



**UNITED STATES COMMISSION ON SECURITY AND COOPERATION IN EUROPE
(U.S. HELSINKI COMMISSION)**

**Hearing on
“The Magnitsky Act at Five Years:
Assessing Accomplishments and Challenges”
Thursday, December 14, 2017
Dirksen Senate Office Building, Room 562**

Opening Statement of Senator Roger Wicker, Chairman

The Commission will come to order. Good morning. Welcome to today’s hearing on “The Magnitsky Act at Five Years: Assessing Accomplishments and Challenges.”

Before we begin today, I want to recognize Ambassador David Killion, the Helsinki Commission Chief of Staff, who is retiring at the end of this month after 23 years of Federal Service. Senator Cardin and I joined together to appoint Ambassador Killion to direct the Commission at a key moment – shortly after Russia's invasion of Crimea in 2014.

Since then, Ambassador Killion's leadership has contributed greatly to enhancing the stature and the impact of our Commission as it develops U.S. policy responses to critical security threats in the OSCE region. With his considerable diplomatic skills, he has also managed to keep our Commission unified, enabling us to speak with a strong voice when necessary on issues such as Russia’s violation of its Helsinki commitments. In addition, Ambassador Killion has extended Commission leadership to new and critically relevant policy areas, such as the effort to combat kleptocracy. As such, this hearing is a perfect capstone to Ambassador Killion's work for us. Ambassador, thank you for your public service.

This is the Commission's final hearing in 2017, and I cannot think of a more fitting way to end the year than to revisit one of the signature pieces of legislation that has come out of the Helsinki Commission.

The Magnitsky Act was drafted to hold accountable the Russians who were responsible for the torture and murder of tax attorney Sergei Magnitsky in 2012. Why was the Helsinki Commission concerned with this particular crime?

The mandate of the Helsinki Commission requires us to “monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe,” also known as the Helsinki Final Act. Those articles deal with commitments in three major areas or “baskets” – security, economics, and the human dimension.

The case that ended with Sergei Magnitsky's tragic death concerned major violations in two of those three “baskets” – massive corruption in Russia, which the OSCE attempts to deal with through economic measures, and the egregious human rights violations involved in the unspeakable treatment of Sergei Magnitsky.

The five years that have elapsed since the passage of the Magnitsky Act – and the eight years that have elapsed since Sergei Magnitsky's murder – have certainly shown that our concern with Russia's unchecked corruption and wanton disregard for human rights was well-founded. In that time corruption has continued to eat away at the fabric of Russian society, enabling further misbehavior both within and beyond Russia's borders. The state at this point can truly be described as a kleptocracy, where Putin rules with the help of a group of cronies whose loyalty is guaranteed by transfers of wealth stolen from the Russian people.

Russia has violated the territorial integrity of a European state and interfered in the elections of a number of OSCE participating states, including the United States. And, of course, Russian citizens continue to suffer from the predations of their own government on a daily basis.

Russian opposition politician Boris Nemtsov, who was himself murdered in 2015 within sight of the Kremlin walls, deemed the Magnitsky Act “the most ‘pro-Russia’ law – for justice.” We do sincerely hope that the Magnitsky Act will one day lead to justice – not only for Sergei Magnitsky and his family and friends, but also for all Russians who suffer violations of their universal rights by a state that believes it is accountable to no one.

We have three remarkable witnesses to speak to us today about what the Magnitsky Act has accomplished, as well as what still needs to be done to encourage Russia to respect the rights of its citizens and live up to its OSCE commitments.

We will hear first from William Browder, the CEO of Hermitage Capital, the firm that was plundered to the tune of \$230 million in a massive tax evasion scheme by Russian authorities. Mr. Browder has worked tirelessly for the past eight years, at great risk to his own safety, to bring those responsible for Sergei Magnitsky’s murder to justice. I strongly encourage any of you who have not read his book “Red Notice” to pick up a copy and do so. It is a gripping and unforgettable account of massive corruption, torture, murder, and impunity.

After that, Garry Kasparov will provide us with a broader view, addressing the full scope of corruption and human rights violations in Russia. Mr. Kasparov is well-known to most of us as one of the greatest chess players in history, becoming the youngest world champion ever at age 22 in 1985. After 20 years at the top of the chess world, he gave it up and joined the fledgling Russian pro-democracy movement in 2005. He participated, along with Boris Nemtsov, in the May 2012 Bolotnaya Square demonstrations, one of the biggest protests held in Russia since the 1990s. The Bolotnaya Square protests were followed by an extensive crackdown that forced him to leave the country and relocate to New York. Mr. Kasparov is the chairman of the New York-based Human Rights Foundation, and he has also found the time to write a book entitled, “*Winter Is Coming: Why Putin and the Enemies of the Free World Must Be Stopped.*” Although I have not had an opportunity to read the book in its entirety, I certainly agree with its premise: The free world needs to stand up to the threat that Russia poses to core Helsinki Act

principles. I believe this is the first time we have ever had a world chess champion testify at a Helsinki Commission hearing, and we are very much looking forward to hearing what Mr. Kasparov has to say.

Finally, the Honorable Professor Irwin Cotler will testify about his work to pass a Canadian version of the Magnitsky Act. The pressure from Russia on Mr. Cotler and other Canadian backers of that bill has been immense – just as it has been in every other country that has considered passing a version of the Magnitsky Act. Professor Cotler has a distinguished career in advancing human rights around the world, not only as Canada’s Attorney General and Justice Minister Professor Cotler, but also as the founder and chair of the Raoul Wallenberg Center, an institution dedicated to bringing together all parts of civil society in the defense of human rights. We welcome your thoughts on what the international community should do to address the scourge of Russian corruption and impunity.

Again, we thank you for being here, and thank you for your full written statements, which will be included in the record.