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Court Postpones Hearing in Magnitsky Case

By The Moscow Times

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A Moscow court postponed a preliminary hearing Monday in the posthumous trial of whistle-blower Sergei Magnitsky, whose death in custody has damaged Russia's image and strained ties with the United States.

The court appointed a legal team to defend Magnitsky during the trial after his family and lawyers refused to attend Monday's hearing because they say the case is politically motivated.

"Today's preliminary court hearing was moved to Feb. 18 ... because Magnitsky's defense team did not show up. And the judge, in order to observe the principle of equality [before the law], appointed a defense," said court spokeswoman Alexandra Berezina.

Magnitsky was 37 when he died after 358 days in jail on suspicion of tax evasion and fraud, during which he said he was denied treatment as his health declined.

Authorities said Magnitsky died of a heart attack. But his former employer, investment fund Hermitage Capital, says he was killed because he was investigating a $230 million theft by law enforcement and tax officials.

The Kremlin's own human rights council aired suspicions that Magnitsky was beaten to death, but nobody has been convicted of any crime in connection with his death.

One prison official was tried last year, but prosecutors asked the court to clear him after President Vladimir Putin said Magnitsky had not been tortured, and the judge complied.

The case against Magnitsky is a different story. It was closed after he died, but authorities took the highly unusual step of reopening it in 2011, as international criticism of Russia over his death mounted.

"I think it is inhuman to try a dead man," Magnitsky's mother, Natalya Magnitskaya, said. "This is not a court case but some kind of farce, and I will not take part in it."

Magnitskaya's lawyer, Nikolai Gorokhov, said it was illegal to try a dead person in Russia unless a trial is requested by relatives seeking rehabilitation for their loved one.

He dismissed the trial as a politically motivated attempt to discredit Magnitsky and his former boss, Bill Browder, and paint them as the criminals rather than the Russian officials they have sought to expose.

"It's a dance on the grave of a dead man," Gorokhov said.

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