Terms of Reference 4
* Any relevant experience of other jurisdictions including the US regarding their Global Magnitsky Human Rights Accountability Act.

Russian journalist, human rights activist and Human Rights First senior advisor for human rights accountability, Vladimir Kara-Murza, currently works to expand the use of Global Magnitsky-like targeted sanctions programs around the world. It remains his conviction that the prospect of losing access to the West and its financial systems "may well be for now, the only serious disincentive to corruption and human rights violations".

The reaction of Russia's President Putin to Magnitsky sanctions speaks loudly to the effectiveness of the strategy - its speed and fury more interesting in light of the fact that the sanctions are targeted to individual human rights abusers and not to the country as a whole so that the flight of capital from Russia, estimated by Karen Dawisha to be $300 billion per annum between 2005-20014 was not depleting the Russian Treasury. The immediate banning of Americans from adopting Russian children was soon followed by a formal trial of the dead Sergei Magnitsky and the absent Bill Browder. Although neither was present at the trial both were found guilty. This was followed by the notorious Trump Tower meeting, to discuss with Russian lawyer Natalia Veselnitskaya, the lifting of sanctions should Trump win. Veselnitskaya was instrumental in setting up the Human Rights Accountability Initiative Foundation registered to lobby Congress on the Magnitsky Act. This was followed by her involvement in the making of a film which "proved" the guilt of Magnitsky. Corrupt work as a lawyer in the US resulted in her being denied a visa to the US. Russia also went to great but unsuccessful lengths to have Bill Browder extradited to Russia for trial. Two serious and almost successful attempts in Russia on Kara – Murza's life in 2015 and 2017 were widely viewed as the Russian government's retribution for his work on the Magnitsky sanctions.

As time passes, the experiences of other jurisdictions regarding their Human Rights Accountability Acts will no doubt come to light but no other government's reaction to the sanctioning of its citizens could equal the force and fury displayed by Russia's President Putin.

Thus far 11 countries have passed Magnitsky sanctions and Japan is in the process of introducing a similar Act, reportedly with wide cross-party support. The United States has used both its Sergei Magnitsky Rule of Law Accountability Act 2012 and its Global Magnitsky Human Rights Accountability Act 2016. In total the 11 countries have sanctioned 435 individuals and 106 entities. These sanctions have affected people in 26 countries, the largest number being from Russia.

Human Rights Watch has described Australia's current sanctions regime – through UN enforced sanctions and autonomous sanctions – as "opaque, ad hoc and does not require the government to examine human rights concerns". Targeted sanctions are an appropriate and useful tool of foreign policy. The report asserts that collective action is more powerful. (Guardian 20.2.'20)

There is no doubt that the sharing of ideas and information between countries has the potential to target and sanction a greater number of human rights abusers but of equal

importance is cooperation within countries, a quality not always evidenced by United States President Trump who has, on occasion, been loath to endorse the decisions of his House Committee on Foreign Affairs which, according to the Act, he must do within 120 days if there is no valid reason to do so. In particular and most recently, President Trump resisted the targeting of the Saudi citizens involved in the killing of US based journalist and Saudi citizen Jamal Khashoggi. Although most were sanctioned the instigator of the murder, Mohammed bin Salman, was not.