

From the Archive: Magnitsky's Death Was No Accident

By [Jamison Firestone](#)

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In the summer of 1993, I set up a law firm in Moscow with an American friend, Terry Duncan. All of the lawyers were Russians. They were the brightest of the bright. Young Russian lawyers from the best schools who believed in Russia, the rule of law and the future of their country. We shared a common vision: Russia was the place to be. History was being made, and we were at the center of it. Law mattered, Russia had a bright future, and lawyers and law were central to that future.

One of those young men who shared this vision and passion was Sergei Magnitsky, who worked with me for more than 10 years. I believe that he was killed in prison by corrupt law enforcement officers.

There are those who would question my use of the word killed. Some would call it

an overreaction. It is not.

Magnitsky testified against a group of Interior Ministry officers who we believe stole more than 5 billion rubles from the Russian treasury. One month later, those same officers arrested Magnitsky on completely false charges that made no legal sense. They held him in prison in horrible conditions. When Magnitsky's health deteriorated, they denied him access to doctors, medicine and a routine but critical operation. He died Monday evening.

Magnitsky did not die by chance. He died because corrupt Interior Ministry officers killed him: They knowingly imprisoned an innocent man, destroyed his health and denied him access to medical treatment. Maybe the ministry just wanted to put pressure on him. But when detained people are tortured, they sometimes die, and in this case the people applying the pressure become killers.

Magnitsky's story is all the more terrible because it is now routine. Let's be honest, the so-called law enforcement agencies are detested by everyone and respected by no one. Corrupt officers routinely open criminal cases against the innocent, imprison people, kill people and steal with impunity. They are not above the law: They are the law. They are in effect licensed to kill.

One of the most interesting things about reading the articles and Internet blogs about Magnitsky's death is how universal this opinion is. Nobody believes the Interior Ministry, and everyone understands that Magnitsky was effectively killed, and that he is just another of the many victims of the country's abuse of police powers.

"Russian law" has become an oxymoron.

When is this crime carried out by law enforcement agencies going to stop? When are we going to take back this country from the gang of criminals in uniform that has decided that it is the law?

Although I support President Dmitry Medvedev's statements about fighting legal nihilism and corruption, he should publicly acknowledge that law enforcement agencies and the courts are now the main forces that threaten the ordinary citizens of this country.

Medvedev asks Russians not to give up hope and fall into legal nihilism, and then he allows a bunch of bandits in uniforms to rule over us. Corrupt officers steal and kill, and the government does nothing. Occasionally a statement is made about how the president or prime minister cannot interfere with law enforcement agencies, but law enforcement agencies are now Russia's largest problem. They are the enforcers of the new mafia. If Medvedev is not prepared to interfere, who will? The few who try to interfere, like Magnitsky, die.

I write this article with a profound sadness that goes deeper than losing a friend. I have watched the profession of law in Russia descend into something that is absolutely meaningless. What is the use of being a lawyer when there is no law? I have watched countless young idealistic lawyers learn through experience that in a growing number of situations there really is no law in Russia. I have watched law enforcement agencies and courts increasingly become agents of thieves and chase into exile, imprison and kill many of the people whom Russia needs most. This is the real face of the "dictatorship of the law."

I do not think that there is anything shocking in what I am now saying other than the fact that I am saying it openly. And that in itself says a lot about the state of Russian law. Truthfully, I am afraid while writing this article. In today's Russia, such an article can be deemed "suicidal." My friends would say it is an invitation to be charged with a crime or for the government to deport me. Maybe they are correct, but if they are, then Medvedev has failed miserably.

I have spent this week after Magnitsky's death speaking with friends and clients and with scores of people whom I had never met before. All of us are stunned. We detest the people who did this to Magnitsky and who routinely do this to others. We are angered and outraged by a system that stands by silently and allows this to continue. We are confused as to why Medvedev who says all the right things does absolutely nothing.

These are not the words of a dissident. These are the words of someone who is fighting for rule of law, whose Russian and foreign friends have died for this country and of a patriot who loves this country. It's time to revoke law enforcement agencies' license to steal and kill and to end Russia's dictatorship of the law.

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