

Statement by Sergey Magnitsky to the Investigation

13 October 2009

The purposes of the criminal prosecution against me are not those purposes established by article 6 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 “Rilend”, “Mahaon”, and “Parfenion. 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 5.4 billion rubles, which had been earlier paid by the said companies in taxes at the time when they were controlled by my client.

Thus, I know, that in spring 2007 Mr. Kuznetsov, an operative official of the Tax Crime Department of the Moscow Branch of the Interior Ministry, talked on the telephone with my client and proposed to resolve some problems, which he promised to settle in exchange for satisfaction of his requirements. When his proposition was rejected he organized a fabricated criminal case on non-existent grounds, initiated searches in the office of Hermitage and Firestone Duncan. During such searches 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 “Kameya” against which activity the criminal case was instituted. 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 perpetrators started the re-registration of “Rilend”, “Mahaon”, and “Parfenion” in the name of some perpetrators who later fabricated forged documents and used them in the arbitration courts of Moscow, Kazan and St.Petersburg for adjudications that enabled the perpetrators 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 perpetrators.

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 summoned witnesses for interrogations using the signed forms of summonses furnished to him by investigator Karpov. Kuznetsov also actually decided what particular questions should be put to the witnesses during the interrogations, he himself conducted the interrogation of witness Sandakov in the presence of the inspector, who merely typed the minutes of the interrogations. Kuznetsov dispatched the inquiries to the banks and to the depositaries 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 his operative investigative support on the case No. 374015, 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 persecution against me is the revenge by the said person to punish me for my acts during the meetings with Gordievskiy, the investigator of the Investigative Department of the South Administrative District of prosecutor service in Moscow as I informed Gordievskiy about the said circumstances and expressed my opinion that it would be necessary to question Kuznetsov about the circumstances of the theft of “Rilend”, “Mahaon”, and “Parfenion” instead of allowing him to perform the operative support of the case instigated by Gordievskiy.

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: Droганov, Krechetov, and Tolchinskiy. Obviously they forged the documents by the order of Kuznetsov.

Thus, Krechetov A.A., 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 patently false details to the effect that he allegedly attempted to serve the summons to me, but, ostensibly he could not find me and put the summonses in the mail box. Thus, Krechetov A.A. created the false proof that I, allegedly tried to avoid appearing in front of investigator.

The same Krechetov A.A. 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 that investigatory action, and ostensibly tried to conceal some things and documents discovered and confiscated as a result of the search. The falsity of that report is

evidenced by the record of the search findings in which five its participants, including Krechetov A.A. indicated that they have no comments to make on that investigatory action.

Droganov A.O., a member of the investigation team, fabricated the report dated December 1, 2008 specifically for the court trial which considered the petition for prolongation of my detention in custody. In that report he stated the patently false details that allegedly he had operative information that I, when I was in the detention centre, issued instructions to my accomplices via the attorney to have them to travel to Elista, where with the use of threats or through a payoff they had to force the handicapped employees to file applications against the police officers and then to accompany the handicapped employees abroad allegedly for taking a medical treatment. Everything, which was stated in that report, including the specified date of its drafting, is an absolute and obvious lie, which is used for the purpose to discredit me and to create false bases for the substantiation of my arrest.

In my view, Kuznetsov and other law enforcement officers, who acted under the arrangement with Kuznetsov, could be involved in the theft of "Rilend", "Mahaon", and "Parfenion" and in the subsequent theft of 5.4 billion rubles from the state budget as described above. They were extremely interested in the suppression of my activities that I performed to assist my client in the investigation of the case circumstances connected with the criminal offences, and that was the reason for the illegal criminal prosecution that was initiated against me by investigator Silchenko.

I believe that with the involvement of investigator Silchenko O.F., or with his tacit consent the inhuman and degrading conditions were created for me in the pre-trial detention ward.

In the period of my custody I was transferred five times to four different places of custody. I am tired of counting the number of cells to which I was transferred an incalculable quantity of times. Medical care is not provided to me. Repeatedly and for no logical reasons I was denied to meet my mother and wife, and telephone conversations with my minor children are not allowed. In the period of my detention in custody they created situations for me as a result of which I lost my right to take a shower on a weekly basis, to watch TV, to have a refrigerator, and just to live in the normal conditions to the extent they could be allowed as normal in the pre-trial detention ward.

I am sure that they intentionally created for me such intolerable conditions with the knowledge of the investigators. I am sure that the only possible way for me to stop all this derision is to agree to the invented charges and give untrue statements about myself and about other persons.

I do not trust the investigators. I believe all members of the investigation team are acting as contractors under someone's criminal order.

I do not recognize any guilt from my side, I have not committed any crimes at all and have not committed any crimes that are incriminated to me in the order for my accusation of October 7, 2009.