

U.S. Debates How Severely to Penalize Russia in Human Rights Spat

By [The Moscow Times](#)

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WASHINGTON — In a controversy underscoring continued stresses in U.S.-Russian relations, Obama administration officials are debating how many Russian officials to ban from the United States under a new law meant to penalize Moscow for alleged human rights abuses.

The debate's outcome, expected in about two weeks, is likely to illustrate how U.S. President Barack Obama will handle what critics say is a crackdown on dissent in Russia and set the tone for Washington-Moscow relations in the president's second term.

The new law is named for Russian whistleblower Sergei Magnitsky, a 37-year-old anti-corruption lawyer who died in jail in 2009. It requires the United States to deny visas and freeze the U.S. financial assets of Russians linked to the case, or to other alleged violations of human rights in Russia.

The act was passed in December as part of a broader bill to expand U.S. trade with Russia,

and Obama signed it Dec. 14. But the White House was never keen on the rights legislation, arguing that it was unnecessary because Washington had imposed visa restrictions on some Russians thought to have played a role in Magnitsky's death. The United States has declined to disclose their names.

The Magnitsky Act says the president must publish by mid-April the list of accused human rights abusers — or explain to Congress why their names cannot be published. The reasons for not publishing must be tied to national security.

U.S. officials said there were differences within the Obama administration over what kind of list to produce — short or long — or whether to even produce two lists, one for the visa bans and another for the asset freezes.

"The difference is essentially between those who don't want to piss off the Russian government any more than we absolutely have to, and those who don't want to piss off Congress any more than we have to," a State Department official said on condition of anonymity.

Magnitsky worked for the equity fund Hermitage Capital in Moscow and was arrested on tax fraud charges shortly after he leveled similar accusations against Russian state officials in 2008. Family and former colleagues say he was mistreated and denied medical care during his year in Russian jails.

His death spooked investors and blackened Russia's image abroad. The Kremlin's own human rights council aired suspicions that he was beaten to death. Magnitsky currently is being tried posthumously in Moscow.

President Vladimir Putin was angered by the Magnitsky Act, and Russia retaliated by banning U.S. adoptions of Russian children. Asked to comment this week, a spokesman for Russia's embassy in Washington pointed to warnings that Moscow may issue its own list of alleged U.S. human rights abusers.

The White House also is hearing warnings from Congress. One of the law's authors, Representative James McGovern, wrote to Obama on Monday to caution against abbreviating the list. McGovern, a Democrat from Massachusetts, enclosed more than 230 names he said could potentially be included — such as senior Russian interior ministry and law enforcement officials who investigated and detained Magnitsky and oversaw his treatment.

McGovern said he heard some U.S. officials favor a "lax" approach to enforcing the law. "I think this would be a terrible message for the administration to send at this point in time, especially with Russia cracking down on human rights organizations," the congressman said in a telephone interview.

In recent weeks, Russian authorities have been searching the offices of advocacy groups such as Amnesty International, Human Rights Watch and Russia's oldest rights group, Memorial, in what activists say is part of a state campaign to stifle dissent.

Putin on Thursday dismissed criticism of state inspections of nongovernmental organizations, saying the office searches that had prompted charges of harassment

and caused concern in the West were routine.

After improvements under a "reset" Obama initiated in 2009, U.S. ties with Moscow have been strained by differences over the civil war in Syria; Putin's charges of U.S. meddling in internal Russian affairs; and his treatment of opponents since returning to Russia's presidency last May.

McGovern said Congress intended that the administration put people on the visa ban list if there was "credible information" that they had violated human rights.

But some administration officials favor only putting people on the list if the evidence against them meets the strict standards used by the Treasury Department for freezing assets, which would produce a shorter list, the State Department official said.

He said he expected the advocates of the shorter list to triumph initially, but noted that it could be updated later.

"I expect a fairly small list, in the 20-something range, will end up on this submission to Congress," he said, adding that he hoped it would go beyond the Magnitsky case to include names of some people involved in other alleged abuses in Russia.

The Treasury Department declined comment. "We will implement the law as required and make information available once we're in a position to do so," a White House spokeswoman said.

In addition to Magnitsky, the law lists other human rights cases it says illustrate the danger of exposing wrongdoing by Russian officials. The cases include Anna Politkovskaya, an investigative journalist who was shot to death in Moscow in 2006, and Mikhail Khodorkovsky, a jailed former oil tycoon.

The only Russian official directly named in the Magnitsky law for "wrongdoing" is Chechen leader Ramzan Kadyrov. He is not linked to the Magnitsky case, but the U.S. Commission on International Religious Freedom recently said he "stands accused of involvement in murders, torture and disappearances of political opponents and human rights activists." He denies wrongdoing.

Tom Malinowski, director of the Washington office of Human Rights Watch, said the credibility of the initial Magnitsky list would not be so much the number of names but "whether the list at least touches on some of the most important cases that have the greatest resonance among people in Russia who are concerned about the absence of the rule of law."

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