



THE CASE FOR A BRITISH MAGNITSKY ACT

Media Briefing

July 2013

THE NEW RUSSIA

Corruption Under Putin

72%

Voters would support a UK Magnitsky Act.

72%

Voters believe corruption is more widespread under Putin.

95%

Voters don't feel human rights and freedoms have got worse under Putin.

70%

Voters believe Russian organised crime is a threat to the United Kingdom.

SURVEY BY THE HENRY JACKSON SOCIETY AND YOUNG

PARTY BREAKDOWN FIGURES

49% Lab

46% Con

43% Lib

Voters who think we are not doing enough to prevent unethical money entering UK borders.

Con

80%

Lib

80%

Lab

70%

Voters believe Russian organised crime is a threat to the United Kingdom.

73%

Liberal Democrats

78%

Conservatives

71%

Labour

Voters show support for a UK Magnitsky Act

97%

Liberal Democrats

95%

Conservatives

94%

Labour

Voters believe human rights and freedoms have got worse under Putin.



NEWS RELEASE
For immediate release

**YOUGOV POLL REVEALS HUGE PUBLIC SUPPORT FOR UK MAGNITSKY
SANCTIONS AGAINST CORRUPT RUSSIAN OFFICIALS**

Tuesday, July 9th, 2013

Campaigners urging the British Government to adopt stringent sanctions against Russian officials suspected of torture and corruption have renewed their call for action, as a new poll reveals overwhelming public support for the measure.

Despite two European Parliament resolutions calling for member states to impose visa sanctions and asset freezes on Russian officials involved in the arrest, torture and death of lawyer Sergei Magnitsky, as yet the Government has failed to follow the lead of the US in passing the Magnitsky Act, which places travel and financial sanctions on those suspected of crime and human rights abuses in Russia and names those involved in a public US Government listing.

Parliamentarians and campaigners have said the failure to bring about a British law similar to the Magnitsky Act undermines David Cameron's call at the G8 Summit for a crackdown on tax transparency and has enabled corrupt officials to do business freely and with impunity in the UK.

A new YouGov poll commissioned by the Henry Jackson Society think tank has revealed the vast majority of the British public would support legislation to refuse visas and freeze the assets of Russian officials who are believed to be involved in corruption, torture and human rights.

Key results of the survey of 1,860 people include:

- ⌚ Overall, almost three quarters of those polled (72 per cent) said they would support a British Magnitsky Act, compared with just six per cent who would oppose such a measure. This rises to 78 per cent of

Conservative voters.

- 🕒 72 per cent of people believe corruption in Russia is widespread, with four per cent believing it is not widespread.
- 🕒 Just 14 per cent of those polled believe the British Government is doing as much as could be reasonably expected to stop money from Russian crime and corruption entering the UK. 46 per cent of Conservative voters and 49 per cent of Labour voters believe the Government should be doing more.

Executive Director of the Henry Jackson Society Dr Alan Mendoza said: “We in the West have a responsibility to halt the spread of human rights crimes and corruption in the Russian political system.

“The inaction of the British Government in bringing about a law which would rightly place sanctions on those suspected of serious human rights abuses makes a mockery of our ability to pose as champions of freedom and liberty.”

“The US has shown the way; all we need do is follow. Failing to do so also undermines our commitment to improve transparency in international business, clean up our own financial systems and clamp down on tax evasion.”

William Browder, Founder and CEO of Hermitage Capital Management and former client of Sergei Magnitsky, said: “The UK poll shows that British government should do much more than they have already done to ban corrupt Russian officials and human rights abusers.”

Sir Malcolm Bruce, (Lib Dem, Gordon), said: “The Magnitsky and Khordokovsky cases amongst others, demonstrate clearly that democratic countries need to stand up to Russia and make it clear that they will not make it easy for Russia to perpetrate abuse of due process and human rights.”

Dominic Raab MP (Con, Esher and Walton) said: “The British people don’t

want those with blood on their hands for appalling crimes skipping through UK passport control, to do their Christmas shopping in Harrods or buy up property on the Kings Road. We should take a lead in passing a UK Magnitsky Act to prevent Britain becoming a safe haven for the henchmen of Putin's rotten regime."

Commenting on confirmation, through a Written Parliamentary Question, that the 60 suspects accused of involvement in the persecution of Sergei Magnitsky have been banned from entering the UK Mr Raab said:

"I welcome this crucial first-step towards introducing a UK Magnitsky Act.

"Ministers have shown real mettle in doing the right thing. When we have credible evidence on those with blood on their hands for the most appalling crimes, they should not be free to breeze into Britain as if nothing had happened."

The UK poll follows a similar survey in France, which found 85 per cent of voters would support the introduction of a French Magnitsky Act. In addition, 44 per cent of Russians surveyed in December 2012 said they supported US and EU sanctions against officials as an effective measure to fight corruption and human rights abuse in their country (<http://www.levada.ru/20-12-2012/rossiyane-o-zakone-magnitskogo>).

NOTES

1. All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 1,860 adults. Fieldwork was undertaken between 24th - 25th June 2013. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

2. About The Henry Jackson Society

The Henry Jackson Society is a cross-partisan, British-based think-tank. HJS founders and supporters are united by a common interest in fostering a strong British and European commitment towards freedom, liberty, constitutional democracy, human rights, governmental and institutional

reform. We support a robust foreign, security and defence policy and transatlantic alliance.

The **Russia Studies Centre** is a research and advocacy unit operating within the Henry Jackson Society. It is dedicated to analysing contemporary Russian political developments and promoting human rights and political liberty in the Russian Federation.

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BACKGROUND

William Browder and the Sergei Magnitsky Story

William Browder is the Founder and CEO of Hermitage Capital Management. He is a leading global shareholder rights activist and has been an outspoken fighter for better corporate governance in Russia.

Mr Browder was the largest foreign investor in Russia until November 2005, when he was suddenly denied entry to the country and declared “a threat to national security” by the Russian government for exposing corruption at large Russian companies.

In 2008 Mr Browder’s lawyer, Sergei Magnitsky, uncovered a massive fraud committed by Russian government officials that involved the theft of US\$230 million of state taxes which Hermitage had already paid in 2006. After testifying against the officials involved, Mr Magnitsky was arrested and imprisoned without trial by those very same government officials. He was tortured in an attempt to force him to retract his testimony and to falsely incriminate himself and his client in the crimes. Despite the physical and psychological pressure, he refused. For almost a year he suffered horrifying detention conditions, and when this led to a drastic deterioration in his health, he was denied any medical attention despite over twenty requests for assistance. He died on 16 November 2009 at the age of 37, leaving a wife and two children.

Since that time, Mr Browder has been leading a worldwide media, legal and legislative campaign to get justice for Sergei Magnitsky. Actions have included introducing legislation to the US Congress, Canadian and European Parliaments to implement visa bans and freeze the economic assets of those who perpetrated the crimes.

In June 2009, Bill Browder testified before the US Helsinki Commission Chaired by Senator Benjamin Cardin. In May 2010, Bill Browder also testified before the Tom Lantos Human Rights Commission. Following Sergei Magnitsky’s death in November 2009, and with a complete lack of justice available for Sergei in Russia, the US Congress has taken the lead in

supporting attempts to punish those responsible for Sergei's false arrest, torture, denial of medical treatment and death in custody.

Currently, Mr Browder is working with the Canadian Parliament, European Parliament, the European Commission, the OSCE Parliamentary Assembly, the Council of Europe and parliamentarians from several individual EU member states including, Poland, Germany, Norway, France, Portugal, Lithuania, Latvia, Holland, Estonia and the Czech Republic to ensure the implementation of the visa ban and asset freezes across the European Union as a way of seeking justice for the death of Magnitsky and fighting government backed corruption in Russia.

The US Magnitsky Act

In May 2011, Senator Cardin submitted the "Sergei Magnitsky Rule of Law Accountability Act of 2011" to the Senate. The bill followed on from the previous "Justice for Sergei Magnitsky Act of 2010". However, the new version of the law also applies sanctions to Russian officials who participated in the cover-up of those individuals who tortured and killed Mr. Magnitsky. This original Act had 38 co-sponsors in the Senate. <http://www.govtrack.us/congress/bills/112/s1039/text>

In July 2011, the Obama administration banned all the Russian government officials who played a role in Sergei Magnitsky's false arrest, torture and death. http://www.nytimes.com/2011/07/27/world/europe/27russia.html?_r=0

On 16 November 2012, the day of the third anniversary of Sergei Magnitsky's death in custody, the U.S House of Representatives approved the Sergei Magnitsky Rule of Law Accountability Act imposing visa bans and asset freezes on officials responsible for the ill-treatment and death of Mr. Magnitsky, who benefited from these crimes, who concealed those responsible and who were involved in the crimes he had uncovered as well as other gross abuses of rights of whistle-blowers and human rights defenders with an overwhelming bipartisan support (365 in favour, 43 against).

On the 6 December 2012, the US Senate approved, with overwhelming bipartisan support (92 to 4), the same Magnitsky Law passed by the House a few weeks earlier. The Magnitsky Law was passed as part of a broader piece of legislation called the, the 'Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky

In addition, the new Magnitsky Act has taken a dramatic and more global approach to the legislation in that it will allow the sanctions to apply to all those who are involved in killings, gross abuse and torture of human rights activists, journalists, anti corruption whistleblowers and other fighters for democracy and rule of law, across the world.

Rule of Law Accountability Act of 2012', which normalizes trade relations with Russia following its entry to

the World Trade Organisation.

[http://www.treasury.gov/resource-](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/pl112_208.pdf)

[center/sanctions/Programs/Documents/pl112_208.pdf](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/pl112_208.pdf) On the 14 December 2012, the Magnitsky law was signed by President Barak Obama.

European pressure

Parliamentarians around the world have called for the introduction of similar legislation imposing sanctions on Russian officials.

In Britain:

- ⌚ In March 2012, a motion was unanimously passed in the British House of Commons calling for visa and economic sanctions on Russian officials involved in the original crimes uncovered by Mr Magnitsky and the cover-up since his death.

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/news/debate-on-human-rights-and-death-of-sergei-magnitsky/>

In October 2012, the UK Foreign Affairs Committee in the British Parliament issued recommendations to make public the list of banned human rights violators with reference to the Magnitsky case.

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmfa/ff/116/116.pdf>

In Europe:

- ⌚ In July 2011, the Dutch Parliament voted unanimously (150 – 0) calling on the Dutch Government to ban the Russian officials.
- ⌚ The European Parliament has passed two resolutions and a recommendation on the Magnitsky case, calling on all EU member

- states to impose visa sanctions and asset freezes on the Russian government officials involved in the false arrest, torture and death of Magnitsky. The two motions were passed in December 2010 (<http://bit.ly/15fsngA>) and December 2011 (<http://bit.ly/12GgN8L>) and the European Parliament Recommendation was approved in October 2012 (<http://bit.ly/12dknYc>)
- ⌚ In October 2011, 53 representatives at the Parliamentary Assembly of the Council of Europe (PACE) from 29 countries have co-signed the “Sergei *Magnitsky Case*” Declaration No.49 which urges Russia to immediately prosecute the killers of Sergei Magnitsky.
<http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc11/EDOC12744.htm>
 - ⌚ Also in March 2012, 59 Swedish members of Parliament from seven of the eight political parties signed a parliamentary petition to Swedish Prime Minister, Fredrik Reinfeldt, calling on him to impose EU-wide visa sanctions on Russian officials in the Magnitsky case. The parliamentarians stressed it is a matter of international importance given Russia’s membership in the Council of Europe and WTO.
<http://rt.com/news/prime-time/sweden-mp-magnitsky-sanctions-483/>
 - ⌚ In April 2012, 69 members of Parliament from 29 countries signed a Parliamentary Assembly of the Council of Europe (PACE) motion entitled: “*Refusing impunity for the killers of Sergei Magnitsky*”. The motion called for a ‘dedicated report’ to investigate the death of Sergei Magnitsky and to return the findings to the Assembly at a later date this year.
<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=18232&Language=EN>
Swiss MP Andreas Gross was elected to be the Rapporteur on the Magnitsky case and his draft report was presented to the PACE Legal Affairs and Human Rights Committee in June 2013.
http://www.assembly.coe.int/Communication/ajdoc24_2013.pdf
 - ⌚ In July 2012, the OSCE Parliamentary Assembly passed a resolution entitled: “**Rule of Law in Russia: Case of Sergei Magnitsky**”

(<http://www.oscepa.org/meetings/annual-sessions/2012-monaco-annual-session>) which called on all OSCE member states to impose visa sanctions and asset freezes on people who are responsible for the false arrest, torture and murder of Sergei Magnitsky, and the corruption he had uncovered. The resolution was approved by an overwhelming majority. Only 18 deputies voted against it and 11 abstained.

In the resolution, the OSCE Parliamentary Assembly stated that the harassment and torture of Sergei Magnitsky in custody was and remains politically motivated. Joao Soares (Portugal), former president of the OSCE Parliamentary Assembly, introduced the resolution and 13 supporting speeches were made as well as one by Senator John McCain who spoke on behalf of the US Delegation to the OSCE PA. <http://www.oscepa.org/news-a-media/press-releases/1025-parliamentarians-vote-for-visa-ban-bill-rule-of-law-in-russia>