

Deceased Lawyer Faces New Inquiry

By [Alexander Bratersky](#)

August 02, 2011

The  **Moscow Times**

Prosecutors requested to reopen an inquiry into Hermitage Capital lawyer Sergei Magnitsky, who was slapped with tax evasion charges soon after accusing several tax and police officials of a multimillion-dollar fraud.

Meanwhile, the police department refused to open an investigation into its officers who ordered the pretrial detention of Magnitsky, during which he died in November 2009.

Some of Magnitsky's supporters, who have claimed that the case against him was fabricated as revenge for whistleblowing, voiced cautious hope that the new probe will clear his name. But others speculated that police intended to protect their own by justifying charges against Magnitsky.

The Prosecutor General's Office acted on last month's ruling by the Constitutional Court that criminal cases cannot be closed upon the death of the suspect if his or her relatives demand that the investigation proceed, Interfax reported Tuesday.

The investigators will have to ask Magnitsky's family whether they approve of reopening the case, said Marina Gridneva, a spokeswoman for the prosecutors.

Magnitsky's relatives have not publicly commented on the matter.

Gridneva did not say which law enforcement agency would handle the investigation if it were reopened. The previous inquiry was conducted by the Interior Ministry's Investigative Committee, which did not comment on the matter Tuesday.

In 2007, Magnitsky accused several tax and police officials of embezzling \$230 million of state money through tax refunds. A case against him was opened shortly thereafter, which was handled by the same officers he accused of corruption.

Magnitsky spent 11 months in pretrial detention before his death. Earlier reports said he was given insufficient medical help — intentionally, his supporters alleged — but a report by the Kremlin rights council, which wrapped up last month, said he died after a severe beating.

The Kremlin's council implicated Interior Ministry investigators Oleg Silchenko, Artyom Kuznetsov and Pavel Karpov in Magnitsky's death. Earlier, Hermitage released a string of exposé videos accusing the investigators of owning assets worth millions of dollars, which far exceeds their official salaries.

President Dmitry Medvedev requested to check officials implicated by the Kremlin council last month, but the Interior Ministry de facto defied him, refusing to start such an investigation, Hermitage said in a statement Tuesday.

The Kremlin council's report provided "no reasons to conduct any checks into the alleged wrongdoing of the investigative and operational team," Interior Ministry official Boris Kibris said in a written statement, Hermitage reported.

Neither Silchenko nor the Interior Ministry commented on the story Tuesday. No police official has so far been prosecuted in connection with Magnitsky's death. Silchenko got promoted last fall.

The U.S. State Department said in July that it has blacklisted an unspecified number of Russian officials linked to the case. Entry bans for 60 officials were earlier proposed by legislators in the United States and several European countries, though such proposals have yet to be voted on.

Commentators were divided on the new developments in Magnitsky's case. Dmitry Kharitonov, who defended Magnitsky during the investigation, called the reopening of the case "positive news," Kommersant reported Tuesday.

Maria Kannabikh, a Public Chamber member who oversees prison reform, also welcomed the move. "I believe the new investigation would discover the facts that had not surfaced before. But the new investigation should be more careful," she said by telephone.

But Hermitage lawyer Vladimir Pastukhov said the investigation may be a move to clear the officials accused in the case by upholding their charges against Magnitsky. He called the renewed effort "legal cynicism."

"The decision of the Constitutional Court was aimed to protect victims of police violence," Pastukhov said in an e-mailed comment. "It certainly can't be used as a tool for police to persecute people for alleged crimes after they are dead."

Hermitage head Bill Browder was skeptical as well, telling The Moscow Times: "I'm sure that the 'investigation' won't be objective."

The investigation is likely to be handled by the same Interior Ministry officers who have rejected the findings of the Kremlin's rights council, Browder said by telephone.

The law enforcement system is "circling the wagons to protect their own at the Interior Ministry," Browder said.

Relatives of another famous victim of the pretrial detention system, businesswoman Vera Trifonova, said Tuesday that they would ask for her case to be reopened on the same grounds as Magnitsky's case, Gazeta.ru [reported](#). Trifonova, who had diabetes, died in 2010 in a Moscow prison facility where she was being held on fraud charges. She was repeatedly denied bail despite her health problems.

Original url: <https://www.themoscowtimes.com/2011/08/02/deceased-lawyer-faces-new-inquiry-a8667>