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State Prosecutor Requests Acquittal of Sole Defendant in Magnitsky Death

By The Moscow Times

December 24, 2012

A state prosecutor on Monday asked a Moscow court to acquit a former senior prison official and the only remaining defendant in Hermitage Capital lawyer Sergei Magnitsky's death of negligence charges that resulted in the lawyer's death in pretrial detention in 2009.

If the plea is satisfied, no one will be prosecuted in Magnitsky's death, since the charges against the first of the two suspects were dropped in April.

State prosecutor Dmitry Bokov asked Moscow's Tverskoi District Court to acquit Dmitry Kratov, former deputy head of Moscow's Butyrka pretrial detention center, over a lack of evidence, legal news agency Rapsi reported.

In late 2008, shortly after accusing tax and police officials of embezzling $230 million, Magnitsky was jailed on tax evasion charges. He died of heart failure at the Matrosskaya Tishina prison a few months after being transferred from Butyrka.

An independent inquiry by the Kremlin's Human Rights Council determined that Magnitsky died after being beaten by guards.

In an e-mail in June, Hermitage Capital called the investigation a "farce" because Kratov was "not present at Matrosskaya Tishina."

Although it was determined that Kratov "failed to take the necessary diagnostic and treatment measures, which resulted in Magnitsky's death through carelessness," the prison official hadn't received any written complaints from Magnitsky or other people about the lawyer's health, Bokov said.

The prosecutor also reminded the court that in April investigators closed a criminal case against prison doctor Larisa Litvinova on manslaughter charges related to Magnistky's death because the statute of limitations had run out, not because Litvinova had been acquitted of the charges.

Kratov faces up to five years in prison.

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