

## BRIEFING:

# Brott och straff i Ryssland: Fallet Magnitskij

AV WILLIAM BROWDER

INLEDNING AV MATS JOHANSSON

### INLEDNING:

Sergej Magnitskij var en av Rysslands ledande affärsjurister fram till sin död 2009, 37 år gammal. Då mördades han under en sjukhusvistelse på grund av sitt försvar för lag och rätt i processen mot funktionärer som stulit företag tillhöriga det utländska investmentbolaget Hermitage. Ingen uppsatt ansvarig har ännu straffats. Tvärtom har den ryska staten nyligen vidtagit den ovanliga åtgärden att åtala Magnitskij efter hans död.

Den ryska mörklagningen ska inte ske i tysthet. Fallet behandlas nu i den amerikanska senaten på initiativ av den demokratiska senatoren Ben Cardin. I Europarådet, EU-parlamentet och en rad nationella parlament väcks förslag i syfte att införa sanktioner mot gärningsmännen.

En drivande kraft är affärsmannen William Browder, sonson till det amerikanska kommunistpartiets grundare, numera bosatt i London. Som chef för Hermitage fick han insyn i många ryska bolag och uppmärksammade vid millennieskiftet flera fall av allvarlig

korruption, bland annat inom den statliga energijätten Gazprom. 2006 svartlistades Browder av den ryska regeringen, klassad som ett hot mot den nationella säkerheten, och utvisades. Nu står han medåtalad i processen mot den döde Magnitskij.

Bifogad dokumentation utgör underlaget för den hearing som hölls i den amerikanska senatens utrikesutskotts underkommitté för Europa den 14 december 2011 under rubriken "The State of Human Rights and The Rule of Law in Russia".

Innehållet tecknar bilden av en stat som saknar grundläggande skydd för individen. Makt utövas inte under lagen utan under makthavarnas godtycke. Egenintresset är styrande princip.

Bevisningen är kompakt, skuldbördan har erkänts av presidentens MR-råd och brottslingarna är namngivna. Men brottslingarna frias och belönas.

Fallet Magnitskij illustrerar med tydlighet förfallet under Putins långa tid vid makten. Det lär ytterligare förlängas med det redan avgjorda

presidentvalet den 4 mars. Vilket väcker frågan om på vilka villkor utländska företag kan göra affärer i Ryssland. Det avslöjar hur brott och straff hanteras i en rövarstat som allt tydligare visar sitt förakt för spelregler i mellanstatliga och internationella relationer.

Utomlands har fallet väckt starka reaktioner och ingår numera i undervisningen vid Harvard. Det är dags att även Sverige reagerar och agerar. Så skedde nyligen när den svenska regeringen tillsammans med den brittiska tog upp fallet i Europarådets ministerkommitté med krav på en effektiv brottsutredning. Svaret lär dröja.

Frivärld följer ärendet som ett led i ett av våra tre programområden, ägnat systemstriden på globalnivå. Detta utförliga underlag presenterades i samband med ett Sverigebesök av William Browder den 21-22 februari 2012 vid ett anförande i Sveriges riksdag.

Mats Johansson  
Styrelseordförande Frivärld

## 1. The crimes committed by the Russian Government against Sergei Magnitsky are irrefutable

Sergei Magnitsky died in Russian state custody on November 16, 2009 after being detained for 358 days without trial by the same Russian Interior Ministry officers he had accused of committing a \$230 million corruption.

‘Russian Lawyer who Alleged Police Corruption Dies in Prison’, by Philip Pan, Washington Post, November 18, 2009.

<http://www.washingtonpost.com/wpdyn/content/article/2009/11/17/AR2009111703188.html>

On July 5, 2011, Russian President Medvedev’s Human Rights Council, consisting of highly regarded human rights activists, concluded that Sergei Magnitsky had been falsely arrested and beaten in police custody, and that officials of the Russian state have subsequently covered up his death and have refused to investigate any of the allegations of corruption which landed him in detention.

‘Russian President Human Rights Council Report’, July 5, 2011. The report names the crimes committed and the perpetrators. English translation available at:

<http://russian-untouchables.com/eng/civil-rightscouncil/>

‘Rights Panel Issues Early Report on Russian Lawyer’s Prison Death’, by

Los Angeles Times, July 6, 2011.

<http://articles.latimes.com/2011/jul/06/world/la-fgrussia-lawyer-20110706>

‘Human Rights Council Publishes Expert Analysis of the Magnitsky Case’, by ITARTASS.

This article discusses the findings of the report, July 7, 2011.

<http://www.itartass.com/en/c142/181023.html>

An investigation by The New Times, a Russian independent magazine, exposed the role of the Interior Ministry and the Federal Security Service in Mr Magnitsky’s arrest.

‘Price of Death’, by The New Times, November 30, 2009.

<http://newtimes.ru/articles/detail/11454>

The impunity of Russian officials in the Magnitsky case has led to initiatives in the US and Europe with the aim of imposing visa and economic sanctions on those Russian officials.

‘Russians Linked to Jail Death Are Barred From US’, by Andrew Kramer, The New York Times, July 26, 2011.

[http://www.nytimes.com/2011/07/27/world/europe/27russia.html?\\_r=1](http://www.nytimes.com/2011/07/27/world/europe/27russia.html?_r=1)

## 2. The crimes against Sergei Magnitsky have affected US interests

Sergei Magnitsky worked for a US

law firm, Firestone Duncan, as head of its tax law practice. He discovered a \$230 million corruption scheme perpetrated in December 2007, by a group of senior officials in the Russian police and Tax Ministry along with exconvicts.

They laundered the money through Citigroup and JP Morgan as well as a number of other international banks. In July 2008, the banks agreed to provide information showing how the stolen funds had passed through the US banking system in response to a subpoena filed by Hermitage Capital lawyers and described in Neil Micklethwaite’s declaration, submitted to the Southern District Court of New York.

‘Micklethwaite Declaration’, submitted to the Southern District Court of New York. This document shows how the stolen \$230 million flowed through US banks, July 27, 2009 (see Chapter XIII, pages 52-54).

<http://russian-untouchables.com/docs/D62.pdf>

‘Russia’s Crime of the Century’, by Jamison Firestone, Foreign Policy, April 20, 2011. This article by Sergei Magnitsky’s law partner describes the corruption exposed by Sergei Magnitsky, the ‘inexplicable’ multi-million dollar wealth of the families of the Russian officials implicated by Mr Magnitsky, and their impunity in Russia.

[http://www.foreignpolicy.com/articles/2011/04/20/russia\\_s\\_crime\\_of\\_the\\_century](http://www.foreignpolicy.com/articles/2011/04/20/russia_s_crime_of_the_century)

'US Court Allows Hermitage Subpoenas in Russia Fraud', by Tom Hals, Reuters, July 31, 2009. This article describes how JP Morgan and Citibank provided testimony and records regarding the transfer of the stolen \$230 million.

<http://www.reuters.com/article/2009/07/31/russia-taxfraud-hermitageidUSN3143450520090731>

### 3. The crime against Sergei Magnitsky was not an isolated incident

The Russian government officials and criminals who were involved have been involved in a serial criminal activity for a number of years. Previous activities include:

#### Stealing of Public Funds and Fraud

In 2002, Russian taxes paid by an investment company previously owned by Soros Fund Management were rebated. This tax rebate scheme was described in a Moscow court testimony by a former Renaissance Capital company executive, 10 August 2005. <http://russian-untouchables.com/rus/docs/D389.pdf>

In 2005, \$1.6 billion worth of shares in a Russian iron ore company, Mikhailovsky GOK, were targeted with fraudulent transactions by members of the same criminal group.

'Top Bank Executive in Fraud Probe', by The Moscow Times, October 24, 2005.

[http://www.pressmon.com/cgi-bin/press\\_view.cgi?id=1002095](http://www.pressmon.com/cgi-bin/press_view.cgi?id=1002095)

In 2006, \$107 million of tax money paid by clients of Renaissance Capital, were stolen by members of the same criminal group.

'Browder's Fund Pursues Renaissance Capital Link in Russia Fraud', by Tom Cahill, Bloomberg, July 30, 2009.

<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aCGHf6wqokuY>

Between 2006 and 2009, there were at least nine other fraudulent tax refunds involving Russian companies perpetrated by the same Russian tax officials. Hermitage Capital lawyers filed criminal complaints with the Russian General Prosecutor's Office providing details of the refunds, October 13, 2009.

<http://russianuntouchables.com/docs/D59.pdf>

#### Kidnapping and Extortion

The 2006 kidnapping and false arrest of a Russian businessman, Fedor Mikheev, as part of a \$20 million extortion attempt, were orchestrated by members of the same criminal group, which included Russian police officers. The victim's wife, Ekaterina Mikheeva, was intimidated and threatened with rape.

'Russia: Bribery on the Beat', by Charles Clover, Financial Times, No-

vember 3, 2010. <http://cachef.ft.com/cms/s/0/bdae02a8-e784-11df-b5b4-00144feab49a.html#axzz1gEnXhoDs>

### 4. Officials involved have been involved in other human rights abuses and crimes

The Russian judges who sanctioned the false arrest of Sergei Magnitsky have done this multiple times in high-profile cases, including the arrest in December 2010 of Russian opposition leader Boris Nemtsov and the arrest in December 2011 of Russian anticorruption activist Alexei Navalny.

**Judge Yelena Stashina**, number 49 on Cardin's List, who prolonged Sergei Magnitsky's detention and denied his petitions for medical care, was responsible for imprisoning opposition candidate Boris Nemtsov for conducting a peaceful protest in December 2010.

'Opposition's Leader Arrest Legitimate – Court', by Russia Today, January 13, 2011

<http://rt.com/politics/nemtsov-opposition-arrest-court/>

**Judge Aleksey Krivoruchko**, number 47 on Cardin's list, who rejected Sergei Magnitsky's petitions about the "horrid, unbearable" conditions and denied him medical care in pre-trial detention, detained Alexei Navalny, a leading anti-corruption blogger and political opposition activist for 15 days

for participating in a peaceful demonstration against election fraud in December 2011.

‘Moscow Court Upholds Arrest of Another Opposition Activist’, by ITAR-TASS, December 7, 2011.

<http://www.itar-tass.com/en/c32/291928.html>

The Interior Ministry officials involved in the false arrest, ill-treatment and death of Sergei Magnitsky have also been named for their involvement in other crimes.

**Artem Kuznetsov**, number 15 on Cardin’s list. An officer of the Russian Interior Ministry, he was named in the kidnapping and extortion of businessman Fedor Mikheev in 2006.

**Pavel Karpov**, number 21 on Cardin’s list. An officer of the Russian Interior Ministry, he was named, together with Artem Kuznetsov, in the kidnapping and extortion of businessman Fedor Mikheev in 2006.

<http://cachef.ft.com/cms/s/0/bdae02a8-e784-11df-b5b4-00144feab49a.html#axzz1gFsb9TxB>

**Natalya Vinogradova**, number 6 on Cardin’s list. An officer of the Russian Interior Ministry, she was named for taking a bribe of \$40,000 in a complaint filed by the Russian Anti-Corruption Committee and reported by Interfax, July 21, 2011.

[http://www.interfax.co.uk/russia-cis-general-news-bulletins-in-english/nac-demands-check-into-bribery-](http://www.interfax.co.uk/russia-cis-general-news-bulletins-in-english/nac-demands-check-into-bribery-allegations-against-person-from-magnitsky-list/)

[allegations-against-person-from-magnitsky-list/](http://www.interfax.co.uk/russia-cis-general-news-bulletins-in-english/nac-demands-check-into-bribery-allegations-against-person-from-magnitsky-list/)

**Nellie Dmitrieva**, number 13 on Cardin’s list. An officer of the Russian Interior Ministry, she was arrested earlier this year for her role in extorting a \$3 million bribe in a medical equipment smuggling case, October 5, 2011.

<http://lenta.ru/news/2011/10/05/nelly/>

The Tax Ministry officials involved in the fraudulent tax rebates uncovered by Sergei Magnitsky have also been named for their involvement in other crimes.

**Olga Stepanova**, number 38 on Cardin’s list. An official of the Russian tax ministry, she was named in a criminal case for authorizing illegal VAT refunds in 2010.

‘Magnitsky Link in Tax Office Raids’, by The Moscow Times, April 7, 2011

<http://www.themoscowtimes.com/news/article/magnitsky-link-in-tax-officeraids/434635.html>

## 5. People involved in the Magnitsky case have links with organised crime

The same syndicate involved in the Magnitsky case have links to organised crime drug cartels and terrorism around the world.

### Arms Trafficking

The syndicate which laundered

money in the scheme exposed by Sergei Magnitsky, was shown to also have paid for the chartering of a plane carrying weapons from North Korea to Iran, that was detained in Bangkok airport in 2009.

‘Inside the Shell: Drugs, Arms and Tax Scams’, by the Center for Public Integrity, June 28, 2011.

<http://www.iwatchnews.org/2011/06/28/5027/inside-shell-drugs-armsand-tax-scams>

‘Double Life Among The Shells’, by Gerard Ryle, The Canberra Times, May 14, 2011.

<http://www.canberratimes.com.au/news/world/world/general/double-lifeamong-the-shells/2163116.aspx>

### Sinaloa Mexican Drug Cartel

The Organised Crime and Corruption Reporting Project (OCCRP), a consortium of investigative journalists, have exposed the high level links between drug cartels and the people involved in the Magnitsky case.

‘Global Criminal Money Laundering Network Uncovered’, by the Bureau of Investigative Journalism, November 23, 2011.

<http://www.thebureauinvestigates.com/2011/11/23/bureau-recommends-globalcriminal-money-laundering-network-uncovered/>

## 6. Governments, parliaments and international organisations around the world are taking decisive action in the Magnitsky case

### Council of Europe

In 2009, the Special Rapporteur of the Council of Europe documented the false arrest and ill-treatment in detention of Sergei Magnitsky while still alive and sought his release.

'Allegations of Politically Motivated Abuses of the Criminal Justice System in Council of Europe Member States', August 7, 2009 (see Section "Defence Lawyers – A High-risk Profession?", pages 27-28).

<http://assembly.coe.int/Documents/WorkingDocs/doc09/edoc11993.pdf>

In October 2011, representatives from 29 states at the Parliamentary Assembly of the Council of Europe, signed a Written Declaration calling on the Russian government to cease intimidation of the Magnitsky family, to allow an independent medical examination and to prosecute his killers.

'The Sergei Magnitsky case: Written Declaration No 49', October 4, 2011.

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc11/EDOC12744.htm>

### International Bar Association

In June 2009, the International Bar Association addressed Russian President Medvedev about the false arrest

and repression of Sergei Magnitsky while still alive seeking his release.

'Russia: Concerning Incidents Involving Lawyers', by the International Bar Association, June 8, 2009. <http://russian-untouchables.com/docs/D103-2009-06-08-Letter-to-Medvedev.pdf>

### United Nations

In January 2011, the UN Special Rapporteurs on Torture, Extra Judicial Killings and Human Rights Defenders sought answers from the Russian government in the Magnitsky case.

'U.N. Appointed Human Rights Experts to Probe Death of Russian lawyer Magnitsky', by Washington Post, January 20, 2011.

[http://www.washingtonpost.com/world/un-appointed-human-rights-experts-to-probedeath-of-russian-lawyer-magnitsky/2011/01/20/ABL6TOR\\_story.html](http://www.washingtonpost.com/world/un-appointed-human-rights-experts-to-probedeath-of-russian-lawyer-magnitsky/2011/01/20/ABL6TOR_story.html)

### European Parliament

In December 2010, one year after Magnitsky's death in Russian state custody, the European Parliament passed a resolution calling for visa and economic sanctions where a lack of progress with the official Russian investigation of Magnitsky's death was shown.

'European Parliament Resolution on the Annual Report on Human Rights in the World 2009 and the European Union's Policy on the Matter', December 16, 2010 (see paragraph No 120).

<http://www.europarl.europa.eu/sides/>

[getDoc.do?type=TA&reference=P7-TA-2010-0489&language=EN](http://www.world-check.com/getDoc.do?type=TA&reference=P7-TA-2010-0489&language=EN)

### World-Check

In November 2010, World-Check, a leading international risk analysis company used by 49 out of 50 major international banks to screen potential clients, published Cardin's list on their website and called on members not to accept money or bank accounts from the Russian officials on Cardin's list.

'Are You Banking Any of the 60 Russians That the EU Wants to Sanction?', by World-Check, November 29, 2010.

<http://www.world-check.com/insights-from-a-different-angle/are-you-banking-any-60-russians-eu-wants-sanction>

### Swiss General Prosecutor

In March 2011, the Swiss General Prosecutor froze \$11million belonging to the husband of the senior Russian tax official Olga Stepanova who approved most of the \$230 million refund exposed by Sergei Magnitsky.

'After Swiss Freeze Millions, Stepanov Swings Back', by Bill Alpert, May 31, 2011.

<http://online.barrons.com/article/SB5000142405311190421070457635742636443958.html>

### Dutch Parliament

In July 2011, the Dutch Parliament unanimously voted for visa and economic sanctions to be imposed on

the Russian officials in the Magnitsky case.

'Netherlands Bans Magnitsky Officials', by Moscow News, July 4, 2011.

<http://themoscownews.com/society/20110704/188808142.html>

### Canadian Parliament

In October 2011, Irwin Cotler, former Minister of Justice and Attorney General of Canada, who previously served as international legal counsel to Russian political prisoners and dissidents, introduced draft legislation to the Canadian Parliament imposing visa and economic sanctions on Russian officials in the Magnitsky case.

'Irwin Cotler Introduces Legislation to Condemn Corruption and Impunity in Russia in the Case and Death of Sergei Magnitsky', October 31, 2011.

<http://irwincotler.liberal.ca/uncategorized/cotler-introduces-legislation-to-condemncorruption-and-impunity-in-russia-in-the-case-and-death-of-sergei-magnitsky/>

### 7. Sanctions against corrupt Russian officials are widely supported across the board in Russia

#### Levada Center

In August 2011, the Russian polling agency, Levada Center, conducted a survey of attitudes of Russian citizens to the US and EU visa ban initiative against the Russian government officials on Cardin's List. The results showed

that 44% of Russian respondents supported it, with only 3% strongly opposed to it.

'Two Russias React to US Visa Sanctions Bill', by Vladimir Kara-Murza, World Affairs Journal, October 26, 2011.

<http://www.worldaffairsjournal.org/blog/vladimir-kara-murza/two-russias-react-usvisa-sanctions-bill>

#### Human Rights Activists

In September 2010 and September 2011, leading Russian human rights and civil society activists called on the US Senate to impose sanctions on the Russian officials on Cardin's list citing their impunity at home. The signatories to the letter include Ludmila Alexeeva, chair of the Moscow Helsinki Group, Russia's oldest independent human rights group, and Lev Ponomarev, chair of All-Russia Movement for Human Rights.

Letter from Russian Human Rights Activists addressed to US and EU leaders, September 13, 2010.

<http://www.mhg.ru/news/F75C4C2>

Letter from Russian Human Rights Activists addressed to John Kerry, Chair of Senate Foreign Relations Committee, September 16, 2011.

<http://www.alexeypichugin.com/index.php?id=566>

#### Online Petition

Hundreds of US-Russians have signed an online petition calling on the

US Congress to pass the Magnitsky Act and impose visa sanctions in order to help fight corruption in Russia.

<http://demruscom.com/zakon-imeni-sergeya-magnitskogo/>

#### 2011 Election Campaign

The Magnitsky case was seen as symbolic of the endemic corruption, injustice and the impunity during the Russian 2011 parliamentary elections campaign.

'Russians Tire of Corruption Spectacle', by Daniel Sandford, BBC, December 1, 2011.

<http://www.bbc.co.uk/news/world-europe-15972326>

'Russia's Rebellious Mood, Russians Have Tended to Shake Their Heads, Not Their Fists, At Injustices. Putin's Brazenness Is Changing That', by Therese Raphael, Wall Street Journal, December 8, 2011.

[http://online.wsj.com/article/SB10001424052970203501304577084564101185868.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424052970203501304577084564101185868.html?mod=googlenews_wsj)

### 8. Magnitsky is honored by anti-corruption groups, educational and cultural leaders

#### Transparency International

In November 2010, Sergei Magnitsky was recognized by an international anti-corruption organisation, Transparency International, with their prestigious global 'Integrity Award', awarded to him posthumously.

<http://www.transparency.org/>

[news\\_room/award/integrity\\_awards/integrity\\_award\\_winners/winners\\_2009\\_2010](#)

## Theatre Production

'One Hour And Eighteen Minutes', a documentary play about the last minutes of Sergei Magnitsky's life, was created by the Russian 'Theatre.Doc' based on Magnitsky's diaries from pre-trial detention. It has been performed across Russia, the US, the UK, Poland, Finland, and Bulgaria by different theatre groups in each country.

## Documentary Film

"Justice for Sergei", a documentary film produced by Dutch documentary film makers, ICU Documentaries, about Sergei Magnitsky's tragic story was presented on television stations and film festivals all over Europe, as well as in six parliaments including four in Europe, in Canada and the United States. It won the award for the best human rights documentary at the Kiev film festival and is being shown at cinemas across Russian cities. <http://www.justiceforsergei.com/>

Harvard Business School

In October 2011, Harvard Business School began teaching students about the Hermitage Capital/Magnitsky case as one of its class case studies on international business and globalization.

<http://www.time.com/time/world/article/0,8599,2100298,00.html>

## Checkpoint Charlie Museum

In November 2011, on the second anniversary of his death, a permanent exhibition dedicated to Sergei Magnitsky was unveiled at the museum of Soviet repression located at the former East-West border in Berlin, Germany. The Checkpoint Charlie Museum honoured Magnitsky's martyrdom in the fight against impunity and corruption in Russia. The opening ceremony was attended by the German Justice Minister, Sabine Leutheusser-Schnarrenberger, and Sergei Magnitsky's mother, Natalia Magnitskaya.

<http://intransit.blogs.nytimes.com/2011/11/28/berlin-exhibit-explores-magnitskiy-case/>

## 9. Is there a real investigation going on in Russia?

Two years since Sergei Magnitsky's death in custody, the official Russian investigation is still ongoing and there have been no real signs of progress. So far, 58 out of the 60 Russian government officials on Cardin's list have been exonerated. All the while, the Russian investigators maintain that they are carrying out a full and proper investigation. The two charged were low level prison doctors and they were charged with 'negligence'.

'Sergei Magnitsky: Russia Charges Two Doctors', by BBC, August 12, 2011.

<http://www.bbc.co.uk/news/world-europe-14509630>

On the first anniversary of Sergei Magnitsky's death in November 2010, five of the police officials implicated in the Magnitsky case were awarded with state honors on National Police Day. Three of them were subsequently promoted.

'Awards, but No Charges, in Russia Jail-Death Probe', by Gregory White, Wall Street Journal, November 11, 2010.

<http://online.wsj.com/article/SB10001424052748704804504575606523510709334.html>

The Interior Ministry rejected as 'irrelevant' the findings of President Medvedev's Human Rights Council into the false arrest, torture and death in custody of Sergei Magnitsky.

'Russia Dashes EU Hopes in High-profile Murder Probe', by Andrew Rettman, EU Observer, August 2, 2011.

<http://euobserver.com/24/32676>

The Russian Interior Ministry re-opens the case against Sergei Magnitsky 20 months after his death and pursues his mother for questioning as a witness.

<http://rt.com/politics/magnitsky-mother-case-investigation-901/>

'Lawyer's Mother Takes on Russian Officials', by Kathy Lally, Washington Post, September 25, 2011.

<http://www.washingtonpost.com/world/europe/lawyers-mothertakes-on-russian-officials/2011/09/24/>

[gIQAzDHrwK\\_story.html](#)

'Sergei Magnitsky's Mother Vows to Fight for Justice in Russia', by Miriam Elder, Guardian, November 23, 2011.

<http://www.guardian.co.uk/world/2011/nov/23/sergeimagnitsky-mother-justice-russia>

## 10. Prominent editorials have been written about the case endorsing the Magnitsky Act

**Henry Jackson Society**, Michael Weiss & Julia Pettengill, 6 October 2011.

"If passed, the Sergei Magnitsky Rule of Law Accountability Act would represent a cataclysmic shift in U.S. human rights policy."

<http://www.henryjacksonsociety.org/stories.asp?pageid=49&id=1829>

**Freedom House**, David Kramer & Robert Kagan, 11 October 2011.

"This draft bill has already done more for the cause of human rights in Russia than anything done by the Obama administration (or by the Bush administration before it)."

<http://www.freedomhouse.org/template.cfm?page=72&release=1507>

**Foreign Policy Initiative**, Russia Working Group, 7 December 2011.

"The passage of the bi-partisan Sergei Magnitsky Act, a bill that proposes to ban Russian human rights violators from entering the United States,

would send a clear message to Russian Prime Minister Putin and his United Russia party that those guilty of human rights abuses will not be able to travel to the United States or protect their corrupt gains in our financial institutions."

<http://www.foreignpolicyi.org/content/russia-working-group-statementrussia%E2%80%99s-december-4-duma-elections>

**Foreign Policy**: "Adding Insult to Murder", David Kramer, November 15, 2010.

"Some supporters of the Obama administration's "reset policy" with Russia, both in and out of the U.S. government, object to the proposed legislation because they worry that it will damage bilateral relations. Lawlessness in Russia has been rampant under Medvedev and Prime Minister Vladimir Putin. Obama's "reset policy" shouldn't distract from the fact that we can do something about it even if Russia's leaders won't."

[http://www.foreignpolicy.com/articles/2010/11/15/adding\\_insult\\_to\\_murder?print=yes&hidecomments=yes&page=full](http://www.foreignpolicy.com/articles/2010/11/15/adding_insult_to_murder?print=yes&hidecomments=yes&page=full)

**The Washington Post**: "Seeking Russian Justice", Editorial, April 22, 2011.

"While outside powers cannot change this culture, legislation before Congress could provide some leverage. The Obama administration, of course,

already has the authority to impose these sanctions and has been studying the Magnitsky case. It should act against those persons it finds culpable."

[http://www.washingtonpost.com/opinions/seeking-russianjustice/2011/04/19/AF1pwyKE\\_story.html](http://www.washingtonpost.com/opinions/seeking-russianjustice/2011/04/19/AF1pwyKE_story.html)

**The Moscow Times**: "Swapping Jackson Vanik for Magnitsky", Vladimir Ryzkhov, May 24, 2011.

"Whether it comes through a new US law, the OSCE or the Council of Europe, corrupt Russian officials are being served notice that the world is becoming less inclined to close its eyes to criminal activity in Russia. The rug is being pulled out from under their feet both in Russia and Abroad."

<http://www.themoscowtimes.com/opinion/article/swapping-jackson-vanik-formagnitsky/437330.html>

**The Washington Post**: "Accountability for Sergei Magnitsky's Killers", by Senator Cardin, August 9, 2011.

"This bipartisan effort sends the unambiguous warning that even if your home country looks the other way as you violate human rights and trample the rule of law, the United States will not stand by as an unwitting accomplice in your crimes. The legislation provides moral support to those who suffer or risk their safety to fight for justice."

<http://www.washingtonpost.com/opinions/accountability-for-sergei->



[magnitskyskillers/2011/08/05/gIQA4XeI3I\\_story.html](http://magnitskyskillers/2011/08/05/gIQA4XeI3I_story.html)

CNN: "Why Russia Is Blacklisting Americans", by Fareed Zakaria, November 27, 2011.

"US action over the Magnitsky case has exposed a raw nerve among Moscow's elite. You can see it in the Kremlin's response. It retaliated by blacklisting US officials, but it also indicated it was targeting Americans involved in the prosecutions of two Russian criminals - the arms dealer-

Viktor Bout and a convicted cocaine smuggler. So Moscow is comparing the prosecution of notorious arms and drug smugglers with the prosecution and murder of an honest lawyer, in a case that even President Medvedev has said required investigation. The underlying issue here is that for all the glitter of having being named a BRIC - one of the hot emerging markets - Russia remains a country where corruption is rampant...In fact, the most disturbing aspect of the Magnitsky

case is that it appears that the entire Russian state is in some sense involved in corruption and crime."

<http://globalpublicsquare.blogs.cnn.com/2011/11/27/zakaria-why-russia-isblacklisting-americans-2/>

## FÖRFATTAREN:

William Browder är affärsman och medgrundare av Hermitage Capital Management som var ett av de främsta utländska investmentbolagen i Ryssland. Mellan 1998 och 2000 uppmärksammade Hermitage flera fall av allvarlig korruption inom Gazprom. 2006 svartlistades Browder av den ryska regeringen och blev klassad som ett hot mot den nationella säkerheten.



Detta är Frivärlds andra briefingutgåva under 2012.

Tidigare utgivna rapporter och briefings är:

"Lärdomar av den baltiska finanskrisen, 2007 – 2010", Anders Åslund, juni 2011

"Mot oddsens och oligarkerna", Pauls Raudseps, september 2011

"Utvecklingen efter arabiska våren – från kleptokrati till kapitalism?", Susanne Tarkowski, september 2011

"Svensk militär solidaritet kring Östersjön: Tre scenarier", Karlis Neretnieks, oktober 2011

"Europarådet – Reformer eller marginalisering", Göran Lindblad, december 2011

"Presidentvalet i USA: Isolationism på marsch?", Anders Edwardsson, januari 2012

"Yttrandefrihet och demokrati på tillbakagång i Europa", Birgitta Ohlsson, februari 2012

This shall not be copied without the permission of The Stockholm Free World Forum.

Copyright © 2012 All rights reserved.