

**An Assessment of the Russian Judicial and Law Enforcement Systems:
The Torture and Murder of Sergei Magnitsky**

Testimony before the Tom Lantos Human Rights Commission

**William Browder
Chief Executive Officer
Hermitage Capital Management
May 6, 2010**

Distinguished Members of the Commission, thank you for inviting me to appear before you today.

I have been asked to share my assessment of the Russian judicial and law enforcement systems, particularly as it relates to the observance of fundamental human rights, the rule of law and respect for basic human decency. My message to you this morning is that the justice system in Russia today has severe failings that present real dangers to U.S. national interests and to the lives of ordinary Russians. The best way to convey this is to share the tragic story of what happened to my Russian lawyer.

Six months ago, on the night of November 16, 2009, Sergei Magnitsky, a 37 year-old husband and father of two young children, was killed in an isolation ward of a Russian pre-trial detention center. He was killed for having the courage to testify against corrupt police and government officials who had stolen \$230 million from the Russian government.

Despite enduring agonizing pain in the final four months of his life as his keepers tortured him and deliberately withheld life-saving medical care, Sergei refused to withdraw his testimony and compromise his integrity. Whenever challenged, he would repeat to his captors his firm determination to bring them to justice in an open trial. He paid the ultimate price for his beliefs. He was left to die, alone, away from the family that he had not been permitted to see for eleven months.

The story of what happened to Sergei Magnitsky is so medieval that it is hard to imagine that it could have taken place in today's world. But it did happen and will continue to happen so long as the United States and the rest of the civilized world – and indeed, Russia itself – allow corrupt Russian officials to act without consequences.

I. The Fraud against the Hermitage Fund: A Fraud Perpetrated by Government Officials and Discovered by Sergei Magnitsky

Sergei worked for the American-owned law firm in Moscow, Firestone Duncan, and was one of the external lawyers for the Hermitage Fund, which my firm advised. He wasn't involved in politics, he wasn't an oligarch and he wasn't a human rights activist. He was just a highly competent professional – the kind of person whom you could call up as the workday was finishing at 7pm with a legal question and he would cancel his dinner plans and stay in the office until midnight to figure out the answer. He was what many people would describe as the good face of modern Russia: an intelligent and honest man working hard to better himself and to make a good life for his family.

The tragedy of Sergei Magnitsky began on June 4, 2007. On that day, 50 police officers from the Moscow Interior Ministry raided Hermitage and Firestone Duncan's offices under the guise of a tax investigation into a Hermitage client company. There was no apparent reason for the police investigation as that company was regularly audited by the tax authorities, and they had always found the taxes to be paid correctly, in full and on time. During the raid, police officers took away the corporate seals, charters and articles of association of all of the Hermitage Fund's investment companies – none of which were listed in their search warrant. Several months after the raids the police were still refusing to return the seized items, and we were wondering about the true motivation for their raid and why the police were so desperate to get their hands on all the original statutory documents of the Hermitage Fund's Russian companies.

In mid-October 2007, the motivation for the raids became clear. We got a telephone call from a bailiff inquiring about a judgment of the St. Petersburg Arbitration Court against one of the Fund's Russian companies. That was strange, because the company had never been to court and neither the Fund's trustee, HSBC, nor we knew anything about any lawsuits or judgments in St. Petersburg.

The first thing we did was call Sergei. If there was something legally complicated going on in Russia, he was the person who knew how to get to the bottom of it. He calmed us down and said it was likely to be some type of mistake. He said he would make some inquiries and figure out what was going on.

After researching the situation, Sergei came back to us with shocking news. He checked with the St. Petersburg court and then went to the registered address of our companies and discovered that the Hermitage Fund's companies had indeed been sued by some shell companies they had never heard of or done business with. The lawsuits were based on forged and backdated contracts. He also discovered that the Fund's companies had been represented by lawyers that the Fund had never hired, and who proceeded to plead guilty in court. Despite all of these obvious inconsistencies, the St. Petersburg court awarded the plaintiff shell companies hundreds of millions of dollars in damages against the Hermitage Fund's Russian companies. Most shockingly, when Sergei analyzed the forgeries used in court, he was able to prove that they could have only been created with the documents seized from our offices by the Moscow Interior Ministry on June 4 while these documents were in their custody.

The news went from bad to worse. Sergei went to the Moscow company registration office, where he discovered that three Russian companies had been fraudulently re-registered from the name of the Hermitage Fund's trustee, HSBC, into the name of a company owned by a man convicted of manslaughter. Again, Sergei determined that the only way that the ownership could have been changed was with the original corporate materials seized by the police.

On the back of Sergei's discoveries, on December 3 and 10, 2007, HSBC and Hermitage filed six 255-page complaints outlining all the details of the frauds and the names of the police officers involved. The complaints were filed with the heads of the three main law enforcement agencies in Russia. However, instead of investigating the frauds against Hermitage, the law enforcement agencies passed the complaints right back to the specific police officers named as conspirators in the complaints. Those officers then retaliated by personally initiating spurious criminal cases on knowingly false grounds against employees at Hermitage.

At this point, Sergei was becoming visibly angry that the Interior Ministry officials could be so blatantly corrupt. Sergei wasn't a dispassionate lawyer like many we have encountered in the past. He was our advocate in the truest sense of the word. It was very comforting that a professional as

talented as Sergei was putting in so much energy and passion into protecting us. Although we were still unsure what the corrupt officers had in store for us, we felt a sense of calm having Sergei by our side.

By the summer of 2008 it still wasn't clear why the police were so keen to steal three of the Fund's investment companies, create fake judgments and fabricate criminal cases against us. If the intention was to steal the Fund's assets in Russia, they had failed because, by the moment our companies were stolen, the assets had been safely moved by the Fund's trustee outside the country. To help us find the answer, Sergei methodically followed up all the loose ends hoping to make sense of the persecution against us. He sent out more than 50 letters to different tax authorities and registration offices requesting information on our stolen companies. Almost nobody replied, but on June 5, Sergei received a letter from the Khimki (a suburb of Moscow) tax authorities, that broke the case wide open. According to the letter, our stolen companies which were re-registered in Khimki, had opened bank accounts at two obscure Russian banks.

Once we learned about the banks, everything started to make sense. Sergei found the Russian central bank website where all aggregate bank deposit information is stored, and it showed an enormous spike in deposits at these two obscure banks right after the accounts for our stolen companies were opened. The spike in deposits was exactly equal to the taxes that the Hermitage Fund companies had paid in 2006. At that moment, we finally understood the reason why our companies had been stolen.

The people who stole our companies did so to embezzle \$230 million that the Hermitage Fund's Russian companies – one of the largest taxpayers in the country – had paid in taxes in 2006. Perpetrators claimed retroactively that the \$230 million taxes had been “overpaid” because of liabilities from the sham court judgments that had purportedly “wiped out” the historic profits. The perpetrators were brazen enough to apply to the Moscow Tax Inspectorates for the refund of the entire amount of funds paid by the Hermitage Fund's companies to the Russian government in profit tax. The approval of this refund – the largest in Russian history – was granted by the Moscow Tax Inspectorates in a single day, and over the next two days, the entire amount was wired to the new bank accounts opened by the perpetrators. The date of the wire transfer (December 26, 2007) showed that it was carried out after and in total disregard of the complaints to the Russian authorities from HSBC and Hermitage that had alerted them to the details of the ongoing frauds and abuse of office three weeks earlier. Had those complaints been acted upon by the Russian law enforcement authorities, the theft of \$230 million from the government simply could not have taken place.

II. Testimony Against the Interior Ministry

At this point Sergei was indignant. When corruption stared him in the face, he felt he had a duty to fight it. It wasn't just about his client, it was now also about his country. The police officers who were supposed to be fighting crime were intimately involved in one of the biggest crimes ever perpetrated against the Russian people. In July 2008, Sergei helped us prepare a detailed criminal complaint about the stolen tax money and the abuse of office, which was filed with seven different Russian government agencies. We also shared the information with the press, and Sergei briefed some Moscow-based press correspondents on the details of the tax rebate fraud and the complicity of Russian officials in it.

We had hoped that the details in our complaints would be shocking enough to force the Russian authorities to investigate the fraud and to punish the corrupt officials. Instead, the Interior Ministry officers who were involved in the fraud reacted by harassing, intimidating and prosecuting all of the

lawyers who represented HSBC and the Hermitage Fund. These lawyers tried to resist by filing complaints with the Russian authorities and courts detailing the corruption and abuse of office by the Interior Ministry officers, but that had no effect. In response, the intimidation only worsened. Finally, six of our lawyers from four different law firms were forced to either leave the country or to go into hiding.

The one lawyer who didn't leave Russia was Sergei. Despite the clear power of corrupt police targeting all of our lawyers, he was sure that he was safe because he had never done anything wrong or illegal. He believed that the law of Russia would protect him because he was telling the truth. He also believed that he was safe in today's Russia. When Jamison Firestone, the head of the law firm Sergei worked for, encouraged him to leave Russia like the other lawyers, Sergei replied, "You watch too many movies, this isn't the 1930's."

His belief in justice was so strong that he went on to do something many people would be too scared to do. On October 7, 2008, he went to the offices of the Russian State Investigative Committee (the Russian equivalent of the FBI) and testified against two officers of the Interior Ministry, Lt. Colonel Artem Kuznetsov and Major Pavel Karpov, for their involvement in the theft of the Hermitage Fund companies and the theft of \$230 million from the Russian budget. It was an enormously brave move, and we feared for him that day. Amazingly, Sergei was the only person who wasn't worried. It was a big relief when he emerged from the Investigative Committee at the end of the day unscathed.

III. Arrest and Detention of Sergei Magnitsky by the Officers He Accused

In retrospect, our relief was misguided. On November 24, 2008, just over a month after testifying against Interior Ministry officials Kuznetsov and Karpov, a team of officers who directly reported to Kuznetsov went to Sergei's apartment at 8am while he was preparing his children for school and arrested him. Sergei was thrown into detention on a sham charge: tax underpayment by two Hermitage Fund companies in 2001 as their alleged director. In reality, the companies had clean audits, the statute of limitations for taxes had expired four years earlier, in 2004, and Sergei was not their director so he couldn't have had any legal responsibility for their taxes anyway. However, the law didn't matter because the investigators had other plans. Sergei learned that the officers appointed to investigate his case were the same ones he had implicated: Kuznetsov and his subordinates. When we heard this, it wasn't difficult to imagine where this was going to lead. Sergei had become their hostage.

We were truly shocked by his arrest. Although there were signs that something like this could happen, Sergei's self-confidence gave us the sense that our fears were overblown. Up until this point, our problems with corruption in Russia had all been abstract – on bank statements, share registries and balance sheets. We had never experienced a real human impact before. No matter how many unpleasant situations one might encounter in one's business career, nothing prepares you for having someone you know being taken hostage.

The Interior Ministry justified Sergei's detention on the grounds that he was a "flight risk" and the Moscow court sanctioned it despite the fact that the Interior Ministry held Sergei's passport and IDs, making it impossible for him to travel anywhere. Insisting on Sergei's prolonged detention, the Interior Ministry brought a letter from the Russian Federal Security Service claiming that Sergei had applied with the UK Embassy in Moscow for a visa. This was false. When Sergei's lawyers presented a letter from the UK embassy stating that Sergei had not approached it with a visa request, the judges simply ignored it. One of the judges sanctioned the continued captivity of Sergei on the

grounds that he “saw no reason to question the information from the Federal Security Service (FSB),” despite the fact that this “information” was not at all substantiated and was directly contradicted by the information from the UK embassy. It became apparent that the judges and Interior Ministry officers keeping Sergei hostage had lost any respect for the truth.

Our immediate concern upon hearing of the arrest was how a highly-educated lawyer like Sergei would fare among hardened Russian inmates. It is not difficult to imagine the terrible things that go on behind prison walls. Fortunately, on this front the reports from his lawyers who visited him gave us some hope. Although his background made him quite conspicuous among others detainees, his character allowed for him to gain the respect of other inmates almost immediately. He was as passionate about the other miscarriages of justice he encountered, and he used his legal skills to help them prepare appeals, and for that he was appreciated. Although the conditions of detention were harsh, we learned that he was well treated by the other detainees.

IV. Breach of Human Rights in Detention

Among Sergei’s many heroic qualities, perhaps the most useful for posterity was his instinct as a lawyer to make a meticulous account of his experiences in pre-trial detention and the abuses he endured. He also filed legal complaints highlighting the breach of his human rights and the violations of the law by Interior Ministry investigators, prosecutors and judges in his case. Over the course of his year in detention, Sergei filed over 450 complaints to senior members of the Russian government, detention center officials and the Russian courts. His hand-written notes and legal petitions read like a modern-day Gulag Archipelago, a heartbreaking account of a struggle that played out in the dark corners of Russian detention centers, in isolation cells, away from the comforts of the “rule of law” that so many of us take for granted in the 21st century.

Sergei was subjected by his captors to cruel and inhumane treatment. He was deprived of sleep, drink, food and medical treatment. He was isolated from his family. He didn’t have access to an office, library or a computer. Yet despite these circumstances, he managed to leave a record of unemotional and factual legal evidence implicating his captors and torturers in great detail, and all without even a table to write on. Few people could have managed such a prodigious effort even when not being subjected to such physical and psychological torment.

1. Cruel and Inhuman Treatment and Conditions in Detention

The inhumane conditions Sergei endured in detention resembled a modern-day Gulag. Sergei summarized them in a chilling letter to his lawyer on August 8, 2009:

"Justice, under such conditions [deprivation of sleep, food, drink over a long period of time] turns into the process of grinding human meat for prisons and camps. A process, against which a man is not able to defend himself effectively. A process through which a man loses awareness of what is happening to him and can only think of when this all will be finished and when he can escape the physical and emotional torture and make it to the labor camp (nobody hopes for a not-guilty verdict as they say our courts issue no more than 2% of such verdicts). They say here that the level of human suffering when serving a prison sentence turns out to be much less than here [in pre-trial detention] where a man, who is still not recognized as guilty by the court, is put through the meat grinder."

Initially, Sergei was sent to Pre-Trial Detention Center No. 5 in Moscow, but over the next few months he was moved seven times between four more detention centers. Each move was concealed from his lawyers and family. Conditions were made progressively worse. In July he was transferred to Butyrka, a maximum security detention center known to be one of the toughest in Russia.

Because of the 450 complaints that Sergei filed, we have today a detailed and disturbing set of facts about the conditions the investigators subjected him to in order to get him to withdraw his testimony and plead guilty to the trumped up charges. There was never any emotion in his complaints, even after all the torture he endured. They were crisp and exact. Sergei described in detail the degrading, inhuman treatment he was going through in detention.

One of the tactics used by the investigators was to routinely rotate him among cells. Often he was moved at night so he could be deprived of sleep. Each time he would refuse to recant his testimony the cells would become worse. Some examples of the cells where he spent the last year of his life are listed below.

Butyrka, Cell 59 (88 square feet, four inmates). The toilet in the cell needed to be repaired, with an “intolerable odor” coming from it. The toilet was not partitioned, and the inmates would use bedsheets as a screen whenever anyone was using the toilet. The distance between the toilet and the bed was less than three feet. The only electrical outlets were located above the toilet, forcing the inmates to boil water for their hot drinks in the stench of sewage. On the evening of September 8, raw sewage began to flow up out of the hole in the floor.

Butyrka, Cell 35 (108 square feet, three inmates). The cell windows had no glass, and the walls of the cell were damp. On Sergei’s second day in this cell, raw sewage under the toilet began to rise, and by evening sewage water covered half of the cell. Sergei and his inmates asked that the problem be fixed, but the plumber did not come until 10pm. The inmates asked to be moved to another cell, but they were forced to stay through the night. The inmates moved around the cell by climbing from bed to bed. The plumber only came in the evening, but he couldn’t fix the problem. He expressed indignation over the conditions in which Sergei and his fellow inmates were kept.

Butyrka, Cell 61 (88 square feet, four inmates). Again, the cell windows lacked glass and frames. On September 11, Sergei made a complaint requesting that window panes and frames be installed, but got no response. Because of the cold, Sergei slept fully dressed and wearing his coat and whatever clothes he could find. Window panes and frames were never installed.

In all cells the rats ran freely at night. When Sergei and his fellow inmates attempted to block the toilet hole in the floor of one cell with a plastic bottle, they found the next morning that it had been chewed off with a bite mark “the size of an average apple.”

Sergei was permitted to shower once a week for 10 minutes. He could walk outside the cell once a week for 40 minutes in a courtyard space just 10 feet by 16 feet. In many cells there were more inmates than beds so they had to sleep in shifts. In others, the authorities would never turn off the light so even if he got a bed it was almost impossible to sleep.

Most of his complaints about the conditions of confinement led nowhere, and the majority of the complaints and requests addressed to the administration of Butyrka and the other detention centers, as well as the General Prosecutor’s Office and the Interior Ministry, were simply ignored. When he

did receive a response, it would be to say that no violations had been found so there were no grounds for any action. After the filing of each complaint, his conditions worsened significantly.

2. “Opportunities for Defense” and Interaction with Lawyers

Sergei’s diaries describe in detail the challenges he faced in defending himself against the fabricated criminal proceeding brought against him. Even the simple act of writing complaints was problematic. There was no table in the cell and he would have to write his complaints on a bed. The detention center libraries did not contain any legal material, even the text of the Criminal Code or the Code of Criminal Procedure, and the administration rejected his request to receive these books from his relatives. At one point the administration even forbade Sergei’s wife from sending him the text of the Russian Constitution.

Sergei’s opportunities to meet with his lawyers were severely constrained. Butyrka and Matrosskaya Tishina detention centers both have continuous long lines of lawyers outside, waiting to see their inmate clients. Because of these lines, Sergei typically never saw his own lawyers before 4:30pm. By 5:30pm, the wardens would begin to demand that the lawyers leave because the meeting rooms needed to be vacated by 6:00pm. On many occasions, Sergei’s lawyers would arrive for a meeting, but the wardens would keep him in his cell. His lawyers would ultimately be forced to leave the grounds.

3. Contact with Family and the Outside World

Russian law provides detainees with the right to correspond with relatives and others and requires the administration of detention centers to collect correspondence from them on a daily basis and to dispatch it within three days of collection. Inmates of Butyrka were required to leave their correspondence in a special box, where the administration is expected to collect it on a regular basis. Sergei left a letter in this box on September 9, and it was still there six days later. Letters sent to him from his relatives in Moscow were received with 12-day or more delays. Letters from outside Moscow were received nearly a month after they were sent.

Worst of all the deprivations, the Interior Ministry officials denied him any visits from his family, which must have been truly heart-breaking for a man so committed to family. He was denied the possibility to speak to his two young children on the telephone for the 11 months he was in detention. Sergei was not allowed to see his mother or his children during the entire period of his detention. He saw his wife once, two weeks before he was killed, after filing numerous complaints.

Sergei was denied seeing his mother because the investigator and his superiors deemed it “inexpedient.” Sergei was denied seeing his wife, again because investigator and his superiors deemed it “inexpedient.” Sergei was denied seeing his aunt because investigator deemed it “even more inexpedient [than seeing his mother and wife]” and further the investigator questioned if she indeed was his aunt.

On August 25, 2009, Investigator Silchenko wrote to Sergei, who by then had been kept in pre-trial detention without seeing his family that “detention as a measure of restraint restrict the rights and freedoms of a person and citizen to the maximum extent” and that “at this stage of the investigation” seeing his relatives “may negatively impact the course and the results of the investigation given the state of the investigative situation.”

Sergei was denied by the investigator to speak to his young son on the grounds of his son's "young age." From the day he was arrested until the day he died in custody, Sergei never heard the voice of his young children again.

4. Court Appearances

Sergei's pre-trial detention was reviewed six times by the Tverskoi District Court in Moscow. The judges always granted the requests of the lead Interior Ministry Investigator on Sergei's case, Oleg Silchenko, who routinely claimed he needed more time due to the "complexity" or the "difficulty" of the case and that he believed that Sergei would interfere with his investigation if he was released prior to trial. Throughout the court proceedings on Sergei's detention, none of the petitions or materials from Sergei's lawyers were accepted. The judges would routinely rule on the basis of unsubstantiated suppositions from investigators, never checking the information or assertions the Interior Ministry would present to the court. The behavior of the courts throughout violated the basic principle that court rulings must be based on evidence verified by the court and that both parties have equal standing before the court.

Sergei's appearances at the hearings relating to his complaints against the Interior Ministry created their own complications and resulted in what can only be described as a mockery of justice. He noted that "journey takes place in a harsh and humiliating manner similar to torture." He was notified of his court appearances late at night, sometimes after midnight, the day before the hearing. He was never informed about the subject of the hearing or the issues to be considered. Under these circumstances, it was impossible for him to prepare his defense.

To transport Sergei and the other detainees to court, the detention center used special vans, which were equipped with compartments for holding of the inmates, having a size of approximately of 10 feet in length, 4 feet in width and 5 feet in height. Sergei noted that these compartments were designed to accommodate not more than 15 people, but typically 17 to 18 inmates were "squeezed" in, with the result that some of them have to remain bent over in uncomfortable positions for the entire journey. On one occasion Sergei spent 4.5 hours in this position because the van did not go directly to court but was collecting other persons from other courts.

The vans typically returned to the detention center by 7 or 7:30pm, however, the guards typically kept everybody in the vehicles until 8pm. The detainees would then be taken from the vans to holding cells, where they would be kept for another 3 hours while the wardens did "paperwork." Sergei never managed to return to his regular cell earlier than 11pm on the days he would appear in court.

When Sergei and his fellow inmates were taken to court they were given instant lunches, but it was never possible to prepare them because they were never provided with the boiling water required to cook the instant soups or cereals which make up the lunch. Court guards would explain this by the fact that they had no kettle, but Sergei noted how he had routinely seen a kettle in their office.

While in court Sergei would be kept handcuffed and physically restrained, even in his meetings with his lawyers. He would be given no space to work, forced to draft his witness statements by hand in the corridor of the courthouse. Even here, in an added gesture of humiliation, the Interior Ministry would keep him handcuffed to a radiator, making it nearly impossible for him to write his own submissions effectively.

Sergei noted in his diaries that the entire process of transportation to and from court was profoundly debilitating and limited the ability of people to defend themselves. This played into the hands of the Interior Ministry investigators and prosecutors pushing their cases through the system:

“...the people being judged are hungry and tired and have been exhausted by confinement in holding cells and the journey in the vehicles. This is especially damaging to those that have to take part in court hearings that last for several days in a row. Of course, to defend yourself effectively in court under such conditions is impossible. I have heard from many detainees that they would rather agree to not take part in court hearings than suffer on the days when they are transported to court.”

His experience on September 10, 2009, highlights the additional hardship that prevailed throughout his detention. Around 11am Sergei was transferred from his Butyrka cell to a holding cell and was told that he would either be taken to court or to see Investigator Silchenko. Neither option ever materialized. He spent the entire day in the holding box without food or access to drinking water. At 7:30pm, the wardens removed him from the holding cell and returned him to his cell. He went without lunch and missed dinner and, as he noted in his diary, he missed the weekly shower that was scheduled for the occupants of his cell on this particular day. It is impossible to avoid the conclusion that this particular discomfort was deliberately arranged by Silchenko to further break Sergei's will as the court hearing for another prolongation of his detention was coming up on September 14, 2009.

During the court hearings of his complaints, Sergei was kept in a cage like a wild animal. When he protested against this degrading and cruel treatment he was subjected to in court and cited both Russian law and the European Convention on Human Rights, the judge would simply dismiss it.

On November 12, 2009, Sergei spoke his last public words in the Tverskoi District Court in Moscow:

“In contrast to the prosecutor who represents the accusing party, I am placed in the courtroom in a cage that is similar to the cages used to keep wild animals. Placing me in this cage violates my right to be treated like a human being, and shows no respect for my honor and dignity, which is essential to any human being and which is guaranteed by Article 21 of the [Russian] Constitution. My right not to be subject to the inhuman and degrading treatment which undermines human dignity is stipulated by Article 3 of the Convention on Human Rights and Fundamental Freedoms. This right has been violated today.”

5. Legal Cynicism and the Denial of Legal Remedies

One of the most shocking human rights abuses Sergei encountered in detention was the absolute lack of any legal remedy against the Interior Ministry officers persecuting him. Each time Sergei encountered an action by an investigator that violated Russian law, he would file a complaint. These complaints were rejected or simply ignored each time. They were never reviewed within the timeline required by the law, and the responses were never given within a reasonable period. The reason for the denial of his complaints was never given, preventing him from challenging it.

What happened to Sergei reflects the prevailing attitude among judges and law enforcement officers in Russia today, which can best be described as “legal cynicism.” Investigators and prosecutors act in a legal vacuum subject to no judicial checks. The judges create an appearance of impartial oversight and mediation but in fact exercise no restraint on the power of the Interior Ministry to run the prosecution and harass and intimidate the defendant as it sees fit. An innocent person falsely accused

by corrupt police officials is allowed to file complaints only to have them rejected. All petitions from the police are accepted however ludicrous or unsubstantiated they are. The presumption of innocence, a central tenet of judicial systems everywhere, is discarded from the outset.

Each rejection by a court, however, served to make Sergei more indignant and determined. He was always the consummate professional. The grounds for his complaints were always clear, logical and based on straightforward evidence. Some examples of his complaints and the legal cynicism that accompanied the official responses to them are listed below.

- Sergei filed two petitions that investigators were prosecuting a case against him when there was no evidence of a crime having taken place or any evidence of his involvement in any wrongdoing. These petitions were dismissed.
- Sergei challenged the legal standing of the Interior Ministry officers to direct the case against him since they were the same ones against whom he had testified and had accused of stealing \$230 million from the Russian state. Sergei demanded they be removed from the investigative team. This petition was dismissed.
- Sergei petitioned the court to review and purge the false statements that had been added to his casefile to justify his ongoing detention by the officers against whom he had testified and the members of their investigative team. This petition was dismissed.
- Sergei challenged that the Interior Ministry had appointed “expert witnesses” in his case without informing his lawyers as required by Russian law. Investigator Silchenko told the court that he would make sure inform the defense in the future, and as a result the court dismissed Sergei’s petition. Silchenko did keep the defense informed as required in the future, however, which would compel Sergei to file another petition. This “cycle” happened numerous times, and every time Sergei’s petition was dismissed.
- Sergei challenged Investigator Silchenko’s decision to transfer him to a temporary holding unit from a normal detention cell as a means to apply pressure on him. This petition was dismissed.
- Sergei challenged that the court was not admitting valid evidence for his defense while at the same time allowing mere hearsay from the Interior Ministry to justify his arrest and continued detention. This petition was dismissed.
- Sergei appealed to Russian courts that the General Prosecutor of Russia did not respond to his previous complaints about human rights abuses during his detention. This appeal was ignored.

Finally, after the Moscow court ruled failing to invalidate the investigators’ actions despite numerous petitions, Sergei filed a claim with the Constitutional Court of Russia about the comprehensive legal violations of the Interior Ministry investigators and the judiciary. This claim was held by Investigator Silchenko for three months prior to it being forwarded to the Constitutional Court. This claim was due for acceptance at the time of his death.

V. Deterioration in Health

Sergei's spirit remained undefeated. However, the deprivation of sleep, food and drink in detention had adversely affected his health. He was a strong 36 year-old man when he was arrested by the Interior Ministry in November 2008. Four months later he had lost 40 pounds. Sergei soon began to experience severe intestinal pain, and on July 1, 2009, Sergei was finally taken for a medical examination by doctors at Matrosskaya Tishina detention center. He was diagnosed with gallstones, pancreatitis and calculous cholecystitis and was prescribed an ultrasound examination and surgery within a month. Instead of arranging the planned surgery, on July 25, the officials transferred Sergei to a different detention center, Butyrka, which had no ultrasound or facilities to treat patients with pancreatitis – and where his worsening condition would go untreated.

Sergei's diaries and complaints provide a chronology of the denial of medical assistance in Butyrka, some of which is set forth below.

Upon arrival at Butyrka on July 26, 2009, Sergei was given no medical examination, despite the pains he had reported at Matrosskaya Tishina and the diagnosis of pancreatitis he had already received. The same day he filed a written request to the administration for an appointment with a doctor. There was no response.

On August 9, Sergei formally requested a meeting with the head of the detention center, noting that his health was in danger. There was no response.

Two days later, on August 11, Sergei wrote a request for an appointment with a doctor, noting that the time prescribed for an ultrasound had passed. There was no response.

In addition to these written requests, Sergei made verbal requests during the paramedics' rounds of the detention center, which would occur once or twice a week. The typical response was, "Write a request ... You did? Then just wait."

On August 14, Sergei submitted a request that the drugs prescribed by the doctor in Matrosskaya Tishina could be passed to him from his relatives since he could not get any from the Butyrka doctors. Three days later, on August 17, Sergei's mother brought the drugs. After Sergei's mother asked the administration to confirm the delivery, they discovered the drugs had been passed to another cell. She brought more drugs, and they were ultimately passed to Sergei on September 4, nearly three weeks later.

On August 24, Sergei wrote in his diaries,

"The disease has become so acute that I could no longer lie in bed. At 4pm, my fellow inmate began to kick the door, demanding that I should be taken out to see a doctor. The warden promised to invite a doctor. ... I was taken to a doctor only five hours later. She said the medical record stated that I had already been treated."

On August 25, Sergei wrote a request for an appointment with a surgeon. There was no response. The next day, on August 26, as the deputy head of Butyrka was making a round of the cells, Sergei complained that urgent medical assistance was not being provided. He tried to show the letter indicating the diagnosed disease, but was told, "You are delaying us from our rounds."

On August 31, there was another visit of rounds. Sergei wrote to his lawyer,

“A similar round. ... Concerning the surgery, he said, ‘You will have it when you are released. Here, nobody is obliged to provide it to you.’ And he left.”

Butyrka officials repeatedly refused to escort Sergei to another detention center to conduct an ultrasound examination on the ground that they lack guards.

In total, Sergei and his lawyers filed over 20 applications for medical treatment in August and September 2009. These were sent to Butyrka officials, Investigator Silchenko, General Prosecutor Chaika. Sergei personally appealed to Judges Krivoruchko and Stashina during court sessions which considered whether to prolong his detention. All petitions for medical help were refused. These rejections included:

- On September 2, Investigator Silchenko issued a decree denying “in full” a request from Sergei’s lawyers about medical treatment.
- On September 14, Judge Krivoruchko in front of Investigator Silchenko and Prosecutor Burov rejected formal complaints from Sergei about his denial of medical treatment.
- On October 9, Officer Pechegin of the General Prosecutor’s Office replied that there was no basis for Prosecutor’s Office to review complaints about the violations of Sergei’s rights, including the denial of medical treatment.
- On November 12, Judge Stashina rejected petitions from Sergei’s lawyers about the denial of medical treatment for *cholecystopancreatitis*, diagnosed in July 2009.

VI. An Inconvenient Hostage for the Interior Ministry: the Motivation for Sergei’s Torture

Ultimately, the officials whom Sergei had testified against had a very specific plan for him. They wanted to put enough pressure on Sergei so he would withdraw his testimony against them and make false statements against himself and his client, the Hermitage Fund. Most cynically, they specifically wanted him to take responsibility for the theft of \$230 million that they had stolen from the state. After moving him through several detention centers and an incalculable number of cells, they presented him with their plan. They kept telling him, “If you sign the following statements, then you will be freed.” In spite of the hardships he was subjected to, he rejected their proposals. As a lawyer and someone who believed in justice, there was no way he would be pressured into making false statements about himself or his client. Instead, he wrote new complaints in which he described the pressure he was subjected to and how police officers knowing his innocence were producing false evidence. He explained how the tax charges against him were fabricated to cover up police involvement in the largest known fraud against the Russian budget.

On September 11, 2009, Sergei wrote to the investigator:

“My criminal persecution has been ordered, to serve as a retribution ... It is impossible to justify the charges brought against me, as I assert again that I did not commit any offenses, and the documents collected by the investigators only prove my innocence ... If this case is ever heard in court, these experts will simply be unable to justify their conclusions during cross-examination by the defense.

Realizing the invalidity of their claims, the investigators have arranged for physical and psychological pressure to be exerted upon me in order to suppress my will and to force me to make accusations against myself and other persons ... in exchange for a suspended sentence and freedom. Every time I reject these propositions by the investigators pushing me to commit such a base act, the conditions of my detention become worse and worse ... The administration of the detention centers has assisted the investigators to organize my persecution by creating intolerable conditions for me in their facilities.”

Throughout this ordeal, Sergei stood true to his beliefs and principles no matter what new suffering was devised for him. His belief in those principles was so strong, and Sergei knew them to be so undeniably correct, that upholding them became his primary aim no matter the physical and psychological torture he was forced to endure.

On October 13, 2009, Sergei detailed the role of his persecutors in crimes against the Russian state and the theft of money from the Russian people, and his account illuminated the motivations of those officials behind his persecution:

“This prosecution is a repressive measure to punish me for assisting my client in connection with the investigated theft of the companies owned by my client. In the course of the legal assistance I was providing I gained knowledge of the possible participation of police officers in the said theft and that the stolen companies were subsequently used by the criminals to steal from the state budget the amount of 5.4 billion rubles (\$230 million), which had been earlier paid by the said companies in taxes at the time when they were controlled by my client...I believe that exactly the fabricated criminal case, which was initiated by Kuznetsov made it possible to confiscate the statutory documents and the registration documents of the stolen companies and it made it possible to deprive the legal owners of their control over the said companies... The direct personal interest of Kuznetsov in the illegal criminal prosecution against me is also shown by the fact that actually all documents, which were forged as a legal basis for detaining me in custody, were fabricated by the Tax Crime Department officers, who are the subordinates of Kuznetsov: Drozanov, Krechetov, Tolchinskiy... In my view, Kuznetsov and other law enforcement officers, who acted under the arrangement with Kuznetsov, could be involved in the theft of Rilend, Mahaon, and Parfenion and in the subsequent theft of 5.4 billion rubles from the state budget as described above. They were extremely interested in suppression of my activities I performed to assist my client in the investigation of the circumstances connected with the crimes against them, and that was the reason for the illegal criminal prosecution that was initiated against me by investigator Silchenko. I believe that with the participation of Investigator Silchenko, or with his tacit consent the inhuman and humiliating conditions were created for me in pre-trial detention.”

The last complaint Sergei was able to file with Russian courts was made on November 11, 2009 – five days before his death. It described egregious tampering by the Interior Ministry in the materials in his case file and the falsification of evidence against him by Investigator Silchenko. Sergei saw that the materials in the file had been altered and intended to take criminal action against Silchenko and others, writing:

“Materials of [the] criminal case which are now being shown for me to review, are not the same materials that were produced to me on 20 October 2009 because they noticeably differ in the manner of certifying the authenticity of the included copies and in the manner of their binding, and because in both cases materials were collated in a manner that did not exclude the possibility to undo the binding, and add, delete or replace documents, and I do not exclude the possibility that these materials are also different in their contents.”

Sergei concluded his complaint, which turned out to be the last in his life, stating his determination to bring those responsible for the falsifications to justice:

“It is now clear to me that originals of certain documents in the materials of the criminal case shown to me as copies cannot be at the disposal of the investigation, therefore the certified copies of these documents, in my opinion, could be treated as falsified proofs, because they have been certified without comparing the copies admitted into the criminal case with the original of the corresponding document or other properly verified copy of the document, and I intend to insist on bringing to justice the persons who certified these copies or placed them in the case materials.”

On November 12, 2009, Sergei prepared the following hand-written notes for a court hearing scheduled for that day which considered and sanctioned the prolongation of his detention without trial:

“I have been detained in prison for a year as a hostage in the interests of the persons, whose intention it is to ensure that the criminals actually guilty in the theft of 5.4 billion rubles from the state budget will never be found. The same Investigator Silchenko and his subordinates [who directed the criminal case against Sergei Magnitsky] investigated the case of the money stolen from the budget. The man, who signed the forged documents, was convicted for 5 years in prison. That same man, a sawmill worker, was convicted, while the other swindlers have not been identified by the investigators. Investigator Silchenko does not want to identify the other persons, who made this fraud possible. He instead wants the lawyers of the Hermitage Fund, who pursued and continue to pursue attempts for this case to be investigated, be forced to emigrate from their country in which criminal cases were filed against them, or like me be detained in prison.

My imprisonment has nothing in common with the legal purposes of criminal proceedings... It has nothing in common with the purposes of the restraints listed in Article 97 of the RF Criminal Procedural Code, but this is a punishment for my merely defending the interests of my client, and finally the interests of the State, because should my client's interests be realized, should the law enforcement agencies assist in the realization of his interests instead of hindering them, then the theft of 5.4 billion rubles (\$230 million) from the state budget would become impossible.

The actual purpose of my criminal investigation and my detention in prison are in conflict with the law and no formal legal basis exists for my detention.”

The corrupt officers tried to break him, but they found him stronger than they could have ever imagined. They probably never had a hostage who didn't break under this type of pressure before. Ultimately, he reached the one-year deadline for pre-trial detention under Russian law, the

investigators had to put him on trial or release him. They were planning a big show trial for him where they were hoping for his false confessions to be the primary evidence of the trial. Instead they had no evidence of his wrongdoing, and more worrying for them, he was continuing to make very specific, public and incriminating statements about police involvement in the theft of \$230 million from the Russian government. He had become a very inconvenient hostage.

VII. Sergei's Last Days

On November 12, 2009, Sergei appeared before the Tverskoi District Court in Moscow, which ruled to extend Sergei's detention without trial. This is the last time Sergei was seen alive outside of detention. The next day, an Interior Ministry investigator stated to Sergei's lawyers that Sergei reported feeling unwell in his cell, but that it was "nothing serious" and refused to provide them any further details. Earlier that day, Sergei wrote a complaint to the Head of Butyrka:

"Over the course of the day on November 12, I was deprived of the possibility to have hot meals and deprived of the 8-hour sleep during the night, which may have caused exacerbation of the pain in the area of the pancreas and a fairly discomforting pain in the area of the liver, which I did not have before, as well as nausea. Therefore, I request a recommendation as to whether I should take some medicine for liver treatment, unless the above described pain stops or if it continues systematically. In addition, I ask you to inform me when finally the ultrasound prescribed for as far back as August is going to be done."

This complaint was written three days before his death. When interviewed after Sergei's death, the Head of Butyrka replied simply, "Magnitsky never requested a meeting with me, and he never submitted any complaints. Neither did his lawyer."

The doctor did not see Sergei that day, despite two written pleas, nor at any time during the following next two days while he was in agonizing pain.

On the morning of Monday, November 16, Sergei's lawyers arrived to Butyrka to try to meet with Sergei. Investigator Silchenko informed them that Sergei would not see them because he was unable to leave his cell for health reasons. Silchenko refused to show them a copy of the medical report on Sergei's condition, saying it was a matter "internal to the investigation."

As this was happening, Butyrka officials were apparently scheduling to transfer Sergei to Matrosskaya Tishina detention center, having concealed this fact from Sergei's lawyers. It is not clear exactly when on November 16, 2009, Sergei left Butyrka but according to Matrosskaya Tishina officials, Sergei arrived there around 6:30pm, with a diagnosis of an "acute cholecystitis and pancreatitis." It is not clear what happened to Sergei en route and who accompanied him. One of the first words Sergei told officials at Matrosskaya Tishina center on arrival was that somebody tried to kill him. He didn't want to leave the nurse's room as he feared for his safety. In response, he was put in a straight jacket, handcuffed and moved to an isolation ward. The doctors who arrived to care for him were kept outside the prison fence until it was certain he was dead. When the doctors were let in, they found Sergei dead on the cell floor. He was reported dead at 9:50pm.

The next morning, November 17, 2009, Sergei's mother arrived at Butyrka with a parcel of fruit and other items. The administration notified her that her son had been transferred to Matrosskaya Tishina the prior evening. Upon her arrival at Matrosskaya Tishina, the guards told her that the package is "not necessary because your son is dead."

The Moscow Prison Oversight Commission empowered by law to monitor human rights in detention centers held an investigation into the circumstances of Sergei Magnitsky's death and released their report on December 28, 2009. They concluded that Sergei Magnitsky was subjected by investigators to physical and psychological pressure and kept in torturous conditions. They were astonished that the accounts they got from detention center officials and doctors were entirely contradictory in every detail of what happened to Sergei during the last hours of his life. Their report states that they conclude that the officials and doctors were lying and "deliberately concealing the truth."

The Commission's final conclusion was that the death of Sergei Magnitsky represented a breach of the right to life and a breach of the state's duty to safeguard life – rights guaranteed by the European Convention on Human Rights of which Russian Federation is a signatory.

VIII. Russian Government Actions After Sergei's Death

At first, the detention center officials told Sergei's lawyers that the cause of his death was a rupture to his abdominal membrane, but later that day they revised their story, saying he had died of a heart attack. Sergei's family requested that an independent expert be present during an autopsy. The authorities refused. The family then requested that they be allowed to conduct an independent autopsy. The Russian authorities refused. The family was told that Sergei's body could not be preserved long enough because the morgue's refrigerators had broken. When the authorities finally released Sergei's body to the family it was on condition that it be used only for an immediate burial. The family was denied the opportunity to conduct a wake. When Sergei's family saw him finally at the cemetery, they noticed his hands had bruises, abrasions on his knuckles and cuts in his palms.

The day after Sergei died, Irina Dudukina, the Russian Interior Ministry's Investigative Committee Press Secretary, announced that Sergei had died of "a heart attack and toxic shock." This was despite the fact that official medical reports made five days before his death stated that his heart activity was normal (on November 11, Butyrka staff wrote that Sergei suffered from "acute cholecystopancreatitis" but had a normal heart function). In another statement on November 17, Ms Dudukina stated that Sergei had made "no complaints" about his health over the course of his detention.

Sergei died still awaiting trial. Even by Russia's standards he was still "innocent" of the trumped-up charges the Interior Ministry had cobbled together against him. This didn't prevent Ms. Dudukina of calling a press conference a week after Sergei was killed to repeat the baseless charge against him, or Deputy Interior Minister Anichin calling Sergei "guilty", not only ignoring the principle of presumption of innocence, but making his statement on the sacred fortieth day of mourning after Sergei's death, publicly smearing the name of a man no longer alive to defend himself in front of his family and his country, a man whose spirit they couldn't break while he was alive.

Sergei's death created an uproar both in Russia and overseas. President Medvedev ordered an investigation into how a man who had yet to face a trial could be incarcerated for a year and ultimately die in the worst prisons in Russia. It has now been six months since Sergei's death, and no one had been punished. Aside from the dismissal of 20 detention center governors, 19 of whom had nothing to do with Sergei Magnitsky, no one has been held to account. The one detention center governor who did play a role in Sergei's death, the governor of Butyrka, was dismissed but quickly reappointed as the deputy director of another Moscow detention center.

In addition, no one has been brought to justice for the largest tax refund fraud in Russian history which Sergei discovered. The Russian officials and private criminals who together stole \$230 million walk free today – and in some cases, they have even been promoted within their respective ministries.

On April 22, 2010, the Moscow Helsinki Group, an independent human rights organization, publicly called on Russian authorities to open a case against the Russian Interior Ministry officers involved in the Sergei Magnitsky case for crimes under several articles of the Russian Criminal Code: “Conduct of criminal prosecution of a knowingly innocent man,” “Unlawful arrest and detention”; “Forced testimonies”; “Torture”; “Murder committed with a special degree of brutality” and “Murder committed to conceal other crimes.” (See <http://www.mhg.ru/news/EB81324>). To date, no official has been charged for their role in the persecution, torture and death of Sergei Magnitsky.

IX. Implications for U.S. Policy

We cannot change what corrupt officials do in Russia, but we can change what privileges they have access to in the West. The “legal cynicism” that pervades Russia and the corruption of Russian law enforcement threatens U.S. national interests. Although many of the criminals in this story reside in Russia, the United States government still has an enormous reach. Corrupt officials see their acts go unpunished in Russia, and they feel “untouchable” there, but they must understand that their actions will have consequences whenever the United States can reach them. How should the U.S. government react to the Magnitsky case?

1. Approve the “Cardin List” and Revoke the U.S. Visas of Corrupt Russian Officials.

As requested by Senator Benjamin Cardin in his letter dated April 26, 2010, the State Department should revoke the U.S. visas of the corrupt Russian officials involved in Sergei’s death and the \$230 million fraud.

2. Freeze the U.S. Bank Accounts of Corrupt Russian Officials.

In addition to revoking their visas, the U.S. Treasury should freeze any U.S. accounts owned by corrupt Russian officials or that it suspects of holding proceeds of Russian corruption. If the Treasury is aware of non-U.S. accounts of such individuals, it should work closely with the relevant foreign governments to freeze these accounts overseas.

3. Demand Russia Punish Those Responsible for Sergei’s Torture and Death.

To this day no one has been charged with Sergei’s torture and death and the Head of the Interior Ministry’s Investigative Committee Anichin, Investigator Oleg Silchenko, Lt Col Kuznetsov continue to work freely within the Interior Ministry. Senior Interior Ministry officers responsible for carrying out the \$230 million fraud against the Russian state have been promoted within the Interior Ministry. It is in the U.S. national interest that President Medvedev rid the Russian law enforcement bureaucracy of corrupt officials. Punishing those individuals responsible for Sergei’s death is an essential beginning.

4. Demand Russia Protect Its Lawyers.

Being a lawyer in Russia has become one of the most dangerous professions, and Sergei’s story tragically demonstrates this. But his story in many ways is not unique. Honest lawyers in Russia stand in the way of corrupt judges and police and are routine targets for harassment and worse. Sergei is not the only lawyer working for Hermitage who has suffered at the hands of the Russian Interior Ministry. Five other lawyers working for Hermitage have had to flee Russia with their

families to escape the same fate as Sergei. These lawyers and others like them deserve the recognition of the United States, and their situations should be raised by the U.S. government in its discussions with Russia. President Medvedev, a lawyer himself, should understand the crucial role lawyers play in building a sustainable rule of law.

X. Conclusion

One can never judge the true character of a person until they are faced with extreme adversity. Most people, if faced with a far lesser challenge than Sergei, would have given in, and it would have been understandable if he had as well. But for Sergei, his integrity and honor were more important than any physical pain he was subjected to. His resolve never faltered, no matter how insurmountable the obstacle had been. He did what to most people seems to be the impossible; he battled as a lone individual against the power of an entire state. Sergei was an ordinary man who became an extraordinary hero.

Ultimately, Sergei's story is one of extraordinary bravery and heroism that should be an example to us all. He died still believing, despite the cruel experience of the last year of his young life, that the rule of law could exist in modern Russia. Russia needs more, not fewer, patriots like him. Sergei, his heroic fight, and the ideals he stood for must be upheld.

Thank you for the opportunity to share this with you today.

Enclosed:

- "Complaint by Sergei Magnitsky to Yuri Chaika, General Prosecutor of the Russian Federation, September 11, 2009" (English translation)

English Translation of Complaint by Sergey Magnitsky to General Prosecutor Yury Chaika

Note: window frames and glass were installed only after the complaint dd. September 18, 2009 was filed, that is, 10 days after the first request. I am happy even about this, although during this period I caught a cold.

Contents

General Information about Cells	1
Healthcare	2
Participation in Court Hearings	9
Sanitary and Hygienic Conditions in Confinement	
• Hot water	14
• Size of cells	18
• Facilities in the cells	
- Toilet	19
- Table	21
- Television and refrigerator	22
- Condition of facilities and repair	24
- Sanitary treatment	26
Isolation from society and my family	30
Opportunity for defence	34
List of applications	38

On the Conditions of Confinement in Butyrskaya Prison

On July 25, 2009 I was transferred from Detention Centre-1 Federal State-Financed Organisation of the Federal Penitentiary Service of Russia (hereinafter “Matrosskaya Tishina” or “MT”) to Detention Centre 77/2 Federal State-Financed Organisation of the Department of the Federal Penitentiary Service of Russia for Moscow (hereinafter “Butyrskaya Prison” or “BP”).

In BP I was held in the following cells:

No. 267 – from July 25, 2009 till September 1, 2009, a cell with an area of about 10.8 m², for a day 2 more men were held with me, then I spent a day alone and the remaining period I was held there with one more person. There are 4 beds in this cell.

No. 59 – from September 1, 2009 till September 8, 2009, a cell with an area of about 8.2 m², 3 more men were held there with me. There are 4 beds in this cell.

No. 35 – from September 8, 2009 till September 10, 2009, a cell with an area of about 10.1 m², 2 more men were held there with me. There are 6 beds in this cell.

No. 61 – from September 10, 2009 till present, a cell with an area of about 8.2 m², 2 more men (once there were 3 more men for 24 hours) are held there with me. There are 4 beds in this cell.

1

Healthcare – Since approximately June 2009, while I was staying in Matrosskaya Tishina, my health deteriorated. Medical examination carried out at the end of June – beginning of July 2009 revealed gallbladder stones and pancreatitis and calculous cholecystitis were diagnosed. Repeated examination was scheduled for the beginning of August 2009 and surgical treatment was planned. Prior to confinement, I didn't have these illnesses or at least there were no symptoms. The MT doctors provided me with medical care, I was given the necessary medicines daily and advice on obtaining other medicines which were not available in the medical unit of MT and which my relatives could provide me with.

On July 26, 2009, immediately upon arrival at BP, I addressed a written request to the administration asking to be examined by a doctor as there was no such examination on arrival although it is obligatory in accordance with Internal Regulations (hereinafter “IR”) specified for the operation of detention centres.

2

I was not seen by a doctor on that day or on the following days. On August 9, 2009 I made a request to see the head of the prison indicating that my health is under threat. I received no answer to this request.

On August 11, 2009 I addressed one more request to the administration asking to be examined by a doctor specifying that the time scheduled for my medical examination had long past; however, I still have not been taken to a doctor and received no answer to my request.

During morning checks, I have also repeatedly asked medical assistants who are present at these checks once or twice a week when I would finally be allowed to see a doctor. I made these spoken requests in addition to the abovementioned written requests. Medical assistants kept giving me the following answer: “You should write a request. If you have already done that, you should wait”.

On August 14, 2009 I wrote a request asking if it is possible for my relatives to give me the medicines prescribed by the MT doctors.

3

I received no answer to this request so for a long time I didn't know whether I was permitted to get the medicines and how should my relatives provide me with them. I asked medical assistants twice whether my request had been examined. The first time the medical assistant answered that he did not know. The second time he said that the head of the medical unit had examined the request but he wasn't able to remember whether he had permitted me to receive the medicines. Therefore I was only able to receive them on September 4, 2009.

On August 24, 2009 the pain became so acute that I was not even able to lie down. Then my cellmate started to knock on the door demanding for me to be taken to a doctor. This was approximately at 16:00. The warder promised to ask a doctor come but he didn't appear despite the recurrent demands of my cellmate. I was only taken to a doctor 5 hours later.

I informed the doctor about my illness and complained that during my confinement in BP I had never been examined by a doctor. The doctor was very displeased; while browsing through my medical

4

record she kept saying: “What medical examination, what medical treatment are you talking about? It is written here that you have already been given medical care. Do you think that we are going to treat you every month?”. I asked her whether I needed a special diet and what should I do for it to be prescribed. The doctor knew nothing about it and advised me to get an appointment with a surgeon who would resolve the issue.

On August 25, 2009 I wrote a request to make an appointment with a surgeon to resolve the issue of my treatment and the prescription of a dietary plan if necessary. This request went unanswered just like all the previous ones.

On August 26, 2009 the deputy heads of BP, I believe, including, the head of the medical unit were inspecting the cells. I complained that I was given no medical care and that a prescribed medical examination had not been carried out. I was told that no medical examination could be carried out at BP since it didn't have the required equipment. I tried to show them a copy of the MT letter which stated my diagnosis and the examination prescribed but

5

they did not even let me get it out commenting that I had “already taken up too much of their time” .

On August 31, 2009 I managed to deliver this letter during a similar inspection, because another head that was not present during the previous inspection agreed to listen to me with regard to this issue. The head of the medical unit protested: "Why are you keeping this document? This information should be in your medical record and if you keep it we will never know that a medical examination was scheduled for you". I argued that, firstly, this information is specified in my medical record as the doctor I managed to meet on August 24, 2009 read it aloud to me, and that it is evident that nobody had read my medical record before I explicitly asked about it and nobody had taken any actions upon reading it. Secondly, for a month I had repeatedly asked to be examined by a doctor in writing, mentioning that a medical examination which had been previously scheduled never took place. However, notwithstanding all my requests, the administration took no action.

6

The head of the medical unit promised to examine this issue, took the copy of the letter and told me that that I could get the planned surgery when I am released as they do not have to provide me with it. After that he left.

The next time I met him on September 4, 2009 when he brought the medicines provided by my relatives. He said that he had written a request asking for my transfer to MT to carry out a prescribed medical examination. He added that if the request was approved I would be transferred there, but no earlier than in 3 weeks' time. I asked if it was possible to bring me there for one day as the examination I need (ultrasound) would only take several minutes. He answered that this was impossible due to transport and security problems. However, when it is necessary to bring me to court to extend my confinement term such problems do not usually arise.

In BP I was given no medical care (excluding the permit to

7

receive medicines which were bought by my relatives) in relation to the diagnosed illnesses till present although I have already spent 8 weeks here and asked for medical care the very next day after I arrived.

I was not provided with the prescribed medical examination, I was not given any medical advice with regard to my illness, I didn't get an appointment with a surgeon and no dietary plan was prescribed or even considered.

8

Participation in Court Hearings

Throughout my stay in BP I have been taken to court 4 times to participate in court hearings and every such journey takes place in a harsh and humiliating manner similar to torture.

I am informed about such journeys late at night, sometimes after midnight, right before the day of hearing. I am never informed about the subject of the hearing or issues to be considered; I usually become aware of these issues only when I am transferred to court. Under these circumstances, it is evidently not possible to efficiently prepare for a court hearing.

I have to leave my cell at 7:00 – 7.30, i.e. before breakfast. Then I am held in one of the prison boxes until 9:00 – 10:00, following that I am taken to court. Prisoners are transported in vehicles which have compartments that are 3.2 m long, 1.2 m wide and 1.5 high. The guards say that these compartments

9

are intended for transporting 15 people; however, 17-18 people can be held there which means that some of them have to stand bending in an uncomfortable pose during the transfer. A drive from the prison to court usually takes about an hour, but once I had to spend one hour in the morning and 4.5 hours in the evening in such a vehicle as it did not head directly to the prison after leaving the court but first collected prisoners from other courts.

When prisoners are taken to court they are given instant lunches; however, it is not possible to prepare them as in court we are not provided with the boiling water required to cook instant soups or cereals which make up the lunch. Court guards explain it by the fact that they have no kettle; however I have seen a kettle in their office.

On August 13, 2009 I filed a complaint addressed to the Chairman of the Tverskoy District Court for the city of Moscow specifying that the prisoners are not provided with boiling water. This complaint went unanswered; on September 14, 2009 I was not provided with boiling water in court again.

The vehicle containing prisoners usually returns to prison at 19:00-19.30 p.m., but

10

usually they don't let us out of the vehicles until 20:00 because they claim to be getting documents ready.

Arriving prisoners are not taken to their cells immediately and are instead held in a prison box for 3-3.5 hours. Not once have I been returned to my cell earlier than 23:00.

This prison box is 20-22 m², it has no windows or ventilation and may hold up to 70 people at the same time and this means that there is neither any room to sit or even to stand. Many of the prisoners smoke in the prison box and this makes it very difficult to breathe. There are toilets in these types of cells, but in most cases they aren't screened off from the rest of the cell and therefore they aren't used very often. In some cells there are taps and water supply but this water can't be drunk unless you boil it.

Since prisoners are returned to their cells late at night after being at court, on that day they are not served a hot dinner. As a result of this, the time in between hot meals can be up to 38 hours (from 18:00 the day before the visit to court when a prisoner receives a hot meal to 8:00 when breakfast is served on the day after the visit to court).

11

If a court hearing goes on for several days in a row then this interval between hot meals increases.

On September 14, 2009, during a court hearing I pointed this out to Judge Krivoruchko and asked to be provided with a hot meal before the start of the court hearing, but the Judge rejected this and stated that this is not the responsibility of the court.

Considering the abovementioned, the people being judged are hungry and tired and have been exhausted by confinement in prison boxes and the journey in the vehicles. This is especially damaging to those that have to take part in court hearings that last for several days in a row. Of course, to defend yourself effectively in court under such conditions is impossible. I have heard from many prisoners that they would rather agree to not take part in court hearings than suffer on the days when they are transported to court.

12

13

Sanitary and Hygienic Conditions in Confinement

Hot Water

The cells in BP are equipped with a hot water supply, however, hot water does not reach the cells because the hot water taps are cut off . Yet I am certain that there is hot water in the pipes: for more than a month I have been held in cell No. 267, which is next to a shower that is supplied with hot water. In accordance with the IR, if a cell has no hot water then the administration shall bring hot water for washing and boiling water for drinking daily, but in BP they give you neither hot water nor boiling water.

When I arrived at BP my water heater was removed from me and placed in the storage for personal items, but in cell No. 267 (where I was placed) did not contain a water heater or an electric kettle. There were no water heating devices at all. I immediately wrote a written request to have my water heater removed from storage and given to me. In addition to this I asked to be provided with boiling water to be able to make tea.

14

They refused to give me any boiling water and I only received my water heater after a week. As a result I couldn't make tea or any other hot drinks for 6 days (at BP you aren't given hot drinks) and couldn't even access boiling water and obviously this had a bad affect on my health due to the digestive system diseases which I suffer from.

I could have got boiling water from the prisoners in other cells but only at night, however, at night the electricity supply to the sockets in the cells is cut off by the administration and therefore I couldn't take advantage of that opportunity.

On August 13, 2009 I filed a written complaint about the electricity supply to the sockets being cut off at night but I didn't receive any kind of reply to this. I also repeatedly asked the

warders to not switch off the electricity supply at night, but they continued to turn it off anyway. As I understand, this is done so that at night prisoners are not able to watch television, but in all the cells I have been held in there were no televisions.

15

On August 26, 2009 when the representatives of the BP administration were inspecting the cells I complained about the electricity being switched off at night and pointed out the sometimes at night I have to take medicine and I have to take it with tea. In reply to this, the head of the Medical Section said: "At night you have to sleep."

I tried to discuss the lack of hot water and the failure to provide us with water for washing and boiling water for drinking with the representatives of the BP administration again on August 31, 2009. Their reply was as follows "We don't have to do anything for you. You shower once a week and that is enough. Supplying hot water to the cells is a violation; if you need hot water then you've got a kettle. Make use of it."

Here it is necessary to state that all the cells in MT that I was held in and also in Detention Facility Five (Detention Centre-77/5 Federal State-Financed Organisation of the Department of the Federal Penitentiary Service of Russia for Moscow, where I was held from December 2008 until April 2009) were supplied with hot water.

16

When I told the representatives of the BP administration about this, the head of the Medical Section said that by supplying hot water to the cells Detention Facility Five had violated effective regulations and that I could send a complaint to Detention Facility Five about that.

Instead of doing that, on the same day (August 31, 2009) I wrote a complaint (and filed it on September 1, 2009) about the fact that at BP cells are not supplied with hot water. This complaint was addressed to the higher authority - the Department of the Federal Penitentiary Service of Russia for Moscow.

The BP administration reacted to this immediately. On the same day that I filed the complaint (September 1, 2009) I was transferred to cell No. 59 where conditions were considerably worse than in any of the previous cells.

With regard to my complaint, I can not be sure that BP even sent it to the addressee. Usually, one or two days after either an application or a complaint has been filed, the prison administration informs prisoners that the application or complaint has been sent and tells them the date and reference number for its dispatch. I didn't receive any information about the abovementioned complaint even though when I filed the complaint I made a special request for such information. On September 14, 2009, I filed a complaint about the fact that the dispatch of my complaint dd. August 31, 2009 to its addressee had not been confirmed and I requested to be informed about the reference number and date of dispatch. I still have not received this information.

Size of cells

Judging by the number of beds in the BP cells where I was held, all these cells were built on the basis of 1.7-2.7 m² per prisoner which is significantly less than the area stipulated by the sanitary standard in accordance with the Russian law which equals 4 m² per person, let alone the standard of 7 m² per person recommended by The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

18

While I was held in cell No. 267 together with only one person for the most part, i.e. we had 5.4. m² of the cell area each, on September 1, 2009, immediately after I filed a complaint about BP to a higher authority, I was transferred to cell No. 59, where each prisoner had 2.05 m².

Currently I am being held in cell No. 61 with 2 more persons and each of us has 2.73 m², but there is one unoccupied bed in the cell, where one more person was placed although only for a day. The warders say that somebody else might be placed with us.

Facilities in the Cells

Toilet – the toilet in every cell in BP that I have been kept in has simply been a hole in the floor in a corner of the cell, above which there is a brick elevation that holds a lavatory pan.

19

These lavatory pans are so dirty that is awful simply to look at them (toilet brushes are not sold in the BP shop and they can only be obtained from relatives under special permission from the head of BP). We were able to clean the lavatory pan in cell No. 267, but in all the other cells it was impossible.

In cell No. 267 water gushed from the lavatory pan so strongly that after using the toilet you had to wash your feet, but the toilet was separated from the rest of the cell by a 1.5-1.7 m high dividing wall. In other cells there were no dividing walls. In order to use a toilet without exposing yourself to the other prisoners you had to use the bed sheets that we were provided with. Of course, it was impossible to use them as bed sheets afterwards.

In order to stop the toilet from stinking, once we made a plug out of a plastic cup containing kasha and used it to block the hole.

20

The next morning it turned out that a hole had been bitten in the cup that was as big as an average sized apple and the kasha had been eaten by rats which evidently run freely along the sewerage system. It's surprising that they don't crawl into the cells via the system, although several times I have seen rats running along the corridors and at night you can hear them squeaking.

In cells No. 59 and 61 the prisoners' beds are not placed more than 1 metre away from the toilet. In other cells some beds are further away.

In cells No. 59 and 61, the only sockets are located directly above the toilet. Therefore one has to boil water by holding the kettle above the lavatory pan, and in order to heat up water to be used for washing in a bucket, one has to place the bucket directly on the elevation that holds the lavatory pan, since there no other place can be reached due to the length of the water heater's cord.

The table – the IR specifies that a cell should be equipped with a table and benches with

21

the number of seats corresponding to the amount of individuals being held in the cell. If in cell No. 267 the table and bench were big enough to seat two people, then in cell No. 35 there was no bench at all and the table was only big enough for 2 people sitting on beds (this is a cell that is intended for 6 people), and in cell No. 61 the table is 42.5 by 82 cm, the bench is 82 cm (the same sort of table and bench were also in cell No. 59, both are intended for 4 people). At such tables there is only room for one person and therefore one often has to eat standing up or sitting on a bed. Prisoners also have to write while sitting on a bed because the table is often occupied; it means that they have no sufficient opportunities to prepare their defence.

Television and refrigerator. All the cells in which I have been held in Detention Facility Five and in MT had televisions and refrigerators. Not one of the cells that I was held in BP had televisions or refrigerators.

22

The IR stipulate that the cells should contain these items “if possible”. A few of the prisoners in neighbouring cells managed to acquire these items and they told me that in the storage facilities there are many televisions and refrigerators.

I filed many written requests to be provided with a television and fridge, but I did not receive an answer to any of them. I made similar spoken requests to representatives of the administration, but I just received the answer “that is not possible”, and that if I want such items then I should get my relatives to give them to me.

On August 19, 2009 I filed a written request for permission to receive a television and a fridge from my relatives. I did not receive any answer to this request.

Around September 3, 2009 my mother was personally received by the head of Butyrskaya Prison and asked for permission to give me a television and a fridge but was given a refusal.

23

He said that if I write a request I will be provided with a television and a refrigerator from the storage facilities. I filed a request about this on September 4, 2009, September 10, 2009 and September 11, 2009 but I did not receive a single reply to any of them.

Condition of facilities and repair. – In many of the cells the facilities need to be repaired or are missing.

In cell No. 267 the tap is broken. On August 4, 2009 I filed a written application about getting it repaired, but I did not receive a reply.

In cell No. 59 on the evening of September 8, 2009 sewerage started to rise in the lavatory pan. It did not overflow onto the floor, but I know out that the neighbouring cell, No. 60 was flooded. On the same evening we were transferred to cell No. 35. In cell No. 35 there was no glass in the windows and the walls were damp. At first we didn't pay any attention to this, but the next day the reason for the damp became clear.

24

At about midday, in the cell, sewerage started to rise from the drain under the sink, and half of the cell floor was flooded straight away. We asked for a plumber to be called, but he only arrived at 22:00 and could not repair the fault. We requested to be transferred to a different cell but were told that we had to stay put until the next morning. On the morning of the following day the plumber did not arrive and by the evening the whole floor was covered in a layer of sewerage. It was impossible to walk on the floor and we were forced to move around the cell by climbing on the beds like monkeys. The plumber only arrived at 22:00, spent a lot of time messing around but wasn't able to fix anything. The plumber and the warder that brought him to the cell were shocked by the conditions that we were being kept in. We asked to be transferred to another cell but the warder was not able to do this without permission from some head. Permission was only obtained at 23:00 and we were transferred to cell No. 61, that is, 35 hours after cell No. 35 was flooded with sewerage. In cell No. 35 there was no glass in the windows.

25

On September 9, 2009 we filed complaints about this but did not receive a reply. In cell No. 61 there weren't even any window frames. On September 11, 2009 I filed an application in which requested for window frames to be installed. Due to the cold I had to sleep in my clothes, covered in a blanket and a coat, yet they didn't install any window frames. On September 18, 2009 we filed a complaint that due to the lack of window frames, which led to low temperatures we contracted colds and only on September 19, 2009 window frames were installed. However it turned out that windows panes that they installed were only single- and not double-glazed. We can live with it in September weather, but when the cold season arrives these windows will not protect us from frost.

Sanitary Treatment. – On arrival to BP I was not able to take a shower despite the fact that the IR stipulate that all individuals shall be allowed to shower upon arrival to the detention centre. On July 26, 2009 I filed a request to take a shower, but I did not receive any reply. I only managed to shower on the following Tuesday (you are only allowed to shower once a week according to the schedule which specifies that on Tuesday, prisoners in cell No. 267 are taken to the shower).

On Tuesday (August 18, 2009) I was assigned a court hearing and so on the morning of August 17, 2009, with the knowledge that I would not be able to shower the next day, I requested to be taken to the shower on that day (August 17, 2009). This was met with the answer “You can only shower according to the schedule. That’s too bad. Wait until next week.” After that I wrote a complaint on the refusal to take me to the shower; I was allowed to shower, but on August 19, 2009 instead of August 17, 2009. Here I must state that the shower is located no more than 5 metres away from cell No. 267 where I was being held at the time.

On September 10, 2009 at around 11:00 I was led from my cell and transferred to a prison box and was told that either I would be taken to court or to the investigator. I spent all day in that prison box without food or access to drinking water and on that day I wasn’t actually taken anywhere. I was only returned to my cell at 19:30 and therefore on that day I had to go without lunch, dinner and more importantly, I missed the weekly shower (this took place on a Thursday; prisoners from Cells Nos. 53, 61 and 35 are allowed to shower on Thursday).

On September 11, 2009 I filed a request to take a shower because the day before I had missed the chance to take a shower. However, I didn’t receive a reply to that request and therefore I wait another week to take a shower (in accordance with the schedule), and this meant I didn’t have any sanitary treatment for 2 weeks. In such conditions where there is no supply of hot water in the cells and you simply can’t take a shower if on the day that you are supposed to shower according to the schedule, you are taken to court or simply transferred to a prison box, it is extremely difficult to follow hygiene requirements. There are even difficulties when it comes to cutting one’s nails. According to the IR, prisoners shall be given knives and nail scissors for temporary use. Sometimes it takes several days to acquire such items. When you finally receive them they are so blunt that the warders themselves admit that it’s difficult to cut paper with them, let alone nails. On July 29, 2009 I filed a request for permission to receive nail clippers from my relatives (I had nail clippers in Detention Facility Five and in MT).

However my request was verbally rejected on August 26, 2009, that is a month after I filed this request.

Isolation from Society and my Family

In BP I have been subject to stricter isolation from society and communication with my family was more limited than when I was in Detention Facility Five and in MT. This is also contrary to what is permitted by the law and the IR.

The law states that prisoners shall be entitled to correspond with their relatives and other individuals without any restrictions. The IR state that the representatives of the administration shall collect letters from the prisoners every day and the letters shall then be checked and sent to their addressees within 3 days. Instead of this, prisoners are told to put their letters on special boxes during walks and it is supposed that the administration will regularly collect these letters and send them. The last letter which I intended to send was placed on one of these boxes on September 9, 2009, yet on September 15, 2009 it was still lying on the same box and due to this my letters are only received after significant delays or are not received at all.

30

The letters that are sent to me are also only received after significant delays. I received my first letter at BP on August 10, 2009, yet it was sent to me via the same post office that serves BP on July 30, 2009. A letter that was sent to me from a different city reached the BP post office after 4 days - from August 10, 2009 to August 14, 2009 it traveled more than one and a half thousand kilometres, yet I only received it on September 8, 2009, that is, in the prison it took 25 days to get to me. However, the IR specify that the administration shall hand over letters no later than three days after they arrive.

This limitation in the opportunity to communicate with my family, even if only by letters has made life particularly difficult for me, especially considering that for the 10 months I have been under arrest, the investigator has not let me meet with my wife, mother or any other relatives even though I repeatedly filed applications which requested such meetings.

31

Isolation from the outside world exceeds all reasonable limits - it is basically impossible to regularly receive information about the events which are going on in the world, as

- Not one of the cells in which I was held was equipped with a radio (the IR states that every cell shall be equipped with a radio). My repeated requests to install a radio were ignored.
- Despite my repeated requests to install a television in the cell or for permission to receive a television from my relatives, I was unable to obtain one.
- Once every three or four weeks the administration of BP give us newspapers and magazines to read, however, the majority of them are from a few months or even a few year ago. A newspaper from 2006 doesn't surprise anyone. The only thing that is surprising is that they manage to find such old magazines and newspapers.

32

- My wife subscribed to a few newspapers in September on my behalf. In MT I was subscribed to these newspapers and I usually received them on the day that they were published. In BP, the first time I received newspapers was on September 18, 2009, that is, 18 days after the beginning of the subscription period, furthermore, I received

less than half of the copies published up to September 15, 2009. It seems that the rest had simply been lost.

33

Opportunities for Defence

The opportunities for defending my interests, including defending against criminal proceedings being carried out against me are extremely limited.

- In most cases, filing complaints about the conditions of confinement does not lead to any change whatsoever. It gives the impression that the majority of complaints and requests addressed to the administration of Butyrskaya Prison are simply ignored, and after filing such complaints the conditions of my confinement worsened very significantly.
- The act of writing complaints is often a problem because the table in the cells is very small. Sometimes it is impossible to place all the necessary material on it which is needed to write a document and often the table itself is occupied and so I have to write while sitting on a bed.

34

- The BP library does not contain any regulatory materials (it doesn't even have the text of the Criminal Code or the Code of Criminal Procedure), and the administration will not let me obtain such from my relatives. However, I understand that this is a problem for the majority of detention facilities in Russia: the administration of Detention Facility Five did not allow my wife to give me the text of the Constitution.
- Every time, complaints made about the actions of the investigator or the prison administration in court mean either subjecting yourself to the harsh treatment linked with the journey to court or the need to refuse to participate in a court hearing.
- Even the opportunity to meet with my lawyers is limited. Due to massive lines, they have not once been able to meet with me any earlier than 15:00 and usually we are only able to meet at 16:30.

35

In addition to this, at 17:30 the employees of BP start to demand that the meeting should finish because by 18:00 all the meeting rooms have to be empty. Because of this I am often not able to discuss everything that I want to with my lawyers during the meetings and several times it has been impossible to hold meetings at all since my lawyer had to wait all day yet a meeting room did not become available or the employees of BP did not find time to take me from my cell and accompany me to the building where meetings are held. This also leads to an unjustified increase in the amount that has to be paid to the lawyers as they have wasted their time, but as this is not their fault they have to be paid, and this isn't exactly cheap.

- In order to prepare and carry out my defence I often have to make copies of several documents. In MT I was able to make such copies in a day.

In BP, on August 10, 2009 I filed a request to make a copy of one of the minutes from court hearings that I own. The minutes and the request were taken from me and I haven't seen them since. On September 1, 2009 I filed a request to make a copy of the answer of the Prosecutor General's Office to one of my complaints. This answer was announced to me but I was not provided with it, and as I understand, it is being stored in my file by the Butyrskaya Prison administration. I have still not received a reply to my request and I have not been given a copy of the answer of the Prosecutor General's Office.

- Significant delays that I encounter when sending and receiving letters also considerably impact the ability to prepare my defence.

Applications Which I Have Sent in Butyrskaya Prison

During my time at BP, I have sent many applications addressed to the administration of BP. The majority of these applications have been ignored and I received no answers to them. Some applications have been rejected. Part of the applications has been either fully or partially satisfied.

Below is a list of applications and complaints that I did not receive a reply to, received a notice of rejection, or they were only partially satisfied or satisfied in full but after a significant delay. I have written brief commentaries where necessary.

- On the opportunity to take a shower July 26, 2009
August 17, 2009
September 11, 2009
- Note: the complaint dd. August 17, 2009 was addressed on August 19, 2009, the other requests and complaints (including those listed below) were not answered or were not addressed unless otherwise specified.

- On acquiring a water heater from the storage facilities July 26, 2009
July 30, 2009
July 31, 2009
A water heater was on received on
- On acquiring books and other personal items from the storage facilities August 4, 2009
September 2, 2009
September 18, 2009
- On seeing a doctor and the head of Butyrskaya Prison about July 26, 2009

issues connected with my treatment

August 9, 2009
August 11, 2009
August 25, 2009

August 14, 2009

- On permission to receive medication from my relatives

Note: I did not receive an answer to this.

I was given the medication on September 4, 2009

- On receiving a television and a refrigerator from the BP administration and on permission to receive them from my relatives

August 4, 2009
August 19, 2009
September 2, 2009
September 4, 2009
September 10, 2009
September 11, 2009

39

- On making copies of documents

August 10, 2009
September 1, 2009

- On issuing items that are specified by the IR (radio, board games, basins), on hot water supply, repair of cell facilities and installation of windows

July 29, 2009
August 4, 2009
August 5, 2009
August 13, 2009
September 2, 2009
September 10, 2009
September 11, 2009

- On provision of equipment to clean the cell

July 26, 2009
July 31, 2009
August 21, 2009

Note: For the request dd. August 26, 2009 we were only given a broom, a bucket for rubbish and a mop. The request to be provided with a dustpan, a toilet brush and bags for the bin was rejected. Later it was explained to us that these items can be provided by our relatives by way of a special permission from the head of Butyrskaya Prison or his deputies.

40

- Other applications and complaints
 - On providing me with a list of paid services rendered by BP
 - On permission to receive nail clippers from my relatives
 - On delivering the Code of Criminal Procedure from a library
 - Complaint about the refusal to be given fruit by my relatives

July 26, 2009
July 29, 2009
July 29, 2009
August 21, 2009

- Complaint about the untimely submission of a writ of appeal to court September 3, 2009
- Complaint about the sewerage system breakage September 10, 2009
- Complaint about being held in a prison box in the daytime (on September 10, 2009) September 11, 2009
- Complaint about the failure to send complaints about the administration of BP to the higher authority (Department of the Federal Penitentiary Service) September 14, 2009
- Complaint about the untimely dispatch and delivery of correspondence September 14, 2009
- Complaint about the refusal to provide a knife and nail scissors September 14, 2009

Note: With regard to the complaint dd. August 21, 2009, the head of BP informed my mother that he allows fruit to be given to prisoners. The complaint dd. September 10, 2009 was addressed 12 hours after it was filed, yet it should have been addressed immediately due to the urgency of the situation

41

Below is a list of applications and complaints which were addressed.

- On replacing broken spoons and mugs and a torn blanket July 26, 2009
- On informing about the dispatch of appeals and applications to the investigator and the court. August 5, 2009
August 11, 2009
August 11, 2009
August 13, 2009
August 20, 2009
August 21, 2009
- On permission to receive a hair clippers from my relatives. September 3, 2009
- On installing window panes and window frames September 9, 2009
September 11, 2009
September 18, 2009

42