alexander Chuprakov, a blogger in Kirov, wrote on LiveJournal: "When officials in Russia declare that the case of Sergei Magnitsky is solely a domestic issue, they are being deceptive. As soon as millions of criminal dollars cross the borders into another country, the case becomes an international matter."

The Russian reaction lurched even farther into political absurdity when the Foreign Ministry announced it would respond with a blacklist of American officials who would be banned from entering Russia. No one knows yet what names might appear on this list, but the blogosphere and journalists have had a field day joking about this senseless threat.

The independent Internet channel Dozhd TV aired a spoof video showing unfortunate Americans who found themselves on the blacklist. "Absolutely all my savings are frozen in Russian banks, and I don't know how I can go on living," a pretend congressman whines. "My family and I are used to spending our summer vacations in Voronezh, and now we can't do that anymore. Voronezh, Samara — all of that is closed to us now. All that's left is Paris or London. What kind of life is that?"

Apparently realizing that they didn't have any trump cards in their political deck, some officials began to use the more vague phrase "asymmetrical response," which suggests actions designed to harm the interests of the U.S. or its citizens. The first sign of this asymmetrical response may have been the announcement by Gennady Onishchenko, head of the Federal Consumer Protection Service, that U.S. pork might be banned.

But a declaration of war against U.S. pork bellies is far from the only possible asymmetrical response to the Magnitsky Act. Kristina Potupchik, an active pro-Kremlin blogger regarded by insiders as a proxy for high-ranking officials, suggested nothing less than putting together a blacklist of Russian opposition leaders who should be expelled to the U.S. She wrote on her LiveJournal blog: "A truly appropriate response would be to make a list of Russian political figures who are so uncomfortable in Russia that they badmouth the country left and right. I'm sure that they'd feel more at home in the U.S., and they should be denied entrance back into Russia."

Punishing its own citizens for the actions of foreign governments would not be a new ploy

for Russia. During the Soviet era, the Kremlin responded to Israeli military successes with a new anti-Semitic campaign and a crackdown on Soviet Jews.

The passage of the Magnitsky Act presents a real dilemma for the country's leaders. It is impossible to combine membership in the private club of civilized countries with an archaic dictatorial regime that doesn't respect the rule of law or protect its citizens' property rights, freedom or even their lives. The country must either return to democratic governance or close itself off from the outside world by limiting information and the freedom to emigrate — or "re-Sovietize" the country, as U.S. Secretary of State Hillary Clinton once put it.

Strangely enough, the same problem exists on the other side of the ocean. It's also time for the White House to decide what it is dealing with in Russia — a friendly country with whom relations can be "reset," or a country whose leaders consider the U.S. their main geopolitical foe.

Victor Davidoff is a Moscow-based writer and journalist who follows the Russian blogosphere in his biweekly column.

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