Mr. President, I expect

to be joined in a moment by my colleague

and good friend, Senator

CARDIN, and he and I and perhaps others

will be talking about the deteriorating

situation in Russia with regard

to human rights and the rule of law.

I came to the floor in November to

speak about the deteriorating situation.

I spoke about the wrongful imprisonment

and tragic death of Russian

lawyer Sergei Magnitsky.

Mr. President, let me state that at

this point I will be happy to yield to

my colleague from Maryland to actually

kick off this discussion. I think

that was the agreed-upon order, and

staff believed I would have a few moments.

But I would be glad to defer to

my friend.

I thank my colleague

from Maryland. And yes, indeed, there

are other cases of human rights violations,

not the least of which I have

highlighted time and again on this

Senate floor—being the cases of Mikhail

Khodorkovsky and Platon

Lebedev. Each is an appalling story

such as the one Senator CARDIN pointed

out with regard to Mr. Magnitsky, a

story about the corruption within the

Russian Government itself. My colleagues

and I will continue to speak

out about these cases in the hope that

attention will inspire change.

I look forward to the day when the

focus of a floor statement can be about

the progress we have made with Russia.

This is something to which my colleague

and I dearly look forward. We

look forward to the day when Russia

begins to uphold democracy, human

rights, and the rule of law.

Unfortunately, today is not the day.

In recent months, an overwhelming

number of headlines out of Russia

focus on the Russian spring. Opposition

groups, citizens, and, in many cases,

the mainstream media have reacted to

moves by the Russian regime they view

as no longer acceptable.

On September 24 of last year, President

Medvedev struck a deal that

would clear the way for his predecessor,

Vladimir Putin, to run next

month for a third Presidential term. As

the Wall Street Journal noted in an

opinion piece last December:

Even the most thick-skinned citizens saw

that turning the Presidency into the object

of a private swap made a mockery of the

Constitution.

Russia’s fraudulent parliamentary

elections in December further deepened

the political crisis and affirmed the

erosion of democracy. Secretary Clinton—

our Secretary of State—called

them neither free nor fair. So this is a

bipartisan denunciation of the process.

Observers have claimed that 12 to 15

percent of the votes were falsified in

favor of the United Russia Party. According

to most analysts, improvement

is not expected in the upcoming Presidential

election this March.

But these corrupt actions have not

been ignored. On December 10, more

than 60,000 Russians took to the streets

of Moscow in protest. Similarly, on

February 4, some 120,000 citizens from

across the political spectrum braved

below-zero weather during a prodemocracy

march in central Moscow. Their

demands were clear: Release political

prisoners such as Khodorkovsky and

Lebedev. Allow opposition parties to

register. Hold free and fair elections.

And pledge not to give a single vote to

Putin on March 4. Similar rallies were

held in small towns across Russia.

We can be glad for the call for reform

and we are glad it is growing louder.

According to a February poll by Russia’s

independent Levada Center, 43

percent of Russians now support prodemocracy

protests. Additional protests

are already scheduled for later

this month.

Specifically let me once again underscore

the horrific facts about Sergei

Magnitsky, because they need to be

heard, and perhaps some of our colleagues

were not listening the first

time.

In the midst of this public outcry and

demand for democratic process, the

news out of Russia with regard to Mr.

Magnitsky is almost unbelievable. Last

week, it was revealed that the police in

Russia plan to retry the tax evasion

case of the late Sergei Magnitsky. As

many of my colleagues are aware, Mr.

Magnitsky is already dead. He died in

Russian detention more than 2 years

ago. He was a lawyer and a partner in

an American-owned law firm based in

Moscow. He was married, with two

children, as my friend has said. His clients

included the Hermitage Fund,

which is the largest foreign portfolio

investor in Russia.

Through his investigative work on

behalf of Hermitage, Mr. Magnitsky

discovered that Russian Interior Ministry

officers, tax officials, and organized

criminals worked together to

steal $230 million in public funds, orchestrating

the largest tax rebate

fraud in the history of the Russian Republic.

In 2008, Mr. Magnitsky voluntarily

gave sworn testimony against officials

from the Interior Ministry Russian tax

department and the private criminals

whom he found had perpetrated the

fraud. A month later, an arrest was

made—and the person arrested was Mr.

Magnitsky himself. He was placed in

pretrial detention and held without

trial for 12 months.

While in custody, he was pressured

and tortured by Russian officials, hoping

he would withdraw his testimony

and falsely incriminate himself and his

client. But he refused to do so, and his

condition worsened and his health

worsened. He spent months without

medical care. Requests for medical examination

and surgery were denied by

Russian government officials.

On November 13, 2009, Mr.

Magnitsky’s condition deteriorated

dramatically. Doctors saw him on November

16, when he was transferred to

a Moscow detention center that actually

had medical facilities. Yet, instead

of being treated at those facilities immediately,

he was placed in an isolation

cell, handcuffed, and beaten until

he died.

In the months following his death,

Russian officials repeatedly denied

facts concerning his health condition.

The Russian state investigative committee

claimed that Magnitsky was

not pressured or tortured, but died naturally

of heart disease, and his death

was nobody’s fault. This is from the

Russian Government.

Since Mr. Magnitsky’s death, two

subsequent reviews have helped clarify

some of the facts. In late December of

2009, the Moscow Public Oversight

Commission, an independent watchdog

mandated under Russian law to monitor

human rights, issued its conclusions

on this case. This independent

Russian oversight commission stated

that in detention, Magnitsky had been

subjected to torture, physical and psychological

pressure; that he was denied

medical care; and that his right to life

had been violated by the Russian state.

The conclusions were sent to the

Russian General Prosecutor’s Office,

the Russian State Investigative Committee,

the Russian Ministry of Justice,

and the Presidential Commission.

None of these agencies has responded

to the report’s conclusions.

More recently, a second finding was

issued by the Russian President’s

Human Rights Council. It issued its

independent expert findings on the

case. The report found that Magnitsky

was arrested on trumped-up charges—

yet, they are being brought forward

again after his unfortunate death—in

breach of Russian law and in breach of

the European human rights convention,

that his prosecution was unlawful,

that he was systemically denied

medical care, that he was beaten in

custody which was the proximate cause

of his death, that his medical records

were falsified, and that there is an ongoing

coverup and resistance by all

government bodies to investigate.

Senator CARDIN and I and Senator

MCCAIN and others have no choice but

to continue coming to this floor, to

continue using every forum we can possibly

use to bring these facts to light.

I have taken quite a bit of our time

with my prepared statement, so I yield

back to my friend from Maryland as to

any other thoughts he might have. I

want to commend his leadership with

regard to the legislation.

Do I understand now that we have

some 30 cosponsors?

Mr. President, we were

honored to have Senator SHAHEEN join

us. I know there are others who would

like to be here today.

We are here to tell the sordid facts of

this case. But we are also here because

change can occur. If this were completely

hopeless, what would be the

point of this exercise? Change occurred

in Eastern Europe. I must admit there

was a time in my younger days when I

doubted it would ever occur. My hat is

off to the intrepid members of the Public

Oversight Commission who had the

courage to issue a report critical of

their government to the Russian President’s

Human Rights Council. So

voices are being heard. There is a

thread of truth coming from the almost

Iron Curtain of authoritarianism

that we have reverted to in Russia.

The Senator from New Hampshire

mentioned other organizations in Russia.

I am glad she has had those letters

printed in the RECORD.

I also point out I have to applaud the

international reaction. In December,

the European Parliament passed a resolution

recommending an EU-wide

travel ban and asset freeze for officials

tied to Mr. Magnitsky’s death.

We need to act as a Senate and as a

Congress. I am calling on every Senator

within the sound of my voice

today, every legislative director dealing

with defense and foreign policy

issues, once again to look at the Sergei

Magnitsky Rule of Law Accountability