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DRAFT REPORT

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
(2012/2142(INI))

Committee on Foreign Affairs

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PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL

on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case

(2012/2142(INI))

The European Parliament,

- having regard to Article 215 of the TFEU,
- having regard to its resolution of 17 February 2011 on the rule of law in Russia¹,
- having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter²,
- having regard to its resolution of 14 December 2011 on the upcoming EU-Russia Summit on 15 December 2011 and the outcome of the Duma elections on 4 December 2011³,
- having regard to its recommendation of 2 February 2012 to the Council on a consistent policy towards regimes against which the EU applies restrictive measures⁴,
- having regard to the adoption of the Sergei Magnitsky Rule of Law Accountability Act by the US Senate's 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,
- having regard to the draft resolution entitled 'Rule of law in Russia: case of Sergei Magnitsky', which was presented to the 2012 annual session of the OSCE Parliamentary Assembly, calling on national parliaments to take action to impose visa sanctions and asset freezes,
- having regard to Rule 121(3) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A7-0000/2012),

A. whereas 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;

B. whereas the Russian Federation, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe, has committed itself to fully respecting fundamental rights and the rule of law, and whereas the European Union has

¹ Texts adopted, P7_TA(2011)0066.

² Texts adopted, P7_TA(2010)0489.

³ Texts adopted, P7_TA(2011)0575.

⁴ Texts adopted, P7_TA(2012)0018.

repeatedly offered additional assistance and expertise to help the Russian Federation modernise, and abide by, its constitutional and legal order;

- C. whereas, despite the 2011 conclusions of the inquiry conducted by the Russian President's Human Rights Council on the illegality of Sergei Magnitsky's arrest, detention and being denied access to justice, the investigations are stalled and the officials involved have been exonerated and even assigned to the posthumous case;
- D. whereas visa restrictions and other restrictive measures are not traditional judicial sanctions *per se*, but constitute a political signal of the EU's concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool;

1. Addresses the following recommendations to the Council:
 - (a) 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;
 - (b) 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;
 - (c) to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case;
2. 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 to introduce similar restrictive measures against offenders;
3. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, the Member States, the Russian State Duma and the Government of the Russian Federation.