



Procedure file

Basic information	
INI - Own-initiative procedure	2012/2142(INI)
Procedure completed	
Establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case. Recommendation to the Council	
Subject	
6.10.01 Foreign and common diplomatic policy	
6.10.08 Fundamental freedoms, human rights, democracy in general	
6.10.09 Human rights situation in the world	
6.40.04.02 Relations with Russian Federation	
7.10.04 External borders crossing and controls, visas	
Geographical area	
Russian Federation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs		18/06/2012
		ALDE OJULAND Kristiina	
		Shadow rapporteur	
		S&D ZALA Boris	
	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Key events			
12/04/2012	Non-legislative basic document published	B7-0196/2012	Summary
05/07/2012	Committee referral announced in Parliament		
20/09/2012	Vote in committee		
26/09/2012	Committee report tabled for plenary	A7-0285/2012	
22/10/2012	Debate in Parliament		
23/10/2012	Results of vote in Parliament		
23/10/2012	Decision by Parliament	T7-0369/2012	Summary
23/10/2012	End of procedure in Parliament		

Technical information

Procedure reference	2012/2142(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o-p3; Rules of Procedure EP 118
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/09989

Documentation gateway

Non-legislative basic document	B7-0196/2012	12/04/2012	EP	Summary
Committee draft report	PE492.835	04/07/2012	EP	
Amendments tabled in committee	PE494.666	29/08/2012	EP	
Committee report tabled for plenary, single reading	A7-0285/2012	26/09/2012	EP	
Text adopted by Parliament, single reading	T7-0369/2012	23/10/2012	EP	Summary

Establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case. Recommendation to the Council

Pursuant to Rule 121(1) of the Rules of Procedure of the European Parliament, Guy VERHOFSTADT (ADLE, BE), and Kristiina OJULAND (ADLE, EE) propose, on behalf of the ALDE group, a draft recommendation on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case.

To recall, the arrest and subsequent death in custody of Sergei Magnitsky represents a well documented and substantial case of disrespect for fundamental human rights in Russia, and serves as a chilling reminder of the many documented shortcomings in the respect shown for human rights and fundamental freedoms in Russia;

It is also recalled that Russia, as a member of the Council of Europe, has committed itself to fully respecting fundamental rights and the rule of law, and the European Union has repeatedly offered additional assistance and expertise to help Russia modernise, and abide by, its constitutional and legal order, in line with Council of Europe standards.

The following points are made: (i) there is an increasing need for a firm, robust and comprehensive EU policy towards Russia, offering support and assistance backed up by firm and fair criticism, including sanctions and restrictive measures when needed; (ii) visa restrictions and other restrictive measures are not traditional judicial sanctions per se, but constitute a political signal of the EUs concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool.

Accordingly, the following recommendations are addressed to the 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 sustained harassment of his mother and widow;
- to impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;
- to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case.

Establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case. Recommendation to the Council

The Committee on Foreign Affairs adopted the own-initiative report by Kristiina OJULANDON (ALDE, EE) establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case. Recalling Russias membership of the Council of Europe and of the Organisation for Security and Cooperation in Europe, which entails full respect for fundamental rights and the rule of law, Members state that the arrest, conditions of detention and subsequent death in custody of Sergei Magnitsky represent a well documented and substantial case of disrespect for fundamental human rights. Furthermore, the posthumous prosecution of Sergei Magnitsky is a violation of international and national laws and clearly shows the malfunctioning of the Russian criminal justice system. The committee notes that despite the 2011 conclusions of the inquiry conducted by the Russian Presidents Human Rights Council on the illegality of Sergei Magnitskys arrest, the investigations are stalled and the officials involved have been exonerated and even assigned to the posthumous case.

The report cites the adoption of the Sergei Magnitsky Rule of Law Accountability Act by the US Senates Foreign Relations Committee on 26 June 2012, seeking to impose visa bans and asset freezes on Russian officials allegedly involved in the detention, abuse and death of Sergei Magnitsky, as well as the fact that several national parliaments of EU Member States among them Italy, the Netherlands, the United Kingdom, Sweden and Poland have already passed resolutions urging their governments to introduce sanctions. It addresses the following recommendations to the 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 sustained harassment of his mother and widow;
- to impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;
- to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case, and to bring all those responsible to justice;
- to urge the Russian authorities to put an end to the widespread corruption and to reform the judicial system, and bring it into line with international standards, by creating an independent, just and transparent system that cannot, under any circumstances, be misused for political reasons;
- to raise, in the course of bilateral meetings with Russian authorities, this issue as well as the issue of intimidation and impunity in cases involving human rights defenders, journalists and lawyers, in a more determined, resolute and result-oriented manner.

Whilst acknowledging that visa restrictions and other restrictive measures are not traditional judicial sanctions per se, Members state they constitute a political signal of the EUs concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool. EU sanctions on the Magnitsky case could prompt the Russian authorities to make genuine and fresh efforts to address, in a more concrete and convincing manner, the question of the rule of law in Russia and the current climate of impunity.

Lastly, the report encourages the Council to take a coherent and proactive stance on other serious human rights violations in Russia, on the basis of well documented, converging and independent sources and convincing evidence, and to introduce similar restrictive measures against offenders as a last resort measure.

Establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case. Recommendation to the Council

The European Parliament adopted a recommendation to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magitsky case.

Recalling Russias membership of the Council of Europe and of the Organisation for Security and Cooperation in Europe, which entails full respect for fundamental rights and the rule of law, Parliament states that the arrest, conditions of detention and subsequent death in custody of Sergei Magnitsky represent a well documented and substantial case of disrespect for fundamental human rights. Furthermore, the posthumous prosecution of Sergei Magnitsky is a violation of international and national laws and clearly shows the malfunctioning of the Russian criminal justice system.

Despite the 2011 conclusions of the inquiry conducted by the Russian Presidents Human Rights Council on the illegality of Sergei Magnitskys arrest, Parliament notes that the investigations are stalled and the officials involved have been exonerated and even assigned to the posthumous case. Such actions on the part of the authorities demonstrate the politically motivated nature of Magnitsky's prosecution.

The resolution also cites the adoption of the Sergei Magnitsky Rule of Law Accountability Act by the US Senates Foreign Relations Committee on 26 June 2012, seeking to impose visa bans and asset freezes on Russian officials allegedly involved in the detention, abuse and death of Sergei Magnitsky. In an oral amendment adopted in plenary, Parliament indicates that several national parliaments of EU Member States among them the Netherlands, the United Kingdom, Sweden and Poland have already passed resolutions urging their governments to introduce sanctions on the Magnitsky case, while several other national parliaments, such as those in Portugal, France, Spain and Latvia, are at the initial drafting stage for such resolutions.

In this context, in a series of recommendations, Parliament calls on the 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 sustained harassment of his mother and widow;
- impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;
- call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case, and to bring all those responsible to justice;
- urge the Russian authorities to put an end to the widespread corruption and to reform the judicial system, and bring it into line with international standards, by creating an independent, just and transparent system that cannot, under any circumstances, be misused for political reasons;
- raise, in the course of bilateral meetings with Russian authorities, this issue as well as the issue of intimidation and impunity in cases involving human rights defenders, journalists and lawyers, in a more determined, resolute and result-oriented manner.

Whilst acknowledging that visa restrictions and other restrictive measures are not traditional judicial sanctions per se, Parliament indicates that they constitute a political signal of the EUs concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool. It encourages the Council to take a coherent and proactive stance on other serious human rights violations in Russia, as well as to urge the Russian authorities to put an end to the current climate of impunity.

Lastly, Parliament calls on the Russian authorities to respect basic values such as the rule of law, and respect for human rights and basic freedoms, which remain the main prerequisites for EU-Russia relations and for the development of a stable and reliable partnership between the two parties.