

# Recommendation to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case

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The Committee on Foreign Affairs adopted the own-initiative report by Kristiina OJULAND (ADLE, EE) with a proposal for a European Parliament recommendation to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case.

**Sergei Magnitsky affair:** Members considered that the arrest and subsequent death in custody of Sergei Magnitsky **represented a well-documented and significant case of disrespect for human rights and fundamental freedoms in Russia**, and had cast doubt on the independence and impartiality of its judicial institutions, and served as a reminder of the many documented shortcomings in respect for the rule of law in that country. Members recalled that two independent investigations, conducted respectively by the Public Oversight Commission for Human Rights Observance in Moscow Detention Centres and by the Russian Presidential Council on the Development of Civil Society and Human Rights, had revealed that Sergei Magnitsky had been subjected to inhumane conditions, deliberate neglect and torture.

Members further recalled that Russia, as a member of several international organisations such as the Council of Europe, the Organisation for Security and Cooperation in Europe and the United Nations, **had committed itself to the protection and promotion of human rights**, fundamental freedoms and the rule of law, and the European Union has repeatedly offered additional assistance and expertise to help Russia to modernize.

**A firmer policy towards Russia:** the report stated that there was an increasing need for a firm, coherent and comprehensive EU policy towards Russia, supported by all the Member States, with support and assistance backed up by **firm and fair criticism, including sanctions and restrictive measures where necessary**. **Visa restrictions** and other restrictive measures were not traditional judicial sanctions per se but nevertheless constitute a **political signal** of the EU's concern to a greater target audience and thus remained a necessary and legitimate foreign-policy tool;

**Recommendations to Council:** recalling that the High Representative had failed to place this issue on the agenda of the Foreign Affairs Council and the recommendation by the European Parliament of 26 October 2012 had not received any official follow-up, Members called on Parliament to address the following recommendations to Council to:

- establish a **common EU list of officials** responsible for the death of Sergei Magnitsky, for the subsequent judicial cover-up and for the ongoing and continuing harassment of his mother and widow;
- impose and implement an EU-wide visa ban on these officials and to **freeze any financial assets** that they, or their immediate family, may hold within the European Union;
- allow for **regular revision of the proposed visa ban list**;
- following the Sergei Magnitsky Rule of Law Accountability Act of 2012, place, among others, the Russian citizens concerned on an **EU-wide visa ban list** and to seize any financial assets that they may hold within the EU (a list of names was set out in the report):
- urge Russia to undertake a credible, thorough and independent investigation of Sergei Magnitsky's death in pre-trial detention, and to bring all those responsible to justice;

- call on Russia to close the posthumous trial of Sergei Magnitsky and **stop putting pressure on his mother and widow** to participate in these proceedings.