

Lawyer for Magnitsky Requests to Be Removed From Case

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A lawyer appointed by the state to represent Sergei Magnitsky in a tax evasion case said at a hearing Friday that his participation in the posthumous trial was illegal, and he asked to be removed from the case.

"I have not found a single declaration from relatives asking that the case be reopened," Nikolai Gerasimov said in comments carried by Interfax.

People are typically tried posthumously in Russia only when a family wants to clear their names, but Magnitsky's family fiercely opposes the trial against him. Magnitsky's mother, Natalya, has called it "blasphemy" and refused to allow any lawyer to represent him, saying anyone who would assume such an obligation would be acting against her son's interests.

Magnitsky's name has become known around the world since he died in a Moscow jail in 2009 while awaiting trial on tax evasion charges, which his supporters say were retaliation

for accusing officials of stealing \$230 million in state funds.

A Kremlin human rights council investigation said Magnitsky was severely beaten before he died, but the Investigative Committee closed a criminal case into his death earlier this year, saying there was no evidence of a crime.

Gerasimov, Magnitsky's court-appointed lawyer, and his colleague, Kirill Goncharov, who was appointed by the court to represent Magnitsky's co-defendant, Hermitage Capital head Bill Browder, have requested to quit the case at past hearings as well. But judge Igor Alisov has turned down their requests.

Jamison Firestone, Magnitsky's former employer, called Gerasimov "a brave man," but said the government would likely continue to pressure him to represent Magnitsky in the courtroom.

"This is a show, not a trial, and the government has written the script. It's just having problems finding actors," he said in an e-mailed comment.

Normally, a state-appointed lawyer cannot quit a case without a valid reason such as a health problem or other extenuating circumstances, according to prominent opposition lawyer Mark Feigin.

Feigin said he thought the judge would most likely allow Gerasimov to quit eventually and would appoint a new lawyer in his stead.

"They can't force a person to participate in the case when he simply does nothing at a trial — that would be a profanation," Feigin said by phone. "Gerasimov's statement that his participation is illegal when Magnitsky's family takes no part in the trial should be a sufficient cause for the judge to let him quit."

Reuters reported that after the judge declined Gerasimov's request to quit the case on Friday, he did not leave the courtroom but sat down and doodled on a sheet of paper. Unlike Goncharov, Gerasimov did not ask questions of a prosecution witness.

The prosecutor said that Gerasimov's statement was aimed at foiling the trial and that it was impossible to spend time appointing a new lawyer given that witnesses had come from other regions to testify.

Browder, a former top foreign investor in Russia, is being tried in absentia because Britain refused to extradite him. He has called the trial a politically motivated effort to discredit him and Magnitsky and punish him for lobbying U.S. lawmakers to pass the Magnitsky Act, which allows for punishment of Russian human rights violators, including people implicated in Magnitsky's death.

Russia responded to the Magnitsky Act with legislation banning U.S. adoptions of Russian children and putting tight restrictions on nongovernmental organizations funded by the U.S.

The U.S. government is expected next week to reveal the names of Russian officials included on the blacklist mandated by the Magnitsky Act.

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