

Statement by Sergey Magnitsky to the Investigation

13 October 2009

The purpose of the criminal prosecution against me are not those purposes established by article 4 of the Russian Criminal Procedural Code, instead this prosecution is a repressive measure to punish me for assisting my client in connection with the investigation of the theft of the companies owned by my client, which are "Blond", "Mikhaev", and "Kharin". In the course of the legal assistance I was providing I gained knowledge of the possible participation of police officers in this theft and that the stolen companies were subsequently used by the criminals to steal from the state budget the amount of 3.4 billion rubles, which had been earlier paid by the said companies to cover at the time when they were controlled by my client.

Thus, I learn, that in spring 2007 Mr. Kuznetsov, an operative official of the Tax Crime Department of the Moscow District of the Interior Ministry, talked on the telephone with my client and proposed to resolve some problems, which he promised to solve in exchange for satisfaction of his requirements. When his proposition was accepted he organized a fabricated criminal case on non-existent grounds, initiated number in the office of Kharin and Fyodorov. During such number the officers, who conducted such searches, were given the lists of the legal entities that were controlled by my client, but have no relation to "Kareway" against which actively the criminal case was initiated. The said lists contained also the names of the subsequently stolen companies. In the course of the searches the original copies of all statutory documents and registration documents were confiscated and without such documents it is impossible to effect re-registration of the legal entities. The original seals and other documents of the companies were also confiscated. Immediately after the confiscation of the said documents and seals, the prosecution started the re-registration of "Blond", "Mikhaev", and "Kharin" in the name of some proprietors who later fabricated forged documents and used them in the administrative courts of Moscow, Kazan and Tatarstan for allocations that enabled the proprietors to claim the refund of the taxes from the state budget. Such taxes were earlier paid by the said companies and the amounts of tax were subsequently stolen by the proprietors.

I believe that exactly the fabricated criminal case, which was initiated by Kuznetsov made it possible to confiscate the statutory documents and the registration documents of the stolen companies and it made it possible to deprive the legal owners of their control over the said companies. It was exactly Kuznetsov, who actually determined the course of the investigation, he himself conducted witnesses the interrogations using the signed forms of questioning formulated to him by investigator Kuznetsov. Kuznetsov also actually decided what particular questions should be put to the witnesses during the interrogations, he himself conducted the interrogations of witness Gusev in the presence of the inspector, who merely typed the minutes of the interrogations. Kuznetsov dispatched the inquiries to the banks and to the departments for the purpose of finding the assets owned by the companies which were stolen, but at that time were not engaged in any criminal case.

The same operative Kuznetsov also provided the operative investigative support on the case No. 77005, which was initiated by the Investigative Committee of the Prosecutor Office on the subject of the theft of the said companies. Kuznetsov also performed operative support on the criminal case under which I was involved as an accused person, and I believe that the criminal prosecution against me is the coverage by the said person to punish me for my role during the meetings with Gusevskiy, the investigator of the Investigative Department of the South Administrative District of prosecutor service in Moscow as I informed Gusevskiy about the said circumstances and expressed my opinion that it would be necessary to question Kuznetsov about the circumstances of the theft of "Blond", "Mikhaev", and "Kharin" instead of allowing him to perform the operative support of the case assigned by Gusevskiy.

The direct personal interest of Kuznetsov in the illegal criminal prosecution against me is also evidenced by the fact that all documents used as a legal basis for detaining me in custody were forged, and the case documents were fabricated by Tax Crime Department officers, who are the subordinates of Kuznetsov: Deguzov, Kuznetsov, and Tikhonchik. Obviously they forged the documents by the order of Kuznetsov.

Thus, Kuznetsov A.S., the member of the investigative team submitted two reports to the court for consideration of the petition for detaining me and the said reports contained genuine false details to the effect that he allegedly attempted to curve the witnesses to me, but, conceivably he could not find me and put the witnesses in the said line. Thus, Kuznetsov A.S. created the false proof that I, allegedly tried to avoid appearing in front of investigators.

The same Kuznetsov A.S. produced the report, which was submitted to the same court to the effect that in the course of the search in my flat I allegedly created all possible hindrances in the investigatory action, and conceivably tried to conceal some things and documents discovered and confiscated as a result of the search. The history of that report is