

Magnitsky Hearing Put Off for 2 Weeks

By [Yekaterina Kravtsova](#)

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Bill Browder

The opening of a tax evasion trial against deceased whistle-blowing lawyer Sergei Magnitsky and business associate Bill Browder, who founded what was once one of Russia's largest foreign investors, has been postponed to March 4 so the state-appointed defense team can familiarize itself with some 60 tomes of case documents.

Magnitsky, whose name titled a recently passed U.S. law imposing international sanctions on alleged human rights abusers, died in a Moscow pretrial detention facility in 2009, about a year after he accused high-ranking Russian officials of a multimillion-dollar embezzlement. Soon after he made that accusation, Magnitsky was jailed on tax evasion charges.

In April 2012, the Prosecutor General's Office moved to revive the case because, it said, Magnitsky's mother had on many occasions said she wanted official acknowledgement that her son was innocent. In 2011, Russia's Constitutional Court had ruled that dead people could be tried in a court of law if close relatives sought vindication for the accused.

But Magnitsky's mother, Natalya, has publicly condemned her son's posthumous trial as "unlawful" and refused to allow any lawyer to represent him.

Ahead of Monday's hearing, in which Moscow's Tverskoi District Court honored the defense's request to delay the trial, Magnitskaya's lawyer read a statement saying she did not authorize anyone to represent her son. "Any person who assumes such an obligation acts against my son's interests," the statement said.

The Prosecutor General's Office has charged Magnitsky and Browder with fraud and tax evasion of more than 522 million rubles (\$17.3 million). Browder, who fled the country in 2005 after falling out of favor with President Vladimir Putin's government, is being tried in absentia. Britain has refused to extradite him.

Browder's Hermitage Capital fund, once a major foreign investor in Russia, has denounced the case as a fabrication by corrupt officials. U.S. President Barack Obama signed the Magnitsky Act in December, imposing monetary and visa sanctions on a list of Russian officials believed to be involved in Magnitsky's persecution.

"The fact that this posthumous trial is going ahead indicates that justice in Russia is turning into raw and outright blasphemy," Hermitage Capital said Monday in a statement. "There is a special place in hell for the people organizing this."

"The reopening of a prosecution against my dead son, without my consent and without the consent of other close relatives and against their will, is contrary to the aims and the legal meaning of the judgement of the Russian Constitutional Court," Magnitsky's mother was quoted as saying in the statement.

Independent lawyer Mark Feigin, who had proved defense counsel in the Pussy Riot case, said by phone that the court was interested in finding Magnitsky guilty because it would offer a degree of vindication for those officials he had accused of embezzlement.

"The purpose of the case is to acknowledge Magnitsky's guilt and demonstrate to the world that it is defending a guilty person and the Magnitsky Act was a mistake," lawyer Anna Stavitskaya said. "But Russia doesn't understand that no one will believe the court's decision."

Contact the author at e.kravtsova@imedia.ru

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