

**Testimony to the Senate Foreign Relations Committee**  
**by William Browder, Head of the Global Magnitsky Justice Campaign**

December 5, 2024

Chairman Cardin, Ranking Member Risch, Distinguished members of the Senate Foreign Relations Committee,

It is a particular honor and privilege to testify today in Senator Cardin's valedictory hearing at the Senate Foreign Relations Committee. Senator Cardin and I had a long journey together, starting fourteen years ago, which led to the subject of this hearing on Magnitsky sanctions.

Shortly after the death of my lawyer Sergei Magnitsky in Russian detention in 2009, who was imprisoned and killed after exposing a massive government corruption scheme, I launched a campaign to find justice and accountability for Sergei's murder and the high-level Russian government conspiracy to cover up that murder. Since there was no possibility of obtaining justice in Russia, I came to Washington and shared my story with Senator Cardin.

Instead of sharing a few words of concern and then sending me out on my way like many others did around the world, Senator Cardin decided to sponsor a piece of legislation named the Sergei Magnitsky Rule of Law Accountability Act which would impose visa sanctions and asset freezes on the people who killed Sergei. I'm pleased that four current members of this committee were co-sponsors, including Senator Risch, Senator Coons, Senator Shaheen and Senator Rubio.

It was originally a piece of legislation targeting the people who killed Sergei Magnitsky. However, when Senator Cardin and his co-sponsors put the draft legislation on the public record, many other victims of human rights abuse in Russia came forward and said: "You have found the Achilles hill of the Putin regime. They rape, torture and kill with impunity and keep their ill-gotten gains in the West. Could you please impose these sanctions on those who killed our loved ones?"

After a half dozen or so of these victims came forward, Senator Cardin and his co-sponsors realized that they were on to something much bigger than one horrible case. They added sixty-five words to the law which would allow the United States to sanction all human rights abusers in Russia. They set a snowball rolling which led to a vote of 92-to-4 in the Senate and 89% of the House of Representatives in favor of the Magnitsky Act. On December 14, 2012 the Sergei Magnitsky Rule of Law Accountability Act was signed into law.

Vladimir Putin went out of his mind. In retaliation, he banned the adoption of Russian orphans by American families and made repealing the Magnitsky Act his single largest

foreign policy priority. He also went after me with death threats, kidnapping threats, Interpol Red Notices and many other kinds of hostile actions.

Instead of being intimidated, Senator Cardin and his co-sponsors said: “If Putin hates this so much, we’re sure that there are a lot of other dictators who would hate this as well,” and they sponsored the Global Magnitsky Act which would apply to bad actors all around the world. It became law in December 2016.

This set off a chain reaction. In 2017, both houses of the Canadian Parliament unanimously passed the Canadian version of the Magnitsky Act. This was followed closely by the Lithuanian, Latvian and Estonian Magnitsky Acts being passed by their national legislatures.

Following the Salisbury Novichok poisonings of the Skripals, the British parliament passed a UK version of the Magnitsky Act in 2018.

After the poisoning of Alexei Navalny, the EU passed the EU Magnitsky Act in 2020. The Australian parliament passed an Australian Magnitsky Act in 2021. In the meantime, the Czech Republic, Iceland, Norway, Kosovo and Montenegro all passed their own versions of the Magnitsky Act.

It would not be an exaggeration to say that the Magnitsky Act is one of the most important pieces of human rights legislation this century. It now gives victims of human rights abuse and kleptocracy real redress and makes the perpetrators quake in their shoes. It’s also a very fitting legacy for Sergei Magnitsky. Until the Putin regime collapses, there will be no monuments for his sacrifice and bravery, but we now have a legal monument in 35 countries.

Our work is not done by any means. Getting all these countries to pass the Magnitsky Acts was a grassroots movement which took considerable time and effort.

Now the focus should be on making the legislation work in the way it was intended and making sure it is robustly and effectively implemented.

One of the things I have noticed is that if someone is sanctioned under the Magnitsky Act, they often transfer assets into the names of family members or friends to try to continue to enjoy their illicit wealth despite being under the sanctions. So, the law needs to create consequences to those individuals, particularly relatives.

In that vein, there is also a real problem with enablers: law firms, trust companies, banks and PR firms who help bad actors avoid liability or come off the sanctions list. We need to be adding more of these people to the Global Magnitsky sanctions lists in the future.

I have also noticed that there are inconsistencies in Magnitsky sanctions lists from country to country. Certain people involved in perpetrating human rights abuses may be sanctioned in

the United States but not in the EU or Australia. There are many examples of these inconsistencies. This creates loopholes that corrupt individuals can exploit. We need to harmonize Magnitsky sanctions lists among the Western allies so these loopholes disappear.

It has also become apparent that Europe lags behind, as the EU Magnitsky Act only sanctions human rights abusers and does not sanction people involved in corruption. Again, this leaves a hole where bad actors can travel to Europe and use their banking system even though they are sanctioned in the US and elsewhere. We must put strong pressure on the EU to add corruption to the sanctionable conduct under its Magnitsky sanctions regime.

Finally, I would like to put forward the idea of confiscation of assets, not just freezing. It seems to me that if someone is guilty of gross human rights abuse or kleptocracy there is no reason why they should ever get the assets back. Furthermore, this would provide a means to compensate victims. It's a policy that has already been added in Canada as an extension to the Canadian Magnitsky Act and the US should do it too.

Thank you.

**Sir William Browder KCMG**