Mr. President, I ask

unanimous consent that there be 30

minutes available for a colloquy controlled

by Senator WICKER and myself.

I thank the Chair, and

I thank Senator WICKER for starting us

off on the discussion of what is happening

in Russia today.

I rise today, along with some of my

colleagues, to bring attention to the

growing issue of human rights violations

in Russia, typified by the case of

Sergei Magnitsky. Just last week, as

part of a bilateral Presidential commission,

Attorney General Holder met

with the the Russian Minister of Justice

to discuss the rule of law issues.

That same week, Russian officials

moved in their criminal prosecution of

Sergei Magnitsky. Mr. President, I remind

you that Mr. Magnitsky has been

dead for more than 2 years.

Last May I joined with Senator

MCCAIN, Senator WICKER, and 11 other

Senators from both parties to introduce

the Sergei Magnitsky Rule of Law

Accountability Act. We now have nearly

30 cosponsors, and I urge more to

join us and look at ways to move forward

on helping halt abuses like this in

the future.

After exposing the largest known tax

fraud in Russian history, Sergei

Magnitsky, a Russian tax lawyer,

working for an American firm in Moscow,

was falsely arrested for crimes he

did not commit and tortured in prison.

Six months later, he became seriously

ill and was consistently denied medical

attention, despite 20 formal requests.

Then, on the night of November 16,

2009, he went into critical condition.

But instead of being treated in a hospital,

he was put in an isolation cell,

chained to a bed, beaten by eight prison

guards with rubber batons for 1 hour

and 18 minutes until he was dead.

Sergei Magnitsky was 37 years old and

left behind a wife, two children, and a

dependent mother.

While the facts surrounding his arrest,

detention, and death have been

independently verified and accepted at

the highest levels of Russian Government,

those implicated in his death

and the corruption he exposed remain

unpunished, in positions of authority,

and some have even been decorated and

promoted. Following Magnitsky’s

death, they have continued to target

others, including American business interests

in Moscow.

These officials have been credibly

linked to similar crimes and have ties

to the Russian mafia, international

arms trafficking, and even drug cartels.

The money they stole from the

Russian budget was laundered through

a network of banks, including two in

the United States. Calls for an investigation

have fallen on deaf ears.

In an Orwellian turn of events, the

law enforcement officers accused by

Magnitsky and those complicit in his

murder are moving to try him for the

very tax crimes they committed. Think

of the irony. He exposed corruption in

Russia. As a result, he was arrested,

imprisoned, tortured, and killed. Now

those who perpetrated the crime on

him are charging him, after his death,

with the crimes they committed.

We cannot be silent. One of the most

articulate voices in the Senate on this

issue has been Senator WICKER, who is

the leading Republican on the Helsinki

Commission, and I applaud him for his

efforts not only in bringing the

Magnitsky abuse to public attention

and what is happening in Russia, but in

many other areas where human rights

violations have occurred.

I will be glad to allow my colleague

some time on this issue, Mr. President.

That is correct. And,

again, I thank the Senator for his leadership

and I thank him for his comments.

We have 30 cosponsors of the

Magnitsky legislation and I am going

to be encouraging more of our colleagues

to join us in cosponsorship. I

want to talk a little bit about that, if

I might. But let me underscore the

point Senator WICKER made.

Mr. Magnitsky died 2 years ago for

crimes perpetrated on him that have

been well documented. The Russian

Federation is now charging him after

his death for those crimes—after his

death. Not even in Stalin’s time did

they try people after they died. This is

the first time in Russian history that a

man has been tried after his death.

Further, they have summoned Mr.

Magnitsky’s widow and ailing mother

as witnesses against their husband and

son. This is a new chapter in brazen

impunity.

An editorial last week in the Financial

Times observed that:

If he is convicted, the accused’s citizenship

could be revoked, he could be exiled, and

forced to die somewhere else.

That might be funny if it weren’t

real.

If that weren’t enough, the Russian

Justice Minister recently proposed

that the United States and Russia conclude

an extradition treaty.

Legal farces like we have seen in the

case of Sergei Magnitsky and many

others bring reasonable people to only

two conclusions, both of which are profoundly

disturbing: Either senior leaders

are not the ones running the country

or the senior leadership is

complicit in these outrages.

The Magnitsky story sounds like a

Hollywood thriller, but his case is real

and the rampant corruption, violence,

and lawlessness do exist in the Russian

Government. His cause has become a

global campaign for justice.

As Senator WICKER pointed out, the

popular opinion in Russia is on the side

of justice. There have been over 4,000

stories on Sergei Magnitsky since his

death in Russia.

We know from countless historical

cases, such as the death in police custody

of the anti-apartheid activist

Steve Biko in 1977, that one person’s

life and sometimes death can change

the system. Since we are now living on

the Internet, such change often comes

much faster than expected.

I am going to comment about the

legislation I filed and the need for us to

consider that, but I notice Senator

SHAHEEN is on the floor. Senator SHAHEEN

is a member of the Helsinki Commission.

She also chairs the Subcommittee

on European Affairs on the

Senate Foreign Relations Committee

and has been an outspoken champion

on behalf of human rights. I am pleased

she is here, and I wish to give her an

opportunity to talk about this issue.

Mr. CARDIN. If I might, I thank Senator

SHAHEEN for her comments, but

more importantly I thank her for her

leadership. The hearing she held on the

Sergei Magnitsky bill was very helpful.

First, I think in answer to the question

of why we should care, we all understand

America’s leadership on

moral issues. The world looks to America

to stand against these fundamental

abuses of human rights, so that in and

of itself is a reason for us to act.

It is also apparent from the hearings

that actions of these criminals, these

violations in Russia, involve our financial

institutions. So we are talking

about the integrity of American companies

to be able to do business internationally.

It is not only the moral issue about

which we have a right to speak out. As

my colleagues on the floor know, in the

commitments we all signed onto in

Helsinki in 1975, we had committed

ourselves to basic human rights and

the obligation of any member state to

question the conduct in another state.

Russia is a signator of the Helsinki

Final Act. The United States is a

signator. We have a responsibility to

bring this to the world’s attention.

We can do more. What can we do

about this? There are many aspects of

the Magnitsky tragedy that are difficult

for us to pursue in the United

States. It cannot be through our justice

system; it has to be their justice

system that has to be reformed. But

there are steps we can take. The legislation

we all filed recognizes the right

to visit America is a privilege granted

by the United States. The visa is a

privilege. There is no guaranteed right

to come to America.

One thing we can do is say those who

are committing these gross human

rights violations should not be given

the privilege of entering the United

States.

I wish to acknowledge and thank

Secretary of State Clinton for taking

action against human rights violators.

That is the right policy. The legislation

we have authored institutionalizes

a process where we deny the right for

those individuals to visit, to come to

the United States.

Obviously, that has a price to them.

Of course, what we are trying to do is

get the government—in this case Russia—

to do what is right.

The second thing we could do is deal

with their financial participation in

U.S. institutions. These people do get

involved in international finance. They

do have resources that travel through

U.S. financial institutions. We do have

laws that allow us to hold those funds

through due process. We can do that.

That is the reason why the legislation

we have talked about today, the

legislation I introduced, along with my

colleagues, would institutionalize

those types of changes. For those who

think it may not mean much, let me

remind them about what we did when

the Soviet Union denied the rights of

Jews to be able to leave the country. In

the Congress, we took action by legislation.

Many said: Would that make

any difference?

It made a huge difference. It brought

about change in the Soviet Union.

Other countries followed our leadership.

As both my colleagues have

pointed out, if we act, other countries

will act. It will become the norm and

that will help us establish the expectation

that countries do need to address

tragedies such as Sergei Magnitsky’s

and, more importantly, take steps so it

never happens again. That is what we

are attempting to do by moving forward

with this legislation. As Senator

WICKER said, we do urge our colleagues

to join us in this effort.

Senator WICKER mentioned what is

happening around the world. We see

countries go through a democratic

transformation we never thought we

would see in our lifetime. It happened

in Europe and they are now some

model democracies, our NATO allies,

countries that just a few decades ago

we thought would be our enemies to

this day. So we have seen change

occur. We want to be on the right side

of this issue, the right side of history,

on moving Russia forward with the

types of reforms to which the people of

Russia are entitled.

We have the right to do that under

the Helsinki Act. We have the responsibility

to point out these issues. We can

take action that can make a huge difference.

That is why we are engaged in

this discussion, to say we want Russia

to do the right thing. We want to speak

out to the Russian people. We think we

can play a very important role.

The U.S. Helsinki Commission, of

which I had the honor to be the Senate

chair and Senator WICKER is the lead

Republican on the Senate side, has a

proud history of putting a spotlight on

problems. People do not like name calling,

but we have to point out where the

violations occur. Unfortunately, if we

do not do it, it becomes statistics. But

if we do it, we put a face on it—so we

realize these are people who have families

who have been abused because they

are trying to do the right thing—we

can get action. That is why I am so

proud of the legacy of the U.S. Helsinki

Commission and what we have been

able to do.

This is another chapter in that proud

history of saying we are going to stand

for basic human rights, that is a priority

for our country, we can do better

and we can do justice for Sergei

Magnitsky and we can do justice for

the people of Russia.

I will be glad to yield

We are going to yield

the floor. Let me agree with my colleague,

Senator SHAHEEN. She is absolutely

right. It is going to be easier for

them to speak out if they know we are

going to continue raising these issues.

I thank Senators SHAHEEN and

WICKER and I yield the floor.