Troika Again

The FSB, the investigators, and the court as a single business venture.

In theory, Russia has an independent bureau of investigation, with organs under its control and a court. In practice there are special investigators with special agendas and special courts which pass special sentences, as well as special prosecutors who dish them out to all and sundry at will.

The commission investigating the circumstances of the death of Sergey Magnitsky was convened under the aegis of the Presidential Council on human rights. It is headed by the chief of the Moscow Helsinki group, Ludmilla Alexeyeva. Included in the commission are colleagues of Alekseyeva from the presidential Council on human rights: the leader of the Russian division of Transparency International Elena Panfilova, the head of the national anti-corruption committee Kirill Kabanov, and a group of eminent experts. For instance, the former investigator from the SK MVD investigative committee, presently lawyer Pavel Zaitsev, who investigated the affair of the “Three Whales.” It is obvious that official investigations get nowhere”, said Zaitsev to The New Times. “What we need is a truly independent inquiry.” We will work in the manner and along the lines of the present vice-president of “Evrosvet” who is currently in SIZO, and is seriously ill, Boris Levin,” said Panfilova. “There is still time to save him.” Within the terms of reference of the Magnitsky affair the commission intends to call investigator Oleg Silchenko, his supervisor in the
investigating committee, Colonel Natalya Vinogradova, and the head of the SK, Lieutenant-General
Alexey Anichin. All of them, incidentally, feature in the list of those “incriminated by the demise of
Magnitsky” as compiled by US Senator Benjamin Cardin (see the interview with him on p.17),
which proposed barring entry to the US for sixty Russian civil servants. The list includes the name
of Elena Stashina, a judge from Tver’, but the Alexeyev committee was unable to talk with her,
since she has legal immunity (detailed analysis of the role of Stashina, Vinogradova, and Silchenko
in the Magnitsky affair is in The New Times no. 43, November 30th. 2009)

“They just ignore him”

The situation just looks absurd: on the initiative of the Kremlin a commission is organized
consisting of justiciaries and representatives of the NKO in order to investigate the criminal activity
leading to the death of citizen PF. Yet it would seem that all the law enforcement agencies in control
of the means and the methods of explaining who sentenced the lawyer Magnitsky to capital
punishment, when he had been judged by no-one, and his sentence was passed not by jurors but by
investigators and jailers in white dressing-gowns and FSIN uniforms, were subordinate to the
President. “They decided to convene the commission only after it was clear that the forces of law
and order simply ignore Medvedev's instructions,” says a well-informed spokesperson of the New
Times. “Medvedev sort of took the investigation of Magnitsky's death under his own wing, yet they
still send him formal bulletins. The prosecutor had no wish to quarrel with Anichin. General
Anichin is head of the MVD investigative committee, which has investigators of the Magnitsky
business working in it. The New Times, understands that if there are serious inquiries afoot many
members of the Investigating committee will certainly lose their jobs.
But the trouble is that the prosecutor-general, whose responsibility includes the monitoring of the
organs of investigation, has weighty reasons to completely scramble the narrative. Magnitsky's
lawyers regularly sent their complaints and requests in his direction (the editor has access to these
letters). The result is well known: it is no accident that in the list of names of those whom Senator
Cardin wishes to ban from the US we find that of Victor Grin, deputy prosecutor general, and a long
list of other colleagues of the prosecutor.

“3 million to the FSB (Kruchkov), 1 million for Customs (Golyshko)
3 million for the Ministry of Justice (Vinnichenko, Chaika)
1.5 million for PFFI (Korobov)
”

“In the Soviet era the investigators, the prosecutor, and the court were also formally independent of
one another,” says human rights activist Sergey Kovalev. “But when any business touched on
politically motivated matters, they all – executive committees, KGB investigators, the
 corresponding section of the prosecutor's office, and appropriate levels of the law-courts - worked
with one accord. When they received their orders they worked like one person and it was the high
command of the Party that gave the orders.”

New customers

Nowadays the investigators have not only political but also commercial clients. The MVD and FSB
monitor the work of investigation and everything. The courts are under their control. State security
officers get their orders and they send them to their agent to put in motion, and from him affairs
move on to the regular court. In the life history of Natalya Vinogradova – up to the point when she took up the Sergey Magnitsky affair - there was already the matter of the boss of the “Internews” fund Manan Aslamazyan, and that of the businessman Alezey Kozlov, the husband of the journalist Olga Romanova. Romanova openly said at the time that the investigator extorted $1.5 million from her, and Aslamazyan's lawyer said “They made no secret of it: that the Aslamazyan business was being sent on its course.” The matter was entirely political. It was no secret from anybody that his orders came from top people in the FSB.” Besides, after the conclusion of the Vinogradov affair she received the rank of Colonel overnight, on FSB orders.

Under cover of “M”

The key role in this pyramid is played by directorate “M” of the FSB, which monitors, via MVD, the work of MchS and the Ministry of Justice as well. Three months ago the directorate lost its former head. General Vladimir Kryuchkov left his office on February 27th, 2010. The reason for this was errors that were made by the directorate in their work with the MVD, which led to a noisy scandal, starting with the butchery for which Major Denis Evsyukov was responsible, and ending with the resignation of the head of the Buryat MVD, Victor Syusyura, caught in illegal trading. The standing of Kryuchkov, brought into the organizational and inspection management of the FSB at this time on a fat salary, seemed for a long time beyond reproach. In the directorate of The New Times there is an analytical note on the criminal proceedings brought against Alexander Beletsky, the boss of the directorate organizing work to determine the material possessions of debtors of the Federal bailiff service. A document shows Beletsky has damaged the State to the tune of $146 million, by disposing of sequestrated property. Beletsky sequestered equipment for gas powered steam turbine generators acquired for £150 million, separated from the funds of the St. Petersburg city budget. “Disposed of after arrest and judgment, more than $14 million,” says the note. “Of these officially (because disclosed) roughly $4 million, the rest of the money distributed in the following manner: 3 million to the FSB (Kryuchkov), 1 million for Customs (Golyshko), 3 million for the Ministry of Justice (Vinnichenko, Chaika), 1.5 million for RFFI (Korobov), 1.5 million – to himself.” The case against Beletsky, as may be deduced from the document, was wound up after the intervention of Vladimir Kryuchkov. As the bailiff said on bidding farewell to the investigators, he had had a connection with Kryuchkov lasting many years, and insofar as this consists in family connections with V.P. Ivanov, his sister's husband, he will never have any problems in this country because he knows how to cope.” When Victor Ivanov is asked by journalists about his links with General Kryuchkov he usually snaps back tersely: “No comment.” However, neither knowing how to share things nor being related to the boss of the State Narcotics Control saved Kryuchkov in the end. Still, he left the management in promising hands: Aleksey Dorofeyev was nominated in his place, after being dismissed in his turn from the post of head of the Karelian UFSB after the shakeout in Kondopog.

Reassignment of the investigation

The appearance of a new supervisor in the FSB did not mean a change in the work of the FSB, although lately there has been intensified clan warfare inside General Anichin's department for the control of the market known as “Investigation”. At the head of one of them the first deputy manager of the MVD department of economic security, Major-General Andrey Khorev, is also considered to be the boss of Narcotics Control: Victor Ivanov's man. The other group is headed by Anichin's deputy Alexander Matveyev (also on Senator Cardin's list), who oversaw the conduct of the (now closed) criminal proceedings against the head of “Russneft” Mikhail Gutseriev, who had recently
returned to Russia. Colonel Vinogradova was also in his team. When Vinogradova first started her career in the MVD SK another deputy of Anichin, Yuri Alexeyev, protected her. His neck of the woods is a regional subdivision of the SK, monitoring the work of the main Moscow investigation department. But with the passing of time Vinogradova came of age and escaped from his tutelage, and now Alexeyev is, as they say, “done away with”. There are many articles on the internet in which the deputies blatantly accuse him of corruption. It appears that in exchange for a bribe of $250 thousand Alexeyev facilitated the termination of criminal proceedings against the president of Fondservicebank, Alexander Volobnik. President Medvedev was making an effort to establish yet another center of power in the Investigating Committee by nominating as Annichin's deputy his fellow student Tatyana Gerasimova, but in the meanwhile, as the SK maintains, competitors succeeded in blocking her efforts, and she never managed to assume real power. No-one is willing to predict how the present battle for influence and control of the financial inputs into the Committee of Investigation will turn out. His colleagues on the SK take a very guarded view of Yuri Alexeyev's prospects. And they recall how the manager of the SK directorate, Igor Sokolov, fell under a similar kind of a blow, at the end of the day he just had to take retirement. The investigator of especially serious cases, Gennady Shantin, was also virtually dropped from active service. He had headed a group investigating the affairs of the “DISCOUNT” bank. Already in October 2008 Tsokolov had assured *The New Times* that the investigation of these matters is ongoing, although he admitted that “There aren't any suspects.” (*The New Times* no. 42, October 20th. 2008). Now the inquiries have ceased.

**New matters**

Investigator Vinogradov's team is still prominent in spectacular affairs. Her subordinates are continuing to research the case against the chairman of the council of directors and co-owner of OAO “The Moscow Wine and Cognac Factory KIN” Armen Eganyan. At the beginning of April the businessman spent two days in solitary confinement while held temporarily in the Petrovka, but then a judge of the Tula court, Sergey Podoprigorov (another one of those listed by Cardin), made a decision to take measures which just required a signed statement not to go anywhere, and to not keep him into custody. The businessman Eganyan is battling with the OAO for control of the “United Company” factory along with the joint stock company Bank of Moscow and the city authorities. And in the businessman's entourage they assured the *New Times* that in their view the criminal case against Eganyan filed under article 159 section 4UK (“blatant swindling”) was set in motion on orders from Yuri Luzhkov. It is curious that in the course of the investigation the case was passed more than once from one investigator to another: the eminent investigator Oleg Silchenko, now famous for the Sergey Magnitsky case, managed to get involved. Subordinates of Vinogradova were investigating the spectacular case of the BTA Bank managed by the former energy minister of Kazakhstan, Mukhtar Ablyazov, who is now in hiding in London. The businessman was regularly in conflict with the president of Kazakhstan, Nursultan Nazarbayev, and in 2002 he was even sentenced to six years in prison, but after a year Nazarbayev pardoned him. However, in March and in August of 2009, first the Kazakh prosecutor, and then the MVD SK, instigated criminal proceedings in connection with the withdrawal and falsification of assets from the Kazakh bank to the tune of $70 million. Ablyazov accused the Kazakh authorities of raiding the bank and has been in hiding ever since; investigations have turned up a series of controlling holdings in “Eurasia”, founded by a businessman in Russia. The order to “do away with him” was evidently given by the highest authority, a polite request to Vladimir Putin, concerning the capricious businessman from Nazarbayev. However, in the words of colleagues of Vinogradova, the intervention of the Kazakh leader, and the close interest of the Russian premier did not prevent investigators from removing servers from the Moscow office of Ablyazov's BTA bank straight off, which were then “returned” under
in a whole series of political trials apart from that of Magnitsky. “Judges can be divided into those who fall under the direct control of committee “M” of the FSB, or the SKP inspectorate, or the MVD SK,” say spokesmen of The New Times. “Also those who are in openly political trials are geared first and foremost to the chairman of the Moscow City Court, Olga Egorova, who by virtue of the power of her rank is not dependent upon the general run of narks.” The same Judge Todoprigorov, who participated in the Magnitsky case, is according to the investigators inclined more to Egorova, and maybe that is why he took the decision, not typical of Russian judges in recent years, to release Armen Eganyan with his written statement to go nowhere instead of clapping him in a cell. The ranks of the judges who are dependent on the investigators have to include Alexandra Lopatkina, judge of the Basmanny court (she has a close relative in the General Prosecutor's investigative committee).

Note: The FSB tandem could not work effectively and profitably without the support of the courts.

“We must not allow wars to turn into markets” - the now forgotten Victor Cherkasov was a prophet when he said this in October 2007 while he was head of the FSKN. And this has not been avoided: the forces of order have constructed a huge corporation designed to make money. To make their business more effective they make use of their legal right to employ force. Mikhail Khodorkovsky spoke of this in his last article, published in March 2010. “The first and most important thing which I finally learned in the third month of my imprisonment: our “inner” apprehension of the police, the public prosecutor, the court, and the FSIN, as independent bodies are completely mistaken....The system is in essence one single enterprise the business of which is the legitimised use of force. It is an enterprise which is a real heavyweight, with a massive collection of internal contradictions and conflicting interests. This enterprise employs both fine people and riff-raff – it's not a question of the quality of the human material but of the actual organizational principles of the System itself.....If you become fodder for this conveyor belt, at the end of the day there is always a Kalashnikov, in other words you are found guilty.”

In the President's entourage they appear to have recognized the inevitability of struggling with this huge informer-investigator-judicial corporation. But how can they do this in the Kremlin, all things being considered, if they don't understand to the fullest degree what they are trying to take for granted, which is the law enforcement officers. The problem has to be resolved. The bigger this finance-social order monster gets, the greater the threat it poses. Not just for every decent citizen as an individual, but for the country as a whole.