

**STANDING SENATE COMMITTEE ON FOREIGN
AFFAIRS AND INTERNATIONAL TRADE**

***TAKING ACTION AGAINST HUMAN
RIGHTS VIOLATORS IN RUSSIA***

March 2016

Ce rapport est aussi disponible en français.

www.senate-senat.ca/AEFA.asp.

Information regarding the committee can be obtained through its web site:

www.senate-senat.ca/AEFA.asp.

MEMBERS

The Honourable Raynell Andreychuk, Chair
The Honourable Percy E. Downe, Deputy Chair

and

The Honourable Salma Ataullahjan
The Honourable Jane Cordy
The Honourable Dennis Dawson
The Honourable Leo Housakos
The Honourable Janis G. Johnson
The Honourable Thanh Hai Ngo
The Honourable Victor Oh
The Honourable Rose-May Poirier
The Honourable Michel Rivard
The Honourable David P. Smith, P.C.

Ex-officio members of the committee:

The Honourable Claude Carignan, P.C., (or Yonah Martin)

Other Senator who has participated in the study:

The Honourable Lynn Beyak

Parliamentary Information and Research Service, Library of Parliament:

Natalie Mychajlyszyn and Pascal Tremblay, Analysts

Clerk of the committee:

Danielle Labonté

ORDER OF REFERENCE

Extract from the *Journals of the Senate*, Wednesday, January 27, 2016:

The Honourable Senator Andreychuk moved, seconded by the Honourable Senator Tkachuk :

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 12-7(4), be authorized to examine such issues as may arise from time to time relating to foreign relations and international trade generally; and

That the committee report to the Senate no later than June 30, 2017.

After debate,

The question being put on the motion, it was adopted.

Clerk of the Senate

Charles Robert

The Standing Senate Committee on Foreign Affairs and International Trade (the “Committee”) heard testimony on 10 March 2016 from three witnesses about the state of democracy in Russia: William Browder, Head of the International Justice Campaign for Sergei Magnitsky and Author of the book *Red Notice*; Zhanna Nemtsova, daughter of the late Boris Nemtsov; and Vladimir Kara-Murza, Coordinator, Open Russia and Deputy Leader of the People's Freedom Party.

Each of the witnesses testified about how his or her particular case demonstrates Russia’s weak rule of law and poor record of human rights. **William Browder** focused on his former colleague, **Sergei Magnitsky**, a Russian tax lawyer who died in 2009 in a Russian prison after being denied medical care. Mr. Magnitsky had been investigating the role of Russian state officials in the illegal and fraudulent acquisition of business assets from Mr. Browder’s corporation when he was arrested and held without bail in October 2008 on charges involving millions of dollars in tax fraud. Mr. Browder informed the Committee that, while in custody, Mr. Magnitsky was subjected to physical violence and torture, the aim of which was to force his recantation of evidence in the corruption case. Instead of receiving medical attention, Mr. Magnitsky was moved to other prisons before he succumbed to his poor health and injuries in November 2009. Despite investigations, including on the part of the Presidential Human Rights Council that found wrong-doing in Mr. Magnitsky’s initial arrest and death, no one has been formally charged. Instead, Mr. Magnitsky was posthumously convicted of tax fraud (“qualified swindling”) by a Russian court on 11 July 2013.

In his efforts to achieve justice for Mr. Magnitsky, Mr. Browder has been campaigning in the European Union and countries such as the United States and Canada for legislation that would impose sanctions against key Russian state officials implicated in Mr. Magnitsky’s death. Mr. Browder cited a 2012 U.S. law in this regard, which imposes visa bans on persons who have been found to be responsible for, or who benefitted financially from, the detention, abuse, or death of Mr. Magnitsky, participated in related liability concealment efforts, or were involved in the criminal conspiracy uncovered by Mr. Magnitsky, either in their own capacity or as an agent. The U.S. law also allows for the freezing and prohibition of all transactions involving all property owned by these persons. The law applies the same measures to anyone who has been found to have committed human rights violations, including extrajudicial killings or torture, against human rights advocates or whistleblowers in Russia.

Mr. Browder also highlighted accountability steps that have been taken in Europe. Progress has been made by the Council of Europe since 2012 to implement the recommendations of the European Parliament towards the establishment of a list of officials responsible for the death of Mr. Magnitsky. Those individuals would be subject to an EU-wide visa ban and have their financial assets held within the EU frozen.

Zhanna Nemtsova testified about the impact her father's death in February 2015 has had on the democratic movement within Russia. **Boris Nemtsov**, a former deputy prime minister under Boris Yeltsin, was among the country's most prominent opposition leaders. He was a vocal critic of Russian President Vladimir Putin and his involvement in high-level corruption. Mr. Nemtsov had also argued that President Putin was generating an economic crisis in Russia by having triggered western sanctions in response to Russia's 2014 illegal annexation of Crimea, an autonomous region of Ukraine, and role in the ongoing conflict in that country's eastern region. It is noteworthy that Mr. Nemtsov was shot dead just before he was scheduled to lead a large anti-government march. Ms. Nemtsova stressed in her testimony that the true parties responsible for her father's death have not yet been identified, charged or brought to trial.

Vladimir Kara-Murza, another key member of Russia's democratic opposition, testified that many of the key elements of a functioning democracy, i.e., free media, free and fair elections, an independent judiciary, and an active civil society, are under serious strain in Russia. There has been a growing trend of politically-motivated persecution directed at opposition figures. Mr. Kara-Murza himself was a victim of such intimidation, having recently fallen ill under suspicious circumstances, likely as a result of his being targeted by pro-government figures who oppose his political activities and involvement in the Magnitsky campaign.

The Committee appreciates the important information that was brought to its attention by these three witnesses about the state of democracy in Russia. It is concerned that there has been no positive movement in strengthening democracy, the rule of law and human rights in Russia and that any investigation into these three cases in particular has not resulted in justice for the victims.

Having heard the testimonies of Mr. Browder, Ms. Nemtsova and Mr. Kara-Murza, the Committee has reviewed the [motion](#) adopted by the Senate in May 2015, which called for the Government of Canada to take action against the perpetrators of human rights violations in Russia. The Committee also acknowledges the separate, and complementary, actions that have been taken by the House of Commons on this issue, particularly through the Standing Committee on Foreign Affairs and International Development.

After considering these matters, the Committee confirms the ongoing validity and urgency of the Senate's 2015 motion. The Committee calls on the Government of Canada to condemn all foreign nationals implicated in the Magnitsky case and to impose sanctions against those individuals and others responsible for violations of internationally recognized human rights in a foreign country, particularly when authorities in that country are unable or unwilling to conduct a thorough, independent and objective investigation of the violations.