



*Remarks, As Delivered
November 15, 2012*

CARDIN URGES HOUSE TO ADOPT GLOBAL MAGNITSKY BILL BLOCKING HUMAN RIGHTS PERPETRATORS FROM TRAVEL TO US AND ACCESS TO US BANKING SYSTEM

We should have a more global tool available to advance human rights

Washington, DC – U.S. Senator Ben Cardin (D-MD), a member of the Senate Foreign Relations and Finance Committees, as well as Senate Chairman of the U.S. Helsinki Commission (CSCE) and author of the ***Sergei Magnitsky Rule of Law Accountability Act of 2012***, called on the House of Representatives to fully recognize the power of U.S. leadership globally in deterring human rights abuses and corruption by passing the Senate version of the Magnitsky Act when it approves Permanent Normal Trade Relations (PNTR) for Russia. His remarks came in testimony before the **Tom Lantos Human Rights Commission** on the eve of the three-year anniversary of the death of Sergei Magnitsky, the Russian whistleblower for whom Senator Cardin’s bill is named.

The full text of Senator Cardin’s testimony, as delivered, follows. Additional comments can be found [here, in a joint op-ed Senator Cardin authored with Senator Jon Kyl.](#)

“Chairman McGovern, thank you very much for all of your leadership. It really is a pleasure to be here to talk about the issues and about what is happening in Russia today, and specifically to talk about the Magnitsky legislation. You were critical in the development of the Magnitsky legislation as we worked together, both the House and Senate, to advance this legislation. There were significant interests trying to prevent this discussion, particularly in relationship to the Permanent Normal Trade Relations, and I applaud your leadership on this.

“I should point out that I think my last trip to Russia was with Tom Lantos. It was interesting. He was harassed coming into Russia, so it is an appropriate subject we have today before this Commission.

“I also come in here as the Senate Chair of the Helsinki Commission. I must tell you that I think Russia represents the greatest disappointment of progress that we thought would be taking place over the last two decades. Two decades ago, there was such promise and we were really optimistic of reform in Russia. It’s a critically important country internationally and yet we are extremely disappointed to see the back tracking within Russia as it relates to human rights: the ability to express your views and to associate; for opposition to have an effective voice in criticizing their government; for journalists to be safe and be able to report objectively; and, of course, for whistleblowers to be able to act on information they have in order to bring it to the attention of authorities without fear of being in danger. All of that we have seen as a regression within Russia on

protecting human rights. It is an area of major interest where we need to make additional improvements.

“It is very interesting this past week in Baltimore, my home town, we celebrated the 25th anniversary of the Washington March for Soviet Jewry. Natan Sharansky was in Baltimore and Elie Wiesel was there. We had a chance to talk about the ability of the United States through the use of Jackson-Vanik and other tools to put a spotlight on the plight of Soviet Jews and it worked. Policies were changed and people were allowed to leave the former Soviet Union, as a result of the leadership that the United States, exercised during that period of time.

“I think the information concerning Mr. Magnitsky is well known, so I’m not going to go through all the specifics. It has been a major issue of interest to the U.S. Helsinki Commission because it puts a face on the many abuses that were taking place within Russia. But this was the most egregious.

“The facts are very well known about a young lawyer who discovered major corruption in representing his client and he did what was responsible. He brought it to the attention of the authorities and as a result he was arrested, tortured, denied medical care and he died in prison. The third anniversary will take place tomorrow on November 16. Mr. Magnitsky will not be forgotten. Sergei Magnitsky represents what we want to see changed within Russia.

“As a result of that tragedy, after the facts became very well known, you in the House and I in the Senate introduced legislation that I thought made a lot of sense. First, it said look the corrupt officials are doing this in order to enrich themselves. We can deny them the opportunity to keep their money in our country. They don’t want rubles; they want dollars. We can deny them the opportunity to visit our country where many of their family members are taking advantage of our schools and they like to visit.

“These are privileges that we have in the United States, so our legislation was pretty clear. That is for these people that are involved in the death of Mr. Magnitsky and the cover up of Mr. Magnitsky shouldn’t be given the benefits of our country from visiting and using our banking system. It also showed the international community that the United States was prepared to lead. As you know, there are many countries around the world that have followed the U.S. leadership and have considered and passed similar legislation and are prepared to follow the U.S. on this issue.

“I know that the House is prepared to vote on this bill tomorrow and I am very encouraged by that and I strongly support it. I do want to point out why I feel very strongly that we should make this bill global and that it shouldn’t be specific just to Russia. I used by way of comparison what was done by the passage of the Jackson-Vanik law. It was clearly aimed at the Soviet Union -- there is no question about it. That was the country that was denying Jews the right to emigrate. It was clearly motivated and passed because of the Soviet Union. But the Jackson-Vanik law was global; it didn’t apply to just one country. It applied to all non-market economy countries. I think we have the precedent to go beyond this one example.

“As it relates beyond Russia, what happens when the next human rights violations occur in another country? Are those perpetrators going to be allowed to visit our country and use our banking system? We should be able to have a more global tool available to advance human rights.

“I need not tell you that human rights violations are not just in Russia. There are other countries that are notorious for their violations of human rights. And, yes, our Secretary of State can take actions on an individual case today. I understand that. It’s difficult though. And it’s difficult to deny access to our banking system.

“It’s difficult to get other countries to act unless we show leadership. SO I would urge us to take advantage of the opportunity we have now and to improve this bill by making it global. This is not a partisan issue. John Kyl and I authored [an op-ed on this issue](#) just yesterday. We have strong bipartisan support in the United States Senate. The Senate Foreign Relations Committee and the Finance Committee have both approved versions of this bill unanimously that include the global provisions. I don’t think it’s controversial and I still hope we will be able to do this.

“Let me address one or two other points as it relates to the Magnitsky legislation. I hear frequently that this is interference with prerogatives of local governments. Let me tell you something: we want Russia to act. We want countries where their citizens have violated internationally recognized human rights standards that they should take action. And if they did there would be no need for us to consider this type of legislation. The problem is human rights violators in many countries are not held accountable. And that’s the reason for this type of legislation. The Helsinki Accords not only give us a right, but really provides a responsibility for every country within the OSCE to be able to challenge the rights of other countries that are out of step with their commitments. So we have the international right to challenge what is happening in Russia as it violates their commitments under the Helsinki Accords.

“This has been well established from the days that Dante Fascell chaired the U.S. Helsinki Commission, and Steny Hoyer. We have been probably the most vocal country. Our U.S. Helsinki Commission has perhaps been the most open. And it’s not limited to one country and we have been critical of many countries, including the United States when we believed we were out of compliance with responsibilities that we have under the Helsinki Accord.

“I also want to point out that we are not alone in wanting this legislation to move forward. I’ve heard substantial support from people who have come specifically to lobby me on this bill, including citizens from Russia. They have said that Russia cannot only do better but it must do better for its own people.

“Lastly, this is appropriate to be considered within the PNTR for Russia. It is appropriate for us when we are talking about opening up our economic opportunities to look at the human rights records within a country. We did that for Jackson-Vanik and its right to do here for the Magnitsky legislation. What we’ve done here is basically modernize a human rights tool. The Jackson-Vanik is no longer relevant to today’s human rights challenges. The Magnitsky rule is relevant to today’s human rights challenges and it is directed towards the individual rather than a country. But a country can do something about it by holding its individual citizens accountable.

“I hope you all take full advantage to advance human rights not only in Russia but globally. This is an important moment. I look forward to the House’s action on the Magnitsky bill. I am very hopeful that the Senate will be able to take this issue up prior to the end of this Congress.”

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