

From: "Parker, Kyle (HFAC)" <Kyle.Parker@mail.house.gov>

To: "Parker, Kyle (HFAC)" <Kyle.Parker@mail.house.gov>

Subject: Fwd: NBC questions

Date: Wed, 27 Apr 2016 15:47:19 +0000

----- Forwarded message -----

From: **William Browder** <William.Browder@hermitagefund.com>

Date: Wednesday, April 27, 2016

Subject: Fwd: NBC questions

To: "kyle@kyleparker.net" <kyle@kyleparker.net>

Most recent message

Sent from my iPhone

Begin forwarded message:

From: "Dilanian, Ken (NBCUniversal)" <Ken.Dilanian@nbcuni.com>

Date: 27 April 2016 at 16:37:37 CEST

To: William **Browder** <William.Browder@hermitagefund.com>

Subject: Re: NBC questions

Bill, thanks for your responses, and we are happy to summarize them in our story. I just wanted to clarify a couple of things.

—The death certificate you sent me, as you know, lists the cause of death as “toxic shock syndrome and acute cardiovascular collapse.” It adds, “No signs of a violent death detected.” We will cite it in the story. How does it square with your account of a severe beating just before his death? If that happened, how could there be no bruises on his torso?

—I conflated a few things in my questions about the sequence of Magitsky's interrogations. As I understand it, the December 13, 2007 criminal complaint does not mention Kuznetsov and Karpov. It states that Kuznetsov and Karpov were present for the search, took certain documents, and kept them in their possession. But we are struggling to see how that complaint accuses Karpov and Kuznetsov of doing anything improper. The June 5, 2008 complaint does mention Karpov and Kuznetsov--Kuznetsov is mentioned as being the investigator who was looking into the Hermitage companies and their assets, which your critics believe was for a legitimate tax investigation. Karpov and Kuznetsov are also mentioned a number of times in connection with providing a summons for an investigation and conducting questioning. Karpov also is mentioned in connection with the November and December 2007 offer by Karpov to return the documents to Hermitage that were taken in the search. It is not clear to my colleagues and I what Magnitsky said during those interrogations that would lead the police to retaliate against him. We will of course include your version of the story, as well as the opposing version.

—I want to clarify what my Russian-speaking colleague found on your site that differed in English from what was in Russian. The site posted an English translation of the Russian Public Oversight Commission for Human Rights report that included a purported statement by Magnitsky to a Russian interior ministry official on October 13, 2009, a month before his death. In that English version, Magnitsky accuses interior ministry officials in the “theft of 5.4 billion rubles from the State Treasury,” and it added that these men “were extremely interested in suppressing my activity relating to assisting my client in investigating the circumstances connected with these criminal offences.” That language does not appear in the Russian version of the document, according to an NBC News translation.

Thanks.

Ken Dilanian

Intelligence and National Security Reporter
NBC Investigative Unit
o: (202) 885-5107
c: (202) 821-5197
@KenDilanianNBC

From: William Browder <William.Browder@hermitagefund.com>
Date: Tuesday, April 26, 2016 at 6:37 PM
To: NBC NBC <ken.dilanian@nbcuni.com>
Subject: RE: NBC questions

Dear Ken, In the word document attached, I have answered your questions one by one. Please confirm receipt and let me know if you have any further questions. Regards, Bill

From: Dilanian, Ken (NBCUniversal) [<mailto:Ken.Dilanian@nbcuni.com>]
Sent: Tuesday, April 26, 2016 12:30 PM
To: William Browder
Subject: NBC questions

Bill, Here are some questions. Our plan is to publish tomorrow morning. Thanks a lot. Ken Dilanian (202) 821 5197

You have repeatedly called Sergei Magnitsky your lawyer, but according to court records and interviews with some of his associates, he was an accountant who never went to law school and was not licensed to practice law. Can you explain why you call him a lawyer?

You have repeatedly stated that you hired Magnitsky in 2007 to investigate the theft of Hermitage-related companies, calling Magnitsky the best young lawyer you could find. But it appears that Magnitsky had been working for Hermitage and its affiliated entities since 2006, if not earlier. When did Magnitsky first start doing work for Hermitage or its affiliated entities? Wasn't he working on some of the tax benefits in Kalmykia that led to the imposition of civil judgments?

You have repeatedly said Magnitsky was beaten with rubber batons just before his death by eight guards for more than an hour.

"Eight riot guards with rubber batons beat him for an hour and 18 minutes until he died," you said on MSNBC on February 5th, 2015.

The report by Russia's Public Oversight Commission for Human Rights, which has been widely cited as a definitive account of Magnitsky's treatment, makes no mention of beatings, and says there were no marks on Magnitsky's body other than handcuff bruises. What is the evidence that he was beaten by eight riot guards for 78 minutes before he died? If that happened, why would there be no bruises or other marks on his head and torso?

You have said that Magnitsky was detained because he testified that the police were involved in the \$230 million fraud. The original language documents NBC News has examined from the Russian untouchables web site (which you testified was your web site) say he was detained in a tax fraud case involving your companies. They show he did not accuse the police until 2009.

For example, the Russian transcript of Magnitsky's testimony of June 5, 2008 shows that he did not accuse the police of doing anything other than conducting an investigation. He even discusses his understanding that Karpov offered to return the corporate seals.

Also, it's been reported in the Russian news media –and was repeated on a former Hermitage website, according to court records-- that Rimma Starova reported the theft of the budget funds to the Russian authorities in April 2008 – before Magnitsky knew about it.

How could Magnitsky have been detained in retaliation for an allegation he didn't make until after he was in police custody? How could he have been a whistleblower about something that was first reported by somebody else?

As you know, the filmmaker Andrei Nekrasov and the lawyers for Prevazon have accused you of mischaracterizing what the documents say. How do you respond?

Nekrasov has been a critic of Russian human rights violations who says he set out to make a film celebrating Magnitsky. Why do you think he is now accusing you?

The lawyers also say in court records there is evidence that you and your associates carried out the \$230 million fraud. How do you respond?

According to court records, to re-register a company in Russia at the time, one did not need the original seals and other original documents. Does that undermine the notion that the police stole the seals to re-register the companies?

You have said publicly that Magnitsky accused Lt Col Kuznetsov and Major Karpov, two men who ended up on the Magnitsky sanctions list. In his October 7, 2008, according to the Russian untouchables web site, he "confirmed his testimony from 5 June 2008 about his discovery of crime against Hermitage Fund and the involvement in this crime of Artem Kuznetsov and Pavel Karpov. In addition, he mentioned the names of other participants of the crime involved in the theft of budget funds."

However, the Russian version of that testimony shows he did not mention Kuznetsov and Karpov. How do you account for that discrepancy?

On the Russian untouchables site, there is an English translation of a statement by Magnitsky to a Russian interior ministry official on October 13, 2009, a month before his death. In that English version, Magnitsky accuses interior ministry officials in the "theft of 5.4 billion rubles from the State Treasury," and it added that these men "were extremely interested in suppressing my activity relating to assisting my client in investigating the circumstances connected with these criminal offences."

That language does not appear in the Russian version of the document, according to an NBC News translation.

How do you account for that discrepancy?

Your public statements and the website state that investigations into Hermitage and its affiliated entities started in 2007 – so that the police could commit a theft. But according to documents in the U.S. court record, Sergei Magnitsky was questioned as early as 2006 concerning the tax payments of Hermitage-affiliated entities.

That would appear to contradict your account; how do you respond?

Documents and testimony seem to indicate that tax-related civil lawsuits were entered against some of Hermitage's affiliated entities as early as 2004.

When did investigations into the taxes paid by Hermitage and its affiliated entities begin?

You testified that they had been closed, but you could not say who told you that. What is the specific evidence that Magnitsky was detained not over tax evasion, but because he had blown the whistle?

Ken Dilanian

Intelligence and National Security Reporter

NBC Investigative Unit

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c: (202) 821-5197

@KenDilanianNBC

From: William Browder <William.Browder@hermitagefund.com>
Date: Monday, April 25, 2016 at 9:47 AM
To: NBC NBC <ken.dilanian@nbcuni.com>
Subject: Re: request for an interview

Hi Ken, I know you were trying to arrange a phone call last week and unfortunately I was traveling and tied up. I would be happy to answer any questions you have about the Magnitsky case and anything you plan to report. Given the gravity of the accusations coming from the defendants in the money laundering case and the Russian filmmaker, it would be better for you to state specifically in writing all the key points of the Magnitsky story which are in question in your mind and I will provide documentary evidence that every part of the story I've told is true and everything you've been told by these two parties from Russia are false. Please state your questions clearly so I can respond clearly. Thanks and best regards, Bill

Sent from my BlackBerry

From: Ken.Dilanian@nbcuni.com
Sent: 25 April 2016 2:12 pm
To: William.Browder@hermitagefund.com
Cc: Flavia.Trevisani@hermitagefund.com
Subject: RE: request for an interview

Mr. Browder, could you please let me know whether you are willing to answer our questions? As I am sure you know by now, there are allegations in court documents, and in a new film, that you concocted the story of Magnitsky as a whistleblower to cover up your own alleged tax fraud. We intend to report on those allegations. Our own analysis has found that English translations of certain documents on sites linked to you do not match the original Russian on some key points. And we have found, for example, no evidence that Magnitsky was severely beaten just before his death as you have described. If you could just let me know one way or another whether you are willing to discuss this, I would appreciate it. Thanks.

Ken Dilanian

National Security Reporter, Investigative Unit

O: (202) 885-5107

C: (202) 821-5197

@KenDilanianNBC

From: William Browder [<mailto:William.Browder@hermitagefund.com>]
Sent: Tuesday, April 12, 2016 6:16 PM
To: Dilanian, Ken (NBCUniversal)
Cc: Flavia Trevisani
Subject: Re: request for an interview

No worries. I'm heading out on a business trip tomorrow afternoon (London time) until the end of the week. Is this something I can answer by email or would you prefer a call?

Sent from my iPhone

On 12 Apr 2016, at 20:42, Dilanian, Ken (NBCUniversal) <Ken.Dilanian@nbcuni.com> wrote:

Thanks very much. I got sidetracked today but is there a good time later in the week to do a call?

Ken Dilanian

National Security Reporter

NBC News

(202) 821-5197

On Apr 12, 2016, at 4:49 AM, William Browder <William.Browder@hermitagefund.com> wrote:

Dear Ken, I'm happy to speak to you. My email is here or you can call +44207 440 1777. Best regards, Bill

Sent from my iPhone

Begin forwarded message:

From: Carolina Gavassoni <Carolina.Gavassoni@hermitagefund.com>
Date: 12 April 2016 at 09:34:39 BST
To: William Browder <William.Browder@hermitagefund.com>, Flavia Trevisani <Flavia.Trevisani@hermitagefund.com>
Subject: FW: request for an interview

From: Dilanian, Ken (NBCUniversal) [<mailto:Ken.Dilanian@nbcuni.com>]
Sent: 11 April 2016 21:33
To: book@billbrowder.com
Subject: request for an interview

Hello, I am trying to get in touch with Mr. Browder to discuss some questions that have arisen about his accounts relating to Sergei Magnitsky. Many thanks.

Ken Dilanian

National Security Reporter, Investigative Unit

O: (202) 885-5107

C: (202) 821-5197

@KenDilanianNBC

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Return-Path: <Kyle.Parker@mail.house.gov>
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Received: from HEOC-HRM02.US.House.gov ([fe80::48f5:8d7c:52b4:c22d]) by HEOC-HT02.US.House.gov ([:1]) with mapi id 14.03.0279.002; Wed, 27 Apr 2016 11:47:20 -0400
From: "Parker, Kyle (HFAC)" <Kyle.Parker@mail.house.gov>
To: "Parker, Kyle (HFAC)" <Kyle.Parker@mail.house.gov>
Subject: Fwd: NBC questions
Thread-Topic: NBC questions
Thread-Index: AQHRoJuMYLS+ue/9fU+SRwVy2gemNJ+d9vLP
Date: Wed, 27 Apr 2016 15:47:19 +0000
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