

Public Hearing on Impunity on September 25, 2019 (Committee on Human Rights and Humanitarian Aid of the Parliament of the Federal Republic of Germany): Lithuanian case

1. How have "Magnitsky Acts" or equivalent laws allowing national governments to sanction foreign officials involved in human rights abuses around the world been applied since their inception?

The Lithuanian version of the Magnitsky Act¹ was enacted on the 16th November 2017, on the eighth anniversary of Sergei Magnitsky's murder, as a symbolic tribute to him. The Seimas of the Republic of Lithuania amended the Law on the Legal Status of Aliens unanimously (with sweeping support of 91 Lithuanian MPs out of 141), expanding the list of grounds for the ban to enter the Republic of Lithuania for up to 5 years.

This decision was based on a strong Lithuanian belief that persons who have committed, instigated, or otherwise participated in committing crimes against human rights, or corruption-related offences or offences related to money laundering cannot perpetrate these crimes with impunity only because they are related to non-democratic authorities. These people must know in advance that a democratic state will not condone such acts and will enforce sanctions against them for the violation of international law.

So far, Lithuanian "Magnitsky" legislation is only limited to an entry ban, however, Lithuanian Seimas in its resolution of 23th of November, 2017, stated that: this process will be completed only when legislation, preventing persons responsible from acquiring assets (in Lithuania or via Lithuania) and ensuring freezing of such criminal assets, is adopted. Moreover, it is foreseen that a decision to include persons into a national ban list on above mentioned grounds is made by the Minister of Interior after a proposal by the Minister of Foreign Affairs, although usually such sanctions are imposed by the Department of Migration. As the crimes overwhelmingly are not committed in our country, in order to apply this law we consider it sufficient for our partners from the EU or NATO sanction such persons. Additionally, the law was amended by the circumstances when an alien is not informed of the decision banning him or her from entering the Republic of Lithuania. The information about the decision taken would not be provided if this adversely affected state security, defence, public security, prevention of criminal offences, investigation, detection, and prosecution. In other words, if the information about person ban is classified, the person would find out about it only at the border.

¹ "4. An alien shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years if there are serious grounds for believing that the alien has committed a serious or grave crime against a person in a foreign state thus violating the universal human rights and freedoms, or has committed a criminal act of a corruptive nature or a criminal act with indications of money laundering as defined in laws or international treaties of the Republic of Lithuania, or has instigated or otherwise participated in committing such criminal acts and/or for these reasons the alien is placed on the national no-entry list of another EU Member State, member country of the European Free Trade Association or country of the North Atlantic Treaty Organization."

Currently there are 104 individuals in the Lithuanian “Magnitsky list”. The list of 67² persons is unclassified, most of which are Russian citizens, representatives of law enforcement authorities and politicians, who have significantly contributed to the suppression of civil rights and freedoms in Russia, or were directly involved in violation of human rights, as well as those suspected of being directly involved in organizing political assassinations or large-scale corruption and money laundering. Nevertheless, this legislation is not aimed at Russia specifically - it is universally applicable to any citizen of any country for involvement in the above-mentioned crimes.

It is impossible to overstate how the Lithuanian adoption of a national legislation of the Magnitsky Act was a demonstration of our unequivocal support for human rights defenders and civil society activists. We became the fourth country in the world to adopt such legislation. Today Lithuania stands in a coalition of democracy advocates with the US, Canada, UK, Latvia and Estonia. As the Minister of Foreign Affairs of the Republic of Lithuania Linas Linkevičius urged the EU colleagues to adopt similar measures during April 2018 EU Foreign Affairs Council, I call on more countries to join us. Considering that the European Parliament has already adopted a resolution to encourage the European Council to move forward, we express sincere hope that the debate at the EU level on sanctions against human rights abusers - the adoption of a EU Magnitsky Act - will be successful. Our coalition wishfully awaits of such step.

The open list of foreigners banned of entry to the Republic of Lithuania						
No	Name	Surname	Date of birth	Sex	Nationality	Draudimo atvykti į Lietuvos Respubliką terminas ir pagrindas
1.	Apti Kharonovich	ALAUDINOV	1973-10-05		Rusijos Federacijos	
2.	Igor Borisovich	ALISOV	1968-03-11		Rusijos Federacijos	
3.	Aleksey Vasilyevich	ANICHIN	1949-12-01		Rusijos Federacijos	
4.	Yevgeni Yuvenalievich	ANTONOV	1955		Rusijos Federacijos	
5.	Alexander Ivanovich	BASTRYKIN	1953-08-27		Rusijos Federacijos	
6.	Letscha	BOGATIROV	1975-03-14		Rusijos Federacijos	
7.	Magomed Khozhakhmedovich	DAUDOV	1980-02-26		Rusijos Federacijos	
8.	Aleksey O.	DROGANOV	1975-10-11		Rusijos Federacijos	
9.	Kazbek	DUKUZOV	1974		Rusijos Federacijos	
10.	Alexandra Viktorovna	GAUS	1975-03-29		Rusijos Federacijos	
11.	Stanislav Evgenievich	GORDIEVSKY	1977-09-09		Rusijos Federacijos	
12.	Victor Yakovlevich	GRIN	1951-01-01		Rusijos Federacijos	
13.	Ramzan Akhmatovich (Ramzan Achmatowisch)	KADYROV (KADYROW)	1976-10-05		Rusijos Federacijos	
14.	Pavel	KARPOV	1977-08-27		Rusijos Federacijos	
15.	Ayub Vakhaevich (Aiub, Ayubakhan Vakhaevich)	KATAEV	1984-12-01		Rusijos Federacijos	
16.	Boris Borisovich	KIBIS	1977-12-20		Rusijos Federacijos	
17.	Yelena	KHIMINA	1953-09-11		Rusijos Federacijos	
18.	Vyacheslav Georgievich	KHLEBNIKOV	1967-07-09		Rusijos Federacijos	

² The open list of foreigners banned of entry to the Republic of Lithuania <https://www.migracija.lt/index.php?-2082536741>

19.	Dmitry Vladislavovich	KLYUEV	1967-08-10		Rusijos Federacijos	
20.	Dmitriy	KOMNOV	1977-05-17		Rusijos Federacijos	
21.	Dmitri	KOVTUN	1965		Rusijos Federacijos	
22.	Dmitry Borisovich	KRATOV	1964-07-16		Rusijos Federacijos	
23.	Andrei Alexandrovich	KRECHETOV	1981-09-22		Rusijos Federacijos	
24.	Aleksey	KRIVORUCHKO	1977-08-25		Rusijos Federacijos	
25.	Artem	KUZNETSOV	1975-02-28		Rusijos Federacijos	
26.	Pavel Vladimirovich	LAPSHOV	1976-07-07		Rusijos Federacijos	
27.	Larisa Anatolievna	LITVINOVA	1963-11-18		Rusijos Federacijos	
28.	Oleg	LOGUNOV	1962-02-04		Rusijos Federacijos	
29.	Andrei Konstantinovich	LUGOVOI	1966-09-19		Rusijos Federacijos	
30.	Yulia (Yulya)	MAYOROVA	1979-04-23		Rusijos Federacijos	
31.	Viktor Aleksandrovich	MARKELOV	1967-12-15		Rusijos Federacijos	
32.	Andrei (Andrey)	PAVLOV	1977-04-07		Rusijos Federacijos	
33.	Andrey I.	PECHEGIN	1965-09-24		Rusijos Federacijos	
34.	Gennady Nikolaevich	PLAKSIN	1961-08-31		Rusijos Federacijos	
35.	Sergei G.	PODOPRIGOROV	1974-01-08		Rusijos Federacijos	
36.	Ivan Pavlovitch	PROKOPENKO	1973-08-28		Rusijos Federacijos	
37.	Alexei Nikolaevich	SHESHENYA	1971-04-16		Rusijos Federacijos	
38.	Oleg F.	SILCHENKO	1977-06-25		Rusijos Federacijos	
39.	Yelena	STASHINA	1963-11-05		Rusijos Federacijos	
40.	Vladlen Yurievich	STEPANOV	1962-07-17		Rusijos Federacijos	
41.	Olga G.	STEPANOVA	1962-07-29		Rusijos Federacijos	
42.	Andrei Alexandrovich	STRIZHOV	1963-08-01		Rusijos Federacijos	
43.	Umar	SUGAIPOV	1966-04-17		Rusijos Federacijos	
44.	Fikret	TAGIYEV	1962-04-03		Rusijos Federacijos	
45.	Dmitri M.	TOLCHINSKIY	1982-05-11		Rusijos Federacijos	
46.	Svetlana	UKHNALYOVA	1973-04-14		Rusijos Federacijos	
47.	Oleg Vyacheslavovich	URZHUMTSEV	1968-10-22		Rusijos Federacijos	
48.	Musa	VAKHAYEV	1964		Rusijos Federacijos	
49.	Natalya V.	VINOGRADOVA	1973-06-16		Rusijos Federacijos	
50.	MANSOUR OTHMAN M.	ABAHUSSAIN	1972-01-01	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
51.	NAIF HASSAN S.	ALARIFI	1986-02-28	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
52.	FAHAD SHABIB A.	ALBALAWI	1985-01-24	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
53.	MESHAL SAAD M.	ALBOSTANI	1987-03-27	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
54.	THAAR GHALEB T.	ALHARBI	1979-08-01	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
55.	ABDULAZIZ MOHAMMED M.	ALHAWSAWI	1987-07-20	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
56.	MUSTAFA MOHAMMED M.	ALMADANI	1961-12-08	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
57.	BADR LAFI M.	ALOTAIBI	1973-07-06	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01

58.	KHALID AEDH G.	ALOTAIBI	1988-06-28	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
59.	MOHAMMAD	AL-OTAIBI	1964-11-06	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
60.	SAIF SAAD Q	ALQAHTANI	1973-01-01	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
61.	SAUD	AL-QAHTANI	1978-07-07	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
62.	TURKI MUSERREF M.	ALSEHRI	1982-01-01	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
63.	WALEED ABDULLAH M.	ALSEHRI	1980-11-05	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
64.	MOHAMMED SAAD H.	ALZAHRANI	1988-03-08	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
65.	MAHER ABDULAZIZ M.	MUTREB	1971-05-23	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
66.	SALAH MUHAMMED A.	TUBAIGY	1971-08-20	V		2023-12-05, UTPI 133 str. 4 d., galiojantis nuo 2018-01-01
67.	GRIGORY	LEPSVERIDZE	1962-07-16	V	Rusijos Federacijos	2024-04-30, UTPI 133 str. 4 d., galiojanti nuo 2018-01-01

2. In your opinion, has there been a noticeable deterrent effect on the respective targeted individuals or others?

We strongly believe that Lithuania, Latvia and Estonia enacting the Magnitsky laws had a significant deterrent effect on targeted individuals on the entry ban lists throughout the Baltic region. Although it is quite difficult to determine the exact extent of this impact, it undoubtedly has a meaningful public effect. Almost every inclusion into the sanction list evokes a reaction from both local and international media, which in turn is a clear signal to potential infringers that the response will be imminent. Nevertheless, this measure will only have a real impact if similar acts are applied by other states. We strongly believe that the efficiency of such sanctions depends on the solidarity of all democratic countries, creating the environment of complete condemnation of human rights violations, corruption and money laundering. Therefore, we have high hopes that a universal human rights sanction regime will be adopted on the EU level as well. This would have a consolidating effect of the EU's reputation as a human rights advocate, and would anchor its commitment to fight corruption, especially if the legislation included a measure of freezing financial assets.

Is it important to stress that the adoption of Magnitsky Act is a source of inspiration to other countries and in our case – an example of Baltic unity on this crucial issue. The Baltic countries are now safer and free from individuals included in the ban list since they usually do not consider coming to this region of full commitment to the defense of human rights. Considering that crimes of such nature do not have borders not only physically but especially in a moral sense, it is critical for as many countries as possible to show solidarity in this fight on a global scale. Finally, and most importantly, reluctance to adopt such measures has a serious demoralizing effect on all the brave civil rights defenders, journalists, whistleblowers and other activists fighting for freedom and respect for human rights in autocratic regimes.

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