



# Australian Citizens Party

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## MEDIA RELEASE

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4 August 2021

### **Kimberley Kitching's Magnitsky bill is a fraud on the Australian Parliament**

*Is an Australian Senator helping two foreign governments pressure the Australian government to change its foreign policy and damage its economy?*

In what should be a major political scandal, Labor Party Senator Kimberley Kitching this week introduced a bill into the Senate based on a blatant lie. Kitching's [International Human Rights and Corruption \(Magnitsky Sanctions\) Bill 2021](#) is intended to lock Australia into imposing sanctions on foreign officials who haven't broken Australian law, and without due process, simply because they are targets of American and British foreign policy. Bizarrely, the rationale for the bill is the discredited claims of an international con man, Bill Browder, about the circumstances of the arrest and death of his Russian accountant Sergei Magnitsky. Although Browder's claims have been rejected by the [European Court of Human Rights](#), the [Danish Press Board](#), the [German Press Council](#), and now [Swiss federal prosecutors](#), an Australian Parliamentary committee accepted them without question, and Senator Kitching is now trying to perpetrate his fraud on the Parliament through her bill.

Bill Browder is a shady British-American investor whose career is curiously punctuated by close associates meeting untimely deaths. These include his early employer Robert Maxwell (the father of "suicided" paedophile Jeffrey Epstein's accomplice Ghislaine Maxwell), his one-time business partner Edmond Safra, and his Russian accountant and tax advisor Sergei Magnitsky, who died in pre-trial detention in Russia in 2009, due to an existing chronic illness and medical neglect. Magnitsky had been Browder's accomplice in tax evasion schemes, but Browder left him to hold the can when they got caught in a US\$230 million tax fraud. After Magnitsky's death, Browder recast him as his courageous "lawyer" murdered for crusading against Russian corruption, and lobbied the US Congress to pass the original Magnitsky Act to sanction the Russian officials he claimed were responsible for Magnitsky's death; conveniently, the sanctioned officials happened to include the Russian tax officials investigating Browder's tax fraud.

Bill Browder's Magnitsky hoax has been thoroughly debunked, most notably in Russian filmmaker Andrei Nekrasov's suppressed documentary *The Magnitsky Act: Behind the Scenes*, and by legendary American investigative reporter Lucy Komisar. Nekrasov is a Russian dissident who started to make a film supporting Browder, but when he saw that Russian-language documents didn't say what Browder claimed, he dug deeper and discovered Browder had fabricated his whole story. Browder has successfully suppressed Nekrasov's film, but it is temporarily available on [YouTube here](#), or at [the film's website](#).

Lucy Komisar first stumbled across Bill Browder in Moscow in 2000 when she was investigating tax evasion. As she recounted in a 26 November 2020 interview with the Citizens Party's *Citizens Insight* YouTube program, "[Magnitsky Acts are dangerous laws based on a hoax](#)", Ms Komisar attended a Moscow meeting hosted by a law firm that was promoting Panamanian tax evasion firm Mossack Fonseca, where she confronted Bill Browder over his tax evasion activities. Lucy Komisar put all of her evidence against Browder in a submission to the Australian Parliament's 2020 inquiry into Magnitsky sanctions, which the Committee heavily redacted before publishing to hide the evidence that Browder lied about Magnitsky's death.

#### **Agent of foreign interference?**

The essence of Magnitsky Acts is that they sanctimoniously weaponise human rights allegations, allowing governments to arbitrarily sanction officials in other countries, without evidence and without due process. They are blatantly targeted at countries like Russia and China, and promoted by political figures who cynically seek to sabotage diplomatic relations with those countries. Senator Kitching is a member of a strange group of parliamentarians who call themselves the "Wolverines" after the teenage heroes of the 1980s movie *Red Dawn*, leave stickers of claw marks around Parliament House, claim to defend Australia's "sovereignty" but in fact are loyal and subservient to the USA and UK, and are viciously anti-China, which is the target for this bill.

The bill's Explanatory Memorandum reveals it copies similar legislation passed in the USA and UK: "The Bill follows the precedent set by the *Global Magnitsky Human Rights Accountability Act 2016* (US) and the *Sanctions and Anti-Money Laundering Act 2018* (UK), aimed at curbing the influence of

foreign persons and entities who have engaged in activities deems [sic] illegal by international human rights law. The Bill extends powers to the Minister to allow sanctions to be incurred in circumstances which a person, persons or entities have violated international human rights or engaged in acts of significant corruption.”

Australia has been under pressure from the Five Eyes intelligence sharing partnership, comprising the USA, UK, Canada, Australia, and New Zealand, to enact a Magnitsky Act. Australians are familiar with our governments copying the foreign policy mistakes of the USA and UK, but, for once, Australia has been resisting their pressure. It is notable that wiser heads in Australia’s professional public service, including the Department of Foreign Affairs and Trade and the Department of Prime Minister and Cabinet, have been reluctant to support this law. According to the 23 June *Sydney Morning Herald*, they are rightly concerned about the diplomatic implications of sanctioning foreign officials, and that the law will be used to pressure Australia to support the trigger-happy USA and UK in further antagonising China, making an independent relationship with our biggest trading partner impossible.

This therefore raises a very, very serious question about Senator Kitching’s motives: did she introduce this bill this week, to put pressure on the Australian government *on behalf of the US and UK governments which have been heavying Australia to pass this law?* In a tweet on 3 August, Kitching revealed this major foreign policy law did not yet have the support of the government: “One step forward towards implementing a #Magnitsky human rights law for Australia. I think/hope the government will be on board ultimately. Time will tell.”

If so, who is Senator Kitching working for—the Australian people, who rely economically on the trade relationship with China, or the US and UK governments, who are targeting China for an insane, humanity-destroying war?