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Poor Care Led to Death of Lawyer, Russia Says

By ELLEN BARRY

MOSCOW — Russia's Investigative Committee on Monday acknowledged for the first time that 37-year-old Sergei L. Magnitsky died in pretrial detention because prison authorities denied him medical care, setting the stage for prosecution in a case that has come to epitomize Russia's trouble establishing rule of law.

Mr. Magnitsky was drawn into a feud between his employer, an international investment company, and Russian law enforcement authorities, testifying that senior Interior Ministry officers had used his employer's companies to embezzle \$230 million from the Russian treasury. He was [arrested and held without bail](#) on charges of evading about \$17.4 million in taxes. He died in 2009 after 11 months in custody.

Mr. Magnitsky's aunt, Tatyana N. Rudenko, said Monday that the statement was good news. But she said she worried that only prison doctors would be held responsible, absolving investigators who had made crucial decisions about Mr. Magnitsky's confinement.

"Of course, it gives us some hope, but we still don't know what will be next," she said. "We don't believe that the responsibility ends with the doctors."

She added: "I am afraid it will stop with the doctors."

In May, the Investigative Committee, Russia's top investigative body, announced that it had [cleared Oleg F. Silchenko](#), the lead investigator in the case against Mr. Magnitsky, of any wrongdoing. Mr. Silchenko approved Mr. Magnitsky's transfer to a prison with minimal medical facilities and refused repeated requests for follow-up treatment that had been prescribed by a doctor.

The new announcement comes amid increasing pressure for action in the investigation, now 18 months old.

A presidential advisory commission is [expected to deliver a tough report](#) on the case to President Dmitri A. Medvedev on Tuesday. Meanwhile, lawmakers in Western Europe and the

United States are considering banning visas for and freezing the foreign assets of 60 officials his employers say contributed to Mr. Magnitsky's death. The Dutch Parliament on Monday passed a resolution urging the government to impose sanctions.

The statement released Monday by the Investigative Committee said Mr. Magnitsky died because he had heart disease and active hepatitis; though he suffered from other ailments, it says, they were not connected to his death. It says adequate medical care would have allowed these diseases to be diagnosed before he was critically ill, and that on the day of his death he received no treatment despite being in grave condition.

These shortcomings, the statement says, "deprived Mr. Magnitsky of a benign outcome."

"Thus, the shortcomings in the provision of medical assistance to Mr. Magnitsky have a direct cause-and-effect relationship with his death," the statement said, adding that charges will be announced soon.

The statement released on Monday contradicts previous expert findings, one of which flatly concluded that "the drawbacks in medical aid given to Magnitsky have no connection to his death."

The official response to the case has been inconsistent from the outset, with some officials — most notably the president — urging both reforms and prosecution. Law enforcement bodies, meanwhile, have bestowed public honors on police officials who handled the case and announced new accusations against Mr. Magnitsky on the anniversary of his death.

William F. Browder, the owner of Hermitage Capital, the company Mr. Magnitsky represented, said prosecuting only doctors would be "a farce of criminal justice," and said he would continue to lobby for the prosecution of all 60 officials, including judges, prosecutors and investigators.

"To somehow isolate it to the last night of his life — to a bunch of doctors — is an amazingly cynical way to circle the wagons and protect the government figures who played a role in this thing," he said.