

# Magnitsky Act is dangerous sanctimony based on lies

There is a concerted push under way for the Australian Parliament to legislate a so-called “Magnitsky Act”. This Act is promoted as a way to advance human rights, and named after a supposed victim of Russian human-rights abuses, but in truth it is a cynical tool in the neoconservative agenda of using human rights as a pretext for fomenting strategic tensions and wars, based on outright lies about the case after which it is named. As Australian anti-Magnitsky Act campaigner Brett Harris wrote in Medium on 9 May 2019, “The Magnitskytype Acts are egregious acts of legislative hypocrisy, stripping away the rights we hold sacred, merely because the targets are citizens of another country, that we hypocritically deem to be an abuser of human rights.”

Named after Russian accountant Sergei Magnitsky, the Magnitsky Act is the work of Magnitsky’s boss, Americanborn British billionaire Bill Browder. According to Browder, who ran HSBC-controlled investment fund Hermitage Capital Management in Moscow in the early 2000s until his visa was cancelled in 2005, his “lawyer” Sergei Magnitsky uncovered a US\$230 million tax fraud by corrupt Russian officials in 2008. When they made it public, the Russian authorities arrested and tortured Magnitsky, who died in jail. Outraged, Browder tirelessly fought for justice for Magnitsky, eventually succeeding in having the US Congress pass the first Magnitsky Act in 2012, enabling the US government to specifically sanction individual officials in authoritarian regimes who are blamed for human rights abuses. The UK and Canada have subsequently passed their own Magnitsky Acts.

That’s Browder’s story, but it’s not true. This was comprehensively exposed by Russian filmmaker Andrei Nekrasov, a Putin critic, who had worked with Browder to make a documentary film about the Magnitsky case. In preparing the film, Nekrasov first noticed that Russian-language documents Browder had used to convince US and European officials of his case did not say what Browder had claimed. In digging further, Browder’s lies, both large and small—Magnitsky wasn’t even a lawyer—unravelling one by one, until Nekrasov confronted Browder with the evidence, only for Browder to accuse him of being a Putin agent. Nekrasov documented his experience in a film called *The Magnitsky Act—Behind the Scenes*. Tellingly, however, except for a handful of public showings, the litigious Browder has legally blocked the film from being screened in most places that have tried. Having been removed from YouTube, the film is only available at <http://magnitskyact.com/> for a nominal cost. Given the significance of this issue, the film is highly recommended viewing.

None other than the European Court of Human Rights has also shredded a key Browder claim. In September 2019, the Court found that Magnitsky wasn’t arrested after he exposed alleged corruption, but that he and Browder were already under investigation as Russian authorities had stated, and he had only been arrested when there was evidence he was preparing to flee. The Court called the complaint about his arrest “manifestly ill-founded”.

A bill to legislate a Magnitsky Act in Australia was first introduced into Parliament in December 2018 by Labor MP Michael Danby, an avowed neocon of the Cheney-Wolfowitz outlook of targeting potential economic and military rivals to global Anglo-American dominance, namely Russia and China, in the name of “democracy”. Danby is a patron of the British Henry Jackson Society (HJS), named after the godfather of American neocons; HJS founder Brendan Simms boasted in a 2011 article lauding the regime-change operation in Libya, which turned that nation into a failed state and haven for terrorists and slave traders, that “Democracy can be dropped from 10,000 feet”, i.e. we can bomb democracy into countries. Danby is especially hostile to China, as is HJS fellow traveller Liberal MP Andrew Hastie, who was speaking alongside Simms at a HJS event in London in July 2019 when he compared China to Nazi Germany.

Danby retired at the 2019 election, and his bill expired, but in December 2019 Foreign Minister Marise Payne moved for the Joint Standing Committee on Foreign Affairs, Defence and Trade’s Human Rights Sub-committee to conduct an inquiry into “the use of targeted sanctions to address human rights abuses”. An example of an alleged human rights abuse being used to promote a Magnitsky Act in Australia is the allegation of mass-detention of Uighur Muslims in Xinjiang in China. In multiple articles in 2018 and 2019, the *Australian Alert Service* exposed these claims as a US-instigated disinformation campaign.

In a 17 February submission to the inquiry, Bill Browder urged: “As an integral member of the Five Eyes, it would make sense for Australia to follow in the footsteps of the United States, the United Kingdom and Canada. If Australia does not have its own Magnitsky Act, the country is at risk of becoming a magnet for dirty money from human rights abusers and kleptocrats from around the world.”

Not only is this statement extremely rich coming from a man who is a front for the notoriously dirty bank HSBC, it illustrates the dangerous hypocrisy behind the agenda. The Five Eyes intelligence partnership, in which ASIO and Australia’s other agencies are subservient to British and US intelligence, is by any measure a discredited entity, due to its role in deliberately fabricating lies labelled “intelligence” under orders from Tony Blair and Dick Cheney, in order to orchestrate the invasion of Iraq in 2003. With its disastrous consequences, including the deaths of over a million Iraqis, the illegal invasion of Iraq must rank as the gravest human-rights atrocity of the 21st century, yet its perpetrators in the USA and UK remain rich and influential. Moreover, it is these very perpetrators who are aggressively pushing for Magnitsky Acts to give them more avenues for

targeting Russia and China, nations not involved in the horrors of Iraq or its follow-up act in Libya (in fact Russia has rescued Syria from a similar fate).

The world will not achieve peace unless nations can find ways to cooperate on the common aims of mankind. The neocon agenda behind the Magnitsky Act is to make such cooperation impossible and keep the world at perpetual war, which is why an Australian Magnitsky Act must be stopped.

*By Robert Barwick, Australian Alert Service 26 February 2020*

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