

French 'Magnitsky Act' Is Gaining Momentum

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PARIS — As French President Francois Hollande met with President Vladimir Putin on Thursday, he was under serious pressure to raise the case of whistle-blowing lawyer Sergei Magnitsky, whose mysterious death in a Moscow jail led the U.S. to impose sanctions on Russians suspected of human rights violations.

A survey published Thursday by the independent French Institute of Public Opinion (IFPO), one of the country's most respected pollsters, revealed that 85 percent of French citizens would support their own version of the sanction-imposing Magnitsky Act, which U.S. President Barack Obama signed into law in December.

Bill Browder, the man behind the US Magnitsky Act has been drumming up support in France to pass its own version of the legislation. Shortly after the American law was passed, Russia banned U.S. adoptions of Russian orphans in what was widely seen as a tit-for-tat response.

"Now that the U.S. Magnitsky Act has been passed, it's our major priority to get the Europeans to the same level within a year," Browder said earlier this month in an interview in Paris, where he was launching a European tour to persuade governments to draw up blacklists barring officials implicated in Magnitsky's death from visiting or holding assets in their countries.

If implemented, such legislation would place unprecedented pressure on the Russian government to prosecute human rights abuses. The possibility is reportedly making Russian business jittery — it was the principal object of discussion around Russia at Davos this year. France represents a key part of Browder's campaign, as a favored foreign destination for Russian elites; hundreds of wealthy Russians own homes and spend summers on the Cote d'Azur:

"Europe is much more important than America from a practical standpoint. The number of high-level corrupt officials who have properties in France is orders of magnitude greater than in America. France is the playground for the Russians," Browder said.

Browder, who heads what was once one of Russia's largest foreign investors, Hermitage Capital, is now being tried in absentia as part of a highly unusual posthumous trial in which he and the late Magnitsky are accused of tax evasion. Browder has denounced the case as retribution for Magnitsky's exposing a group of tax and police officials he said stole a \$230 million tax refund.

"Sergei will be posthumously convicted, and I will be convicted in absentia. This is their strategic goal," Browder said.

Browder has had a number of successes during the past 12 months in convincing European authorities to act: In October, the European Parliament passed a resolution calling for member states to issue visa bans on officials implicated in Magnitsky's death. An OSCE resolution in June also called on member states to introduce sanctions, with France as a signatory.

This February, the European Commission asked the EU Financial Intelligence Unit to examine whether banks in member states had been used to launder money related to the case. The Russian government's apparent tit-for-tat ban on U.S. adoptions has also raised the case's profile in Europe.

Browder used his visit to Paris to establish links with French politicians, in particular meeting to coordinate a parliamentary group that will push for action in France's National Assembly, saying his experience in the U.S. had taught him not to expect too much from the top.

"In every country we go to, the executive branch is never enthusiastic about doing this because as bureaucrats their job is to do as little as possible. So the way we manage these campaigns is working with the legislative branch."

Browder's proposals were apparently received warmly by French deputies and senators, but he nevertheless faces an uphill struggle to convince France to develop Magnitsky legislation. France is behind Italy and the U.K. where parliamentary commissions have already passed resolutions calling for visa bans.

"I think the chance of a Magnitsky Act in France is very low at the moment," said Andre Gattolin, a senator from the environmentalist Green party who is leading the parliamentary group in support of the proposal. "We want to have a discussion on it. French public opinion was very, very shocked by the [Russian adoptions ban], but currently we want to use conventional diplomatic means. That's what we expect from the French president."

Browder himself is undeterred, citing his experience in the U.S. "Our odds of passing the act in the U.S. was one in a million, and we succeeded," he said. "It was a grassroots effort — I didn't know a single person in Washington. We're still identifying our heroes, we don't need many."

He hopes that the expected publication of the U.S. blacklist — due before April 13 — will compel European governments to act against those officials included. "I believe it will become like apartheid sanctions — it will become impossible for governments to do nothing," he said.

Considerable progress has been made in the other side of Browder's campaign. Six EU countries have now launched money laundering investigations linked to the alleged tax fraud uncovered by Magnitsky, most recently in Moldova last month.

Through his investment firm, Hermitage Capital, Browder is aggressively pursuing the allegedly stolen \$230 million that he says cost Magnitsky his life. About \$135 million of the money has already been identified in nine countries. Browder believes that such methods are helping to institutionalize his justice campaign.

"It's happening as we speak. It's an unstoppable process — it has nothing to do with our efforts anymore, it's being done by people who are being paid by their governments to do this. In particular, governments that prefer to do something in the criminal sphere as opposed to the political sphere."

Gattolin says French businesses' concern regarding the case is one of the biggest drivers among interested politicians: "We want clarification on the issue of the money stolen in the case — I think this is one of our first tasks."

Browder first became involved in Russia in 1995, when he started his own investment firm in Moscow. He was expelled from the country in 2005 as a national security threat. Since Magnitsky's arrest in 2008, Browder has used his wealth and expertise to relentlessly pursue those he accuses of murdering his former lawyer and covering up the crime.

"You don't choose your circumstances: If you're struck by an obscure disease, you become an expert in that disease. My disease is Russian corruption," he said.

Browder is lobbying in Ireland this week, which currently holds the presidency of the EU Council.

Contact the author at newsreporter@imedia.ru

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