

# **The so-called Magnitsky Laws from the Perspective of International Law**

## **Abstract**

This diploma thesis treats the phenomenon of so-called Magnitsky acts, a subtype of targeted international sanctions, from the point of view of international law. The text of the thesis is structured into three chapters. The first chapter deals with the origins of Magnitsky acts. Documented are the circumstances of the incarceration and death of Sergey Magnitsky. Described are the origins of the first Magnitsky Acts, i.e., the U.S. Magnitsky Act and Global Magnitsky Act, and the spreading of analogous norms around the world. The second chapter is a survey and legal comparison of selected legislation - in the United States, Canada, European Union, and Czech Republic. Based on the literature and the individual norms, the features common to all Magnitsky acts are determined. Subsequently, the acts are compared using five criteria. These are sanction aspects, as a definition of the prosecuted behavior; creation of the sanctions list, as an entitlement of the government agencies to create such lists; individual sanctions tools; appeals and remedies in the sanctions process, or removal from the sanction list; the overview of the sanctioned entities. The third chapter discusses the nature of the Magnitsky acts in the context of international law and their possible integration in the pre-existing categories of self-help, coercive measures, retorsion, repression and others. The beginning of the chapter contains a general overview of the sanctions in international law. Then the relation of Magnitsky laws to the protection of human rights is discussed. Finally, the question is investigated whether the Magnitsky laws, or targeted international sanctions in general, can violate the right to due process, as defined in the relevant international treaties. The chapter also lists the relevant case law of CJEU and ECHR. The thesis concludes that some of the traditional institutes of international law in the sanctions domain are already obsolete and do not respond to the needs of the globalized world.

**Klíčová slova:** Magnitsky legislation, targeted sanctions, human rights