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HIGH REPRESENTATIVE

VICE PRESIDENT OF THE EUROPEAN COMMISSION

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To the Members of the European Parliament who signed the letter of 10 November 2014

Honourable Members,

Thank you for your letter of 10 November on the case of Sergei Magnitsky and on the related European Parliament Recommendation to the Council on establishing common visa restrictions for Russian officials involved in his case.

The case of Sergei Magnitsky is an individual tragedy which has become emblematic, illustrating notably the poor prison conditions, the deficiencies of the judiciary and the impact of corruption and impunity. From the outset, the EU has called on the Russian authorities to conduct a comprehensive and independent investigation into the circumstances of his death. Their refusal to clarify how and why he died, in spite of compelling evidence that he was tortured, and the judgement that later posthumously declared Mr Magnitsky a criminal, have prompted a consistent EU condemnation.

Since Mr Magnitsky died in November 2009, his case was raised persistently and at all levels with the Russian authorities, from the regular human rights consultations to the EU-Russia Summits. This case, seen in conjunction with recent developments such as the "foreign agents" law and the harassment of human rights defenders, demonstrates the challenge Russian authorities face to uphold their own laws and their international human rights obligations.

The EU has already adopted restrictive measures against Russia for its action in Ukraine. In that context, I consider that additional sanctions targeting human rights violators would not be the appropriate response as they would risk neither triggering a change in policy nor improving the human rights situation. There are other instruments we can proactively use in that respect.

First and foremost, Russia is member of the Council of Europe, and it should be held accountable for the international obligations which derive from its membership. I intend to make full use of my relationship with the current Belgian Chairmanship of the Council of Europe, the Secretary General and the Human Rights Commissioner to strengthen the EU support to the Council of Europe. All its relevant instruments should be fully mobilised to respond to the Magnitsky case as well as other human rights violations. The European Court of Human Rights has been seized; I trust it will shed light on responsibilities, possibly pointing to the abuses and abusers. The Committee for the Prevention of Torture should also be empowered to reinforce its remarkable work in Russia and prevent further violations.

Furthermore, the EU has committed itself to respond strongly to cases of well-documented human rights abuses and to persisting impunity. Engaging bilaterally with the Russian government in areas like human rights, justice or the rule of law is crucial. I am determined to pay continuous attention to these issues including the case of Sergei Magnitsky in my contacts with Russian authorities. I will mobilize available financial instruments, including the EIDHR, to support Russian NGOs upholding Human Rights.

Yours sincerely,



Federica Mogherini