

# Australia signs up to fraudulent Five Eyes-Magnitsky agenda

The pro-war faction in Parliament has won the arm wrestle over whether Australia should bow to the Five Eyes (USA, UK, Canada, Australia, New Zealand) intelligence network's demand for "Magnitsky" sanctions legislation. After months of stalling by bureaucrats in government departments,<sup>1</sup> on 2 December 2021 Parliament legislated the *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021*.

Although proponents of "Magnitsky-style" sanctions claim that they are concerned with punishing egregious human rights abuses in "authoritarian regimes", in reality these sanctions will be levied against geopolitical targets of Anglo-American foreign policy—namely, China and Russia—without due process and in violation of international law.

As the Citizens Party has documented, the entire premise of Magnitsky sanctions is the now-discredited claims of American-born British hedge fund manager Bill Browder. Browder claims that in 2009 his associate, Sergei Magnitsky, was tortured and killed in a Russian prison in retaliation for exposing a huge tax fraud involving corrupt Russian officials. Browder has since campaigned on Magnitsky's name, incessantly lobbying parliamentarians to

enact targeted sanctions legislation, ostensibly to punish other would-be human rights abusers. However, Browder's claims have been rejected by the European Court of Human Rights and Swiss federal prosecutors; discredited by the Danish Press Board and the German Press Council; and exposed by the meticulous investigation of veteran American journalist Lucy Komisar. Disregarding Browder's deceit, the Australian government has persisted in enacting a targeted sanctions law with the Magnitsky hoax prominent in the title of the bill itself, perpetrating this fraud on the Australian public.

In speeches accompanying the 2 December passage of the Magnitsky-style sanctions legislation, numerous politicians repeated Browder's fabricated story verbatim. Despite grandstanding over the necessity of these sanctions to send a "very important signal to the perpetrators and beneficiaries of egregious human rights abuses", only one politician, Labor MP Julian Hill, made any reference to persecuted Australian journalist Julian Assange, who has been tortured and wrongfully imprisoned by the UK and US governments, as punishment for exposing US war crimes. Notably, shortly before the Magnitsky-type legislation was passed, Nationals MP George Christensen's proposed "Illegal Detention of Australian Journalists (Free Julian Assange) Bill 2021", which sought to "protect Australian journalists from politically motivated detention and prosecution by foreign powers", did not proceed because of a lack of parliamentary support.

## Hypocrisy on display

The hypocrisy of the selective parliamentary concern for human rights abuses (i.e. when they can be conveniently used as a geopolitical tool against perceived Anglo-American adversaries), is a consistent theme amongst proponents of Magnitsky legislation.

For example, in the United States, the primary champions of Magnitsky legislation were US Senators Ben Cardin and John McCain. Despite lauding the supposed "major human rights initiative" of targeted sanctions, Cardin opposed blocking US arms sales to prominent human rights abuser Saudi Arabia; McCain was pro-arms sales and pro-regime change; and both Senators consistently received significant campaign contributions from global weapons manufacturers.

Many international champions of Magnitsky-style sanctions are members of the recently formed Inter-Parliamentary Alliance on China (IPAC), a collaboration of parliamentarians committed to "promot[ing] a coordinated response between democratic states to challenges posed by the present conduct and future ambitions of the People's Republic of China." In October 2021, IPAC announced a joint "global



Senator Kitching receives an award from Bill Browder. Photo: Screenshot

Magnitsky Campaign” initiative, in collaboration with IPAC “ally” Bill Browder.

The Citizens Party has documented the hypocrisy of IPAC’s pro-war and pro-regime change “human rights” crusaders. ([AAS, 16 December 2020](#)) IPAC’s US co-chairs are Senators Bob Menendez and Marco Rubio, who were supporters of US military intervention in Libya and Iraq (Rubio); and Syria and Afghanistan (Menendez). Canadian IPAC co-chair Professor Irwin Cotler is an advocate of the interventionist “Right to Protect” doctrine. UK co-chair Sir Iain Duncan Smith was responsible for extreme and cruel welfare reforms, which were believed to be responsible for the suicides and starvation deaths of significant numbers of disabled benefit claimants.

Shockingly, IPAC has confirmed that it receives funding from the US government-funded National Endowment for Democracy (NED) and the Open Society Foundations, two organisations notorious for foreign interference operations and fomenting regime change around the world.

It is evident that IPAC is a parliamentary-level foreign interference operation fronting as a “democracy” and “human rights” advocacy organisation. For example, an Australian parliamentary inquiry which provided the impetus for Magnitsky-style sanctions was stacked with IPAC members, including the inquiry Chair, Liberal MP Kevin Andrews. As reported by the Citizens Party, the Human Rights Sub-committee of Parliament’s Joint Standing Committee on Foreign Affairs, Defence and Trade’s “Inquiry into whether Australia should examine the use of targeted sanctions to address human rights abuses” was rigged from inception. In addition to stacking the inquiry’s public hearings with Magnitsky proponents and conflicted “human rights” advocates, the Sub-committee suppressed vital evidence from journalist Lucy Komisar. As the Citizens Party reported in “Wilful disregard for truth in Parliament’s ‘Magnitsky Act’ inquiry report” ([AAS 16 December 2020](#)), although Komisar’s submission thoroughly exposed Browder’s lies, the Committee essentially admitted that “Browder’s story is so valuable as a political expedient that the Sub-committee doesn’t even care if it is true or not”.

Troublingly, IPAC also demonstrates a disturbing affinity with the warmongering British think tank, the neoconservative Henry Jackson Society (HJS). IPAC and the HJS share secretariat staff, and a significant number of IPAC members have collaborated with the HJS to host events or publish reports which further the HJS’s interventionist foreign policy agenda. The Citizens Party has documented the HJS’s key role in instigating murderous regime-change operations in Libya, a role which was a product of the organisation’s ideology that is a recipe for permanent war: the HJS “Supports a ‘forward strategy’ to assist those countries that are not yet liberal and democratic to become so. This would involve the full spectrum of ‘carrot’ capacities, be they diplomatic, economic, cultural or political, but also, when necessary, *those ‘sticks’ of the military domain.*” (Emphasis added) Additionally, the HJS’ original statement of principles stated that the organisation “[b]elieves that only modern liberal democratic states are truly legitimate”. ([AAS 14 August 2019](#)) This is an ideology echoed by the NED, whose President Carl Gershman is an international patron of the HJS. Like the HJS, the US government-funded NED has insisted that liberal democracy “has acquired the status of the only broadly legitimate form of government”.<sup>2</sup>

## **Magnitsky sanctions a ‘weapon for democratic pushback’**

In speeches accompanying the enactment of the Magnitsky-style sanctions in Australia on 2 December, parliamentarians paid tribute to the efforts of Labor Senator and IPAC cochair Kimberley Kitching, who has been the main proponent of Magnitsky legislation in Australia. Kitching has admitted to working with Browder for years to lobby for Magnitsky sanctions, which has included organising a private virtual conference with Browder and Australian politicians. In their speeches, both Kitching and her fellow parliamentarians acknowledged former Labor MP Michael Danby’s role as the original champion of Magnitsky-style sanctions in Australia. Danby is an International Patron of the HJS, and was a member of the Steering Committee of the World Movement for Democracy, an NED spin-off which also works to “advance democracy”.

On 18 November 2021, shortly before Australia’s Magnitsky-style sanctions laws were enacted, Bill Browder presented Kitching with the Sergei Magnitsky Human Rights Award at a ceremony in London. In her acceptance speech, Kitching referred to an event at the Henry Jackson Society that she and Browder had attended earlier the same day; and her remarks were an alarming echo of the ideology of the HJS and NED— Kitching claimed that “all of the people who understand why Magnitsky legislation is necessary understand why democracies must be supreme”. This sentiment was emphasised in a 1 December 2021 parliamentary speech celebrating the passage of Magnitsky laws in the Senate, where Kitching arrogantly lauded democracy’s “superiority over any other model of political and economic organisation” and praised the “great democracies” of “the free world”, claiming that the “authoritarian world ... does not respect anything other than the maintenance and projection of power”. Alarmingly reminiscent of the regime change ideology of the interventionist HJS (HJS co-founder Dr Brendan Simms has claimed that countries can be bombed into democracy), Kitching announced that “[d]emocracy and liberty ... must be defended aggressively in all of our countries” and sensationally declared, “if we don’t fight back when given the opportunity to diminish and defeat evil, then who are we?” Unwittingly revealing the true intent of Magnitsky sanctions, which are to be used as a geopolitical tool to be levelled at Five Eyes adversaries, Kitching claimed it was important “to synchronise our local response ... with the responses of like-minded democracies.... In a world of growing authoritarianism, the harmonisation of this type of legislation becomes a *weapon for*

*democratic pushback.*" (Emphasis added)

In her Magnitsky award acceptance speech, Kitching announced that she would be nominating Bill Browder for a Nobel Peace Prize, saying she would "encourage—possibly hound" fellow legislators to nominate Browder as well. Kitching also acknowledged her fellow IPAC members, some of whom were present, revealingly declaring "there is no surprise there is overlap between IPAC and the people in this room for Magnitsky". Indeed, it is not surprising, given that both campaigns are a product of the same geopolitical power structures targeting China and Russia for destabilisation and regime change.

Kitching also thanked her fellow "Wolverines", the rabidly anti-China Australian parliamentary group which, as the Citizens Party has reported, believe Australia's "sovereignty" lies in perpetual subservience to the USA and UK. Instead of representing their constituents, these parliamentarians obediently pursue Five Eyes-directed foreign policy objectives, such as hostile Magnitsky sanctions, which are diplomatically damaging and against Australia's national interest. Like the NEDfunded IPAC members, the "Wolverines" could reasonably be accused of running foreign interference operations from within Australia's parliament.

### **Footnotes**

1. "[The War Party's anti-China agenda stumbles](#)", AAS, 15 Sept. 2021.

2. *The Backlash Against Democracy Assistance* (NED, 2006)

*By Melissa Harrison, Australian Alert Service, 8 December 2021*