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His Excellency Nicos Anastasiades
President of Cyprus

Brussels, 7 September 2018

Dear Mr President,

We are writing to you in connection with the intention of the Cyprus Justice Ministry to recommence cooperation with Russia in the unjust criminal proceedings against Mr William Browder, a leader of the Global Magnitsky Justice Campaign and author of 'Red Notice', and his colleague Mr Ivan Cherkasov.

Cyprus' authorities should be aware that the Russian proceedings in respect of Mr Browder and Mr Cherkasov have long been recognised in the EU and by the Council of Europe as 'emblematic' of the politically motivated abuse of the justice system, and as such contrary to EU values of rule of law.

The same determination has been repeatedly reached by Interpol and numerous European governments who refused any assistance to Russia in these politically motivated proceedings.

The intention of the Cyprus Ministry of Justice to assist with these proceedings runs counter to the EU's commitment to justice and human rights.

As all Cypriots know, Cyprus acceded to the European Union by Treaty in 2003 and signed the Charter of Fundamental Rights. As noted by the European Commission in its opinion recommending Cyprus' accession (page 3, paragraph 3), "the political criteria require applicant States to ensure the stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities; these requirements are enshrined as constitutional principles in the Treaty on European Union and have been emphasised in the Charter of Fundamental Rights of the European Union."

Should Cyprus go ahead with assisting Russia in the most well-documented case of political persecution by Russia of political opponents, despite repeated concerns voiced by members of the European Parliament, Cyprus may face consequences for the abrogation of its commitments to EU in the area of rule of law and human rights, including sanctions available



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under the EU Rule of Law Framework, as a precursor to penalties under Article 7 under the Lisbon Treaty applicable to serious and persistent breaches of EU values by member states.

Cyprus has no obligation to cooperate with Russia in a politically-motivated case, and has the right -and the duty - to refuse such cooperation.

This is particularly so given that the Cyprus District Court in Nicosia ruled this summer that there was a prima facie case of political persecution of Mr Browder and Mr Cherkasov in Russia.

This finding by the court would put any cooperation that Cyprus agrees to with Russia in violation of the EU human rights and rule of law principles, spelled out in the EU Treaties and the Charter of Fundamental Rights.

Any assistance by Cyprus to Russia in this case would be also particularly egregious and manifestly unjust given the recently exposed facts that show improper direction of the Russian legal assistance requests to Cyprus by beneficiaries of the \$230 million fraud, of which Mr Browder and his firm were the victims, and the oversight of the Russian proceedings by senior officials in the Russian General Prosecutor's Office included on the European Parliament's Magnitsky Sanctions Recommendations List for their role in the Magnitsky/Browder case, despite the apparent conflict of interest.

We urge you to undertake broad consultations within Cyprus and with the European Commission and Council before undertaking actions that risk a negative impact on Cyprus' reputation and stand within the EU.

Ana Gomes (S&D)

Petras Auštrevičius (ALDE)

Marietje Schaake (ALDE)

Molly Scott Cato (Greens/EFA)