

**Evgenia Chirikova**

## **The necessity of the Magnitsky Law**

*Evgenia Chirikova is a Russian environmental activist, known for opposing the building of a highway through Khimki Forest. Foreign Policy magazine named her one of its 2012 Top 100 Global Thinkers. In 2011, Evgenia Chirikova was intimidated by Russian officials because of her campaigning, they even threatened to take custody of her child. The intimidation stopped after she posted a message in her video-blog that Russian officials wanted to take her child away.*

**S**ix years ago, when my husband and I faced the destruction of the beloved forest where we loved to walk, it never occurred to us that what we were witnessing was not a local problem, but a problem of international proportions.

At first, the situation appeared to be as follows: there is a small (around 1,000 hectares) forest in Khimki - the last oak forest in the area around Moscow. The regime decided to construct the Moscow-Saint Petersburg Highway right through this forest, cutting it in half. The route was selected in such a way that the entire forest would suffer from the harmful man-made impact. It was so badly selected that the highway would pass through the most valuable natural areas of the forest - an oak glade, a mesotrophic moor and the Klaysma River flood plain, causing irreparable destruction. Initially, we decided that the route was selected in error, and we were certain that the government planners were not aware that the highway was destroying such a precious forest.

We thought it would be sufficient to direct our request to change the highway route to the mayor of Khimki, Mr Strelchenko, and the matter would be resolved. But our inquiries with the Khimki administration were answered

with a mantra that ran like this: “The decision regarding the project was made by President Putin, so consequently the project is authorised.” For the Khimki administration, Putin was the highest deity, standing above the law.

We decided to speak personally with the specialists in the administration and express our disagreement: the destruction of a forest close to Moscow contravenes a number of laws (the land code, the forest code, federal law for the transfer of land), as well as common sense: there is no need to destroy the last forest near a gigantic megalopolis with a road when you could arrange for the construction of the highway while leaving the forest untouched. The meeting with the administration amazed us. We got the impression that the bureaucrats were mocking us, as they assured us that there was no forest; it was cut down ten years ago.

That is when we realised that we needed to take the problem to the public, so we wrote to the media about the Khimki Forest. At that time I had a copy of the resolution of the then-governor of the Moscow Oblast on the destruction of the Khimki Forest, not only for the Moscow-Saint Petersburg Highway but for “transport infrastructure”, and sought access to journalists who would take up the subject. From my point of view, the destruction of the last oak forest in the Moscow area had to be of interest to all the media, but journalists stubbornly refused to write about it, claiming it was “not newsworthy”.

Despairing of finding journalists from the national press, I began looking to local newspapers for assistance. That’s how I got in contact with the modest newspaper *Khimkinskaya Pravda* - a local paper that had very interesting articles, and, most importantly, printed the mobile phone number of the chief editor, Mikhail Beketov. Before that, I rarely saw journalists, but I imagined them as skinny and wearing glasses. I was met by a muscular giant in a speedo, just under two metres tall. The meeting only lasted a few minutes, since Mikhail had friends waiting to go to a football match. He took my papers in a business-like manner and said that first he would check everything, and then we would have a conversation in detail, if the material proved to be true.

Mikhail called back very soon, almost the next day, and I had the first interview of my life on the bench in front of my house, with Mikhail Beketov. The interview went on for a long time, and - as often happens when the interviewer is a person with a history - it turned into a conversation. Mikhail discussed

his work on BAM (Baikal-Amur Mainline - editor's note), his service as a paratrooper, his journalistic work in war zones, about how he and his buddies in a bunker were hit by an incoming shell during armed hostilities and, by a miracle, survived. He went on to say that after a stormy youth, he wanted to spend his mature years in a quiet small town. He chose Khimki because he liked the place - the forest, the water, and the Moscow canal. He bought land in the village of Starbeyevo and began helping the Khimki administration start a newspaper. Today the expression "Khimki Administration" sounds like "Reichskanzlerei", but back in those years it was a peaceful, harmless place. Mikhail organised the city newspaper Khimkinskiye Novosti, which, by an irony of fate, later became his nemesis.

Then something dreadful happened - Mr Strelchenko took power, and it was suggested to Mikhail that he write a "hatchet job" story for pay about the former mayor. He got angry and refused; they promised him he would regret it, and the next day the little kiosks trading in books, which Mikhail owned, were burned down by unknown parties. Mikhail probably realised for the first time what a frightful power had come to the city. He decided to fight back and started up the newspaper Khimkinskaya Pravda with his own money, writing the truth about what was happening in the city.

The importance of a newspaper with a circulation of 15,000 for a city of 250,000 is hard to overestimate. Khimki is a strongly divided city, and without Khimkinskaya Pravda newspaper it would be practically impossible to find out about the problems that started with the arrival of the Strelchenko administration. The newspaper united people; after finding out about the meeting in defence of the Khimki Forest, citizens from other parts of town joined us in protest about the forest.

Mikhail knew that there was a lot of corruption behind the Moscow-Saint Petersburg highway project through the Khimki Forest, before we even suspected that this was an element of the problem. Misha called for an investigation of corruption at the highest level. At that point we didn't know that the corruption was at a level higher than the mayor; Beketov confirmed that this was true, and he turned out to be absolutely right.

We began looking for elements of corruption, together with the international organisation Bankwatch. We managed to uncover corruption at the highest levels of the Russian government entangled with Western business. It

turned out that the concessionaire for the project, the French company Vinci, didn't manage to perform their assigned task - attracting Western investment to the project. As a result, they used Russian money for the investment, including pension fund money. Despite their failure, Vinci was not dropped from the project. Why? Because they had created a comprehensive offshore network. The Russian side directed the profits from the project to the Vinci company, which in turn redirected them offshore. One of the offshore businesses is in Cyprus, and belongs to the oligarch Arkady Rotenberg - a friend of Vladimir Putin.

In this regard, the Khimki project is already profitable, even though there is still no work being done on the highway. Profits for 2012 were 390 million roubles. This is serious money, and there are people that seriously do not want to part with it.

Mikhail Beketov was unafraid to publicly expose the corruption behind the highway project through Khimki Forest. His article on the subject was picked up by the national newspaper Argumenty Nedeli. Two weeks later, Misha was attacked and beaten up.

When they told me that he had been beaten, I didn't fully grasp the significance of the situation. I imagined that "beaten" meant that he had suffered some bruises, or maybe a broken nose. What happened to Mikhail was not a "beating" - they were out to kill him, but they didn't quite succeed. The attack was followed by a string of unpleasant incidents: Misha's car was blown up and he knew full well who did it; he said in a television interview that it was a "political job, and it was ordered by Mr Strelchenko." Mikhail was charged with slander, and if not for the sterling defence provided by Stas Markelov, he would have been in jail.

The most frightening thing is that Mikhail knew about the plan to attack him; somebody called him and warned him and said: "Get ready, we're not going to kill you, but we'll cripple you." Misha couldn't leave town because of the criminal case initiated by Strelchenko; he was forbidden to leave. Imagine how Mikhail felt when he got that information. He bought an Osa pistol for self-defence and waited for them to come for him, going from window to window in his home in Starbeyevo. On the day before the attack he called his friends and said: "If something happens to me, look for the perpetrator in the

Khimki administration, or higher.”

After the attack, Mikhail was lying on the November ground for about a day, developed sepsis and almost died.

The first time I saw him after he was out of intensive care, I almost crawled up the wall. It was the most frightening moment in my life. Half of Misha lay before me: they amputated half a leg and four fingers, there was a hole the size of grapefruit in his head, he was almost completely paralysed and had lost a tremendous amount of weight, 50 kilograms. They had turned Mikhail Beketov into a hopeless invalid; he could no longer move or talk normally, and he was confined to a wheelchair for the remaining three years of his life.

Investigations into the attack on Beketov have dragged on for three years. This is no “Bolotnaya Square” case – the organisers of this crime are hard to find. At first, the investigation tried in every way possible to present the attempt on Beketov’s life as a consequence of his supposedly dissolute lifestyle. Indignant that they were defaming Beketov, his friends gave the investigator evidence that the attempt on Mikhail’s life was a political case, and that the instigator was the mayor of Khimki, Mr Strelchenko. The investigator was in a position to do whatever was necessary to check the facts, but nothing was done.

Bodily harm has become one of the most common methods to silence social activists. It’s much simpler for the regime to hire a killer to take care of an activist than to halt a corrupt project producing billions in profits. With no punishment imposed for the attack on Mikhail Beketov in Khimki, bodily harm continued against individuals defending the forest. A year after the attack on Beketov, Konstantin Fetisov, a Khimki resident who was organising actions in defence of the Khimki forest and fighting corruption in the city, was beaten. They attacked Fetisov near his house, breaking a club over his head just like Mikhail Beketov. Fetisov also ended up in intensive care.

There was an attack in spring of last year on a defender of the Khimki Forest, lawyer Alexey Dmitriev. Alexey was investigating the consequences of filling in the Klyazma river for the Moscow-Saint Petersburg highway, and discovered that the river would be destroyed. Alexey was attacked leaving his apartment; the entire staircase was covered with blood, and he ended up in the hospital.

When profits from corrupt projects are imperilled, the dirtiest and most

unacceptable methods are being used, and nobody is being punished for the crimes perpetrated. What's more, some Western businesses such as Vinci company are willing to participate in projects where bodily harm is standard practice, and the perpetrators go unpunished.

Mr Strelchenko is no longer the mayor of Khimki today, and by all accounts is living somewhere in Europe.

We have no mechanisms in Russia today to pursue and punish the functionaries who use physical violence against social activists. Under Russian law, we are obligated to report such crimes to the investigative agencies, which will conduct the investigation and bring the case to trial. This is precisely what we did regarding Mr Strelchenko - but the investigative and executive agencies in modern Russia are controlled by corrupt bureaucrats, and simply fail to do their job when it involves investigating crimes by the state. These same people in power continue to commit crimes against public activists, using criminal prosecution as a weapon against public dissent. Accordingly, criminal charges were brought against Mikhail Beketov, and he was tried - even after he became a hopeless invalid and needed medical assistance in the courtroom.

What is most insulting is that these bureaucrats who make money from corrupt projects, which are completed using violence against dissenters, then turn around and use the money to buy property abroad, in wealthy Western countries. This has fostered a sense of impunity and entrenched the view that coercion is an effective means of dealing with social problems and protest.

The US Sergei Magnitsky Rule of Law Accountability Act helps to correct this situation by punishing the perpetrators of these crimes. If the Magnitsky Law were to take effect in Europe, the person who ordered the attack on Mikhail Beketov would not be able to enjoy life in his villa in peace; he wouldn't be able to use the property and the money that he sent abroad. That would be a very effective warning for other functionaries that they cannot violate the rights of others with impunity.

The Magnitsky Law provides an excellent opportunity to respond to the corruption and human rights abuses that pervade Russia. The law should be adopted as soon as possible by the European Union, and should extend to Western companies that participate in corrupt projects and collude with criminal government figures.