

Peter S. Gitmark, MP

After Magnitsky

Peter Gitmark is a Norwegian Member of Parliament. He was the youngest MP from Southern Norway ever to be elected and re-elected. Peter is a member of the Standing Committee on Foreign Affairs and Defence and was previously a Shadow Cabinet Minister for Trade and International Development. He is also a Norwegian delegate for the OSCE Parliamentary Assembly.

As a citizen and politician of a democratic neighbour of Russia, I feel an obligation to do my part in speaking up when injustice is taking place in my part of the world. The courageous life of Sergei Magnitsky should stand as a symbol to all of us. His story should be told and the truth should be uncovered in order to help Russia get back on the right track towards a true democracy where human rights are honoured and treasured.

Neighbourhood watch

The content and scope of Russian-Norwegian relations have steadily increased over the last few years. In 2010, after nearly 40 years of negotiations, Russian and Norwegian negotiators were able to map out the maritime areas in the Barents Sea and the Arctic Ocean. The agreement was advantageous and important for both countries in terms of the resource development in the region. Moreover, Russia and Norway share an almost 200 kilometre long land border. The number of people crossing the border has increased 200 percent since 2006. Russians and Norwegians are curious to see how life is across the border – or simply want to do their shopping a few kilometres away. Russian and Norwegian companies are investing and trading in each other's countries. These breakthroughs are positive and didn't come out of the blue. They are the results of political willingness on both sides of the border. And

they need to be strengthened further.

Yet there are areas where we need to stop and rethink our policies. As Russia's neighbour, there are certain things we need to address. The people of our countries are entitled to equal treatment. We, as politicians, need to speak up when we feel that these values are being threatened. Our political environment and business community need transparency. In order for companies to trade and invest on both sides of the border, they must be reliant on transparent rules and regulations. We have seen that international companies are struggling with arbitrary courts, corruption and a lack of transparency. This unlevel playing field not only hurts Russia's reputation as a place to business. It also hurts Russian society. More transparency would create more business and more jobs. A friendlier atmosphere would create a greater exchange of visitors, tourists and friendships.

The corruption labyrinth

The corruption and lack of transparency in Russia is widespread, as it was under the Soviet rule and in the subsequent transitional period. It has even expanded during President Putin's rule.

Under the 13 years of Putin leadership, government corruption has been honed and perfected. President Putin's personal wealth, estimated by some to be around US\$70 billion, is the most evident sign that the corruption is pervasive. One can wonder how a state leader could become so rich in just over a decade at the helm. There is ample evidence that Putin's road to eminence, from his days as a KGB officer in Leningrad to his current position in the Kremlin has been through embezzlement, bribes, nepotistic money and skimming.

The corruption is endless. The more you earn off others, the more you want. The more you run down the labyrinth, the further away you are and the longer the distance to the exit.

Magnitsky – the symbol

The leading voices in the search of solutions are those truth seekers from within Russia that dare to speak up. Many have done so over the years. Several of them have paid the ultimate price. One of them was Sergei Magnitsky.

Why has Magnitsky become a symbol? First of all, he stayed in Russia when many others left or were expelled. He chose to continue his struggle from prison. His aim: to tell the truth.

Magnitsky is a symbol of the battle against corruption in Russia. In his last letter, Magnitsky wrote from his prison cell: “Justice under these circumstances turns into a process of grinding human flesh into mincemeat for prisons and camps, a process in which people can neither effectively defend themselves or even realise what is happening to them...One can only think about when it will end, when one can get rid of this physical and emotional torture.” Even the Russian President’s own Council on Human Rights concluded that he had not received proper medical treatment, yet the government did not want to open an investigation with regards to the cause of death.

In 2013, more than three years after his death, the bizarre and inconceivable announcement was made by the Russian government to prosecute Magnitsky posthumously. It was both immoral and illegal to put his case on trial. Immoral and illegal, that is, in every sensible country where rule of law is respected and upheld. The trial began in March 2013 and concluded in July 2013. We know that Magnitsky’s family disapproved and that even the state lawyer appointed to defend the case thought that it should have been closed. We had hoped that the family would be treated with respect and that they were listened to. Instead the grotesque trial went ahead tearing up the wounds inflicted upon his family and friends. We need to ask ourselves: what country goes after its dead citizens? The absurd trial’s only purpose was to smear Magnitsky’s memory and his symbolic efforts.

Magnitsky’s legacy: crime must not pay!

In December 2012, the US Congress passed the Magnitsky Act, which included the freezing of foreign assets and denying visas to named individuals who were behind and supported Magnitsky’s brutal treatment. The Russians chose to retort by putting a ban on American adoptions of Russian children. We know that politicians in other countries are preparing similar acts. We also know that Moscow has threatened to use the same tit-for-tat responses to any country that follows the American path. We would wish that Russian authorities could take a step back and admit that mistakes were made, yet we don’t see this happening.

For me, as a Conservative, it is important that we as trading partners with Russia don't enhance and enrich people who have been involved in criminal acts, whether passively or actively. I don't want to see people who have seen corruption, murder and torture happening, passively or actively. The impunity taking place in Russia, where no-one is held responsible for gross human rights violations, is something to which I won't turn a blind eye. We know that it's happening and we need to encourage those who fight against it.

Countries should follow the US example. We could refuse visas to people to come to our countries who have been involved in human rights violations, no matter their benign reasons. We could freeze assets which derive from criminal behaviour. We could and should go towards a European Magnitsky Act. Country by country, we are not strong enough, but together we would create a strong resistance to the Russian policy of impunity.

Putin politics

It's not just the Russian business climate that is under attack by Putin's policies. Politics in general is characterised by a lack of a level playing field. During the 2011 Duma elections, the OSCE reported state interference at all levels of political life, a lack of necessary conditions for a fair competition and no independence of the media. At the 2011 elections, we saw an increase in political protests by everyday Russians.

Human rights organisations, who try to embark on election observation and who have a cooperative approach, are now increasingly being hampered. The ones who speak up against Putin or the Russian Government are harassed and those who receive recognition from abroad are viewed as "foreign spies". In April 2013, the election watchdog Golos became the first non-governmental organisation (NGO) to be fined in Russia under the new "foreign agent" law introduced in November 2012. The explanation: Golos had failed to declare itself as a "foreign agent" after receiving funds from abroad.

Those who try to help Russia to become more democratic are thrown out. In September 2012, the United States Agency for International Development (USAID) was expelled from Russia.

This was not what we expected when the iron curtain fell down. This was

not what we expected when Gorbachev declared that “we’re now living in a new world” or when Francis Fukuyama declared the “End of History” and that liberal democracy was the final form of government.

Now what?

In order to have a decent or even pragmatic relationship with the outside world, Russian leaders should rethink its policies now. They need to make fundamental adjustments for the better. They should start listening to dissidents, not jail them. They should meet the ordinary citizens who disapprove of them. They need to investigate crimes against their own people and within their government. They need to see what their policies do to their society.

What can we do? Neighbours need good relations across the board. As democratic countries outside, we assess our bilateral relations with Russia and we need to keep in mind the positive and negative aspects of our relationship. Over the last couple of years, the negatives have clearly outweighed the positives. As outsiders looking in, we need to make sure that we tell those honest souls that we deal with that we cannot accept how the people who speak up are treated. We need to support the voices that speak up, both those who have been on the inside of Russian politics and those everyday-Russians who are bearing the burden of Putin’s politics of impunity and corruption.

The Norwegian response

Earlier this year, all four of the Norwegian Parliament’s opposition parties wrote a letter to our Minister of Foreign Affairs urging him to put to Parliament a Magnitsky Act. Our letter has, at the time of writing this article, still not been answered and the likelihood of an act being proposed is slim. Like so many other foreign ministries, Norway’s ministry is afraid of the Russian response. I would urge politicians all over the world to put human rights, democratic values and courage first.