

Lyudmila Alexeyeva

Russian rights defenders are unanimous in their approval of the law

Lyudmila Alexeyeva is the human rights defender, veteran of the Soviet dissident movement and the founding member of the Moscow Helsinki Group. Ludmila Alexeyeva is very active in modern Russian and one of the main supporters of the Magnitsky Law across Europe. For her human rights activism, Lyudmila Alexeyeva has received many awards and prizes, such as National Order of the Legion of Honour, the Order of Merit of the Federal Republic of Germany, Sakharov Prize for Freedom of Thought, etc

Sergei Magnitsky was a significant figure, a symbol representing the numerous victims of the current Russian regime's cynical legal despotism against the right to personal inviolability, the right to a speedy trial, the right to private property, and the rights guaranteed by the Constitution of the Russian Federation. Precisely by virtue of the nature of the tragedy suffered by Magnitsky, his story has acquired notoriety both in Russia and the world at large.

Widespread discussion of a whole range of problems began in connection with the Magnitsky case, and human rights defenders are seeking to draw attention to these problems: conveyor-belt lodging of criminal charges in order to appropriate personal property; unfounded pre-trial detention of citizens suspected of carrying out economic crimes not involving the use of violence; terms and conditions for holding people in custody prior to trial; the state of medical care in holding facilities; interference in determining the conditions of incarceration of persons under investigation in order to apply pressure on them; bias against the accused in judicial proceedings; absence of

the adversarial principle between parties to a case; and the low level of trust in the courts in Russia.

The tragic fate of Sergei Magnitsky resonated so much in Russia not because it was an exceptional case, but because these situations are occurring more and more often: depriving the rights of individuals who present an obstacle to the illegal enrichment of representatives of the regime. The employment of state-sponsored violence in the interests of representatives of the regime has become so commonplace in recent years that it has become banal. Specialists estimate that approximately one third of the estimated 800,000 inmates in Russian prisons are individuals deprived of freedom on this basis. It is hard to believe, but there is a multitude of indications that suggest that, in the 21st century, a significant portion of the Russian bureaucracy exploit their office generally not to perform their assigned tasks, but for personal enrichment. It is clear that an effective working relationship has been developed between the prosecutor, the investigative branch, the courts and the prison system. An individual that falls under these millstones will rarely manage to extricate himself. This is precisely why the story of Sergei Magnitsky provoked an incredibly widespread response when it became public knowledge after his death. Several factors played a role in why this ordinary story gained such notoriety.

Magnitsky's death in a Moscow detention facility became public knowledge because a law regarding public observers in incarceration facilities came into effect in 2009. Defenders of public rights had been pushing for the approval of this law for 11 years. In accordance with this law, observers recommended by public defence organisations had the right to visit prisons, speak with the prisoners, prepare reports on discovered violations of rights and publish these reports. Social observers Valery Borshchev and Lyubov Volkova prepared a report on the death of Sergei Magnitsky and published it in the independent newspaper *Novaya Gazeta*. It was read not long after that by the then-incumbent President Dmitry Medvedev. In relation to this, he expressed concern on his website regarding the confinement conditions of detainees, that is, prisoners being held before trial, and possibly not guilty of anything. The reaction of the president to this problem, which had long bothered society at large, brought forth a flood of discussion both in the mass media and on the internet. In the Public Council for the Development of Civil Society

and Human Rights of the President of the Russian Federation, a working group for the Sergei Magnitsky case was formed. As some 60 to 80 persons were dying annually in Moscow detention centres alone, the members of this working group set themselves the task of studying the conditions leading up to the death of Sergei Magnitsky. The attention of the president to this problem led to hopes that if the presidential council looks into the confinement conditions of detainees and the status of medical care provided in prisons, some changes for the better may come about.

The working group on the Sergei Magnitsky case worked along two lines: first, clarifying the confinement conditions and second, the reasons for his death. The most cursory review of the circumstances of his confinement revealed gross violations of the law. It turned out that Sergei Magnitsky's imprisonment was arranged by employees of the Investigative Committee of the Ministry of Internal Affairs, the very body against which Sergei Magnitsky had filed a complaint with the prosecutor, alleging their involvement in illegal activities, two months before he was imprisoned. He accused them of misappropriating 5.4 billion roubles from the state treasury. These same individuals who arranged Magnitsky's imprisonment also managed the investigation of his case. They used their authority in the investigation to coerce Magnitsky to withdraw his complaint of criminal activity. By order of the investigator, generally worsening confinement conditions, including torture, were created in the detention facility for Sergei Magnitsky. By order of the investigator, he was refused the medical attention and treatment that he needed.

The investigation by the working group of the president's council for human rights constantly pursued transparency, duly publishing the results of their work in the media and on the internet and holding press conferences. As long as the pitiable condition of medical treatment in the detention facilities remained unchanged, cases of deaths of detainees continued. But thanks to the work of public observers and the working group of the president's council, every such case became known and caused outrage among the public. Medvedev introduced a law forbidding pre-trial detention for economic crimes that do not involve violence. However, this did not halt the ongoing practice of pre-trial detention. For victims of bureaucratic despotism, the investigative agencies began changing the wording in the petition to the court, calling for detention of the accused for the period of the investigation. Now

these weren't economic crimes, but fraud or extortion. And like before, the courts sent such defendants to pre-trial detention. This practice has continued to this day.

The unflagging attention paid towards the Sergei Magnitsky case has required the prosecutor to file charges against the two doctors of the Butyrka detention facility. However, the bureaucratic lobby is stronger than public opinion. One case was dismissed due to the expiry of the statute of limitations, and the other ended with the investigation concluding that the person under investigation was innocent. Neither the investigation of the case surrounding the circumstances of Sergei Magnitsky's confinement, nor the investigation of his complaint against officers from the Investigative Committee of the Ministry of Internal Affairs regarding the embezzlement of treasury funds, were pursued, although there were some journalistic investigations of both cases, and the journalists were able to produce very convincing facts confirming the crime. All this material was published in the media and widely discussed on the internet. The constant public attention paid to the Sergei Magnitsky case made it obvious that the case was not unique; on the contrary, it was typical of 21st century Russia. The unwillingness of the regime to investigate the Sergei Magnitsky case was also obvious, apparently because it was so typical.

The impossibility of conducting an honest investigation of an obvious crime in our country assures foreign condemnation of such shameful events in Russian life, specifically the Sergei Magnitsky Act adopted in the US and the EC parliamentary resolution on the Sergei Magnitsky case. To a great extent, the angry reaction to the American Sergei Magnitsky Act by Russian legislators testifies to the effectiveness of the measure. Russian rights defenders are unanimous in their approval of the law. It is impossible to overstate the significance for Russian society of the united condemnation by the international community of Russian bureaucrats, trampling on the rights, freedoms and human dignity of their fellow citizens, and going unpunished in their own country.