

Hearing on the Magnitsky Law
Foreign Affairs Committee of the Danish Parliament
6 June 2018

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Mr. Chairman, Members of the Committee, thank you for holding this important hearing and for the opportunity to testify before you.

Two decades ago, in May 1998, the Russian Federation acceded as a full party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing our citizens the right to a fair trial, the freedom of expression, the freedom of assembly, the right to free elections, and other basic rights afforded to citizens of Council of Europe member states. “The ratification of the Convention will be a logical continuation of Russia’s integration into the family of democratic nations of Europe and of the effort... to improve our national legislation in the interests of Russia and of its citizens”, Igor Ivanov, first deputy foreign minister, told members of the State Duma before they overwhelmingly voted to ratify the Convention.¹ Russia’s obligations on rights and freedoms undertaken as part of our Council of Europe membership reinforced similar commitments within the framework of the Organisation for Security and Cooperation in Europe (OSCE), as well as the protections provided by Russia’s own Constitution.

Today, nearly all of these fundamental rights and freedoms are a dead letter. The regime of Vladimir Putin has made a mockery both of Russia’s international commitments and of our own constitutional mechanisms.

Freedom of the media has been the first target of Mr. Putin’s regime, with all independent nationwide television channels shut down or taken over within the first three years of his rule. Today, Russian television – the primary source of information for the majority of citizens – provides a continuous propaganda drumbeat, with laudatory coverage of the authorities and attacks on the Kremlin’s opponents who are denounced as “traitors” and “foreign agents”. In fact, “foreign agent” is now an official designation, introduced by a recent law designed to target non-governmental organisations. Some of Russia’s most respected NGOs, including the Memorial Human Rights Centre, the Golos vote-monitoring association, and the Levada Centre polling agency, have been labeled as “foreign agents”, hindering their work in Russia; while groups with an international reach, such as our own Open Russia movement, have been designated as “undesirable organisations” and prohibited from operating in Russia altogether.²

¹ State Duma of the Federal Assembly of the Russian Federation, Session No. 158, 20 February 1998 (*in Russian*)

<http://api.duma.gov.ru/api/transcriptFull/1998-02-20>

² Ministry of Justice of the Russian Federation, Register of NGOs Performing the Functions of a Foreign Agent (*in Russian*)

<http://unro.minjust.ru/NKOForeignAgent.aspx>

Parliament has been reduced to a rubber-stamp; “not a place for discussion”, in the unforgettable words of its own speaker.³ Elections have become meaningless rituals, with genuine opponents of the regime often barred from the ballot, and with voting marred by intimidation and fraud. The latest “election” that formally prolonged Vladimir Putin’s 18-year rule by a further six years was held on 18 March. It was conducted in the usual manner, with rigid government control of the media; coercion of voters; numerous instances of ballot-stuffing; and Soviet-style 90-percent “results” for Mr. Putin in several regions.⁴ But these violations were largely irrelevant. In the most important sense, the election was rigged long before the first polling station has opened. Two prominent opposition leaders were planning to challenge Mr. Putin in 2018: Boris Nemtsov, former deputy prime minister; and Alexei Navalny, founder of the Anti-Corruption Foundation. Neither was on the ballot on 18 March: Mr. Nemtsov, because three years ago he was killed on a bridge steps away from the Kremlin; Mr. Navalny, because he was deliberately barred from standing by a Russian court sentence that the European Court of Human Rights has found “arbitrary”.⁵

It is not difficult to win an election when your opponents are not on the ballot. As the head of the OSCE observer mission has stated, “choice without real competition, as we have seen here, is not real choice... Where the legal framework restricts many fundamental freedoms and the outcome is not in doubt, elections almost lose their purpose”.⁶

Following that “election”, thousands of Russians took to the streets to protest against the mockery of the democratic process. On 5 May, two days before Mr. Putin’s inauguration, opposition rallies took place in more than sixty cities across the country. Peaceful protesters were met by reinforced regiments of riot police and the National Guard, as well as members of private paramilitary groups dressed in Czarist-era Cossack uniforms and brandishing whips. Amnesty International has called the violence unleashed against peaceful protesters “outrageous”.⁷ More than 1,600 arrests were made in a single day.⁸ As

Ministry of Justice of the Russian Federation, Register of Foreign and International Undesirable Organisations (*in Russian*)

<http://minjust.ru/ru/activity/nko/unwanted>

³ *Kommersant*, 14 December 2011 (*in Russian*)

<http://kommersant.ru/doc/1838005>

⁴ Golos, Preliminary Statement on the Results of the Observation of the 18 March 2018 Election for President of Russia (*in Russian*), 19 March 2018

<https://www.golosinfo.org/ru/articles/142563>

Central Electoral Commission of the Russian Federation, Official Results of the 18 March 2018 Election for President of Russia (*in Russian*)

http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvtd=100100084849066&vrn=100100084849062®ion=0&global=1&sub_region=0&prver=0&pronetvd=null&vibid=100100084849066&type=227

⁵ *The Guardian*, 23 February 2016

<https://www.theguardian.com/world/2016/feb/24/russias-conviction-of-opposition-leader-alexei-navalny-arbitrary-european-court-says>

⁶ OSCE Office for Democratic Institutions and Human Rights, Statement, 19 March 2018

<https://www.osce.org/odihr/elections/375661>

⁷ Amnesty International, Statement, 5 May 2018

we speak here, many of the organisers and participants of these protests, including Alexei Navalny, remain in police detention.

The number of long-term political and religious prisoners in Russia, according to the Memorial Human Rights Centre, now stands at 158 – a figure comparable with the late Soviet period.⁹ They include Oleg Sentsov, a Crimean film director who protested against the annexation (as I speak, Mr. Sentsov is in the 24th day of his hunger strike); Oleg Navalny, the brother and co-defendant of Alexei Navalny; and Alexei Pichugin, the remaining hostage of the Yukos case who, after fifteen years, is Russia's longest-serving political prisoner. Mr. Pichugin has won his case at the European Court of Human Rights, but the Russian government has refused to abide by the decision, as it has in many other instances. According to the Committee of Ministers of the Council of Europe, the Russian Federation holds the dubious distinction of having the largest number of unimplemented decisions of the European Court, with more than 2,000 cases as of the end of 2017.¹⁰

But arbitrary detention, slanderous propaganda, electoral disenfranchisement, and even long-term imprisonment are not the worst consequences for those who oppose Vladimir Putin's regime. Increasingly, murder or attempted murder is becoming a tool of political reprisals. I am very fortunate to be sitting before you today after being twice – in 2015 and in 2017 – subjected to near-fatal poisoning attempts in Moscow. Others have been less fortunate. Several high-profile critics of the Russian government have met with untimely death, both inside and outside of Russia. As I have mentioned, on 27 February 2015 Russian opposition leader Boris Nemtsov was gunned down near the Kremlin in what was the most brazen and high-profile political assassination in modern Russia. Three years on, none of the organisers or masterminds of his murder have been identified or brought to justice. Last year, the Parliamentary Assembly of the Council of Europe appointed a special rapporteur with a mandate to review all aspects of the case; a similar oversight procedure will be discussed at the annual session of the OSCE Parliamentary Assembly in July. I want to take this opportunity to ask Danish representatives in both Assemblies to support these efforts and not to allow the Russian authorities to forget and move on.

I am also here today to ask members of the Danish Parliament to help put an end to a fundamental double standard that is engrained in Mr. Putin's system of power. For years, the same people who undermine and violate the most basic norms of democracy and the

<https://www.amnesty.org/en/latest/news/2018/05/russia-outrageous-use-of-force-against-protesters-in-moscow-and-all-over-the-country/>

⁸ Meduza, 7 May 2018 (in Russian)

<https://meduza.io/feature/2018/05/07/on-nam-ne-tsar-posledstviya-politicheskoy-tysyachi-zaderzhannyh-rekordnye-shtrafy-taynye-sudy-i-odno-ugolovnoe-delo-za-yakoby-vybityy-u-politseyskogo-zub>

⁹ Memorial Human Rights Centre, Current List of Political Prisoners (*in Russian*)

<https://memohrc.org/ru/pzk-list>

¹⁰ Supervision of the execution of judgments and decisions of the European Court of Human Rights 2017, 11th Annual Report of the Committee of Ministers of the Council of Europe

<https://rm.coe.int/annual-report-2017/16807af92b>

rule of law in Russia have been enjoying the protections and privileges provided by democracy and the rule of law in the West. Because it is in the West where many of the senior officials and oligarchs of the Putin regime prefer to keep their money, spend their holidays, park their families, and buy their homes. They want to steal in Russia and spend in the West.

This corrosive practice must end. Those who engage in abusive and corrupt behaviour should not be welcome in countries that pride themselves on their adherence to human rights and the rule of law. That is the principle behind the groundbreaking legislation that has now been passed in six countries, including four in the European Union, and that is named in honour of the late Sergei Magnitsky, whose story you just heard from Bill Browder. The principle is very simple: individuals complicit in gross violations of human rights and in corruption will no longer be able to receive visas to the West; own assets in the West; or use the financial and banking systems of the West. Boris Nemtsov called the Magnitsky legislation “the most pro-Russian law in the history of any foreign Parliament” because it holds to account the people who violate the rights of Russian citizens and steal the money of Russian taxpayers.¹¹ Mr. Nemtsov wrote that “all the infamies of this regime – the lies, the cruelty, the wrongful convictions, the stealing, the bigotry – come from impunity... These scoundrels should know that they will have to answer”.¹²

The Magnitsky legislation is a pale substitute for justice. The penalty for torture, murder, wrongful imprisonment, or grand corruption should not be a cancelled holiday on the Côte d'Azur or a frozen bank account in London, but a real trial in a real court of law. One day, this will be possible in Russia. For now, it is not, and targeted sanctions from Western democracies serve as the only mechanism of accountability for corrupt Kremlin officials and human rights abusers. It is my hope that the Danish Parliament will take a principled stand and will send a clear message that the people who engage in such abuses will no longer be welcome on Danish soil or in Danish banks.

¹¹ A Dangerous Slide Backwards: Russia’s Deteriorating Human Rights, U.S. Senate Committee on Foreign Relations, 13 June 2013
https://www.foreign.senate.gov/imo/media/doc/061313_Transcript_A%20Dangerous%20Slide%20Backwards%20Russia's%20Deteriorating%20Human%20Rights.pdf

¹² *The Washington Post*, 2 May 2018
<https://www.washingtonpost.com/news/democracy-post/wp/2018/05/02/the-uk-makes-history-on-human-rights/>