

Prosecutors Support Magnitsky's Accuser

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The Prosecutor General's Office has ruled that a senior police official who kept Hermitage Capital lawyer Sergei Magnitsky in pretrial detention until he died has done nothing wrong.

Interior Ministry officer Oleg Silchenko ordered Magnitsky's arrest in a tax evasion case in late 2008 and repeatedly refused to authorize his release on bail or to transfer him to a civilian hospital. After 11 months in custody, Magnitsky died of heart failure from untreated health problems.

The Investigative Committee opened a check into Silchenko's actions in 2010 and asked the Prosecutor General's Office to evaluate them as part of the inquiry.

Prosecutors have cleared the officer in the case, ruling that his actions were in strict compliance with the law, the committee said in a statement Monday.

But the Investigative Committee said it would proceed with its own inquiry, which will examine all circumstances of Magnitsky's arrest and the reasons why he was denied sufficient medical help despite his worsening condition. The check is set to wrap up by Aug. 24. The committee did not explain what mandated two separate inquiries into the death.

Magnitsky was detained after he accused a handful of state officials, including Silchenko, of participating in a \$230 million tax fraud. Silchenko accused Magnitsky of helping mastermind the \$230 million scheme for Hermitage, once Russia's largest foreign investment fund.

Hermitage on Monday criticized the Prosecutor General's Office ruling, saying the agency was not qualified to review the case because it had earlier failed to respond to Magnitsky's own complaints.

"You can't expect an agency that got involved in illegal activity earlier to admit it now," Hermitage said in an e-mailed statement.

President Dmitry Medvedev ordered an investigation into Magnitsky's death after it made international headlines. No one has been held criminally responsible and, just the opposite, Silchenko was promoted and awarded for his work last year.

"Silchenko has powerful figures backing him up," Valery Borshchyov, a member of the Kremlin's human rights council, said by telephone. He did not elaborate.

Borshchyov is supervising a separate inquiry into Magnitsky's death on behalf of the Kremlin council. A preliminary report on the findings, released last month, indicated that the case against Magnitsky was fabricated and implicated Silchenko in his death.

Silchenko, who was even turned into a character of a play, "One Hour Eighteen," staged by Moscow's Teatr.doc to honor Magnitsky, has declined to speak to reporters about the investigation. But he is scheduled to break his silence this week with an interview with the government's official mouthpiece, Rossiiskaya Gazeta.

Silchenko has also requested the arrest in absentia of Hermitage CEO Bill Browder and longtime business partner Ivan Cherkasov in connection with the same tax case as Magnitsky. Cherkasov has appealed the request to the Moscow City Court, which indefinitely postponed a hearing Monday over procedural violations, Interfax reported.

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