

Wilful disregard for truth in Parliament’s ‘Magnitsky Act’ inquiry report

14 Dec.—As expected, the Human Rights Sub-committee of Parliament’s Joint Standing Committee on Foreign Affairs, Defence and Trade has recommended Australia pass legislation modelled upon the USA’s *Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012*, to empower the federal government to violate international law and human rights on the pretext of upholding them using “targeted sanctions” against other countries’ officials. In order to do so, the Subcommittee has not only suppressed evidence proving that the fundamental premise of what it terms the “Global Magnitsky movement”—American-born British hedge fund operator William Browder’s account of the 2009 death in custody of his Russian tax advisor Sergei Magnitsky—is a hoax. Incredibly, it has also admitted, almost in so many words, 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. The fix, as they say, is in: Australia’s one-party colonial government, of which the Labor and Liberal-National parties are merely the left and right wings, is determined to enact the will of its Anglo-American imperial masters, and the truth be damned.



Bill Browder (right) with British Foreign Secretary Dominic Raab (second from right) and (from left) Sergei Magnitsky’s son and widow, following a Raab press statement on Human Rights violators in July 2020. Photo: AFP/Pippa Fowles

The Sub-committee’s 7 December report [Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?](#) is the product of an inquiry initiated by Foreign Minister Senator Marise Payne in December 2019, after Labor Sen. Kimberley Kitching gave notice she intended to introduce a bill for an Australian Magnitsky Act this September (which COVID-related interruptions have now delayed until sometime early next year). Given Canberra officially designated China the enemy in 2016, ^[1] and that the Australian Security Intelligence Agency (ASIO) has directed an incessant media propaganda campaign accusing China of all manner of human rights abuses—without ever presenting a shred of evidence—ever since, ^[2] it was immediately clear which country a putative Australian Magnitsky Act would target. Equally clear was that the inquiry would be rigged, given the Sub-committee conducting it was chaired by staunch Anglo-American loyalist and former Minister of Defence Kevin Andrews MP, and stacked with anti-China fanatics including Kitching herself along with Liberals Sen. Eric Abetz and Andrew Hastie MP, all members of the juvenile “Wolverines” parliamentary clique—named after the teenage heroes of the paranoid 1984 Cold War movie *Red Dawn*—that advocates a new Cold War (or worse) with China.

Nonetheless, the Citizens Party made a submission to the inquiry ^[3] opposing the introduction of an Australian Magnitsky Act on various grounds, including that such laws: violate the human rights they purport to uphold, by imposing sanctions on the basis of mere accusation, without due legal process; and undermine the principles of national sovereignty and non-interference in domestic affairs that have been cornerstones of international law since the 1648 Treaty of Westphalia and are reaffirmed in the United Nations Charter. The submission also included evidence on the public record, including that presented in Russian filmmaker Andrei Nekrasov’s 2016 documentary *The Magnitsky Act— Behind the scenes*, ^[4] which demolished Browder’s credibility as a witness and implicated him in fraud and perjury. Another submission, from legendary American investigative journalist Lucy Komisar, thoroughly debunked Browder’s claim upon which the “Global Magnitsky movement” is premised, that his “lawyer” Magnitsky was beaten to death by guards in his prison cell in November 2009 after exposing a US\$230 million tax fraud, and the theft of Browder’s companies, by corrupt Russian officials. ^[5] Using evidence drawn from Browder’s business records, the inquest into Magnitsky’s death (including photographs of his body), and Browder’s own self-contradictory testimony from previous legal proceedings, Ms Komisar proved his story is a lie. In fact, Magnitsky was Browder’s accountant, not his lawyer; and his death was due solely to medical neglect in a poorly resourced Russian prison, something Browder himself had initially acknowledged before inventing the fatal beating for political effect several years later. Moreover, far from Magnitsky and Browder exposing Russian corruption, Magnitsky was Browder’s accomplice in his multiple tax frauds against Russia—and when the Russian

authorities took action against them, Browder left Magnitsky holding the can.

As the figurehead of the Global Magnitsky movement, Browder was invited to repeat his phoney story in testimony to the Human Rights Sub-committee on 15 May. In a media release issued that day, the Citizens Party warned that if the committee members did not question Browder on his many lies that had been repeatedly exposed, they would be aiding and abetting a proven fraud; and should Australia's leaders then use that fraud to ram through an Australian Magnitsky Act to use as a political weapon against China, they would be exposing Australia to the danger of war based on a lie as blatant as that regarding Iraq's non-existent "weapons of mass destruction" in 2003.

Case study in deceit

The Human Rights Sub-committee's report attests that that is just what they intend. It is also a useful study in how Australia's political duopoly employs legalism and sophistry to justify rubber-stamping its pre-determined policy positions regardless of facts or evidence.

The Sub-committee acknowledged the Citizens Party's submission as one of several that expressed "in-principle opposition" to an Australian Magnitsky Act. "The Citizens Party expressed their opposition to sanctions generally", it reported, "describing them as a cynical geopolitical weapon, and quoting *purportedly a memo by the US State Department* stating the United States pursues human rights issues with adversaries, not allies. [Emphasis added.] The Citizen's Party submission states that it is: hypocritical when those nations know we have our own human rights failings, including our appalling treatment of refugees ... persecution of government whistleblowers ... and failure to defend the rights of an Australian citizen, Julian Assange, just because he has exposed war crimes committed by our US ally." The report makes no mention of Nekrasov's film, however, nor any of the other evidence against Browder included in the submission; being unable to refute the facts therein, the Sub-committee elected to ignore them. As for the "purported" US State Department memo, it was authenticated and published by the very mainstream US political magazine *Politico*, and is [posted](#) on that publication's website. Dated 17 May 2017, it was written by experienced foreign policy advisor Brian Hook to then-Secretary of State Rex Tillerson, a former oil executive who had only been on the job three months. With an air of "showing the new guy the ropes", Hook states that rather than press allies to "adopt democratic reforms and human rights practices in accordance with American preferences ... our diplomacy with other countries should focus primarily on their foreign policy behaviour rather than on their domestic practices as such. ... [A]llies should be treated differently—and better—than adversaries."

Lucy Komisar's detailed submission is simply dismissed as irrelevant. As the *Australian Alert Service* reported in June, [\[6\]](#) the Sub-committee withheld Komisar's submission from publication for over six weeks; inquiry staff blamed their workload, but continued to publish other submissions dated weeks after Komisar's in the meantime. When it was eventually published on 17 May—two days after Browder testified on the last day of public hearings, so that the Sub-committee members could pretend its evidence of Browder's fraud did not exist—it had been heavily redacted, and all its hyperlinks to source materials deactivated. In its report, the Sub-committee glosses over Komisar's submission as having merely "document[ed] her arguments against Mr Browder's testimony", whereas no honest reader could see it as anything but incontrovertible proof that Browder is a liar, conman and fraud.

Why the Sub-committee should do this is revealed in the very next paragraph: "The Sub-committee noted submissions and some correspondence that disagreed with the circumstances surrounding Mr Sergei Magnitsky's death. Although this was the trigger for the initial Magnitsky legislation in the United States, *the circumstances of Mr Magnitsky's death were not part of the Sub-committee's terms of reference. Unlike the evidence from Mr Browder, the Sub-committee did not find these submissions helpful* in deciding whether or not to recommend the introduction of a targeted sanctions regime." (Emphasis added.) And as it states elsewhere, "the Sub-committee fully satisfied itself as to the credibility and value of Mr Browder's views in relation to the terms of reference under consideration". Which is to say that the inquiry was nothing but a political charade from the start, and its public consultation process a sham. Because if Browder's version of the "circumstances of Mr Magnitsky's death" did not happen—and they did not—then there was no "human rights abuse" or corruption to sanction, and the entire "Global Magnitsky movement" is built on the lies of a con artist. And the members of the Joint Standing Committee on Foreign Affairs, Defence and Trade's Human Rights Sub-committee know it—but whether because of ideology or simply a lack of courage to buck the party line, they have chosen to pretend otherwise, in order to weaponise human rights in a geopolitical conflict from which Australia has nothing to gain, at the behest of so-called allies whose interests run counter to our own.

By Richard Bardon, *Australian Alert Service*, 16 December 2020

Footnotes

[\[1\]](#). "'Black-is-White' Paper singles out Russia, China as threats to 'global order'", AAS, 30 Mar. 2016.

[\[2\]](#). "[The China narrative, part five: All roads lead to ASIO](#)", AAS, 23 Sept. 2020.

[\[3\]](#). "Citizens Party statement opposing Australian Magnitsky Act", AAS, 11 Mar. 2020.

[4]. Available at <http://magnitskyact.com/>.

[5]. Lucy K1. "'Black-is-White' Paper singles out Russia, China as threats to 'global order'", AAS, 30 Mar. 2016. Komisar has, by her own description, been "Browder's number one journalist critic for two decades", since she first discovered his adventures in tax evasion and fraud in Russia and elsewhere. Her archive of articles and video exposing Browder for the conman he is can be found on her website, The Komisar Scoop, at <https://www.thekomisarscoop.com/category/thebrowderhoax/>.

[6]. "'Rigged' Magnitsky Act inquiry serves regime-change warmongers", AAS, 10 June 2020.