THE WAGES OF DEATH

Who hired Sergey Magnitsky and why?

Every man has his particular torture, said one old man, a zek (former convict) who survived from Stalin's day. What sort of torture did they select for Sergey Magnitsky, and who sentenced the 37 year old lawyer, and why? queried the New Times.

He became ill on November 16th. The doctor attending the treatment section of the special medical department of SIZO (“Butyrki jail”), Larisa Litvinova, established that “his stomach was moderately upset”. An “intensification of pain” was also noted. “I determined that his condition needed a surgical investigation”, she related to Zoe Svetlanova, a member of the Social Observation Committee on November 20th. This committee was founded in 2008, implementing the law about “social controls to guarantee human rights in places of unavoidable confinement”. At 14:47 they summoned an ambulance. Dmitri Kratov, the SIZO medical head of staff, telephoned the SIZO hospital, “Sailor's Rest”, “We are bringing you a sick man. He needs to be kept under observation. He has an inflamed pancreas”. “Does he have a diseased pancreas?” asked Olga Alexandrovna at the other end of the line. “No” answered Kratov. “So why are you bringing him?” asked the woman in the white dressing gown.

They brought the dying Sergey Magnitsky to “Sailor's Rest” at 18:30. “Disease of the pancreas takes its course very quickly. Without an immediate operation a person can die in five hours,” the New Times was told by intensive care nurse, Timur Guseinov. Judging by the picture painted by Svetova, the process was already reaching its conclusion at “Sailor's Rest”. But neither the surgeon, nor his assistant, on this particular Monday in the prison hospital detected this. “In pancreatitis, the temperature rises sharply as a consequence of a massive discharge of enzymes, poisoning the organism together with a most violent stabbing pain,” says Guseinov. The pain makes the subject roll up into a ball, he lifts his legs sharply and tries to grasp with his hands the hell that is raging within his insides. Pain clouds his reason, he feels terror, despair, and horror at the sight of the prisoners. Not a single familiar face around him. “You're trying to kill me”, he screamed. The people in white coats thought that in place of a surgeon it would be more useful to call a psychiatric team who might control his condition with a straitjacket, as Fikret Tagiev, the head of SIZO's social inspectorate, suggested. So, grabbing his hands, they deprived Magnitsky of his last defense against pain. Next, as happens with pancreatitis, the agitation gave way to coma. Close to nine in the evening Sergey Magnitsky's torments ended. No more wardens in white coats, no investigators, no
judges – no one had any power over him at all.

**Six million dollar order**

According to New Times sources they weren’t planning to kill Sergey Magnitsky. That was just an annoying oversight, they overdid it. An “injunction” had been brought against him: they started criminal proceedings against him, because a few important people wanted this. First, as early as June 5th, then on October 7th, he had given evidence to a SK investigator from the Moscow RF prosecutor’s office concerning the appropriation of branch companies of the investment fund known as Hermitage Capital Management, which subsequently contrived by means of tax reimbursements to steal more than 5 billion rubles from the state budget (details on P.10). Secondly, Magnitsky’s lawyer asked for evidence on behalf of his client, from the head of Hermitage Capital, Bill Brauder. Investigators from the SK (the investigating committee) of the MVD determined that Sergey Magnitsky was the kingpin in the organization of the activities of the company which guaranteed the fund billions in income.

(Manuscript letter)

“...The Directorate K of the FSB took a bribe”, says an MVD informant of the New Times “The
amount was six million dollars. Secret police monitored the trial but its direct implementation was entrusted to investigators from an MVD Committee of Investigation.”

Or, to be more exact, an investigator named Oleg Silchenko. It was to this individual that Sergey Magnitsky had submitted his dozens of complaints and declarations (these are at the disposal of the editors). “Silchenko was a man whose role was to cover up other people's shitty doings”: that is the way the Hermitage Capital Management Fund's lawyer, Vadim Kleiner, described the investigator.

According to information from the New Times received from sources in the SK of the MVD, Silchenko was really no more than a pawn. The responsibility for the plan lay with a completely different person, the deputy of the head of the SK of the MVD, Colonel Natalya Vinogradova. Incidentally, it is curious that this is not the first time that a Vinogradova-Silchenko link has turned up in notorious affairs that have the FSO behind them.

In 2007, they took on the affair of the head of the “Internews” fund, Manan Aslamazyan. “Silchenko never took any kind of decisions. He was totally without initiative. People such as him wear a smile and keep things under their hat while they go in and cleverly execute other people's orders”, recalls the lawyer Aslamazyan Victor Parshutkin. Vinogradova is altogether different; tough, clever, and trained in the Soviet school. They didn't even bother to conceal what was happening: the Aslamazyan business was brought to fruition in the SK of the MVD. The matter was totally political. Everyone knew who gave the orders: the upper echelons of the FSB.” After the disintegration of “Internews”, Natalya Vinogradovna was awarded the title of Lieutenant Colonel at the request of the FSB. The constitutional court of the Russian Federation on May 27th, 2008, upheld the complaint of Manan Aslamazyan on the subject of the constitutional nature of the case she presented, after which her criminal proceedings were cut short. “While my husband's case was proceeding, Vinogradova yelled at me, and extorted one and a half million dollars,” says Olga Romanova, a journalist, and the wife of the accused businessman, Alexey Kozlov. “Then I got involved with Pavel Sharay, a go-between of the rank of Lieutenant-General in the internal reconnaissance service. In the SVP he headed the department of economic security. He promised he would resolve all the problems and declare who all Vinogradova's mates were in the FSB”. But as her mentor pointed out to me, she didn't have any.

They insist that for her efforts in disentangling the Magnitsky business, Vinogradov received the rank of Colonel: yet her name does not appear on a single available document.

In the follow-up to the “Internews” fund affair, investigators from the SK MVD working on the business of Magnitsky and Hermitage, were collaborating with the FSB. For example, the editors have at their disposal a report concerning the detection of indicators of criminality “in the affairs of U.F. Brauder, as envisaged by part 2 of article 199 of the Russian U.K., aimed at the head of the “K” directorate of SEB FSB Russia, at that time Major-General Viktor Voronin. Like most of the top managers of the “Russia” corporation, Lieutenant General Vorinin hails from Saint Petersburg and began his career in the revenue police, then in the State Narcotics Control agency. He was known to SME thanks to his links with Vladimir Barsukov (Kumarin), and recently (November 12th) sentenced to fourteen years in a penal colony.
This report was compiled before the arrest of Sergey Magnitsky, in May 2007, and the letter to investigator O.F. Silchenko which was signed by the head of directorate “K” of the FSB directly followed on the day of Sergey Magnitsky's arrest, November 24th, 2008. This letter tells of evidence that the suspect held a foreign passport and that Magnitsky S.L. “is right now drafting an entry visa in the British Embassy granting him the right of travel outside the borders of the Russian Federation.” (In the Sergey Magnitsky case there is a letter from the same embassy refusing him a visa.)

(photocopy)
Legal representatives of Hermitage in London told the New Times that they knew that Directorate “K” was coordinating the work of colleagues from the MVD SK. What’s more, as early as summer 2007, an intermediary (whose name is known to the editors) organized a meeting between representatives of the legal firm Firestone Duncan, whose client was Hermitage Capital, and in which Sergey Magnitsky worked, and one of the officers of the “K” Directorate, Dennis Vasiliev. The meeting took place in Reception Room One, Lubyanka. The conversation dealt with subsidiaries stolen from Hermitage and complaints against Bill Brauner. The goal of the meeting was to try, as they say, to resolve the question amicably, something which other dealers in shares also had an interest in doing. “The FSB is nowadays the sole political recourse we have left” said the go-between in the discussions. The representatives of Hermitage in London insist that the question of financial rewards for colleagues from the FSB did not come up at the meeting. “The police stole the documents from them, it’s all arbitrary, the prosecutor just covers up, where could they go next if not to the FSB: it’s a powerful political organ which can take problems for resolution to the very top”, adjudged a New Times source in conversation, one well acquainted with the Hermitage case, and who is totally unsympathetic to Brauner. “The FSB is fully in control of our entire system of law and order.” This was seconded by a current opponent of Russian power, lawyer Boris Kuznetsov, presently a resident in the USA.
On November 12th, Sergey Magnitsky got very jumpy for the first time. That was the day when the judge at the Tver' district court of the Moscow judiciary Elena Stashina gave her blessing to the authorization of an inquiry concerning the subsequent prolongation of the continuous detention of S.L. Magnitsky. November 15th should have been the end of his detention, and on November 23rd he had already completed a year of his sentence. His lawyer was living in hope that this man, who hadn't killed or maimed anybody, and what is more was ill, might promptly be released....then in the first half of October he was hospitalized in the treatment center of Butyrka prison (cell 708) in connection with a worsening of his pancreatitis: and they were unable to bring the matter to a conclusion.
On November 12th, the court was convened at 11:00, but in the words of lawyer Dmitri Kharitonov, “judge, counsel for the prosecution, and investigator all failed to turn up at the appointed hour. The other investigator, Oleinik, turned up an hour late. He approached the court with a grin and after staying there a while he went out saying “I’ve brought some new material along,” said Khartonov of the New Times. As the lawyer tells us, as soon as they familiarized themselves with the new material they understood: they had changed the line of the defense. Sergey Magnitsky understood this too: he had only managed to take a passing look at the material, from his seat in the escort vehicle: his left hand had been handcuffed to the radiator, and he paged through the proceedings with his right hand, which was lying on his knee. “Volume Two of criminal proceedings no. 311578 differs in essence from Vol. 2 of the same criminal proceedings and the other volumes transmitted to me on October 20th, 2009”, wrote Magnitsky in his second petition. “I have grounds for doubting the honesty of investigator O.F. Silchenko in view of the fact that in the course of the court proceedings, in which they scrutinized his evidence, with its bearing on my detention and the prolongation of its term, he presented blatantly fabricated information which he (Silchenko) was completely aware of being full of lies”.

When Judge Stashin finally started the trial, Sergey Magnitsky made a request to be given the opportunity to review the new material with his lawyer. At first he asked for a day, then an hour – the court gave him fifteen minutes. He asked to be released from the accused “box” so that he could spread the material on a table in the usual fashion. They refused. They also refused to take depositions about his state of health and his children. “Then Sergey announced his refusal to take part in the court proceedings. I had never seen him before in such a state of anxiety,” said the New Times lawyer Dmitri Kharitonov.

The next day, November 13th, a complaint was filed against the head of the Butyrka to the effect that on the previous day he was “deprived of access to hot food for 24 hours”, inasmuch as he was “detained for five hours in the assembly area after being brought back from the court” and that night they took him to a different cell. “I asked for the transfer to be deferred until morning and that they shouldn't transfer me at night, but this was refused,” he said.
On the evening of November 13th, (which was Friday), a medical orderly was called to Magnitsky by a warden: “Magnitsky complained that he was feeling sick and had a pain under his right ribs”, reported prison therapist Litvinova to Zoe Svetovaya, a member of the official observation committee. “Our orderlies are very experienced, if his condition had been grave he would have been
hospitalized immediately,” said a woman in a white housecoat. Sergey Magnitsky's mother, Natalya Nikolayevna, observed in an interview with the New Times that “Sergey looked exhausted in court. He had lost eighteen kilograms...”

On November 14th, when the lawyers came to Butyrka to meet their client they were told: “You are not getting Magnitsky. They won't give him to you today.” Turning to the spokesman, Silchenko, produced no results. “Nothing awful has happened”, Silchenko told the lawyer Kharitonov, “we won't give you the diagnosis because that is our private business.” Kharitonov at once sent telegrams of a complaint to the Public Prosecutor and to the head of the MVD committee of inquiry. On November 15th Sergey Magnitsky was in the SIZO treatment center of the Butyrka jail. The moment he was admitted to this special department he told his lawyer “There are no doctors there, there aren't even any guards. They just lock you up and push off. You can shout, die, no-one helps. On the 16th of November, he died.

A case worth $239 million

What did Sergey Magnitsky know, who “commissioned” him to the tune of $6 million, and as “cover” picked “the only political organ in the country?” The fact is, that the crooks with epaulettes, and those without, stole three branch companies from the hermitage Capital fund and re-registered them through associates who had a criminal past, and had implemented a fantastic criminal scheme; they announced that the companies had made no profit, but they had paid taxes, (Hermitage Capital paid) and so State funds would have to reimburse them. And they did reimburse them! In three days actually: on December 21st, an appropriate claim was filed at Moscow Tax Office no. 25, and on the 24th, it was approved. On December 24th, 2007, a similar claim was filed at Office no. 28 and approved on the 27th. The sum of five billion 400 million rubles, or $230 million (certified copies of the decision about the refund and bank details are at the disposal of the editors). The New Times made inquiries among people in the know about the length of time it takes for a tax rebate to be processed. There were just two versions of this. One was “In Russia you just can't do it” (as one finance house told us). The other: “23 months: with the signature of a representative of the federal tax authority” (a deputy of the State Duma, Gennady Gudkov, was clear about this). On the solicited decisions there are signatures of the heads of tax inspectorate nos. 25 and 28 – five on each – but no signature of anyone with authority higher than an auditor. But that's not the end of it: as we heard from Major-General Justice Alezey Anichin, the SK MVD head, on May 7th, 2009, a crime involving the falsification of 5.4 billion rubles of State funds was quickly discovered and sentence passed on the organizer of the crime, V.A.Markelov. One nice point: the skilled criminal, at the moment when he perpetrated the crime, was working as the person in charge of requisitioning sawmill timber at DOZ-160 in Saratov province, and what's more, was doing time for murder. The question is: whether he was spending his time not in a camp but in some office high up in some important department with windows at the Kremlin (and if so why did he go to work at a power-saw bench in 2007) or whether someone else was hatching up a cunning scheme to the tune of five billion?

Incidentally: the money was never found, nor was it ever returned to the exchequer. And it was the lawyer Sergey Magnitsky, who unearthed this splendid scheme for stealing companies for the refund of taxes. hat's why they put him away. What's six million when the sum at stake is almost forty times more - $230 million.

The SMS from Michael Corleone

The Sergey Magnitsky affair is full of riddles. He was incriminated for activities as a consequence
of criminal proceedings initiated earlier, in 2003-4, and then dropped after a year for lack of concrete evidence. In the Butyrka, they arranged a torture for him known to the inmates as the “carousel”, where they lead someone round from cell to cell, not allowing them to rest anywhere. They put him in cells with intolerable conditions, and according to his mother they gave him medicine which was contra-indicated, they “lost” in the General Prosecutor's Office and in SIZO his complaints and petitions, refused him treatment and in the end brought him to his death. In short, they killed him. And the list of people responsible for his death is infinitely longer than the head of the medical department or the head of Butyrka prison, whose heads will be the first to roll.

And there are some very strange enigmas. For instance, one of the colleagues from Hermitage Capital in London, from the end of October 2009 right up to November 19th, received sms messages from one and the same number: +7909-633-55-88. No-one knows whose number this is, it's on a reserve list. There is talk of it belonging to one of the law-enforcement organizations. For example, on October 24th, they received some lines from the well-known song (a prison ballad) by Mikhail Krug; “Off he goes into the dark, into Solikamsk prison.” And eight days before the death of Magnitsky, November 8th, there was another: “If history teaches you anything, it just teaches you that you can kill anyone you like”, Michael Corleone.

Two days after his death there was an announcement: “A SIZO lawyer has died...An ominous event. The standard recourses didn't help. Extradition and so on”. In Hermitage, they are quite sure this is a sign of Bill Brauner, in other words the answer is in London.

On November 19th, an anonymous author raised the question of money, employing quotations from Ilf and Petrov's The Twelve Stools: give us the loot, give it us, forget the small change. Anyway, none of these clever detectives did anything to help Sergey Magnitsky. He stuck it out, he didn't capitulate. And he paid for this with his life. And for this tenacity render him his due: for so it is written, “by their deeds.....”

---

(caption)

**In honor of Major-General Victor Voronin, 51, member of the security services since 1981. In September 1998 he was appointed deputy, and in April 2000 senior deputy, of the director of the federal tax police commission in St. Petersburg. Voronin's successful career in the tax police was greatly assisted by his supervisor at the time, Lieutenant-General Alexander Karmatsky, who was heading up the Petersburg branch of the FNP at that time. His career was greatly helped by his close friendship with the head of the Petersburg UFSB Victor Cherkesov and the influential businessman**
Vladimir Kumarin. After Vladimir Putin came to power, and the elevation of Cherkesov to the post of State Narcotics Controller, Voronin and Karmatsky were also promoted. The first headed up the North Western federal region FSKI directorate, the second had the St. Petersburg directorate. Only Voronin, out of the trio of generals, maintained and strengthened his position in successive years. He had come to work for the FSB at the right moment and headed up “K” division. With enviable regularity come rumors that he is about to take the place of the FSO director, Evgeny Murov. Victor Cherkesov bowed out of the political scene after allowing himself to publish the well-known article “We must not permit wars to turn into trading opportunities”. This was in 2007, and in 2008 they removed him from the post of director of FSKI, transferring him to the inconsequential committee for military supplies. General Karmatsky was retired back in March 2009. But the Lieutenant-General did not enjoy a quiet old age. In June 2009, Vladimir Putin organized a famous conference with the forces of order at which he announced that the outcome of the battle with the illegal traders was new markets. What markets, where? Putin asked the forces of order with interest. Major-General Victor Voronin was the most eager to supply an answer to this question: in September 2009, General Alexander Karmatsky was subjected to an investigation. The former second-in-command accused his former patron of providing cover for illegal traders.