

[Under Russian law, a deceased person can be tried and convicted of a crime *only* if the case is brought to rehabilitate him of the charge. "An initiated criminal case is subject to termination on the death of the suspect or accused except in cases where criminal proceedings are necessary for rehabilitation of the deceased." In this case it was Magnitsky's mother, with the Browder-allied attorney Gorokhov, who wanted to continue the case. The Russian court declined, quite the opposite of what Browder charged.]

APPROVED

City of Moscow on May 22, 2014

Tverskoy District Court of Moscow, consisting of the chairman- Judge Neveroeva TV, under the secretary Potapkina ES, with the participation of: the prosecutor from the second department for the supervision of the investigation of criminal cases in the Investigation Committee of the Russian Federation of the Office for the Supervision of Investigation of especially important cases of the Prosecutor General's Office of the Russian Federation Tyukavkin SA, lawyer Gorokhov NA, having examined in an open court session a complaint submitted in accordance of art. 125 of the Code of Criminal Procedure of the Russian Federation by Magnitskay N.N. for the action of the senior investigator for particularly important cases of investigation of organized criminal activity in the sphere of economy of the Investigative Committee of the Ministry of Internal Affairs of Russia Urzhumtseva OV, expressed in a rendering on December 28, 2010 a decree on refusal to initiate Criminal case proceedings against Magnitsky S.L. on the basis, Stipulated by item 4 of part 1 of Art. 24 of the Code of Criminal Procedure,

Established:

December 28, 2010 by senior investigator for particularly important cases of the Office for the Investigation of Organized Crime in the sphere of economics of the Investigative Committee under the Ministry of Internal Affairs of Russia Urzhumtsev OV in the criminal case No. 152979, a decision was rendered to deny the initiation of criminal proceedings against Magnitsky S.L. On the basis, stipulated by item 4 of part 1 of Art. 24 of the Code of Criminal Procedure.

Applicant Magnitskaya NN, who is the mother of Magnitsky SL, appealed to the court with a complaint under Art. 125 of the CCP RF, requesting to deem as illegal and unfounded the actions of the senior investigator for especially important cases of management to investigate organized criminal activity in the sphere of economics of the Investigative Committee under the Ministry of Internal Affairs Russia Urzhumtseva OV. The actions of Urzhumtseva were expressed in the pronouncement on December 28, 2010 decision on refusal to initiate criminal proceedings against Magnitsky S.L. on the basis provided for by Clause 4 Part 1 of Art. 24 of the Code of Criminal Procedure, pointing out that those set forth in the descriptive-motivational part of the given decisions of the action, falling under the signs of the corpus delicti, stipulated by Part 4 of Art. 159 of the Criminal Code, that Magnitsky S.L. was not accused or suspected by the court of committing those criminal actions.