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TITLE: The Magnitsky Human Rights Awards 2019 –
James Goldston and Rupert Skilbeck

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JAMES GOLDSTON: J

RUPERT SKILBECK: R

V: It's always special when you are given an opportunity to present an award to the individuals who you admire and who are friends. Jim Goldston is the Executive Director of the Open Society Justice Initiative, a programme of the Open Society Foundations located in New York. Since its establishment in 2003, OSJI has become one of the most respected in essential tools for promoting human rights in the entire community in the world. Successes such as OSJI do not just happen, what now appears inevitable, effortless and obvious is the result of tireless and inspired commitment by dedicated individuals. The principle among them is Jim Goldston, as OSJI's Executive Director, Jim has been present from the beginning to guide, inspire, support and sustain the OSJI idea. I have known Jim for nearly 25 years and I have worked directly with him on an endless number of projects. He is a remarkable lawyer and a remarkable human being. I found a letter I wrote in 2007 nominating Jim to the Council of Foreign Relations, I wrote this; 'When I was recently contacted by the American Bar Association to identify a leading lawyer in the field of human rights Jim Goldston was the person I selected'. Jim, 12 years later I would say the same thing. In addition to the Magnitsky case, Jim has litigated several ground breaking cases before the European Court of Human Rights and the United Nations Treaty bodies including on issues of counter terrorism, racial discrimination and torture.

Rupert Skilbeck is a Barrister at the Bar of England and Wales, from 1995-2004, he practiced at the Bar in London, from 2005-2006 he worked at the directives as a Director of the Criminal Defence Services and Section of the State Court of Bosnia in Sarajevo, but Rupert worked also in international hybrid tribunals elsewhere, Sierra Leone, Cambodia and it was in 2004 that he was appointed by the United Nations as the Principal Defender for the Extraordinary Chambers in the Courts of Cambodia, which is their war crimes tribunal. And I saw and witnessed first-hand Rupert's remarkable impact that he had in that court. Rupert has directed litigation in more than 100 human rights cases covering 50 countries, an amazing achievement. He is now the Directive REDRESS here in London where REDRESS currently has over 60 active cases in projects in 38 countries worldwide seeking justice and reparations for victims of human rights abuses.

But together, Jim and Rupert, led the case in the European Court of Human Rights on the death of Sergei. The decision of that court delivered this past August nearly 10 years after Sergei's death was an irrefutable victory in memory of Sergei in an undeniable and total indictment against Russian authorities. The court found unanimously that Sergei was subject to torture, inhumane, degrading treatment in violation of Article 3 of the convention. The court found a breach of Sergei's rights under Article 5 of the convention; the right to a trial within a reasonable time. The authorities found that Sergei was deprived of medical care in breach of Article 2 of the convention. The court also held that the authorities failed to audit the criminal investigation into the alleged medical negligence again in violation of Article 2 of the convention and the court described Sergei's posthumous trial as 'a flagrant denial of justice' rendering proceedings manifesto contrary to the provisions of Article 6 of the convention. Lawyers have the ability to raise awareness of corruption, abuse and grave injustices amongst victims of human rights violations. We witness this every day, Sergei whose principled character and legal background compelled him to speak out against the wrongs that he saw, was

represented in his case by two lawyers who shared these same qualities. Their efforts were pursued in the name of justice and based on the very best virtues of our profession and in thinking of what Jim and Rupert accomplish I am reminded of what the author and activist, James Baldwin once said, 'if we know then we must fight for your life as though it were our own, which it is for if they come for you in the morning they will be coming for us that night'. Please join me in congratulating Mr James Goldston and Mr Rupert Skilbeck, recipients of the 2019 Outstanding Lawyers Award.

J: Thank you, Mark. Thank you, Bill. Thank all of you for being here, for your commitment to the cause for which Sergei Magnitsky gave his life. It's not every day as a lawyer that one gets to represent a client like Sergei Magnitsky let alone his extraordinary mother. Human rights lawyers often act on behalf of persons who have crossed an ethical legal boundary indeed that's precisely the point, everyone from Mother Theresa to an accused criminal is entitled to the fundamental rights of legal protection and equal treatment just by virtue of their humanity, but Sergei was not your ordinary client, not even close. To the contrary Sergei Magnitsky demonstrated exceptional courage in fighting for principle and his actions are all the more remarkable given that he lived and worked under a government that treated the law and those who sought to defend it with cynical contempt. Let's remember who Sergei Magnitsky was, an only child, a husband, a father, he was the head of the tax practice at the Moscow office in an international tax and accounting firm, he was just by doing his professional duty that Sergei discovered a massive fraud amounting to the equivalent of U.S. \$230 million perpetrated on his clients by officers of the Russian Ministry of Interior.

When he came upon proof of the crime Sergei did what many feared to do and warned him against, he reported the evidence to the authorities and demanded that the responsible persons be held to account. The response was sadly predictable, just a month later in the month of November 2008 Sergei was arrested and held in Russia's notoriously deficient detention facilities and over the course of the next 358 days Sergei was moved between five different custodial centres and filed some 50 complaints about the horrendous conditions in which he had been subjected. In June of 2009 one day after he was diagnosed with pancreatitis and told that he needed urgent medical attention Sergei was moved to a pre-trial prison notorious for these poor conditions and lack of even rudimentary medical care. Over the ensuing five months Sergei's health deteriorated markedly until his tragic and violent death at the hands of prison guards on November 16 of 2009. In his ruling this August in the Court of European Rights found that the Russian Government was responsible for Sergei's death and that has subjected him to 'intentional acts of violence that amounted to inhuman and degrading treatment'.

In line with its ordinary practice the court order that the government pay Sergei's mother and widower a modest sum for what is called 'just satisfaction'. That can hardly being to compensate for the unlawful killing that the government was responsible for and yet Sergei's quest for justice and that of his surviving family members is not in vain. The European court ruling affirms that when the facts of fraud and corruption on a grand scale are scrutinised by an objective tribunal that is independent the rule of law will prevail. The decision underscores the

significance of the legislation that has since been adopted in Sergei's name by the United States, Canada, the United Kingdom and other countries to impose sanctions on designated persons implicated in gross rights abuses or grand corruption. And finally the European Court of Human Rights case and Sergei's example showed the power that one human being can have in standing up to official criminality and abuse by exposing the truth about injustice. Thank you very much.

R: Sergei Magnitsky was born just three months after me. If we had known each other we would have been peers in the same class at school, starting university the same year and qualifying together Rovesnek in Russian. Despite not having met him I got to know him very well by working on the case. I read the carefully worded complaints to the authorities that his employer had been defrauded. I read the detailed appeals challenging his detention. I read the increasingly desperate pleas that he be provided with the medical treatment that he had been promised. His tenacity and his professionalism and his insistence that the law must be followed shined through, a tenacity that has been reflected by his colleagues, his peers and his family in how they have responded to this death and whom I have been privileged to meet and work with.

I have worked on quite a few human rights cases in my career; this has been one of the most complicated and one of the most frightening. It was complicated due to the complex appeals, the multiple investigations, the various Russian investigative bodies and lots of commissions on inquiry that were produced, the prison records, the medical records, the witness statements all in Russian and thousands of pages of documents also in Russian that the government produced none of which assisted in elaborating the truth. The whole case was complicated by the deliberate policy of the authorities to use false stories and deception to obscure the truth, the tactic of maskirovka, but we were able to explain what really happened to the European Court of Human Rights and set the records straight. It was one of the most frightening cases I have worked on because Sergei was an eloquent, careful and precise man, well able to take on the authorities. He was well connected and could gather supporters to his case in both Russia and abroad, but as you read the documents and see how the authorities deliberately moved him to worse cells and then deliberately refused to treat his pancreatitis, which is an extremely painful condition, you can feel his powerlessness in the face of the power of the State and you realise this could happen to any of us here.

The judgement of the court while too late to save his life vindicates all that he said and all that he did. This case was only possible through the help of an extraordinary group of people. I think, Jim Goldston for his leadership in deciding that this was a case that we had to assist on and for his powerful factual legal analysis. I would like to thank the other NGO's who were involved including my own NGO, REDRESS, who was able to engage the United Nations Human Rights mechanisms to apply pressure in the early stages of the case and also Physicians for Human Rights particular Dr Robert Bachs and Dr Stefan Schmidt who produced a decisive expert opinion that explained the shocking human impact of such an untreated disease that Sergei suffered, concluded that the injuries that he had received shortly before he died had no innocent explanation and demonstrated that the official medical version of events was entirely fabricated.

But most of all the extraordinary team at Hermitage who worked day and night to support the case, they know who they are, they had the dates, facts, names, documents in their head and who were patient in explaining to me over and over again the timeline and the more obscure recess of Russian law and procedure often several times and who braved threats and worse and who never gave up and my thanks also to Sergei's family who trusted us with this immense task.

The judgement of the European Court finally establishes the truth of what happened to Sergei beyond a reasonable doubt. I have been privileged to play a small part in this extraordinary campaign led by Sergei's family and by Bill Browder. Thank you very much for this very generous award.

END OF TRANSCRIPT