

To **Chairman of the Investigative Committee  
of the Russian Federation**  
**State counselor of justice 1<sup>st</sup> class**  
**Mister**  
**Aleksandr Ivanovich Bastrykin**

*Investigative Committee of the Russian Federation  
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**Head of the Central Investigation Department (CID)  
of the IC of the RF for Moscow**  
**Aleksandr Vyacheslavovich Shchukin**

*16/2 Arbat St., Bldg. 1, Moscow, 119002*

From **Natalya Nikolayevna Magnitskaya**,  
who resides at the address:

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Attorney of the *Prioritet* [Priority] Law Office (No. 38)  
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**Nikolay Aleksandrovich Gorokhov**  
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September 13, 2011

**Report on a Crime – the Murder of S. L. Magnitsky**  
**(in accordance with the procedure established by articles 144-145 of the CPC of the RF)**

At 9:15 p.m. on November 16, 2009, physicians of an emergency psychiatric care team summoned by the administration of a PTDF found my son, Sergey Leonidovich Magnitsky, dead on the floor of a cell in the general population of FBFI detention facility IZ-77/1 of the Russian FPSO for the city of Moscow (the *Matrosskaya Tishina* PTDF) with indications of foul play on his body. The circumstances surrounding his death remain unexplained to date.

In the “Report of the Public Oversight Commission for the Performance of the Public Monitoring of the Assurance of Human Rights at Places of Forced Confinement in the City of Moscow Concerning an Inquiry of the Detention of S. L. Magnitsky in a PTDF in the City of Moscow” (the POC), it is stated that “*at the Matrosskaya Tishina PTDF, Magnitsky was not provided with the medical attention he needed and for the provision of which he was transferred from the Butyrka PTDF. The patient, in serious condition, was virtually left to die in his cell (for 1 hour and 18 minutes) without medical assistance*”.

As the POC established, a fact of fundamental importance is that, instead of a physician, there was an “enforcement team” in the cell with the patient at this time, made up of eight persons armed with special gear and headed by detention facility assistant chief on duty D. F. Markov, as well as his deputy O. G. Kuznetsov.

*Attachment No. 1. Copy of the Report of the Public Oversight Commission.*

The investigator who conducted the inquiry of the occurrence of the death of detainee S. L. Magnitsky immediately after it happened reached the conclusion that a premeditated murder may have taken place in this instance.

In a report on the detection of the elements of a crime dated November 19, 2009, that was prepared by investigator D. A. Levin following the inspection of the scene of the incident, the questioning of the PTFD officers, and the performance of a postmortem examination, the following statement was made:

*“Bearing in mind that data indicating the elements of the crime envisioned by article 103, part 4 and article 111 of the CC of the RF might be discovered when conducting the inquiry, I would recommend that this report be recorded in the Crime Report Registration Book (CRRB) and that the inquiry be conducted in accordance with the procedure established by article 144 and 145 of the CPC of the RF”.*

The subject report was recorded in the Crime Report Registration Book on November 19, 2009, under number 582.

*Attachment No. 2. Copy of the Report of Investigator D. A. Levin Concerning the Discovery of Signs of Premeditated Murder Dated 11/19/2009.*

Despite the fact that investigator D. A. Levin filed a report concerning his discovery of signs of the premeditated murder of S. L. Magnitsky, a criminal case under article 105 of the CC of the RF (premeditated (murder) and part 4, article 111 of the CC of the RF (the premeditated infliction of grievous bodily harm resulting in the death of a victim through negligence) was recorded on November 19, 2009, but criminal proceedings under these articles were not instituted.

Instead, on November 24, 2009, the Investigative Division of the investigation department of the Investigative Committee of the Office of the Public Prosecutor of the RF for the City of Moscow instituted criminal proceedings based on the elements of the crimes envisioned by article 124 of the CC of the RF (the failure to render assistance to a sick person) and article 293 of the CC of the RF (dereliction of duty).

*Attachment No. 3. Copy of a Judgment Concerning the Institution of Criminal Proceedings in Line With the Death of S. L. Magnitsky.*

A full and impartial investigation of all the circumstances surrounding the death of S. L. Magnitsky cannot be performed under the auspices of the criminal proceedings instituted, since the investigation is not considering the version of his death as a result of the use of force.

Over the more than a year and a half that has passed since the death of my son S. L. Magnitsky in the pretrial detention facility, from various sources, including my son’s testimony, his statements and appeals to different government agencies and courts, the documents prepared, composed, and written by my son, as well as by the attorneys who represented his interests and the Hermitage Capital lawyers, the inquiry materials of the office of the public prosecutor, the published results of journalistic investigations, the reports and conclusions of human rights advocates, forensic investigations and examinations, and the preliminary investigation materials presented to me for familiarization, together with publications in the mass media, I have become aware that data also exist suggesting the commission of a crime against my son, to wit, the fact that his death occurred due to premeditated violent actions. The signs that objectively suggest the commission of this crime consist of the following factual data:

1. Over the entire course of his term of detention in custody, S. L. Magnitsky was subjected to torture for the purpose of forcing him to refute the testimony he had previously given against the law enforcement officers and tax authority employees who were complicit, in his opinion, in the misappropriation of 5.4 billion rubles from the budget of the RF.

2. A month before his death, S. L. Magnitsky made a new statement that accused the law enforcement officers who conducted the investigation of his criminal case of committing serious crimes.

3. Immediately before S. L. Magnitsky's death, the Hermitage Capital lawyers received threats that definitely suggested a willingness to commit murder.

4. After his death, indications of foul play before death were found on S. L. Magnitsky's body, which his relatives recorded at the funeral; however, I was denied the performance of a second postmortem examination.

5. The administration officials of FBFI detention facility IZ-77/1 of the Russian FPSO for the city of Moscow who gave testimony about the final hours of S. L. Magnitsky's life were exposed as liars during an investigation conducted by the Moscow Public Oversight Commission (POC), in line with which the actual circumstances of S. L. Magnitsky's death in the general population area of the pretrial detention facility in the presence of an enforcement team made up of 8 persons armed with special gear has remained unexplained to date.

### **1. The systematic exertion of physical and moral coercion on S. L. Magnitsky during his detention in custody.**

On July 5, 2011, the Council for the Development of a Civil Society and Human Rights of the President of the RF presented a "Preliminary Conclusion of the Working Group for Studying the Circumstances of the Death of S. L. Magnitsky" to President of the RF D. A. Medvedev, which contained, in particular, the following conclusions:

- an investigative team with an improper composition, which included individuals who had previously charged S. L. Magnitsky with committing serious crimes, and who therefore personally had a vested interest in S. L. Magnitsky arrest and prosecution, conducted the investigation of the criminal case against S. L. Magnitsky;

- S. L. Magnitsky was arrested and detained in custody without sufficient legal grounds;

- during his detention in custody, S. L. Magnitsky's confinement conditions were intentionally worsened on the instructions of the individuals who headed the investigation, as a result of which his place of confinement was changed 21 times by means of transferring him to different cells and pretrial detention facilities, and;

- physical and psychological pressure was exerted on S. L. Magnitsky during his detention in custody by means of illegally refusing to provide him with the medical attention he needed.

*Attachment No. 4. Copy of the Preliminary Conclusion of the Working Groups of the Council for the Development of a Civil Society and Human Rights of the President of the RF.*

During his detention in custody, S. L. Magnitsky and his attorneys filed more than 400 appeals and statements with the Prosecutor General of the RF, the Investigative Committee of the MIA of the RF, pretrial detention facility administrations, and other law enforcement agencies. In these appeals and statements, they pointed out the illegality of his criminal prosecution and arrest, the intentional worsening of his confinement conditions in the PTDFs, the exertion of physical and moral coercion, and the illegal and invalid refusal to provide him with medical attention. The overwhelming majority of the appeals and

statements not only went unanswered, but as it turned out, even unrecorded, while the remainder were unjustifiably dismissed.

FPS employees, investigators, and officers of the MIA, the FSS, and the Office of the Public Prosecutor of the RF proved to be involved in creating the torturous conditions of S. L. Magnitsky's confinement in the pretrial detention facilities. Each of them was assigned his or her own role in the commission of this crime.

In essence, this means collusion for the purpose of breaking S. L. Magnitsky's resolve and will, and forcing him to refute the accusatory testimony he had previously given against corrupt tax authority employees and law enforcement officers by using illegal means to exert physical and psychological influences on him. This pressure continued for the entire 358 days that S. L. Magnitsky was under detention in custody.

The numerous appeals that my son and his attorneys filed with officials and judges concerning the violation of his rights, as well as their unreasoned and unfounded dismissals, bear this out. It follows from the aforementioned appeals of my son and his attorneys, as well as the files of the legal cases reviewed with their participation, that a large number of individuals, with complicity and forethought, including employees of:

- the MIA of the RF, among them, A. V. Anichin, O. V. Logunov, A. M. Matseyev, N. V. Vinogradova, G. V. Karlov, O. F. Silchenko, A. K. Kuznetsov, A. O. Droganov, A. A. Krechetov, D. M. Tolchinskiy, S. V. Oleynik, M. O. Sapunova, and N. I. Dmitriyeva, as well as other investigative team members and officials of the MIA of the RF;

- the Office of the Prosecutor General of the RF, among them, Yu. Ya. Chayka, A. I. Pechegin, A. V. Burov, M. Ye. Altukhova, and V. A. Sivozhelez;

- the FSS of the RF, among them, A. Ye. Laguntsov, and;

- the management personnel of the FPS of the RF and its subdivisions, among them, E. V. Petrukhin, V. I. Semenyuk, I. P., Prokopenko, D. V. Komnov, D. B. Kratov, and F. G. Tagiyev,

on fabricated grounds and using falsified documents, organized the retaliatory persecution of my son in violation of articles 6-7 of the CPC of the RF, as well as the use of torture on him for the purpose of creating intolerable confinement conditions and compelling him to incriminate himself, to incriminate his clients, and to retract the testimony he had given before his arrest against MIA officials, including P. A. Karpov and A. K. Kuznetsov.

With the complicity of high-ranking officials of government departments, including the deputy head of the Investigative Committee of the MIA O. V. Logunov, as well as the deputy heads of the FPS of the RF V. I. Semenyuk and E. V. Petrukhin, my son's transfer between pretrial detention facilities was sanctioned for the purpose of exerting physical and psychological pressure on him. In violation of the law, the investigators did not inform me of my son's numerous transfers between pretrial detention facilities and cells.

Due to gross dereliction of duty or as the result of a personal vested interest, the Prosecutor General of the RF Yu. Ya. Chayka and the head of the Investigative Committee of the MIA of the RF A. V. Anichin dismissed or failed to duly review the appeals, applications, and statements that my son and his attorneys sent them concerning the most flagrant possible violations of his rights, his deprivation of medical attention and surgery for the illnesses he had developed as a result of detention under the inhuman conditions created for him, which were first diagnosed in early July of 2009 – pancreatitis, cholecystitis, and cholelithiasis, concerning the pressure exerted on him, and concerning his persecution

by officers of the MIA, who obviously knew he was not guilty, for the purpose of concealing their own crimes, which my son had exposed.

With the complicity of federal judges of the Tver Court of the City of Moscow – S. G. Podoprigrorov, Ye. V. Stashina, S. V. Ukhnaeva, and A. V. Krivoruchko – judgments were handed down against my son based on documents falsified by the FSS and the MIA of the RF concerning his detention in custody and the extension of the term of his detention in custody for a total of more than 1 year. With the foreknowledge and consent of these judges, as well as judge T. V. Neverova, the appeals, statements, and applications of my son and his attorneys concerning violations of his constitutional rights, transfers from detention facility to detention facility, the exertion of pressure, his detention as a pawn, his deprivation of medical attention, and denials of visits with family members were illegally and unjustifiably dismissed, thereby depriving my son of all judicial protection. The aforementioned rulings of the judges of the Tver Court of the City of Moscow were sustained by the rulings of the judges of cassational and supervisory jurisdiction of the Moscow City Court (including L. M. Vodopyanova, S. M. Markov, S. V. Andreyeva, L. I. Nikolenko, N. V. Sharapova, and O. V. Golgezyer), who did not provide an evaluation of the illegal rulings handed down against my son and thereby facilitated the violations of his right, including his rights to freedom, to protection against harsh treatment and torture, and to health protection, as well as the right to life.

## **2. S. L. Magnitsky's statement concerning the crimes of law enforcement officers and tax authority employees, which was possibly the reason for his death.**

On June 5, 2008, and October 7, 2008, which is to say long before his arrest, S. L. Magnitsky gave incriminating testimony against law enforcement officers who he suspected of collusion in the illegal reregistration of his client's companies and the misappropriation of 5.4 billion rubles from the Russian budget. This testimony was precisely the reason that his illegal criminal prosecution and arrest were arranged, since the officers against whom S. L. Magnitsky gave testimony were a part of the investigative team involved in investigating the criminal case within the framework of which he was arrested.

Despite the physical and psychological pressure exerted on S. L. Magnitsky when he was in custody, he did not refute the testimony previously given against the law enforcement officers, and on October 13, 2009, he prepared a new appeal concerning other similar crimes of tax authority employees and law enforcement officers, as well as the organization of retaliation against him, about which he made an official statement to investigator A. A. Gritsay on October 16, 2009.

*Attachment No. 3. Copy of S. L. Magnitsky's Statement to an Investigator on October 13, 2009.*

Magnitsky's statement of October 13<sup>th</sup> was not duly reviewed. This disregard was undoubtedly due to the fact that the law enforcement officers against whom S. L. Magnitsky had given incriminating testimony were a part of the investigative team involved in investigating the criminal cases within the framework of which he was arrested.

After S. L. Magnitsky made the new incriminating statement, the physical and psychological pressure on him was intensified. For this reason, he had to prepare a statement for the court on November 12, 2009, in which he indicated that he had been in detention for a period of one year as a pawn of the law

enforcement officers whom he had accused of complicity in the misappropriation of the budget money.

*Attachment No. 6. Copy of S. L. Magnitsky's Statement for the Court Dated November 12, 2009.*

Thus, the new statements that S. L. Magnitsky made a month before he died could have been one of the reasons for his violent death.

### **3. Threats received by the Hermitage Capital attorneys before S. L. Magnitsky's death.**

I was informed by Hermitage Capital representatives that immediately after S. L. Magnitsky made the statement of October 13, 2009, concerning the new crimes of tax authority employees and law enforcement officers, and after Hermitage Capital's attorneys sent a corresponding statement to law enforcement agencies, threats began to be made against them. These threats were sent to a cell phone registered in the name of Hermitage Capital and used by the firm's Russian attorney.

*At 8:38:13 p.m. on October 23, 2009, a text message with the following content was received:*

**"Which is worse... I don't know, death... or prison. I. L. Kuchin. Favorites"**.

*At 10:12:23 a.m. on October 24, 2009, a text message with the following content was received:*

**"He is going... to a so dark... to Solikamsk prison"**.

*At 8:06:33 on October 25, 2009, a text message with the following content was received:*

**"The trains... the trains go... all to the northeast... and it seems to me... never... will it end... this term..."**.

*At 12:03:23 on November 8, 2009, a text message with the following content was received:*

**"If history teaches anything, it's that any man can be killed. Michael Corleone"**.

Sergey Magnitsky was found dead in his cell at the pretrial detention facility on November 16, 2009, but the text messages continued to arrive even after his death.

*At 7:58:12 a.m. on November 18, 2009, a text message with the following content was received:*

**"A lawyer died in a PTDF under the auspices of an interesting criminal case. A landmark event. Little puff pieces will not help. An extraordinary rendition, etc."**.

*At 9:42:10 on November 19, 2009, a text message with the following content was received:*

**"Ostap Bender screamed at the cars passing Kisa Vorobyainova on the Georgian military road "give money, give money". The coins flew"**.

This text message was the last one received at the subject cell phone number.

*Attachment No. 7. Copies of the Text Messages Received by the Hermitage Capital Lawyers.*

All the text messages containing the threats came from the Russian telephone number +79096335588. According to available information, this number was at that time in the cell phone number reserve of the firm *Bn-Layn* [Bn-Line].

In line with each instance of the receipt of text messages containing threats, the Hermitage Capital attorneys sent statements to the competent authorities of Great Britain.

The receipt of the threats addressed to the Hermitage Capital lawyers suggests that S. L. Magnitsky's death might have been planned and was a result of the deliberate actions of individuals with a vested interest in the fact that S. L. Magnitsky stop giving testimony against law enforcement officers and tax authority employees.

**4. Indications of the use of violence against S. L. Magnitsky before his death that his family found and that experts documented.**

Specialist A. N. Borzova, who had less than one year of experience in expert work, performed the pathological examination of S. L. Magnitsky's body after his death.

*Attachment No. 9. Copy of an Application for the Scheduling and Performance of a Second Postmortem Examination, Together With a Copy of the Judgment Concerning Its Dismissal.*

After S. L. Magnitsky's body was released to his relatives for burial, they found and recorded injuries on the hands of the deceased.

1) The injuries on the knuckles of both hands and the deep abrasions on the little finger of the left hand that, which the expert also described, suggest that S. L. Magnitsky was defending himself immediately before his death.

*Attachment No. 10. Photographs of the Injuries on the Body of S. L. Magnitsky's That His Relative Took.*

In the expert conclusion, it is stated that the injuries on S. L. Magnitsky's body occurred not long before his death. Here, in the medical report from the case history submitted by FBFI detention facility IZ-77/1 of the Russian FPSO for the city of Moscow, it is indicated that S. L. Magnitsky had no bodily injuries upon arriving at the pretrial detention facility other than the impressions of the handcuffs. Consequently, the indications of foul play that his relatives found could only have appeared during the hours and minutes immediately preceding S. L. Magnitsky's death.

2) The marks from the handcuffs that the expert recorded as "multiple deep abrasions against a background of bruises" cannot in any way be called "indications" and suggest the exceedingly forceful

use of special gear immediate prior to death.

*Attachment No. 11. Copy of Conclusion No. 40-10 of an Forensic Medical Examination.*

There is plenty of indirect evidence that S. L. Magnitsky's death occurred as a result of premeditated violent actions.

1) In S. L. Magnitsky's death certificate, the presence of a closed craniocerebral injury is indicated, which could have been the result of enforcement service officers beating him in his cell in the general population.

*Attachment No. 12. Copy of S. L. Magnitsky's Death Certificate.*

2) The investigation did not thoroughly verify the reasons why S. L. Magnitsky has such an atypical injection as a prick at the root of the tongue before his death, which was allegedly done during the performance of resuscitation. At the same time, expert A. N. Borzova did not note any traces of intramuscular injection to which the physician and medical assistant of *Matrosskaya Tishina* alluded. The investigation did not schedule a timely toxicological examination and refused to provide me with materials from S. L. Magnitsky's histological record so they could be independently studied.

*Attachment No. 13. Copy of an Investigator's Resolution Refusing to Provide the Injured Party With Tissue Samples from S. L. Magnitsky's Histological Record.*

3) Data are present in the conclusions of the forensic medical examinations indirectly suggesting that S. L. Magnitsky underwent asphyxia (suffocation) before his death. Witness testimony of the emergency care physician exists to the effect when viewing S. L. Magnitsky's body, he noted involuntary urination before death, which is one of the typical signs of suffocation.

4) It is readily apparent that after his death, S. L. Magnitsky was redressed in clean clothing, as a molecular genetic examination suggests (the absence or an initially small amount of genetic material), together with the fact a discrepancy exists between the description of the position of the body at the scene of the incident and photographs of the scene of the incident.

*Attachment No. 14. Copy of Examination Conclusion No. 224 for the Year 2010.*

*Attachment No. 15. Copies of the Photographs Attached to the Report of an Inspection of the Scene of the Incident.*

*Attachment No. 16. Copy of the Report of an Inspection of the Scene of the Incident Dated 11/17/2009.*

The investigation, which has been ongoing for more than 21 months, has not yet provided a suitable evaluation of the direct and indirect evidence of the use of force against S. L. Magnitsky, and has failed to establish the causes of the appearance of the aforementioned injuries on his body. A statement concerning the absence of any video recordings from the scene of the events in *Matrosskaya Tishina* confirms reluctance and the concealment of the events that took place there.

## **5. Circumstances of the last hours of S. L. Magnitsky's life that suggest the use of violence against him.**

Members of the Public Oversight Commission (POC) of the City of Moscow who conducted the inquiry of S. L. Magnitsky's death found that the officers of FBFI detention facility IZ-77/1 of the



Russian FPSO for the city of Moscow who gave testimony in line with his death were lying. In this regard, no reliable data exist concerning what precisely happened in FBFI detention facility IZ-77/1 of the Russian FPSO for the city of Moscow after S. L. Magnitsky was transported there. The facts that members of the Public Oversight Commission and experts of the working groups of the Council for the Development of a Civil Society and Human Rights of the President of the RF have established nonetheless suggest that S. L. Magnitsky died as a result of violent actions on the part of the pretrial detention facility officers.

1) S. L. Magnitsky was transferred to FBFI detention facility IZ-77/1 of the Russian FPSO for the city Moscow on November 16, 2009, due to a dramatic deterioration in his state of health that posed a threat to his life. However, upon arriving at FBFI detention facility IZ-77/1 of the Russian FPSO for the city of Moscow at 6:30 p.m., he was not admitted to the hospital right away, but rather was left in the general population, where he was allegedly examined by the surgeon on duty, A. V. Gauss, who allegedly prescribed admission to the hospital department and secured S. L. Magnitsky's written consent. However, S. L. Magnitsky was not actually conveyed to the hospital.

2) An "enforcement team" made up of 8 persons armed with special gear and headed by pretrial detention facility assistant chief on duty D. F. Markov, as well as his deputy Kuznetsov, summoned physician A. V. Gauss to the general population at 7:00 p.m. The appropriateness of using such powerful forces on a sick person who had been transported so emergency medical care could be provided raises doubts. Even in the event of possible inappropriate behavior of the patient, the appearance of a team of 8 persons headed by deputy heads of the pretrial detention facility as "pacifiers" appears to be both extreme and implausible. In the words of the pretrial detention facility officers themselves, S. L. Magnitsky had requested help and asked that he not be left alone due to the treat against his life (the threat of murder).

3) Even greater questions arise in line with the fact that when physician A. V. Gauss withdrew, leaving patient S. L. Magnitsky without medical assistance and observation, the "enforcement" team not only arrived in the general population, but also stayed there with S. L. Magnitsky after the so-called "psychotic episode" had subsided. There were no real grounds for the enforcement team's further participation, because according to the testimony of the pretrial detention facility officers themselves, S. L. Magnitsky was offering no resistance and calmly allowed the handcuffs to be placed on him.

4) At 7:00 p.m., immediately after the enforcement team reached the general population, physician A. V. Gauss, in his own words, left the general population area. Thus, from 7:00 p.m. up until the time of death itself, which is to say for a period of almost three hours, S. L. Magnitsky, who was seriously ill, was left in a cell in the general population without medical assistance in the presence of 8 enforcement team officers head by the pretrial detention facility's assistant chief on duty D. F. Markov, as well as his deputy, who were armed with special gear.

5) At 7:30 p.m., the pretrial detention facility's administration summoned a psychiatric emergency care team for an examination (the testimony of physician A. V. Gauss). The reason was an acute psychosis that had allegedly developed in S. L. Magnitsky. The physicians saw psychosis in the fact that S. L. Magnitsky said they wanted to kill him. However, it is obvious that an individual in the throes of unendurable pain, with symptoms of acute pancreatitis, who is transported to another pretrial detention facility for treatment, but instead of a hospital, is left with an armed escort made up of eight persons in the general population might assume that a real threat to his life exists. His words in this

situation more than likely suggest good mental health instead of psychosis, which a specially scheduled postmortem psychiatric examination also confirmed.

6) The psychiatric emergency care team that arrived at 8:00 p.m. was not given immediate access to the patient and waited more than an hour for permission to enter. The physicians were not allowed inside until after S. L. Magnitsky had died. At 9:15 p.m., the psychiatric emergency care physicians discovered S. L. Magnitsky on the floor of a cell in the general population, where he had been left alone with eight enforcement service officers at 7:00 p.m.

Thus, for a period of roughly one-and-a-half to two hours, while suffering unendurable pain, S. L. Magnitsky, without any reason other than waiting to be hospitalized, was left alone in a cell in the pretrial detention facility's general population with 8 enforcement service officers armed with special gear and headed by the pretrial detention facility's assistant on duty and his deputy. The emergency care physicians were only permitted to see the patient after waiting for an hour and a half so they could record his death.

None of the evidence of a crime indicated in my report – the illegal arrest, torture, and murder of my son by officials of the MIA of the RF, the Office of the Prosecutor General of the RF, the FSS of the RF, and the FPS of the RF – is the subject of the investigation in criminal case No. 366795, which was initiated on November 24, 2009, and is currently in progress within the IC of the RF.

The resolutions concerning the institution of criminal proceedings and the extension of the time frame of the preliminary investigation, which was last extended until November 24, 2011, support this. Because reference is made therein to the dereliction of duty of the FPS officers and leaving the patient by himself, and when ascertaining the circumstances of S. L. Magnitsky's death, the investigators relied on the testimony of the pretrial detention facility officers, who had a vested interest in concealing their role in the death of S. L. Magnitsky, presenting a version of the events that they described as "established facts".

Based on the foregoing and in accordance with the procedure established by articles 144-145 of the CPC of the RF, I hereby request:

1. That criminal proceedings be instituted based on the fact of the abuse, torture, and premeditated murder of Sergey Leonidovich Magnitsky.

2. That the first-hand perpetrators of the torture and murder of S. L. Magnitsky be identified among the ranks of the officers of the FPS of the RF and the field services, first and foremost, that FBFI detention facility IZ-77/1 officers D. F. Markov and O. G. Kuznetsov be interrogated.

3. That an inquiry be conducted and that criminal proceedings be instituted if the essential elements of crimes are found in the actions of officials of the MIA of the RF – A. V. Anichin, O. V. Logunov, A. N. Matveyev, G. V. Karlov, N. V. Vinogradova, O. F. Silchenko, A. K. Kuznetsov, A. O. Droganov, A. A. Krechetov, D. M. Tolchinskiy, S. V. Oleynik, M. O. Sapunova, and N. I. Dmitriyeva, the Office of the Prosecutor General of the RF – Yu. Ya. Chayka, A. I. Pechegin, A. V. Burov, M. Ye. Altukhova, and V. A. Sivozhelez, the FSS of the RF – A. Ye. Laguntsov, and the management personnel of the FPS of the RF and its subdivisions, including E. V. Petrukhin, V. I. Semenyuk, I. P. Prokopenko, D. V. Komnov, D. B. Kratov, F. G. Tagiyev, physician A. V. Gauss, and other individuals – for collusion in organizing the illegal arrest, the illegal criminal prosecution of a knowingly innocent person, the creation of torturous conditions in pretrial detention facilities, the failure to render emergency medical assistance, and the denial of justice to S. L. Magnitsky, which violated his constitutional rights and led to his death.

4. That the question of the institution of criminal proceedings be considered if the essential elements of a crime are found in the actions of federal judges of the Tver Court of the City of Moscow – Ye. V. Stashina, S. G. Podoprigrorov, S. V. Ukhnaeva, A. V. Krivoruchko, and T. V. Neverova, as well as judges of the Moscow City Court L. M. Vodopyanova, S. M. Markov, S. V. Andreyeva, L. I. Nikolenko, N. V. Sharapova, and O. V. Rolgeyzer – in line with the illegal sanctioning of the arrest and detention in custody of a knowingly innocent individual, as well as the denial of justice (the appeal against the violation of the rights of S. L. Magnitsky, the exertion of pressure on him, and his deprivation of medical attention) that led to his death.

5. I request that I and my representative, attorney Nikolay Aleksandrovich Gorokhov, be informed of the steps taken at the address: *Prioritet* Law Office, 38 Miklukho-Maklaya St., Moscow, 17279.

Attachments:

- 1) Copy of the report of the Public Oversight Commission;
- 2) Copy of the report of investigator D. A. Levin concerning the detection of signs of premeditated murder dated 11/19/2009;
- 3) Copy of the judgment concerning the institution of criminal proceedings in line with the death of S. L. Magnitsky;
- 4) Copy of the Preliminary Conclusion of the Working Groups of the Council for the Development of a Civil Society and Human Rights of the President of the RF;
- 5) Copy of S. L. Magnitsky's statement to the investigation dated October 13, 2009;
- 6) Copy of S. L. Magnitsky's statement for the court dated November 12, 2009;
- 7) Copies of the text messages received by the lawyers of Hermitage Capital;
- 8) Copy of the record of a postmortem examination of the body of S. L. Magnitsky;
- 9) Copy of an application concerning the scheduling and performance of a second postmortem examination, as well as a copy of the judgment dismissing this application;
- 10) Photographs of the injuries to S. L. Magnitsky's body that his relatives took;
- 11) Copy of forensic medical examination conclusion No. 40-10;
- 12) Copy of S. L. Magnitsky's death certificate dated 11/16/2009;
- 13) Copy of an investigator's resolution concerning the provision of the injured party with tissue samples from the histological record of S. L. Magnitsky;
- 14) Copy of Expert Conclusion No. 224 for the year 2010;
- 15) Copies of the photographs attached to the record of an inspection of the scene of the incident dated 11/17/2009, and;
- 16) Copy of the record of an inspection of the scene of the incident dated 11/17/2009.

*[signature]*

*Natalya Nikolayevna Magnitskaya*