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Proceeds of the crime denounced by Sergei Magnitsky found in Switzerland must not be returned to the presumed perpetrators

Motion for a resolution
tabled by Mr Eerik-Niiles KROSS and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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In Resolution 1966 (2014), the Parliamentary Assembly condemned the killing of Sergei Magnitsky in a Russian prison and the impunity of perpetrators of this crime. Sergei Magnitsky had worked as a tax lawyer for Hermitage Capital and exposed a massive US$230 million tax reimbursement fraud involving Russian Government officials. The Assembly also called for an anti-money laundering investigation, including in Switzerland, to bring to justice those who benefited from the crime Mr Magnitsky had denounced.

Proceeds of the crime (roughly US$18 million) had been found in Switzerland and were frozen by the Swiss Prosecutor in 2011 and 2013.

While the criminal case was progressing, it became known that senior representatives of the Swiss Federal Prosecutor's Office had maintained unusually close relations with their Russian counterparts. One of them, Vinzenz Schnell, Federal Police investigator assigned to the Swiss Federal Prosecutor's Office, went on hunting and fishing trips with Russian officials paid for by Russian businessmen and was closely involved in the Magnitsky investigation. He was fired from the Federal Office of Police and convicted by a Swiss court for the offence of accepting an undue advantage in 2018.

However, his successors seemingly accepted the results of his compromised investigation and on 27 July 2021 decided to return 80% of the money to the Russian criminals and have not indicted any of the Russian alleged criminals who received the money.

As a result, several individuals who are currently sanctioned in Canada, Australia, the United Kingdom, Latvia, Estonia and the United States, are now going to receive the proceeds of the crime denounced by Mr Magnitsky.

Against the background of the Russian Federation's aggression against Ukraine, the Assembly should investigate allegations of untoward favours given to suspected Russian nationals in Switzerland in a report and adopt a resolution based on its findings.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
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EPP/CD: Group of the European People's Party
NR: Representatives not belonging to a Political Group