

Punishing Magnitsky One More Time

By [The Moscow Times](#)

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Thursday's ruling by Moscow's Tverskoi District Court that convicted the late Sergei Magnitsky, the Hermitage Capital lawyer who died in pretrial detention in 2009, of tax evasion charges shows how far Russia is willing to go to discredit itself.

Simultaneously, the court found Hermitage Capital CEO William Browder guilty of colluding with Magnitsky to create an illegal tax-break scheme using two of Hermitage Capital's subsidiaries in the republic of Kalmykia. On Thursday, Browder was sentenced in absentia to nine years in prison for allegedly failing to pay more than \$15 million in taxes in 2001.

Following Magnitsky's death in November 2009, the case against him was dropped. Nonetheless, the case was resumed in August 2011, loosely based on a Constitutional Court decision stating that posthumous trials in Russia can be held when the family of a dead person requests to clear their relative of charges. But Magnitsky's relatives never requested the trial against Sergei for the obvious reason that they don't trust the authorities' impartiality or their motives. What they did request and demand was an investigation into the cause of his death and a fair, honest trial against those who perpetrated the crimes against him.

But the Investigative Committee closed that investigation early this year, claiming that no crimes had been committed. The deputy head of the prison where Magnitsky was being held was acquitted, and the prosecutor who brought charges for criminal negligence against a prison doctor, who was responsible for Magnitsky's health while in detention, suddenly withdrew his charges in early April, claiming that there was no corpus delicti.

Even before Magnitsky's arrest, Hermitage Capital had informed the authorities that government officials had used a fraudulent tax-refund scheme to steal \$230 million in state funds. After that, the officials implicated in the crime organized Magnitsky's arrest and his inhumane conditions in a pretrial detention center. No charges were ever filed against those individuals.

Largely as a result of Browder's efforts of lobbying U.S. lawmakers and explaining to them the degree of human rights violations in the Magnitsky and other cases, the U.S. passed the Magnitsky Act. The legislation bans entry into the U.S. to Russian officials who are implicated in Magnitsky's death and other human rights violations.

The Kremlin was livid over the Magnitsky Act and retaliated by passing its own "anti--Magnitsky Act," which banned dozens of alleged U.S. human rights violators entry to Russia and banned U.S. adoptions of Russian children. Russia's other warped form of retaliation against the U.S. Magnitsky Act was taken out against Magnitsky himself: trying and convicting him on tax evasion charges more than three years after his death.

The Kremlin is unhappy about the serious problem of capital flight and is ready to punish mid-level officials for involvement in such scams. But it would seem it is even angrier about criticism from the U.S. That is why the Kremlin has tried to retaliate against the U.S. in the only way it knows how: like a bull in a china shop.

In the end, of course, the Kremlin only punished itself and Russia as a whole by once again discrediting and dishonoring the country in front of the entire world.

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