
How to prepare evidence for submission candidates for sanctions under US Sergei Magnitsky Act



Police Raid Hermitage's Offices in Moscow

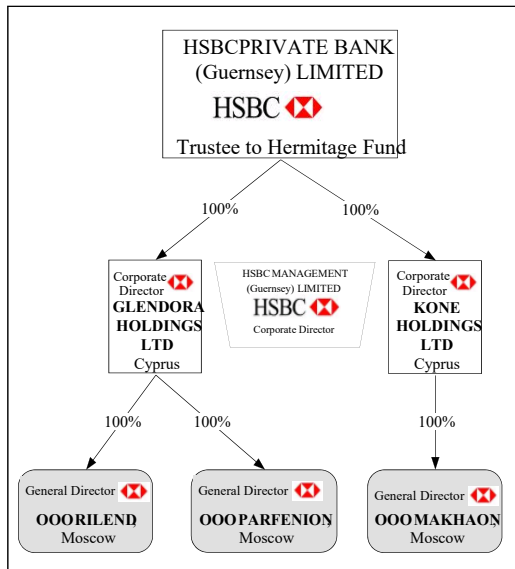
On 4 June 2007, Lt. Col Artyom Kuznetsov and 25 Interior Ministry officers raided the Moscow offices of Hermitage Capital and seized all original corporate documents for the Hermitage Fund



\$230 Million of Taxes Paid by Hermitage Was Stolen from the Russian Treasury and paid to criminals

On 24 December 2007, Moscow Tax Authorities approved in one day and transferred \$230 million of taxes paid by Hermitage Fund’s companies to the accounts opened by criminals under the guise of an “overpaid tax refund”

Taxes Paid by Hermitage Fund Russian Companies February 2006



Fraudulent Tax Refund Approval

24 December 2007



Russian Federation Budget

Approval Granted in 1 Day

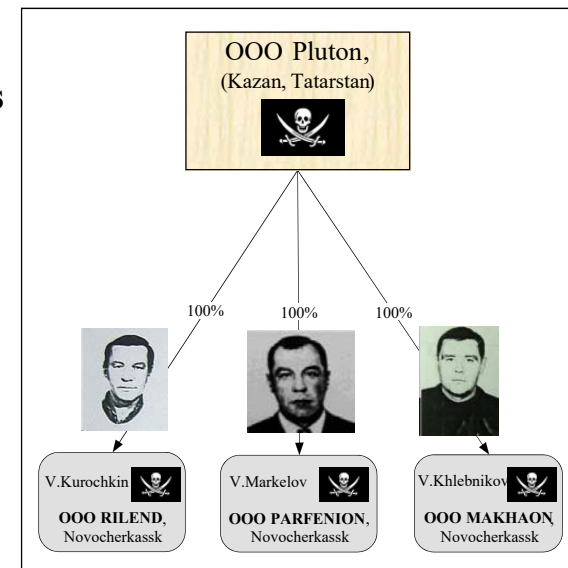
Documents seized



Perpetrators stole \$230 m



\$230 Million Stolen By Criminals December 2007



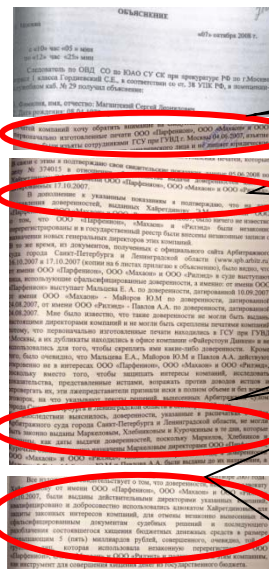
Sergei Magnitsky Testified Against The Russian Police Officers Who Seized The Documents used by criminals

On 7 October 2008, Sergei Magnitsky testified to the Russian State Investigative Committee about the involvement of Interior Ministry officers (Artyom Kuznetsov and Pavel Karpov), judges and criminals in the theft of Hermitage Fund companies and \$230 million in taxes

Testimony to the Russian State Investigative Committee, 5 June and 7 October 2008



Sergei Magnitsky



“Seals of [Hermitage Fund companies] were seized by the Moscow Branch of the Interior Ministry on 4 June 2007.”

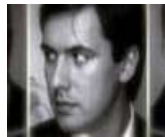
“I confirm my testimony from 5 June 2008 (“Taxes paid by [Hermitage Fund companies] were very significant which caused an interest from the police officers.)”

“Powers of attorneys could not have been issued by Markelov, Khlebnikov and Kurochkin legitimately.”

“The facts stated above show that the powers of attorneys issued by legitimate directors of [Hermitage Fund companies] ... were used to protect the interests of the companies... and to expose the theft of budget funds in the amount exceeding 5 (five) billion roubles [US\$230 million], which was clearly committed by the same group of persons who used the illegal re-registration of OOO Parfenion, Mahaon and Rilend and claims against these companies as an instrument to perpetrate the theft of budget funds.”



Interior Ministry officer Lt Col Artyom Kuznetsov



Interior Ministry Officer Major Pavel Karpov



Victor Markelov



Vyacheslav Khlebnikov



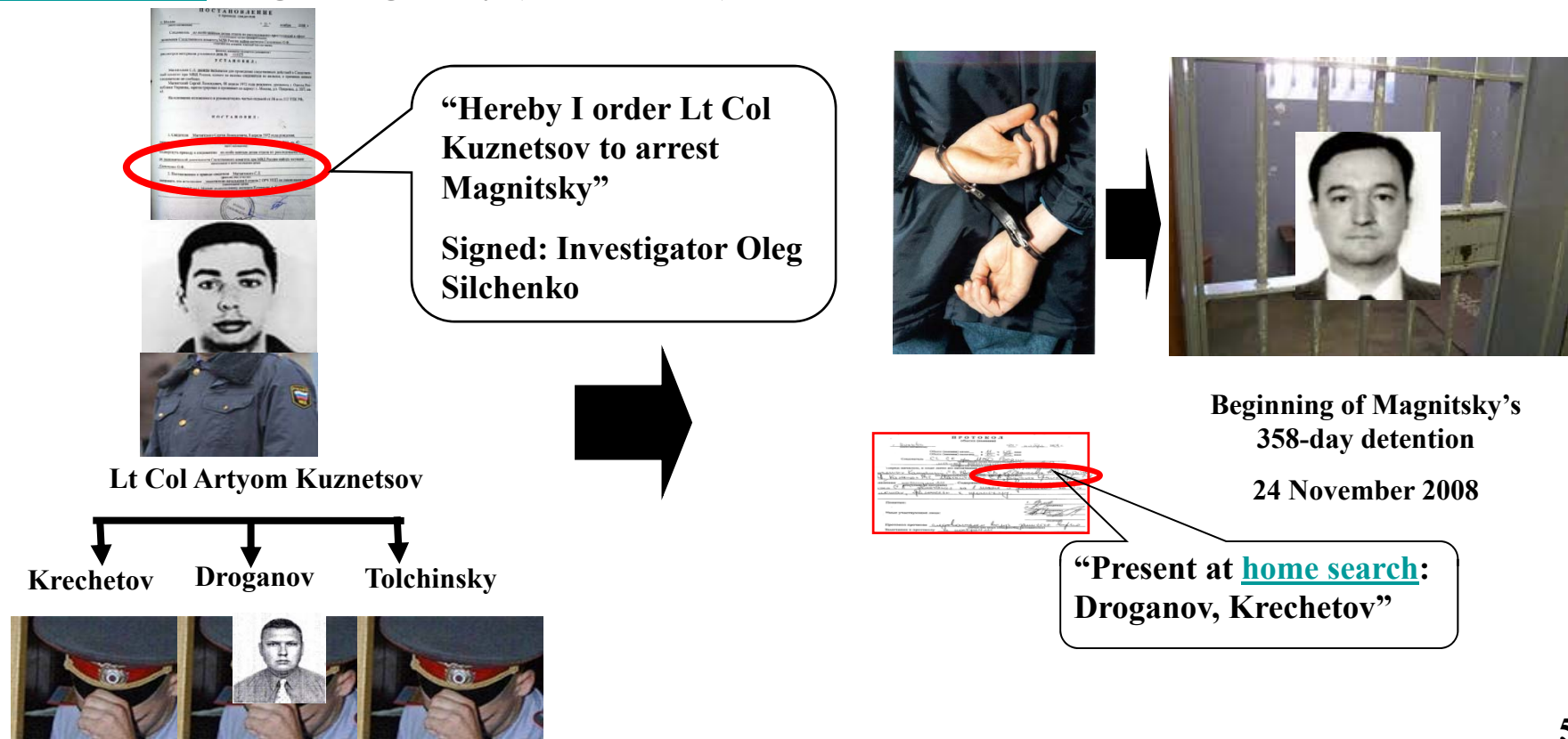
Valery Kurochkin

Sergei Magnitsky Was Then Arrested by the Same Officers He Testified Against

On 24 November 2008, Sergei Magnitsky was arrested by Lt Col Kuznetsov and three of his subordinates on orders from Investigator Silchenko of the Interior Ministry

Order to Arrest Sergei Magnitsky (24 Nov 2008)

Magnitsky Arrested at His Home (24 Nov 2008)



Magnitsky Was Beaten With Rubber Batons

Upon arrival to Matrosskaya Tishina, instead of hospitalising him, a team of 8 riot troopers placed him in an isolation cell, handcuffed him to a bed and beat him with rubber batons

Magnitsky was beaten in an isolation cell on 16 November 2009

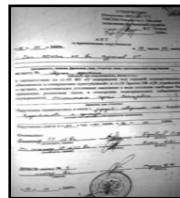


Report on Use of Handcuffs



Signed by: O.G. Kuznetsov
Sanctioned: F. Tagiev

Report on Use of Rubber Baton



Signed by: D.F. Markin [sic],
Witnesses: A.E. Larin, P.V. Borovkov
Sanctioned: F. Tagiev

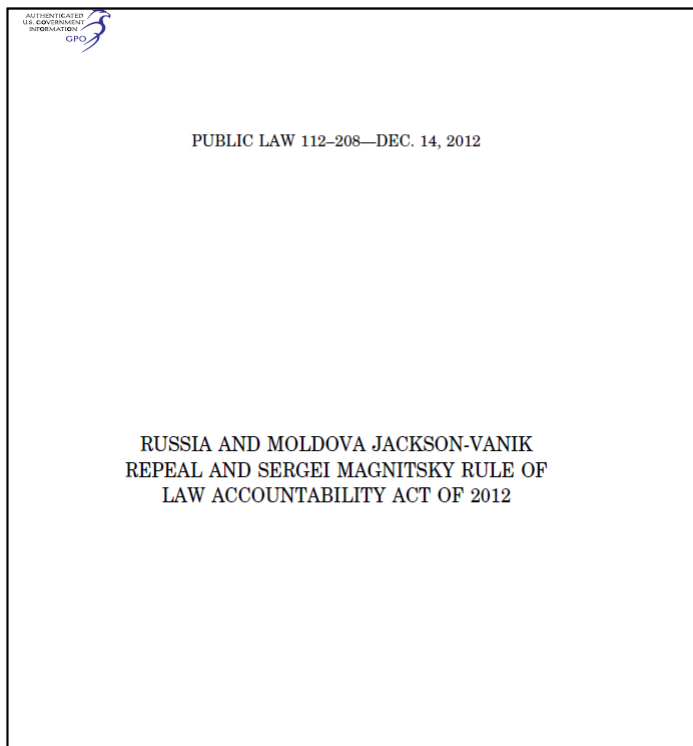
Matrosskaya Tishina Detention Centre Officials Sanctioning, Administering and Witnessing Magnitsky's Beating:



1. Fikhret G. Tagiev, Head of Matrosskaya Tishina Detention Center
2. D.F. Markov, Aid on Duty to Head of Matrosskaya Tishina
3. O.G. Kuznetsov, Deputy Aid on Duty to Head of Matrosskaya Tishina
4. A.E. Larin, inspector
5. P.V. Borovkov, inspector
6. Not known, inspector
7. Not known, inspector
8. Not known, inspector
9. Not known, inspector
10. A.A. Semenov, paramedic at Matrosskaya Tishina

The Magnitsky Act was approved in Dec 2012. It envisaged following categories for people to be sanctioned:

Categories defined by the Sergei Magnitsky Rule of Law Accountability Act:



- **Magnitsky related:**
- **(A)** is responsible for the detention, abuse, or death of Sergei Magnitsky;
- **(B)** participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky;
- **(C)** benefitted financially from the detention, abuse, or death of Sergei Magnitsky;
- **(D)** was involved in the criminal conspiracy uncovered by Sergei Magnitsky

- **Other human rights abuses:**

- **(E)** is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals

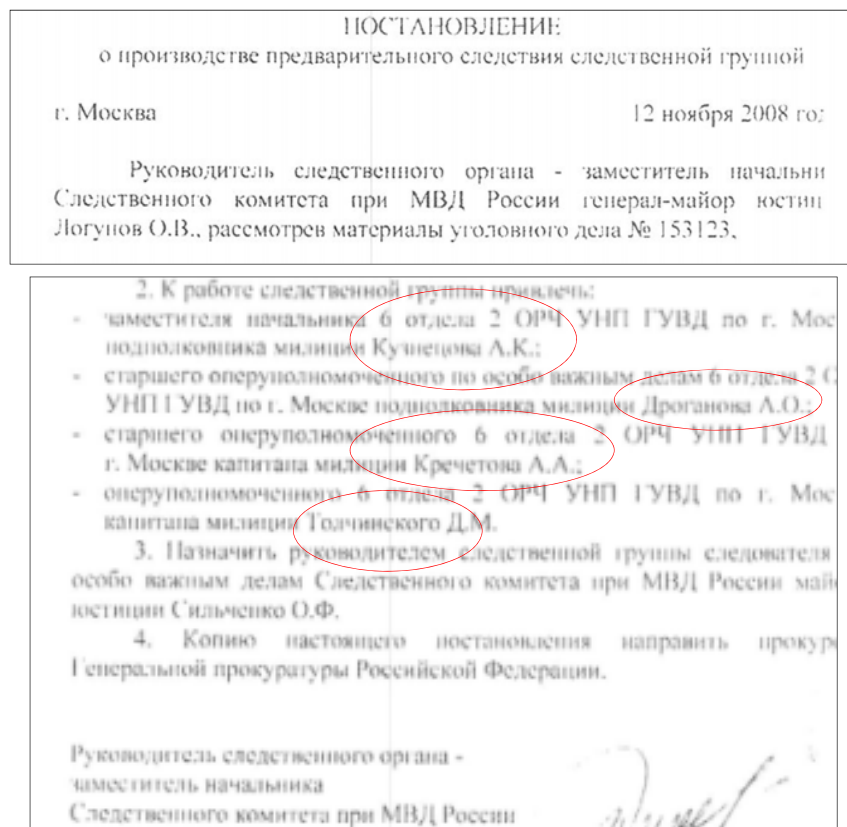
Information on each person was presented by Hermitage in the following format:

- Name of the human rights abuser
- Date of birth
- Position in the government
- Category of violation under the law
- Role in a human rights abuse
- Specific details of a human rights abuse
- Documentary Evidence

Hermitage Submission to the State Department and US Treasury on police officer Artem Kuznetsov

Artyom Konstantinovich Kuznetsov	28-Feb-75	Deputy head (previously senior operative) of the 6th unit of 2nd section of operations and search of the Tax Crimes Department of the Moscow Branch of the Interior Ministry, Lt Colonel	MVD	A, B, D	In his role as senior Interior Ministry operative, was a member of the two investigation groups, one that arrested and detained Mr Magnitsky, and another that was supposed to investigate the \$230 m theft, in spite of his conflict of interest as participant in the June 2007 raids that had seized materials to perpetrate the \$230 m theft	Mr Kuznetsov with other Interior Ministry officers took part in the 4 June 2007 raids on Hermitage office when documents for the criminal conspiracy uncovered by Mr Magnitsky had been seized and used to misappropriate the Hermitage Fund's companies and organise repressive criminal cases against Hermitage and Mr Magnitsky's associates	"Protocol of search....Investigator of the 2nd unit of the investigative section of the Main Investigation Department of the Moscow Branch of the Interior Ministry, senior Lt of justice O.I. Nesterov...with participation of ...operative A.K. Kuznetsov, ...operative E.V. Starodubov, operative D.N. Golovin, operative G.V. Gorshunov, operative O.A. Droганov, D.M. Tolchinsky, A.Krechetov ...carried out a search in the building...in order to find and seize items and documents stated in the decree to conduct the search of 01.06.2007."	4-Jun-07	Protocol of search of Hermitage office in Moscow with Mr Kuznetsov present	D1242.pdf
						Mr Kuznetsov was formally appointed to the fabricated case used by the criminal conspiracy to misappropriate the Hermitage Fund's companies and \$230 m of taxes they had paid	I.A. Glukhov: "Deputy head of Interior Ministry branch for Moscow - head of the Main Investigation Department of the Interior Ministry branch for Moscow, having considered the materials of the criminal case No 151231, have determined: The 2nd unit of the investigative section of the Main Investigation Department of the Interior Ministry branch for Moscow is investigating the criminal case No 151231 commenced on 28 May 2007 in relation to general director and chief accountant of Kameya I.S. Cherkasov under Section 2 of Article 199.1 of the Criminal Code of RF...it is necessary to conduct a large number of investigative actions and operational and search activities, the investigation of the criminal case represents particular complexity and public resonance...rule: 1. Assign the proceeding under the criminal case No 151231 to the investigative group comprising: ...2. Appoint as head of the investigative group senior investigator of the unit of internal affairs of the 2nd unit of the investigative section of the Main Investigative Department of the Interior Ministry branch for Moscow major of justice P.A. Karpov. 3. Include in the work of the investigative group: - senior operative of internal affairs of the	14-Jun-07	Decree appointing Mr Kuznetsov to the investigation group	D1733.pdf
						Mr Kuznetsov was formally reappointed to the repressive case against Hermitage and Mr Magnitsky two weeks prior to Mr Magnitsky's arrest	"Head of the investigative body - deputy head of the Investigation Committee of the Interior Ministry, General Major of justice O.V. Logunov, having considered the materials of the criminal case No 153123...With the purposes of full and comprehensive investigation, taking into account the large scope of planned investigative actions, guided by Article 163 of the Criminal Procedural Code of the Russian Federation, rule: 1. Assign the proceeding under the criminal case No 153123 to the investigative group comprising: ... 2. Assign to work on the investigative group: - deputy head of 6th unit of 2 section of Tax Crime Department of the Moscow Branch of the Interior Ministry Lt Col of police A.K. Kuznetsov... 3. Appoint Major of justice O.F. Silchenko, investigator of especially important cases of the Investigation Committee of the Interior Ministry of Russia as head of the investigative group."	12-Nov-08	Decree to appoint Mr Kuznetsov to the investigation group that arrested Mr Magnitsky	D1244.pdf
						Mr Kuznetsov was formally assigned to bring Mr Magnitsky by force to the Interior Ministry in spite of his conflict of interest and having being named by Mr Magnitsky in earlier testimony	Decree to bring witness by force. Investigator...of the Investigation Committee of the Interior Ministry of Russia, Major of justice O.F. Silchenko "[I] rule to: 1. Bring by force witness Magnitsky Sergei Leonidovich...to investigator ...Major of Justice O.F. Silchenko. 2. Send the decree to bring the witness S.L. Magnitsky to deputy head of 6th unit of 2nd section of the Tax Crimes Department of the Moscow Branch of the Interior Ministry, Lt Colonel of police A.K. Kuznetsov for execution"	21-Nov-08	Decree assigning Mr Kuznetsov to bring Mr Magnitsky by force to the Interior Ministry	D1243.pdf

Evidence 2: Police officer Artyom Kuznetsov appointed to investigate Magnitsky



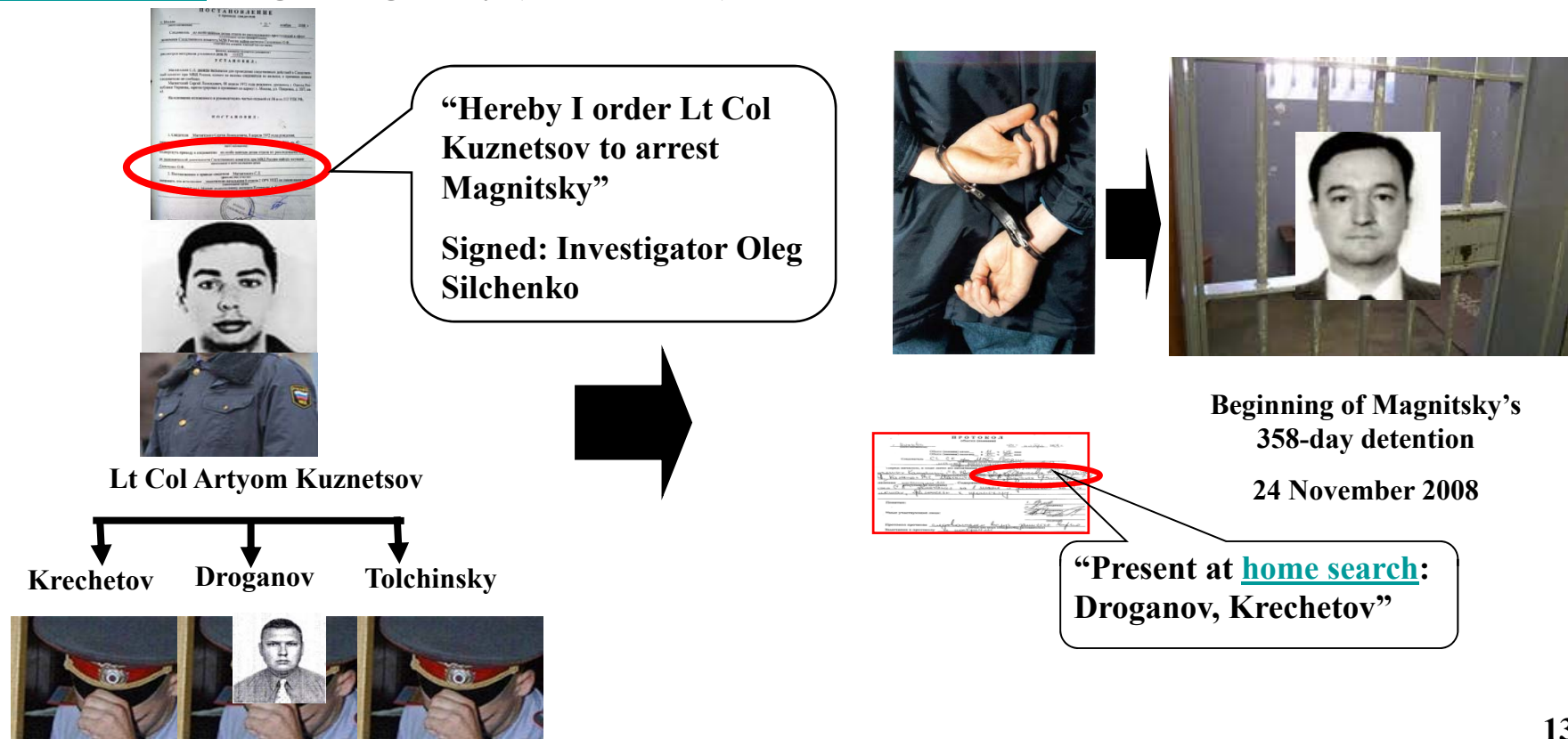
“Hereby I order to appoint Kuznetsov, Droganov, Krechetov, Tolchinsky to the investigative team on the case against Hermitage/ Magnitsky”

Signed: General Logunov

Evidence 3: Police officer Kuznetsov ordered to arrest Magnitsky

On 24 November 2008, Sergei Magnitsky was arrested by Lt Col Kuznetsov (whom he previously exposed) and three of his subordinates on orders from Investigator Silchenko of the Interior Ministry

Order to Arrest Sergei Magnitsky (24 Nov 2008)



After The Investigation Kuznetsov was placed on the OFAC's SDN List:

The screenshot shows the U.S. Department of the Treasury website. The main heading is 'U.S. DEPARTMENT OF THE TREASURY'. Below it, the page is titled 'Magnitsky Sanctions Listings' with a date of 4/12/2013. The page is from the 'OFFICE OF FOREIGN ASSETS CONTROL' and is a 'Specially Designated Nationals List Update'. A sidebar on the left contains navigation links such as 'Financial Sanctions', 'International', 'Small Business Programs', 'Tax Policy', 'Terrorism and Illicit Finance', 'Data and Charts Center', and 'FAQs'. The main content area lists individuals added to the SDN list. The entry for 'KUZNETSOV, Artem (a.k.a. KUZNETSOV, Artyom); DOB 28 Feb 1975; POB Baku, Azerbaijan (individual) [MAGNIT].' is circled in red. Other individuals listed include BOGATIROV, Letscha; DROGANOV, Aleksey O.; DUKUZOV, Kazbek; KARPOV, Pavel; KHIMINA, Yelena; KOMNOV, Dmitriy; KRIVORUCHKO, Aleksey; LOGUNOV, Oleg; PECHEGIN, Andrey I.; PODOPRIGOROV, Sergei G.; and PROKOPENKO, Ivan Pavlovitch.

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