



**DELEGATION TO THE
EU-RUSSIA PARLIAMENTARY COOPERATION COMMITTEE**

STATEMENT

Brussels, 28 February 2012. The Delegation disapproves the prolonging of the investigation process into the causes of the death of Mr. Sergei Magnitsky. It is awaiting rapid clarification of the causes of this tragic death and punishment of those who are guilty. The Delegation urges the EU Member States to launch appropriate procedures bringing into force measures such as an EU-wide travel ban and freeze of the financial assets of those who have been involved in the torture and death of Sergei Magnitsky as well as in covering up the case, similar to the ones adopted by the United Kingdom, the Netherlands and the United States.

Introductory remarks

Sergei Magnitsky, an outside counsel to the Hermitage Capital Management Fund, uncovered a large tax refund fraud perpetrated by Russian officials. He testified about it and was arrested on trumped-up charges by the same officials, tortured for 358 days and died on 16 November 2009 in Russian police custody, just a few days before the deadline of one year during which he could be held without trial.

None of the officials Magnitsky reported for their role in the embezzlement of 230 million USD of public funds and who were involved in his false arrest, torture and murder have been prosecuted for these crimes. After two years of investigation, two medical officials were charged with unintentional negligence in proceedings which deprived the Magnitsky family and their counsel from access to most of his personal records and case files.

Several times the European Parliament condemned the lack of investigations concerning the death of Sergei Magnitsky. On the occasion of the debate on the Human Rights Report 2010, the European Parliament "urged the Russian judicial authorities to press ahead with the investigation of the death of Sergey Magnitsky; called for an EU entry ban for the 60 Russian officials involved in this case and asked the EU law enforcement agencies to cooperate in freezing the bank accounts and other assets of these Russian officials in all EU Member States".

In 2011 President Medvedev promised to force the investigations in the Magnitsky case and asked the Human Rights Council to draft a report, which was submitted in July 2011. It provided evidence that Sergei Magnitsky's arrest was unlawful and that his detention was marked by beatings and torture aimed at extracting a confession of guilt. An evaluation of the President himself was repeatedly announced and postponed several times, for the last time in January 2012.

End of November 2011 Hermitage Capital released a report with new documentary evidence showing how Sergei Magnitsky was murdered and how the Russian government has consistently lied in public about Sergei Magnitsky's false arrest, torture and death to cover up the criminal liability of the Russian officials involved. The report shows further that the Russian investigation is conducted and supervised by the same officials who have been implicated in the crimes and therefore does not meet any standard of independence and impartiality.

Since December 2011 the US Senate has intensified its discussions on the so called Magnitsky-Act, including visa ban and the freeze of assets on officials involved in the death of Sergei Magnitsky. Increasingly, support for this bill is seen as a way to keep the pressure on human rights violators in Russia. The US sees cooperation with the EU on this issue as an important contribution.

After they were named as having been responsible for torture and murder, Russian Interior Ministry investigators responded by opening a case to prosecute Sergei Magnitsky, 20 months after he died. They wanted the family to accept his posthumous liability in return for stopping the case against him. The family refused, and then the same investigators who were responsible for Sergei Magnitsky's death started summoning his mother and widow for interrogation as witnesses against Sergei Magnitsky in the posthumous case.

The Delegation to the EU-Russia Parliamentary Cooperation Committee:

1. Believes that enhanced cooperation and good-neighbourly relations between the EU and Russia can only be built on shared common values as human rights and democracy, respect of the rule of law, a reliable legal system and freedom of media;
2. Disapproves prolonging of the investigation process into the causes of death of Sergei Magnitsky and awaits rapid clarification of the causes of this tragic death and punishment of those who are guilty;
3. Expresses serious concerns with regard to the case of Sergei Magnitsky, as it shows the failure to punish those guilty of his death, being aware that he is just one among many people who have been fighting for freedom, democracy and the rule of law in Russia and who died while pursuing this endeavour;
4. Takes note that more than one year has passed since the European Parliament called on the Council, "to insist that the Russian authorities bring those responsible to justice and to consider imposing an EU entry ban", and also encouraged "EU law enforcement agencies to cooperate in freezing bank accounts and other assets of the Russian officials in all EU Member States";
5. Welcomes that the US State Department, the UK Foreign Office and the Dutch Parliament decided in 2011 to impose visa bans on some 60 Russian officials believed to be involved in the death of Sergei Magnitsky as a result of the Russian authorities' inaction;
6. Urges the EU Member States to start immediately procedures to enact measures such as an EU-wide travel ban and a freeze on the financial assets of those believed to be guilty of the torture and death of Sergei Magnitsky as well as of covering up the case;
7. Instructs its Chairman to forward this resolution to the President of the European Parliament, the Foreign Affairs Committee of the European Parliament and the Duma and Federation Council Delegations to the EU-Russia PCC.

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