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April 26, 2010

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Fred L. Turner, Chief of Staff

The Honorable Hillary Rodham Clinton Secretary of State Washington, DC 20520

Dear Secretary Clinton:

I am writing to request the immediate cancelation of U.S. visas held by a number of Russian officials and others who are involved in significant corruption in that country and who are responsible for last year's torture and death in prison of the Russian anti-corruption lawyer, Sergei Magnitsky, who testified against them. While there are many aspects of this case which are impossible to pursue here in the United States, one step we can take, however, is to deny the individuals involved in this crime and their immediate family members the privilege of visiting our country. The United States has a clear policy of denying entry to individuals involved in corruption, and it is imperative that the U.S. Department of State act promptly on this matter.

By way of brief background, on June 23, 2009, the Helsinki Commission heard testimony from the CEO of Hermitage Capital, Bill Browder, about a major crime committed by senior Interior Ministry officials in Russia, along with others in the Russian government and private sector. The crime, which involved a fraudulent \$230 million tax refund paid to the criminal group, was exposed by Hermitage's lawyer, Sergei Magnitsky. Through Mr. Browder's testimony we heard about the plight of Mr. Magnistky, who, after discovering the crime, chose to testify against the Interior Ministry officers who had carried it out. One month after his testimony he was arrested in front of his wife and two young children in his Moscow home by a team of Interior Ministry troopers reporting directly to the officers Mr. Magnitsky had accused.

Since our June hearing, this story has taken a tragic turn for the worse. As highlighted in the 2009 State Department Country Report of Human Rights in Russia, Sergei Magnitsky was tortured in an attempt to force him to withdraw his testimony and to incriminate himself and his client. His detailed letters from prison attest to the inhuman conditions in which he was kept for nearly a year without a trial. During the course of his imprisonment he developed gallstones and pancreatitis, but was denied any medical attention as he continued to refuse to withdraw his testimony. On the night of November 16, 2009, he died awaiting trial.

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Sergei Magnitsky's family were denied an independent autopsy by the Russian authorities, who claimed he died of natural causes. Members of Moscow's independent Prison Oversight Commission, a local watchdog group, described Magnitsky's death as "intentional" and "murder" and highlighted the role of government officials and prison administrators in his torture. Since the death, a number of prison officials have been fired, but no one has been prosecuted for his torture or death, nor for participating in the corruption he exposed.

While there is a limit to the direct action our government can take in this case, we can take the concrete action to ensure those public officials and others who share responsibility for this crime should be denied entry visas to the United States. As you know, the United States has the policy of prohibiting individuals involved in corruption from visiting our country, and the State Department is mandated by the President to achieve this aim. Pursuant to Presidential Proclamation 7750 ("To Suspend Entry as Immigrants or Nonimmigrants of Persons Engaged in or Benefiting From Corruption"(12 January 2004)).

The colleagues of Sergei Magnitsky and his attorneys have provided to the Helsinki Commission a list of those individuals involved in the \$230 million tax refund fraud and the subsequent torture and death of Sergei Magnitsky. The list includes senior officials from the Russian Interior Ministry, Federal Security Service, Federal Tax Service, Arbitration Courts, General Prosecutor Office, and Federal Prison Service, along with detailed descriptions of their involvement.

On this basis, I urge you to immediately cancel and permanently withdraw the U.S visa privileges of all those involved in this crime, along with their dependents and family members. Doing so will provide some measure of justice for the late Mr. Magnitsky and his surviving family and will send an important message to corrupt officials in Russia and elsewhere that the U.S. is serious about combating foreign corruption and the harm it does. It will also help to protect U.S. companies operating in Russia who risk falling prey to similar schemes in the future.

Sincerely,

Ben Card

Benjamin L. Cardin, U.S.S.

Chairman