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TESTIMONY BEFORE COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
(U.S. HELSINKI COMMISSION)

THE MAGNITSKY ACT AT FIVE: ASSESSING ACCOMPLISHMENTS AND  
CHALLENGES

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Thank you for having me here today, and to Chairman Wicker and Co-Chairman Smith for holding this hearing on a topic of vital national and international security.

I will understand if few of you recall that I spoke here over thirteen years ago, in May 2004, on a panel titled “Human Rights in Putin’s Russia.” Bill Browder and I were still attempting to do our part to salvage democracy and the rule of law from inside Putin’s Russia while the entire democratic world preferred to ignore the true nature of what Putin was doing in my country.

Mikhail Khodorkovsky had just been arrested. There were still a dwindling handful of Russian media not under Kremlin control. The Russian parliament still had a few members who would occasionally criticize Putin. Anna Politkovskaya, and Boris Nemtsov, Sergei Magnitsky, and so many others who opposed Putin were all still alive.

I am not the sort of person to wallow in nostalgia, but it is hard not to think of how different Russia and the world might be today had the free world taken a stand against Vladimir Putin back then, before he had consolidated total power in Russia. In 2004, Putin still needed friends on the international stage, and he had them. By 2012, that phase was over, and a far deadlier phase of dictatorship began, when Putin needed not friends, but enemies to justify his eternal grip on power. Today, there is no longer any need to discuss human rights in Putin’s Russia. They are gone, and Putin is revealed to all as what we warned he could become: a dictator.

And please, do not speak of Putin’s supposed popularity. A popular leader does not need to fake elections, or destroy the free media, or jail critics or kill opposition leaders. Status that is artificially fashioned by twenty-four-hour propaganda, repression of all dissent, and the elimination of all rivals is not approval, it is dictatorship.

Here, thirteen years ago, I said, “Without Western attention and pressure, the situation will only worsen during Putin’s next four years.” We still dreamed that Putin could be forced to hold real elections in 2008, but it was not to be. Later I said, “Putin is a Russian problem, for Russians to deal with. But if he isn’t stopped, he will soon be a regional problem—and after that he will be everyone’s problem.”

Fast-forward to 2006, and the murder of Russian anti-Putin whistleblower Alexander Litvinenko in London with a nuclear isotope. To 2008, and Putin’s invasion of Georgia—for which he also suffered no consequences and was even rewarded with the infamous American “Reset”. Jump to 2012, and Putin’s broad crackdown against any and all opposition and demonstrations, which led to Boris Nemtsov’s murder and my own exile. To 2014, and Putin’s invasion of Crimea and Eastern Ukraine. To 2016, and direct Russian interference in the American presidential election—after similar activities in the UK, Netherlands, and elsewhere in Europe.

For a decade now, many of us familiar with the reality of Putin and his regime, including both of my fellow guests here to offer testimony, have insisted that the only effective way to pressure Putin is to target the only thing he cares about: his hold on power in Russia. And, that the best way to target Putin’s power is to take aim at his agents and cronies and their money, to pursue the mafia that holds the levers of power and who benefit the most from Putin’s rule. The individuals who can influence Putin must be targeted or there can be no effective deterrence. There is no national Russian interest Putin cares about beyond propaganda value. In fact, Russian national interest and Putin’s interests are diametrically opposed in nearly every way. Putin does not care about the Russian people, the Russian economy, or the image of Russia abroad. I repeat: he does not care. This is why legislation that targets Putin and his mafia is pro-Russian, not anti-Russia.

But I know that first and foremost we are here to discuss the interests of the United States. Its security, integrity, and economic well-being. Consider the American and other free world policy goals of dealing with Putin’s aggression. One, to improve American and international security by deterring him from further hostile acts. Ukraine, Syria, Venezuela, missile tech to North Korea, election meddling—Putin’s attacks are asymmetric and so the global response must be asymmetric as well—by going after what matters to him most. Two, to threaten Putin’s grasp on total power in Russia by forcing his elites to choose between loyalty to him and their fortunes abroad. Three,

to support the long-term interests of the Russian people by exposing the corruption of our rulers. To all three of these goals, the Magnitsky Act is the answer.

Putin's regime is a mafia and you have to fight it like a mafia. Very strong penalties must be ready and widely known. I understand that deterrence is difficult because its fruits are not apparent. If it works, maybe nothing visible happens. To those who say that sanctions have not worked, can you say what else Putin might have done without them in place? Or why he works so frantically to have them repealed?

Progress in a hybrid war is not measured in territory conquered or battlefield casualties. Corrupting influence and propaganda spread like a contagious disease. You can measure the effectiveness of the Magnitsky legislation the way you measure the effectiveness of antibiotics. You put a drop in the petri dish and see if the bacteria stop growing, if the bacteria respond to the antibiotic and die. By this measure, the Magnitsky Act has been effective, and could be much more effective if strengthened and implemented globally and aggressively.

Last month, a Reuters report said anxiety was spreading among Russia's wealthiest because of sanctions and the threat of the U.S. blacklist. It reported that some business leaders were trying to avoid being seen in public near Putin, and to distance themselves. This is progress; it shows the medicine is effective. But anxiety is not enough to turn against a brutal dictator. Avoiding photo-ops is not enough to bring down a mafia. It is essential to increase the pressure, to continue with what works now that the right path has been confirmed. There is no other method.

Putin's weapons of hybrid war can only be defended against at great difficulty and expense. Misinformation, cyberwarfare, and other methods are cheap and easy to deploy, and—take it from a pretty good chessplayer—playing only defense is always a losing game. The answer is deterrence. Putin and his gang must understand that, if he continues this path, their fortunes, their families' comfortable lives abroad, will be at risk. They aren't jihadists or ideologues, they are billionaires who are used to profiting from dictatorship at home while enjoying the good life in the West. End that perverse double-standard. Follow the money, the real estate, the stock, and reveal it, freeze it, so that one day it can be returned to the Russian people from whom it was looted, and to help rebuild the country that has been drained for two decades. The brittle nature of Putin's one-man dictatorship will be exposed very quickly.

The alternative to appeasement is not war, it is deterrence. And worrying about retaliation is absurd when Putin will continue to escalate anyway, as long as he thinks he can get away with it. The best way to avoid an escalating conflict is to convince your opponent that he will lose. And make no mistake, there is a war going on whether you want to admit it or not. It is very easy to lose a war that you refuse to acknowledge even exists. Engagement has failed because Putin was never your friend. There is no common ground. Now he has revealed his true colors as a sworn enemy of the free world. And time is of the essence. Thank you.

## ABOUT GARRY KASPAROV

Garry Kasparov is widely regarded as the greatest chessplayer in history, becoming the youngest world champion ever at 22 in 1985. He retired in 2005 to become a leader of the Russian pro-democracy movement against the rising dictatorship of Vladimir Putin. He is the chairman of the New York-based Human Rights Foundation and is a powerful voice for individual freedom worldwide. In 2015, he wrote the prescient book *Winter Is Coming: Why Putin and the Enemies of the Free World Must Be Stopped*. His latest is *Deep Thinking: Where Machine Intelligence Ends and Human Creativity Begins* (2017).

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