

I am delighted to participate in the common cause which brings us together – the struggle against the cultures of criminality and corruption and the impunity that underpin them – and this as part of the larger pursuit of justice and accountability both domestically and internationally.

We meet at an important moment of remembrance and reminder

- The 8th anniversary of the torture and murder of Sergei Magnitsky – who uncovered the largest corporate tax fraud in Russian history and paid for it with his life – and where in a move that would make Kafka blush, the Russians engaged in a posthumous prosecution of Magnitsky for the very fraud that he had exposed.
- The 5th anniversary of the adoption here in the U.S. of the Sergei Magnitsky Rule of Law Accountability Act, which inspired similar initiatives elsewhere,
- The immediate aftermath of the unanimous adoption by both houses of the Canadian Parliament of Global Justice for Sergei Magnitsky legislation, titled “Justice for Victims of Corrupt Foreign Officials Act”

Accordingly, what I would like to do is first, summarize briefly the process in Canada – as a matter of chronology and content – that led to this historic, albeit belated, Canadian initiative; Second, summarize the *raison d’être* of this legislation, and finally some brief comments and where do we go from here, in Canada and internationally.

First, having regard to the genesis and development of the Magnitsky process, it was inspired, not unlike the U.S., by an encounter I had with Bill Browder in 2010 in the UK, and which led to the launch of the Justice for Sergei Magnitsky movement in Canada. A series of initiatives in November 2010 alone provide a looking glass into the character and content of the movement, which included:

- Meeting of the Foreign Affairs Subcommittee on International Human Rights with Bill Browder as principal witness on November 2nd
- International parliamentary premiere of “Justice for Sergei Magnitsky” documentary
- First of many Op-Eds calling for Justice for Sergei Magnitsky and outlining the advocacy and legislative framework to be followed
- Unanimous adoption by the Foreign Affairs Subcommittee of my motion calling, *inter alia*, for justice for Sergei Magnitsky legislation modeled on the U.S. initiative.

One year later, I introduced a private Member's Bill titled "an Act to Condemn Corruption and Impunity in Russia in the Case and Death of Sergei Magnitsky," the first legislative initiative of its kind in the Canadian Parliament, but being from an opposition party it required support from the government of the day, which was not forthcoming.

In 2012, Boris Nemtsov, leading Russian democrat, came to Canada to support this Private Member's Bill along with Vladimir Kara-Murza, and later that year we launched the Justice for Sergei Magnitsky Interparliamentary Group, which led to resolutions being adopted in the European Parliament and country adoptions in Estonia and Lithuania.

In 2013 the pattern of unanimous motions continued, but the focus now shifted to representations to the Canadian Government, and where Bill Browder and I joined in meetings with Government Ministers, and where we conveyed documentary evidence of the criminality and corruption of sixty Russian officials, but our efforts to get Government actions were unavailing. The year 2014 began with Canada sanctioning Russian officials for Russian aggression re Crimea and the Ukraine, and with Russia retaliating by banning 13 Canadian leaders, including MP Chrystia Freeland (who was later to become Minister of Foreign Affairs) and myself, but still no government legislation re Magnitsky.

2015 witnessed a number of dramatic developments, which began to move us in the direction of legislation.

- In February 2015 Boris Nemtsov, leading campaigner internationally for Justice for Sergei Magnitsky legislation – and a leading critic of Russian aggression in Crimea and Ukraine was murdered just outside the Kremlin
- In March 2015 the House unanimously adopted my motion calling for Global Justice for Sergei Magnitsky legislation again inspired by the developments in the U.S.
- In June I introduced, again as a Private Member's Bill, the Global Magnitsky Human Rights Accountability Act and while the Conservative Government finally agreed to adopt the legislation, the process was adjourned by the calling of an election.
- In the course of the election, each of the three principal political parties, Liberals, Conservatives, and the New Democratic Parties committed themselves to adopting such legislation if elected.
- The Liberal Party won the election but the momentum of the Government was stalled. The new Foreign Minister Stephane Dion, considering that such legislation was unnecessary (i.e. we had other domestic legislation which would suffice) and that it would prejudice our "re-engagement with Russia"

Accordingly, we reignited the parliamentary process – now in both Houses – and again with the witness testimony of Bill Browder, Vladimir Kara-Murza, Zhanna Nemtsova, and Garry Kasparov. A number of developing factors underpinned the momentum, including:

- The founding of the All-Party Raoul Wallenberg Parliamentary Caucus for Human Rights, which made such legislation a priority
- Unanimous report from the Foreign Affairs Committee calling for Global Justice for Sergei Magnitsky legislation
- The leadership of the newly appointed Foreign Minister Chrystia Freeland, who in May 2017 announced Government support for Sergei Magnitsky Global Justice and Accountability legislation
- Succession of Russian threats emanating both from the Russian embassy in Canada and Putin himself warning against Canadian adoption of that legislation and the adverse impact it would have on Canada-Russia relations.
- Meeting of the Raoul Wallenberg Caucus calling not only for the passage of the legislation, but for its unanimous adoption, so as to send a message to the Kremlin that we will not be intimidated.
- Finally, Global Justice for Sergei Magnitsky legislation passes unanimously in both Houses and received royal assent

The momentum for the legislation was not unrelated to the resurgent global authoritarianism, which mandated a Global Human Rights Act, because while Russia was a major human rights violator – arguably the most threatening of the human rights violators because of its externalized aggression and its domestic repression – Russia was not the only human rights violator, which accounted therefore for the objectives and purposes which underpin this legislation and which includes:

First, to combat the persistent and pervasive culture of corruption, criminality, and impunity.

Second, to deter thereby other would-be or prospective violators, because if we indulge that culture of impunity, we only embolden the human rights violators. If we sanction the human rights violators, we can deter others because they know there is a price to be paid for their corruption or criminality.

Third is that we make the pursuit of international justice a priority and a pillar of our human rights policy both domestic and international

The fourth is to uphold the rule of law and justice and accountability in our own territory through visa bans and asset seizures and the like. The recent evidence of how Magnitsky assets have been laundered in Canada is but one case study of the importance of having this type of comprehensive legislation.

Fifth, this legislation does not interfere with the sovereignty of any other country. We are not acting in any other country. What we are seeking to do is to protect our own sovereignty, our own rule of law, our own economy, and to exclude these would-be perpetrators from exercising what is in effect a privilege, and not a right, to enter our country.

Sixth, is to protect Canadian businesses operating abroad. Magnitsky uncovered the largest corporate tax fraud in Russian history, which was perpetrated against a U.K.-based entity, Hermitage Capital, so this type of legislation would protect not only the integrity of commerce in Canada, but also our Canadian businessmen operating abroad.

Seventh, is the importance of the naming and shaming of human rights violators, so that they cannot, in effect, leverage their culture of criminality and corruption to come to Canada, purchase houses here, vacation here, send their children to schools here, launder their assets here, and the like. In other words, we need to protect the integrity of our sovereignty, our rule of law, our economy, and our institutions.

Eighth, It is important to appreciate that this legislation targets human rights violators and not governments, targeting individuals who have engaged in gross violation of internationally recognized human rights such as extrajudicial executions, torture, widespread and systematic targeting of civilians, and to prevent them from entering our country or laundering their assets here.

Ninth, such legislation would not bind the Canadian government; rather, it would empower the Canadian government. It would allow us to be a protector of human rights, and not an enabler of the violators of human rights.

Finally, and most importantly, it tells the human rights defenders, the Magnitskys of today in Russia or those in any other part of the world, such as Raif Badawi in Saudi Arabia or Leopoldo López in Venezuela or the Baha'i in Iran, that they are not alone, that we stand in solidarity with them, that we will not relent in our pursuit of justice for them, and that we will undertake our international responsibilities in the pursuit of justice and in the combatting of the culture of impunity and criminality in these respective countries.

Where do we go from here? May I make a number of suggestions:

First, we should seek to internationalize the Global Justice for Sergei Magnitsky movement and secure as many participating countries as possible. As Boris Nemtsov put it, the adoption of Magnitsky legislation by EU countries would be a

serious blow to the criminal regime in Russia. As he put it, “if you want to protect yourself against Putin’s thieves, murderers, and corrupt officials, you must adopt the Magnitsky law.

Second, three of the G7 countries have now adopted Magnitsky legislation – the U.S., UK, Canada – as Canada assumes the presidency of the G7 – and the next G7 meeting will be held in Quebec – we should seek to mobilize support for such legislation in the four remaining G7 countries – Germany, France, Italy, and Japan.

Third, we need to make the OSCE a focal point of our advocacy for Justice for Sergei Magnitsky legislation, anchored in our commitments under the Helsinki Final Act, where the OSCE countries have affirmed that “issues relating to human rights, fundamental freedoms, democracy, and the rule of law, are of international concern and the respect of these rights and freedoms constitutes one of the foundations of the international order. Therefore we have not only a right but a responsibility to hold Russia – an OSCE state – accountable for the standing violation of its commitments.

Fourth, the assault on human rights and the rule of law – and the imprisonment of human rights defenders – is a standing violation of principle seven of the Helsinki Final Act – the right of people to know and act upon their rights, and here too, Russia must be held accountable re its political prisoners.

Fifth, from a global perspective, Global Justice for Sergei Magnitsky legislation should combat the resurgent global authoritarianism – and the culture of impunity that underpins it – by sanctioning human rights violators, be they in Russia, Venezuela, or South Sudan, which is something Canada has done since our adoption of the legislation.

In the end of the day, in adopting Magnitsky legislation we make a statement not only of what we must do, but of who we are.