

Kyiv/Brussels, 9 May, 2016

INVOLVEMENT OF THE RUSSIAN OFFICIALS INCLUDED IN THE 'MAGNITSKY LIST' IN OTHER POLITICALLY MOTIVATED CRIMINAL PROCEEDINGS IN RUSSIA

On 27 April, 2016, a discussion on the case of Sergei Magnitsky, Russian anti-corruption whistle-blower and lawyer who died in custody in Moscow, in 2009, after having exposed a tax fraud of \$230 million, took place at the European Parliament in Brussels. False information, aimed at undermining the credibility of the personal sanctions adopted by the United States based on the 'Magnitsky List' were spread during a Q&A session with the Russian film director Andrei Nekrasov. Below, we present compact information on other politically motivated criminal proceedings in Russia, which have seen direct involvement of the same Russian officials that have been included in the 'Magnitsky List'.

The case of Nadiya Savchenko

Nadiya Savchenko – a former Ukrainian soldier and a pilot, Ukrainian MP and a delegate to the Parliamentary Assembly of the Council of Europe (PACE) from Ukraine. Convicted in Russia to 22 years in prison on trumped-up charges of the murder of Russian journalists in Donbass. The case of Nadiya Savchenko was recognised as politically motivated by a special resolution of the European Parliament,¹ the PACE resolution,² as well as governments of democratic states. The criminal proceedings in the case of the Ukrainian woman were carried out, among others, by people included in the 'Magnitsky List', namely:

- **Viktor Grin** - Deputy General Prosecutor of the Russian Federation. He approved the indictment in the criminal case of Nadiya Savchenko³;
- **Artur Karpov** - Judge of the Basmany District Court of Moscow. On 10 February, 2015, he extended the pre-trial detention of Nadiya Savchenko until 13 March, 2015.⁴

The case of the Bolotnaya Square

The Bolotnaya Square case - a criminal investigation into the protest actions that took place in Moscow, in May 2012. Dozens of civil society activists have been accused in the case; hence, the case is considered the largest of its kind, initiated against participants of the protest movement in modern Russia. The ECHR found that in respect of some of the activists, the investigative bodies and the court committed serious violations. Those involved in the criminal proceedings against the Bolotnaya Square participants include:

- **Viktor Grin** – He approved the indictments and demanded the appointment of psychiatric examinations in respect of some activists.⁵
- **Sergei Podoprighorov** - Judge of the Moscow City Court. On 25 April, 2013, he sentenced the oppositionist Konstantin Lebedev to 2.5 years in prison.⁶

¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2015-0406&language=EN>

² <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=22750&lang=EN>

³ http://lb.ua/news/2015/07/13/310801_genprokuratura_rf_utverdila.html

⁴ <http://glavred.info/politika/sud-nad-savchenko-slava-ukraine-protiv-vooruzhennoy-ohrany-s-rotveylerom-i-karmannogo-sudi-302499.html>

⁵ <http://bolotnoedelo.info/participants/butchers/789/grin-viktor-yakovlevich>

⁶ <http://bolotnoedelo.info/participants/butchers/1882/podoprighorov-sergej-gennadevich>



The case of the Manezhnaya Square

The criminal case against protesters on Manezhnaya Square in Moscow, in December 2010. The case can be considered politically motivated, as members of opposition movements and organisations were subjected to prosecution. **Aleksey Krivoruchko**, a judge of the Tverskoy District Court of Moscow, was involved in the prosecution of participants of the Manezhnaya Square protests. On 28 October, 2011, with a panel of judges, he sentenced several activists of the 'Drugaya Rossiya' ['Other Russia'] organisation to prison terms ranging from 2 to 5.5 years.

The case of YUKOS

The criminal proceedings against the owners of the major Russian oil company 'YUKOS' Mikhail Khodorkovsky and Platon Lebedev.⁷ In 2013, the ECHR found that Russia violated the rights of Khodorkovsky and Lebedev. The indictment against them was signed by **Viktor Grin** who is included in the 'Magnitsky List'.⁸

The case of Mukhtar Ablyazov

Mukhtar Ablyazov - a Kazakh opposition politician and businessman. Following his conflict with the President of Kazakhstan Nursultan Nazarbayev, he was accused of embezzling funds of the Kazakh BTA Bank. Russia and (Viktor Yanukovich's) Ukraine also initiated criminal cases at the request of Kazakhstan which provided drafts of written charges and gave instructions to the investigators. Those involved in the prosecution of Mukhtar Ablyazov include:

- **Investigators: Nikolay Budilo, Natalia Vinogradova, Oleg Urzhumtsev, Viktor Grin.** They demanded that the other defendants 'confess to the crimes' and 'admit' Mukhtar Ablyazov's guilt.
- **Judges: Sergey Podoprigrorov, Elena Stashina, Alexei Krivoruchko, Svetlana Ukhnaiev.** They handed down questionable rulings regarding pre-trial arrests and prison sentences against those accused in the case of Mukhtar Ablyazov.⁹

As human rights non-governmental organization, we join the voices of many politicians, expressed recently in the leading Members of the European Parliaments' open letter¹⁰ and in the European Parliament's resolution from 2010.¹¹ We hereby call the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, Mrs Federica Mogherini and the European External Action Service; President of the EU Council, Mr Donald Tusk, as well as the EU Council of Ministers, to adopt the EU 'Magnitsky List' and simultaneously deny visas to and freeze assets of Russian officials involved in the cases of Sergei Magnitsky, Nadiya Savchenko, Bolotnaya Square, Manezhnaya Square, YUKOS and Mukhtar Ablyazov. In particular we would like also to underline the recent appeal supported by 58 Members of the European Parliament to adopt a 'Savchenko List' – targeted personal sanctions against those involved in the kidnapping, unlawful detention, imprisonment of and fabrication of charges against Nadiya Savchenko.¹²

⁷ http://www.bbc.com/ukrainian/ukraine_in_russian/2013/07/130725_ru_s_khodorkovsky_echr_decision

⁸ <https://lenta.ru/lib/14182772/>

⁹ http://en.odfoundation.eu/a/7319_report-the-facts-which-confirm-the-fabrication-of-the-case-of-mukhtar-ablyazov-in-russia-tatiana-paraskevich-and-artur-trofimov-prosecution

¹⁰ www.alde.eu/nc/press/press-and-release-news/press-release/article/protest-against-kremlin-propaganda-47150/

¹¹ <http://www.europarl.europa.eu/news/en/news-room/20140331IPR41184/Magnitsky-list-MEPs-call-for-EU-sanctions-against-32-Russian-officials>

¹² http://en.odfoundation.eu/i/fmfiles/pdf/8-03-2016-meps-appeal-to-high-representative-mogherini-on-savchenko-en_3.pdf & http://en.odfoundation.eu/a/7377_new-names-on-savchenko-list



OPEN DIALOG

Brussels Office
155 Rue de la Loi,
Postal box: 27
1040 Brussels, Belgium

Open Dialog Foundation
11 a Szucha Avenue, office 21
00-580 Warsaw, Poland
T: +48 22 307 11 22

We repeat the voices that the described cases of Sergei Magnitsky, Nadiya Savchenko, the Bolotnaya Square, the Manezhnaya Square, YUKOS and Mukhtar Ablyazov are just a few of many documented systematic violations of fundamental human rights and the rule of law principles in Russia. These cases, furthermore, confirm the existence of a special group of judges, prosecutors, investigators, police officers, prison guards and politicians who tend to be involved in the most politically motivated criminal proceedings in Russia.

For more detailed information, please address:

Igor Savchenko – igor.savchenko@odfoundation.eu

Tomasz Kłosowicz – tomasz.klosowicz@odfoundation.eu

Open Dialog Foundation