Response to Der Spiegel story on Magnitsky Case



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December 2019

There are the following claims made in Der Spiegel article





Der Spiegel Article on Magnitsky Case

What Der Spiegel article claims:

- 1. "Magnitsky was not murdered";
- 2. "Magnitsky was not a lawyer";
- 3. "Magnitsky did not testify against police officers Kuznetsov and Karpov";

What Der Spiegel article left out:

1. Who benefitted from the stolen \$230mln?"

Claim 1. "Magnitsky Was Not Murdered"





"Magnitsky was not murdered."

Der Spiegel Article on Magnitsky Case

1.1. Evidence That Magnitsky Was Beaten in Custody

Photos taken by Russian government expert and provided to Magnitsky family show injuries from a beating

Photos from Russian Government Post-mortem of Sergei Magnitsky

Magnitsky's Left Hand, Magnitsky's Knuckles 17 Nov 2009

17 Nov 2009

Magnitsky's Left Knee 17 Nov 2009

Magnitsky's Wrist 17 Nov 2009





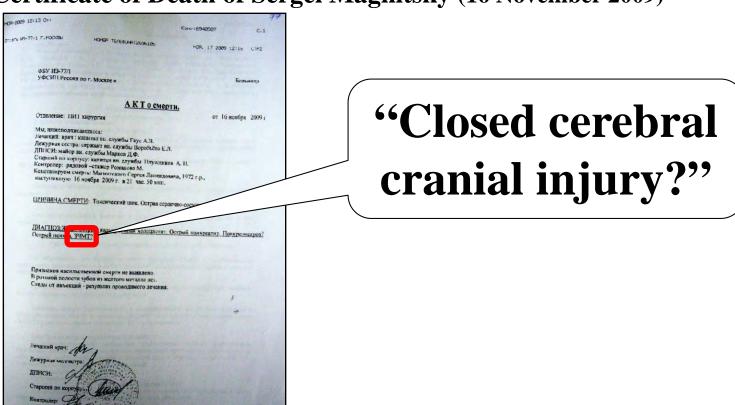




1.2. Possible Cerebral cranial Injury

Official Death Certificate stated that Sergei Magnitsky had suffered a "cerebral cranial injury"

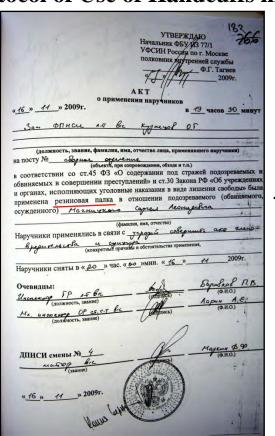
Official Certificate of Death of Sergei Magnitsky (16 November 2009)



1.3. Evidence That Magnitsky Was Beaten in Custody

The protocol signed by three officials of Matrosskaya Tishina on the day of Magnitsky's death stated that rubber batons were used on him

Official Protocol of Use of Handcuffs made on 16 November 2009 at 19.30 (Moscow time)



"Assistant Deputy to Head of Detention Center Lt O.G.Kuznetsov at collection point post

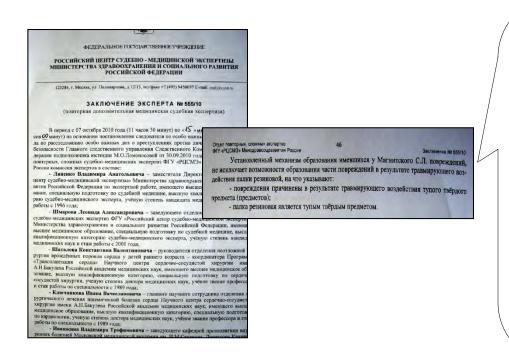
... **rubber truncheon** was applied to ... Magnitsky Sergei ...

Handcuffs taken off at 20:00 on 16.11.2009"

1.4. Evidence That Magnitsky Was Beaten in Custody

The Russian Government forensic medical report concluded that injuries were caused by blunt force trauma

Official Post-mortem forensic expert opinion, No 555/10 by Federal State Institution The Russian Forensic Medical Examination Center of the Ministry of Healthcare and Social Development of the Russian Federation, 15 June 2011

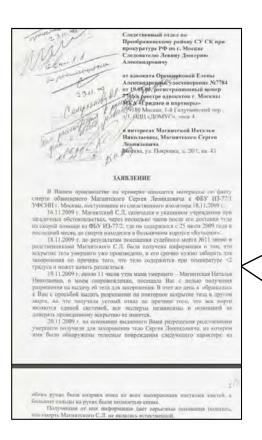


"The injuries which S.L.
Magnitsky had were caused resultantly from the traumatic application of the blunt hard object (objects) which is confirmed by the closed type of the trauma and their morphological manifestations in the form of the abrasions, ecchymomas, blood effusions into the soft tissues."

1.5. Evidence That Magnitsky Was Beaten in Custody

Magnitsky's family testified about the injuries they witnessed in the morgue

Magnitsky Family Application to open investigation into his killing filed with Investigative unit for Preobrazhensky District of Moscow, 23 November 2009



"On 20.11.2009 on the basis of authorization you granted, the relatives of the deceased received for burial the body of Sergei Leonidovich [Magnitsky], on which they discovered injuries of the following nature: On both hands the skin was torn off at the knuckles, and the thumbs were completely dark blue (bruised) in colour. The information provided by relatives who saw the body gives serious grounds to suspect that S.L. Magnitsky's death was not natural."

Submitted by lawyer for Magnitsky family Ms Oreshnikova

1.6. Evidence That Magnitsky Was Beaten in Custody

The Russian President's Human Rights Council concluded that Sergei Magnitsky was beaten

Russian President's Human Rights Council Report, 4 July 2011



Совет при Президенте Российской Федерации по развитию гражданского общества и правам человека

В больнице врач А.В. Гаус вместо принятия оперативных мер, расценив поведение больного как неадекватное (так как Магнитский заявлял, что его хотят убить), вызвала психнатрическую бригаду и бригаду усиления со спецсредствами в составе восьми человек, которые, применив наручники, отвели Магнитского в бокс. Бригада «скорой медицинской помощи» не была допущена к больному, что не помешало врачу Гаус дать ложную информацию о том, что Магнитскому проводились реанимационные мероприятия сотрудниками «скорой помощи», ими не подтвержденные.

В результате, перед гибелью Магнитский был полностью лишен медицинской помощи. К тому же имеются обоснованные подозрения полагать, что смерть Магнитского была спровоцирована его избиением, впоследствии родственники зафиксировали у него разбитые костяшки пальцев и кровоподтеки на теле. Кроме того, отсутствует медицинское описание последнего часа его жизни.

По мнению Общественной наблюдательной комиссии г. Москвы, СКП РФ не придал должного внимания расследованию виновности вышеперечисленных должностных лиц в гибели С.Л. Магнитского. Установленная комиссией дезинформация в показаниях врача больницы СИЗО «Матросская тишина» А.В. Гаус дает основания для возобновления расследования этого этизода и должна получить правовую оценку органов следствия.

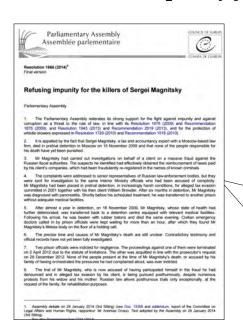
"... there is reasonable suspicion to believe that the death was triggered by **beating** Magnitsky: later his relatives recorded smashed knuckles and bruises on his body."

Source: https://web.archive.org/web/20110807093959/http://www.president-sovet.ru/meeting_with_president_of_russia/meeting_with_russian_president_07_05_2011_in_nalchik/materials/proceedings_of_the_rg_in_the_case_of_s_magnitsky.php;

1.7. Conclusion on Magnitsky's Beating in Custody

The Council of Europe called for the Russian Government to prosecute those responsible for the death, mistreatment and beating

Resolution by the Parliamentary Assembly of Council of Europe "Refusing Impunity for the Killers of Sergei Magnitsky" 28 January 2014



"...to hold to account for their acts and omissions all those who share in the responsibility for Mr Magnitsky's death, ... just before his death at Matrosskaya Tishina prison, the beatings and the manner in which Mr Magnitsky was left alone in a cell in an apparently critical condition."

1.8. European Court of Human Rights issued its verdict in favour of Magnitsky's Family



European Court of Human Rights Verdict 27 August 2019

"Taking into account the intentional character of the ill-treatment, the nature of the injuries and the level of suffering to which the first applicant was subjected, the Court finds that the act of violence in question amounted to inhuman and degrading treatment."

Claim 2. "Magnitsky Was Not a Lawyer"





"Magnitsky was not a lawyer."

Der Spiegel Article on Magnitsky Case

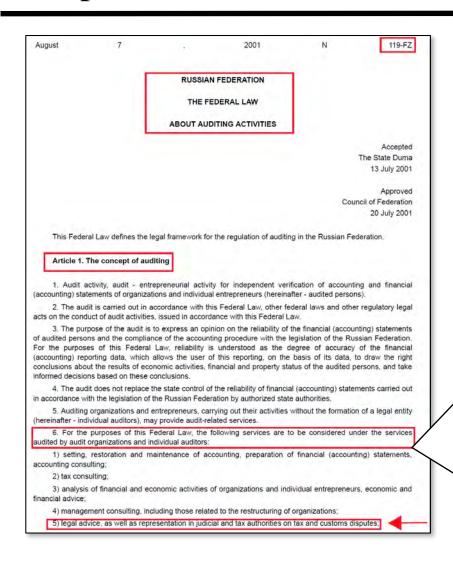
The Ministry of Finance issued Sergei Magnitsky an auditors license in 1998



Qualified Certificate of Auditor to Sergei Magnitsky

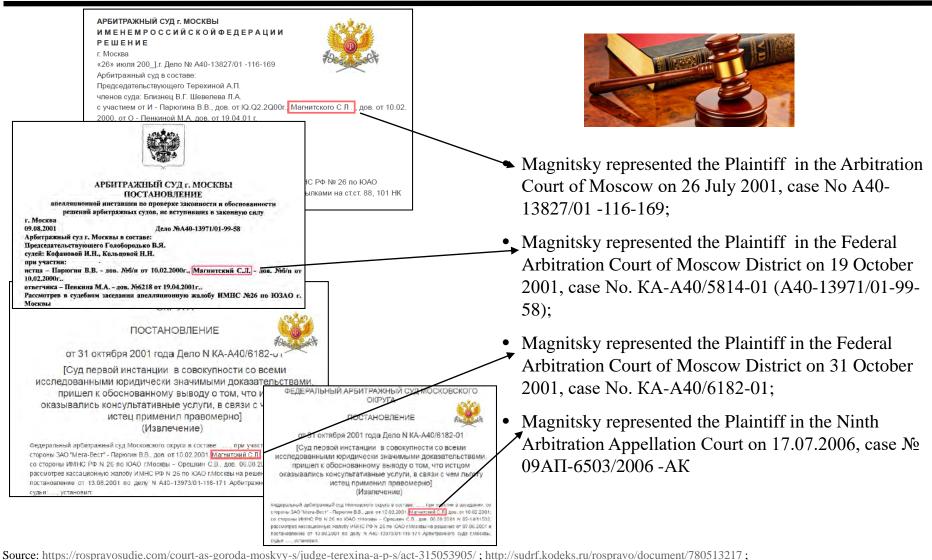
Issued on 08.11.1998 by the Ministry of Finance

His auditors license specifically authorised Sergei Magnitsky to represent clients in Russian civil court on tax issues



- 6. For the purposes of this Federal Law, services associated with auditing are understood as the provision by audit organizations and individual auditors of the following services:
- 5) legal advice and representation [of clients] in courts, with the tax authorities on tax and customs disputes;

Sergei Magnitsky represented Hermitage and other clients in the Russian courts



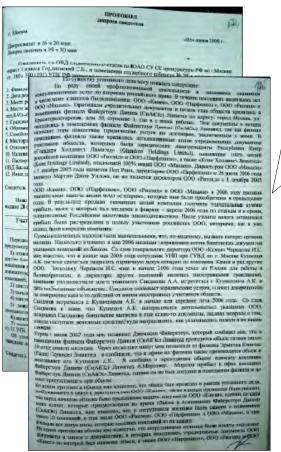
https://rospravosudie.com/court-9-arbitrazhnyj-apellyacionnyj-sud-s/judge-goloborodko-valentina-yankelevna-s/act-302230929/

In his 5 June 2008 testimony to the police, Sergei Magnitsky identified himself as a lawyer

Sergei Magnitsky Testimony to the Russian Investigative Committee (5 June 2008)



Sergei Magnitsky



"By the type of my professional activity I provide advisory services regarding the Russian law"

Even President Putin Recognised Sergei Magnitsky as a Lawyer

Vladimir Putin Press Conference (20 December 2012)



Vladimir Putin 20 December 2012

"Mr Magnitsky ... was not some rights defender; he did not fight for human rights. **He was Mr. Browder's lawyer**"

Claim 3. "Magnitsky Did Not testify Against Police Officers"



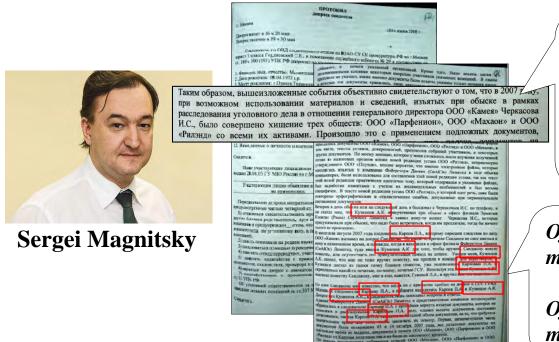


Der Spiegel Article on Magnitsky Case "Magnitsky did not testify against police officers Kuznetsov and Karpov"

3.1. Evidence That Sergei Magnitsky Testified Against Police Officers

In his 5 June 2008 testimony, Sergei Magnitsky referred to Police officer Kuznetsov <u>14 times</u> and Police office Karpov <u>13 times</u> about their role in the crime

Sergei Magnitsky Testimony to the Russian (5 June 2008)



Therefore, the above circumstances objectively demonstrate that the three companies, Parfenion LLC, Makhaon LLC and Reland LLC, were stolen in 2007 along with all their assets, with possible use of records and information seized during the search conducted as part of criminal proceedings against I.S. Cherkasov, director general of Kameya LLC.

Officer Karpov mentioned 13 times;



Officer Kuznetsov mentioned 14 times



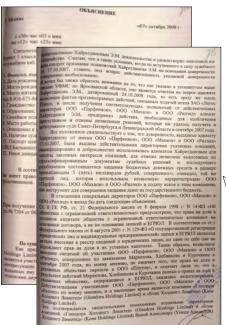
3.2. Evidence That Sergei Magnitsky Testified Against Police Officers

In October 7, 2008 testimony, Sergei Magnitsky confirmed his first testimony and identified the same group as involved in the theft of \$230 million (RUR 5.4 billion) of budget funds

Sergei Magnitsky Testimony (7 October 2008)



Sergei Magnitsky



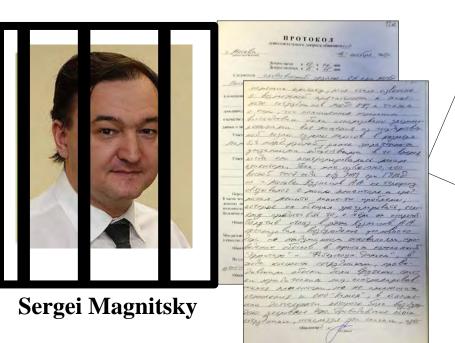
"... I confirm my testimony given on 05/06/2008... in addition ... I confirm ...

...embezzlement of budget funds in excess of Five Billion rubles, which had obviously been committed by the same group of persons that had used illegal re-registration of the Parfenion ..., Makhaon ..., and Rilend ... and filed claims against those companies as a tool for embezzling money from the state treasury"

3.3. Evidence That Sergei Magnitsky Testified Against Police Officers

On October 14, 2009, from custody Sergei Magnitsky reaffirmed his testimony

Sergei Magnitsky Testimony (14 October 2009)



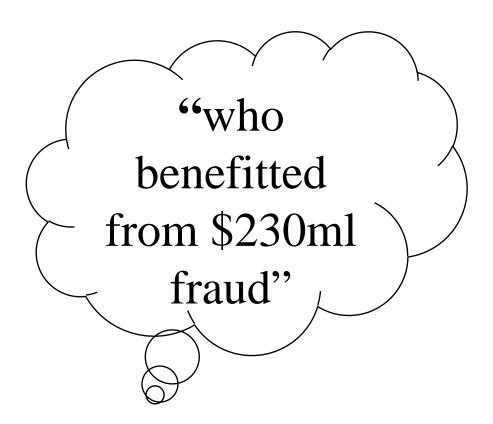
"... Kuznetsov and other law enforcement officials that have entered into a conspiracy with him could have been involved in stealing Makhaon LLC, Parfenion LLC and Rilend LLC followed by stealing RUB 5.4 bln from the budget ... they were vitally interested in suppression of my activity connected with the assistance I was rendering to my client in investigating the circumstances of the above crimes. It was the ground for my prosecution"

Most importantly is what Der Spiegel is not talking about – who benefitted from \$230ml fraud



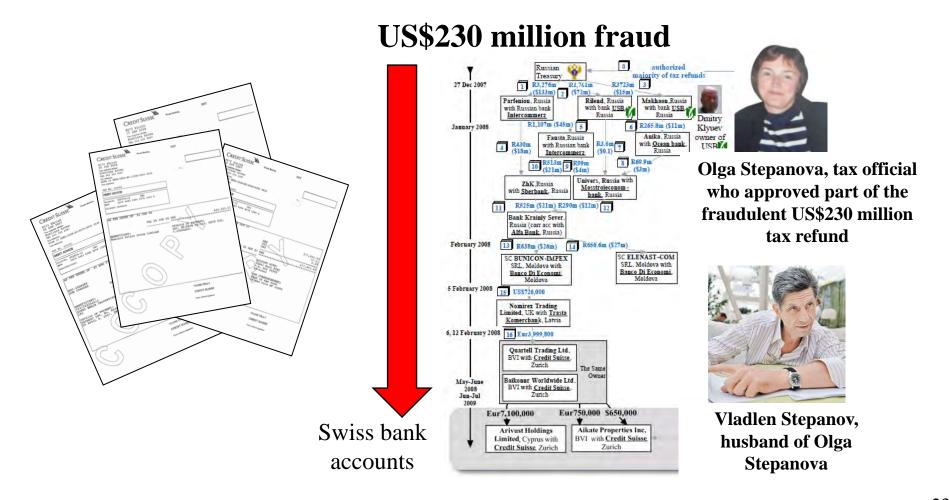


Der Spiegel Article on Magnitsky Case



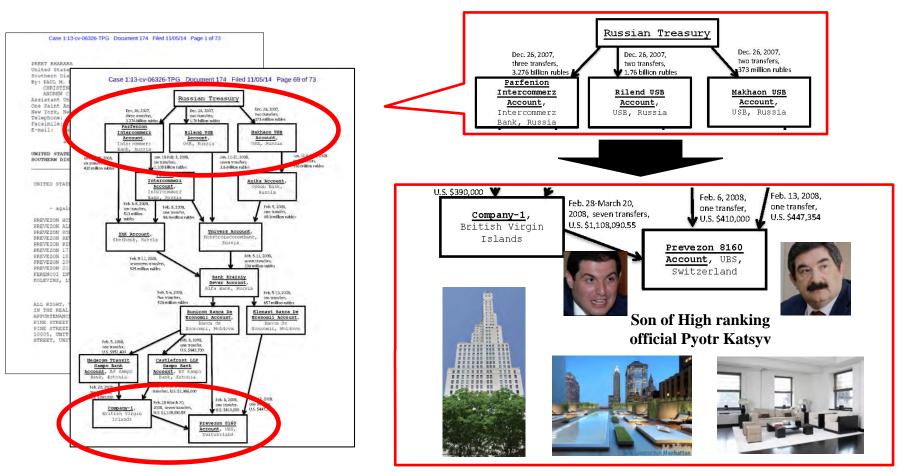
Husband of Olga Stepanova, the tax officer who approved the illegal tax refund, received \$11.7 million at Credit Suisse

The documents showed that Olga Stepanova's husband, the tax officer who approved the illegal tax refund, received \$11.7 million at Credit Suisse



In 2012 Barrons Magazine and OCCRP traced US\$ 2.1m to the US, belonging to the family of a Russian government official

Hermitage filed a complaint with the US Department of Justice that the stolen money was used to buy Manhattan real estate



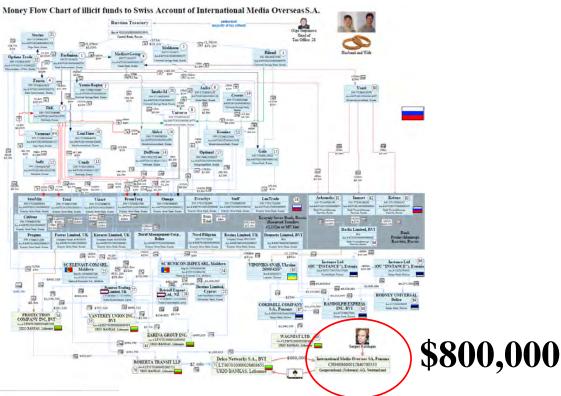
Source: United States of America v. Prevezon Holdings Ltd. et al, 1_13-cv-06326, No. 174 First Amended Complaint (S.D.N.Y. Nov. 5, 2014) and second Amended complaint (S.D.N.Y. Oct. 23, 2015)

Panama Papers Identified Proceeds of Stolen \$230 Million on Account of Sergei Roldugin, Putin's Friend



"Panama Papers" Investigation Traced Stolen \$230 million fraud proceeds to account of Sergei Roldugin, friend of President Vladimir Putin

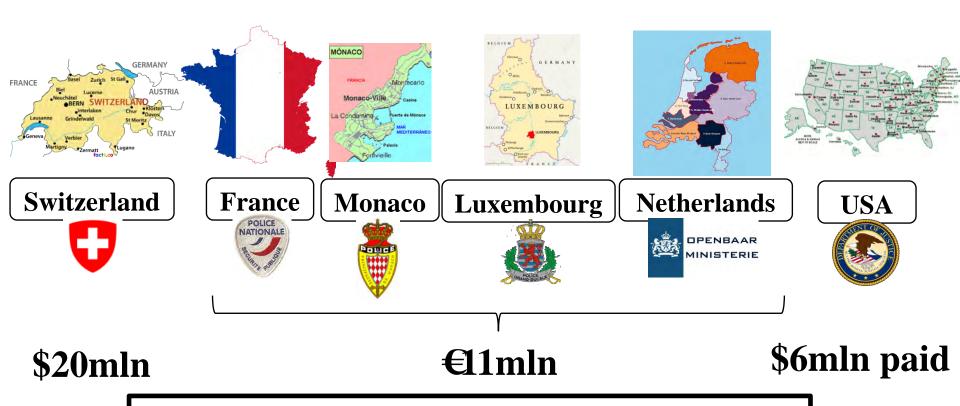




RUSSIA: THE CELLIST AND THE LAWYER

Law Enforcement Authorities Around the World Have Frozen \$31m and \$6m was Paid Connected to the Crime

Over US\$31m were frozen in Switzerland, France, Monaco, Luxembourg and Netherlands as a result of these investigations initiated by Hermitage



Total \$31mln FROZEN and \$6mln PAID